Town of Sykesville, MD Tuesday, July 13, 2021

## Chapter 180. Zoning

[HISTORY: Adopted by the Mayor and Council of the Town of Sykesville 7-19-1976 by Ord. No. 106. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Planning and Zoning Commission — See Ch. 24.
Development impact fees — See Ch. 80, Art. I.
Floodplain management — See Ch. 89.
Historic Districts — See Ch. 93.
Stormwater management — See Ch. 134.
Subdivision regulations — See Ch. 145.
Tourist and trailer camps — See Ch. 156.

#### **ATTACHMENTS**

180 BG District 180-73 180 BL District 180-66 180 C District 180-29 180 H District 180-37 180 PUD 180-93K 180 R 7500 District 180-58 180 R 10000 District 180-51 180 R 20000 District 180-44

## Article I. Purpose

## § 180-1. Purposes enumerated.

The purpose of this chapter is to promote the health, safety, morals, and the general welfare of the community, by regulating and restricting the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of lots, yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence, and other purposes; to provide for adequate light and air; to prevent congestion and undue crowding of land; to secure safety from fire, panic, and other danger; and to conserve the value of property.

## Article II. Application

§ 180-2. Effective date; territorial applicability.

This chapter shall take effect on the 8th day of August 1976 and shall apply to all lands, buildings, properties and their uses within the territorial limits of the Town of Sykesville.

# Article III. Districts Established; District Maps; District Boundaries

## § 180-3. Districts established.

A. For the purpose of these regulations, the Town of Sykesville is hereby divided into districts as follows:

[Amended 12-8-2014 by Ord. No. 288]

Conservation District C R-20,000 Residence District R-10,000 Suburban Residence District Urban Residence District R-7,500 B-L Local Business District B-G General Business District Restricted Industrial District I-R Planned Employment Center District **PEC** Н Historic District

- B. There is hereby established a Cluster Subdivision Overlay District classification which shall include and be applicable to all of the Zoning Maps of The Town of Sykesville as may exist at the time of the adoption of this chapter or as may hereinafter be adopted as a Zoning Map of the Town. The cluster subdivision regulations as provided in § 180-90 of this chapter shall apply to the Cluster Subdivision Overlay District.

  [Added 5-28-1996 by Ord. No. 196]
- C. There is hereby established a Downtown Business District classification consisting of one district which shall overlay a portion of the Historic District Zoning Map of the Town of Sykesville as may exist at the time of the adoption of this chapter or as may hereinafter be adopted as a Zoning Map of the Town. The limits of the Downtown Business District shall be set forth in the Downtown Business District Map in conformance with § 180-4 of this chapter and shall not alter any existing or future zoning districts established in this chapter. The parking impact fee in lieu of on-site parking regulations as provided in § 180-88A of this chapter shall apply to the Downtown Business District.
  - [Added 12-11-2000 by Ord. No. 221]
- D. There is hereby established an Employment Campus District classification which may overlay a portion of the Local Business District Zoning Map of the Town of Sykesville as may exist at the time of the adoption of this subsection or as may hereinafter be adopted as a Zoning Map of the Town. The regulations provided in §§ 180-124 through 180-133 of the Sykesville Code shall apply to the Employment Campus District. [Added 1-23-2006 by Ord. No. 266]

## § 180-4. District maps.

The districts shall be of the number, size and shape as shown on the Zoning Maps of the Town of Sykesville, and said maps with the necessary symbols, legends, and explanatory matter thereon, are hereby made and declared to be a part of this chapter. [1] As evidence of the authenticity of said maps, they shall be signed by the Mayor and Council of Sykesville upon the adoption of these regulations.

[1] Editor's Note: The Zoning Maps are on file in the Clerk's office.

## § 180-5. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Maps, 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 property lines or platted lot lines, shall be construed as following such lines;
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks:
- E. Boundaries which are drawn parallel to road lines and which do not coincide with property lines or lot lines, and where not designated by dimensions, shall be determined by use of the map scale as shown thereon;
- F. Boundaries which are in unsubdivided property or where district boundary divides a lot shall be determined by the use of the map scale as shown thereon;
- G. Where a district boundary line as shown on the Zoning Map or maps divides a lot which was in single ownership and of record at the time of enactment of this chapter the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 50 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

## Article IV. General Provisions

## § 180-6. Minimum regulations; uniformity of application.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

## § 180-7. Compliance required.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located.

## § 180-8. Nonconforming uses.

Any building, structure or premises lawfully existing at the time of the adoption of this chapter, or lawfully existing at the time this chapter is subsequently amended, may continue to be used even though such building, structure or premises does not conform to use or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:

- A. Structural alterations of a building or structure, or the use of a parcel, lot or tract of land which does not conform to the provisions of this chapter shall be allowed only if the building or structure to be altered or the parcel, lot or tract of land to be used shall be made to conform with the requirements of the zoning district in which it is located; however, upon application, the Board may approve the structural alteration of a building or structure, or the use of a parcel, lot or tract of land which is not in conformance with the provisions of this chapter, subject to the provisions of Article XVII, § 180-109; provided however, that where the structural alteration or addition itself and the use therein conforms to the provisions of this chapter, the Zoning Administrator may authorize the necessary zoning certificate therefor, and same shall not require Board approval.
- B. If no structural alterations are made, a nonconforming use of a building, structure or premises may, with approval of the Board, be changed to another nonconforming use which in the opinion of the Board is of the same or a more appropriate use or classification. In the case of a nonconforming junkyard operation, the Board may, based on specific findings of fact, decide upon an application filed by the landowner as to whether a relocation of a nonconforming junkyard operation, either in whole or in part, to another location on the immediate property or to a location on an adjoining property constitutes a suitable substitution of use which has substantially less adverse impact to the general public and adjoining or confronting property. In granting any such relocation as herein provided, the Board shall attach such conditions or requirements as it may deem necessary to protect the public interest, the adjoining and confronting property owners, and the intent and purpose of this chapter.
- C. Whenever a nonconforming use has been changed to a more appropriate use in the opinion of the Board, such use shall not thereafter be changed to a less appropriate use or classification.
- D. No building, structure or premises where a nonconforming use has ceased for six months or more shall thereafter be used except in conformance with this chapter.
- E. The owner or operator of any existing nonconforming use involving used car lots, service garages or junkyards shall, not later than 12 months from the effective date of this chapter, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the effective date of this

chapter. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:

- (1) North arrow.
- (2) Scale: one inch equal to 100 feet.
- (3) Election district.
- (4) Outline of parcel or parcels upon which the nonconforming use is located.
- (5) Bearings, distances and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this chapter.
- (6) Use, dimensions and location of all existing buildings.
- (7) Certification and seal of professional engineer or registered surveyor.
- F. Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, flood, and explosion or act of public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a zoning certificate is obtained and restoration begun within one year of such destruction.

## § 180-9. Uses prohibited under other Town, county or state laws.

Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of the Town of Sykesville, Carroll County, or law or regulation of the State of Maryland or other governmental agency shall be prohibited, even though such use may be allowed under the terms of this chapter.

## § 180-10. Use of land for agricultural purposes.

Except for compliance with yard requirements and distance requirements set forth in § 180-16, nothing in this chapter shall prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, unless specifically prohibited by ordinance of the Town of Sykesville.

## § 180-11. Construction or use under prior zoning certificate.

Where a zoning certificate and/or a building permit has been validly issued prior to the adoption of this chapter, the construction or use so authorized may be completed or continued in accordance with any conditions required therefor; provided, however, that such construction or use shall have been started within one year of the date of issuance of such

zoning certificate and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builders' or users' control. [2]

- [1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- [2] Editor's Note: Original Section 4.7, Uses approved under Interim Zoning Ordinances, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## § 180-12. Buildable lots.

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this chapter and which was established or recorded at that time shall be deemed a buildable lot for the erection only of a single-family dwelling, subject to the provisions of § 180-97.

# § 180-13. Use of same yard space for more than one building prohibited.

No part of a minimum required yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a minimum required yard or other open space required under this chapter for another building or structure.

## § 180-14. Major Road Plans.

In an area where a Major Road Plan has been duly adopted in accordance with Article 66B, Annotated Code of Maryland, as amended, showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, no building or part of a building shall be permitted to be erected within the lines of such proposed highway or street except as provided hereinafter:

- A. The Zoning Administrator shall issue a zoning certificate for such construction as applied for, provided the Maryland State Highway Administration, the Carroll County Roads Department, the Mayor and Council of Sykesville, or appropriate authority, upon and within 30 days of written notice thereof does not reaffirm and substantiate its plans to provide such construction in accordance with the Major Road Plan.
- B. The owner of the property so affected shall, following the expiration time of such written notice, have the right to appeal to the Board the refusal of a zoning certificate, and the Board may give approval to build if it should find, after public hearing, and upon the evidence and arguments presented to it upon such appeal, that:
  - (1) The entire property of the appellant of which the area affected by the Major Road Plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted; and
  - (2) Balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by consideration of reasonable justice and equity.

## § 180-15. Essential services or essential utility equipment.

Essential services or essential utility equipment, as defined and enumerated § 180-122, shall be permitted in any district, as authorized and regulated by law and ordinances of Sykesville, it being the intention hereof to exempt such essential services or essential utility equipment from the application of this chapter.

## § 180-16. Distance requirements.

[Amended 5-23-2011 by Ord. No. 276; 12-8-2014 by Ord. No. 288] Any uses or buildings subject to compliance of this section shall be located at least 200 feet from any lot in an R District or any lot which is part of a duly recorded residential subdivision, or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the said use or buildings, except as provided in § 180-23 or as may be approved by the Commission in a Planned Employment Center District.

## § 180-17. Ponds, lakes and stabilization lagoons.

[Amended 12-8-2014 by Ord. No. 288]

Except as may otherwise be approved by the Commission in a Planned Employment Center District, unless approved by the Board, all ponds, lakes and stabilization lagoons shall be located a minimum of 200 feet from the center line of any public road; except roads having a legally established right-of-way width in excess of 60 feet (in the vicinity of said proposed pond) in which case the two-hundred-foot minimum shall be measured from the public road right-of-way.

## § 180-18. Traffic visibility across corner lots.

In any C, R, or H District on any corner lot, no fence, structure or planting that would interfere with traffic visibility across the corner shall be erected or maintained within 20 feet of the intersection of the road right-of-way lines.

## § 180-19. Planned major subdivision for residential purposes.

Nothing in this chapter shall prohibit a minor subdivision of land as herein defined (Article **XX**) in any district; provided, however, that a major subdivision of land, as herein defined, for residential purposes in those districts where permitted, shall, following any required technical review and prior to any approval, be subject to a final determination by the Commission to insure compliance with the following requirements:

- A. That such proposed major subdivision for residential development has been adequately demonstrated as being in accord and not in conflict with or running contrary to any element of the Town's Master Plan.
- B. That any one or combination of essential community facilities and services determined necessary by the Commission, in accordance with § 180-94 are either available or

adequately insured to be made available for such proposed residential development in major subdivisions which would be adequate and which could reasonably be expected and required.

C. That the tract or area proposed for major residential subdivision development is determined by the Commission as being suitable for such proposed residential development in accordance with § 180-94.

## § 180-20. Measurement of front yard depth.

- A. Each front yard (setback) shall be measured at right angles or radially from the nearest street right-of-way line (front property line) where the right-of-way of any existing street is 50 feet in width in the case of a local or minor type street or 60 feet in width in the case of any designated Town Collector or major street. Where the respective right-of-way widths of the above streets are less or where there may be doubt as to the width of the right-of-way, then the minimum front yard depth or setback line shall be determined by adding the distances specified below to the minimum front yard requirement, and measuring from the center line of the type of road involved:
  - (1) All local or minor streets: add 25 feet.
  - (2) Town collector or major streets: add 30 feet.
- B. In any district where a lot abuts a state highway, the minimum front yard otherwise required for any building where less than 100 feet shall be increased by an amount specified by the Maryland State Highway Administration, as would reflect and allow for future official widening and right-of-way lines, if applicable, and which are either shown on official plans or detailed in writing by the Administration.

## § 180-21. Accessory buildings,

No accessory building shall be located in any required court or in any yard other than a rear yard, and except as provided hereinafter. Accessory buildings shall be distant at least six feet from any alley lines and from any other building on the same lot, and at least five feet from lot lines of adjoining lots which are in any R District, unless greater requirements are imposed by the State Fire Marshal.

## § 180-22. Temporary offices and storage trailers.

A trailer may be located as a temporary office or storage use in any district as an accessory use in connection with public works or other similar nonpublic construction projects, including public utility projects, all of which are of a temporary nature, provided a definite completion date is furnished and on condition that such trailer shall be removed upon completion or discontinuance of construction.

## § 180-22.1. Accredited educational facilities permitted to raise chickens.

[Added 5-23-2011 by Ord. No. 276]

- A. Raising chickens on properties operated as accredited educational facilities. Notwithstanding anything within the Code to the contrary, chickens may be raised on properties operated as accredited educational facilities with a minimum of 25 students. For the purpose of this section, "accredited educational facilities" shall mean any school which holds a certificate of approval by the State Board of Education as required by the COMAR 13A.09.09, "Educational Programs in Nonpublic Schools."
- B. Acceptable standards for raising chickens at accredited educational facilities. The following standards shall apply for raising chickens at accredited educational facilities:
  - (1) No accredited educational facilities may own, keep, or harbor any chickens without registering with the Maryland State Department of Agriculture, Domestic Poultry and Exotic Bird Registration Division.
  - (2) No more than six chickens over the age of one month may be kept.
  - (3) No roosters may be kept.
  - (4) All chickens must be confined at all times to a movable structure, coop, or pen (all such being hereinafter "pen" or "pens").
    - (a) No pen may be closer than 50 feet to the lot line of any residential lot.
    - (b) The pen shall incorporate a well-constructed shelter to provide shade and suitable protection from inclement weather.
    - (c) Pens shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such pens shall be constructed in such a way as to be dry at all times on the inside. The Town may at any time inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.
    - (d) Each pen shall be provided with a watertight and fly-tight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle.
    - (e) Each pen shall be moved frequently to minimize turf destruction and the buildup of manure-borne pathogens.
    - (f) Potable water and proper feed must be made available to the chickens.
    - (g) Pens with feed boxes and nest boxes must allow not less than two square feet per hen.
    - (h) All chickens must be afforded veterinary care if they are known or suspected to be sick or injured.
  - (5) As to the keeping and harboring of chickens or other domestic fowl, for whatever purpose maintained, the Town shall have authority to promulgate regulations to provide that they will be kept in such a manner as to prevent a nuisance or health hazard.

(6) This section shall apply only to the raising of chickens at accredited educational facilities.

#### Article V. C Conservation District

## § 180-23. Purpose.

The purpose of the C Conservation District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district may include extensive or steep-sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

## § 180-24. Applicability

The following regulations and the applicable regulations contained in other articles shall apply in the C Conservation District.

## § 180-25. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Agriculture, as defined in § 180-122, except that woodland intended to be cleared for cultivation or pasturing shall be subject to review by the Commission; and provided, that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 180-16.
- B. Forests, forestation and wildlife preserves.
- C. Publicly owned or private parks of a nonprofit nature, including campgrounds, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property.
- D. Water supply works, flood control or watershed protection works, and fish and game hatcheries.
- E. Dwellings (detached), single family, provided that the minimum lot size shall be maintained at three acres, and subject to §§ 180-19 and 180-94.
- F. Public buildings, structures and properties of the recreational, cultural, administrative or public service type.
   [Added 12-11-2000 by Ord. No. 121; amended 9-27-2004 by Ord. No. 247]

#### § 180-26. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

A.

Public utility structures other than essential utility equipment as enumerated in § 180-122.

- B. Trap, skeet, rifle or archery range, including gun clubs, provided that such use shall be five times the distance requirement specified in § 180-16.
- C. Veterinary clinics, animal hospitals or kennels with or without runways, provided that the minimum area is 10 acres for any of the aforesaid uses, and provided that any structure or area used for such purposes shall be subject to twice the distance requirement as specified in § 180-16; and in any event such structure or use shall not be located closer than 400 feet from any property line of the subject property.
- D. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the Federal Communications Commission as defined in this chapter and as regulated as provided hereinafter. [Added 5-28-1996 by Ord. No. 207; amended 7-9-2001 by Ord. No. 223b]
- E. Nursing homes, continuing care retirement communities and assisted-living facilities, provided that the Planning and Zoning Commission has first reviewed and approved the concept site development plan, traffic study, density, exterior design, and site layout.
  [Added 5-9-2011 by Ord. No. 275]

#### § 180-27. Accessory uses.

The accessory uses allowed in this district shall be as follows:

- A. Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use.
- B. One private stable as defined in § 180-122 in a rear yard on a lot or tract of three acres or more and as hereinafter regulated:
  - (1) No less than 1/2 the distance requirements of § 180-16 provided 200 feet from a dwelling on an adjoining lot or tract of land, and/or 200 feet from any dwelling on a lot or tract of land across the road from the lot or tract in question.
  - (2) No less than 1/2 the distance requirements of § 180-16 provided adjoining or across the road from unimproved but buildable lots or tracts of land.
  - (3) No less than 1/4 the distance requirements of § 180-16 provided 300 feet from a dwelling on an adjoining lot and/or 300 feet from a dwelling on a lot across the road from the lot in question.
  - (4) An in-fee strip or portion of a panhandle or flag lot abutting, or next adjacent to the lot or tract in question shall not be considered the adjoining lot or tract of land in determining space requirements.
- C. A private parking area, not including commercial parking lots, on the same premises of any permitted, conditional or nonconforming use, provided that said permitted, conditional or nonconforming use as the case may be, and the private parking area accessory thereto on the premises, are both completely located within the district; and private parking areas off-premises subject to § 180-88A(10).

- D. Incidental home and farm occupations, provided that antique shops, whether in the home or within a detached building on the same premises, shall be subject to Board approval after public hearing.
- E. Decks may be permitted in the conservation zone as an accessory use to allow for the observational viewing of scenic vistas and other areas within the conservation area as long as the intent of the conservation is preserved. Decks shall be constructed in such a method that a minimal amount of existing vegetation, plantings and/or other natural geographic features are disturbed. The deck shall be attached either directly to a building or to a wooden walkway not more than 10 feet in length connecting the deck to the building. The size of the deck shall have a maximum size limitation of 1/2 the square footage of the footprint of the building. Plans for the deck shall be submitted to the Planning and Zoning Commission and may be permitted upon its review and approval.

[Added 9-13-1999 by Ord. No. 216b]

## § 180-28. Height regulations.

Except on farms and except as provided in § **180-10**, no building or structure shall exceed 2 1/2 stories or 35 feet.

## § 180-29. Lot area, lot width and yard requirements.

The following minimum requirements shall apply except as hereinafter modified in Articles XIV and XV.<sup>[1]</sup>

[1] Editor's Note: These requirements may be found in the C Conservation District table at the end of this chapter.

#### Article VI. H Historic District

#### § 180-30. Purpose.

The purpose of the H Historic District is to clearly identify, protect and preserve to the greatest extent possible the public interest in the community's heritage for its cultural, educational, economic value and general welfare.

## § 180-31. Applicability.

The following regulations and the applicable regulations contained in other articles shall apply in the H Historic District.

#### § 180-32. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

A.

Agriculture, as defined in § 180-122, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 180-16.

- B. Churches.
- C. Dwellings, single family.
- D. Buildings and properties of a cultural, civic, educational or social nature.
- E. Conversion and alteration of a building existing at the time of the enactment of this chapter to accommodate two families, provided that the requirements of § 180-88A, as well as the requirements of the Health Department, are complied with.

## § 180-33. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Antique and gift shops.
- B. Reestablishment of BL District uses which locations have been vacant for more than one year.
- C. New agricultural uses where the concentration of animals, such as hogs, cattle, poultry, animals for experimental or other purposes, such as rats, rabbits, mice and the like is considered by the Zoning Administrator to be objectionable to adjacent properties because of feeding pens, loading areas, and other requirements causing extensive concentrations.
- D. Conversion of existing buildings to accommodate more than two families.
- E. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the Federal Communications Commission as defined in this chapter and as regulated as provided hereinafter. [Added 5-28-1996 by Ord. No. 207]

## § 180-34. Actions requiring approval of Historic District Commission.

Prior to the issuance of a zoning certificate for the construction, alteration, repair, moving or demolition of any structure within this district, and where such changes would solely affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way, approval shall be granted by the Historic District Commission in accordance with the requirements of Article 66B and such other requirements as the Historic Commission may legally require in granting such approval.

## § 180-35. Accessory uses.

Accessory uses shall be those accessory uses as enumerated in § 180-42.

## § 180-36. Height regulations.

Height regulations shall be as enumerated in § 180-43.

§ 180-37. Lot area, lot width and yard requirements.

The following minimum requirements shall apply except as hereinafter modified in Articles XIV and XV.<sup>[1]</sup>

[1] Editor's Note: These requirements may be found in the H Historic District table at the end of this chapter.

## Article VII. R-20,000 Residence District

§ 180-38. Purpose.

The purpose of the R-20,000 Residence District is to provide a location for single-family residential development, the individual lots of which contain a minimum of 20,000 square feet or approximately two families per acre. The larger lot size in relation to other residential districts of the Town affords a lower overall density, and as a result, individual open space is obtained and more noticeable in this Residence District than others.

## § 180-39. Applicability.

The following regulations and the applicable regulations contained in other articles shall apply in the R-20,000 Residence District.

## § 180-40. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Agriculture, as defined in § 180-122, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 180-16.
- B. Churches, schools and colleges.
- C. Dwellings, single-family, subject to §§ 180-14 and 180-19.
- D. Buildings and properties of a cultural, civic, educational, social or community service type such as libraries, ponds and playgrounds, community centers, fire, ambulance and rescue centers, but not storage yards, warehouses or service garages.
- E. Conversion and alteration of a building existing at the time of the enactment of this chapter to accommodate two families, provided that the requirements of § 180-88A, as well as the requirements of the Health Department, are complied with.
- F. Cluster subdivision, subject to § 180-90.

## § 180-41. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Antique shops, beauty parlors or barbershops within a building on the same premises of a principal permitted use, or detached building on the same premises.
- B. Nursing and/or retirement homes, hospitals (Class A), medical and dental clinics subject to prior approval of the site development plan and exterior design of the structure by the Commission.
- C. Funeral establishments.
- D. Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.
- E. Nursery schools or child-care centers.
- F. Public utility buildings, structures or uses not considered essential utility equipment as enumerated in 180-122.
- G. The professional office of a resident physician, subject to site plan approval by the Planning and Zoning Commission and provision for any landscaping, screening, offstreet parking or other facilities or improvements as may be deemed necessary by the Commission.
- H. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the federal communications commission as defined in this chapter and as regulated as provided hereinafter. [Added 5-28-1996 by Ord. No. 207]

#### § 180-42. Accessory uses.

The accessory uses allowed in this district shall be as follows:

- A. Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use.
- B. Accessory dwellings for a domestic employee or relative, on the same lot with the principal dwelling.
- C. Incidental home or farm occupations.
- D. Existing cemeteries, when accessory to a church.
- E. Guesthouse in an accessory building.
- F. Swimming pools, tennis and other similar courts when accessory to a residence.
- G. The keeping of not more than four roomers or boarders by a resident family.

- H. One private stable as regulated in § 180-27B.
- I. A private parking area, not including commercial parking lots, on the same premises of any permitted, conditional or nonconforming use, provided that said permitted, conditional or nonconforming use, as the case may be, and the private parking area accessory thereto on the premises are both completely located within the district; and private parking areas off-premises subject to § 180-88A(10).
- J. A satellite television antenna, defined as any device used or designed to receive television signals from one or more orbitally based satellites, may be allowed, in this district, provided the following requirements are met:
  [Added 1-28-1991 by Ord. No. 182<sup>[1]</sup>]
  - (1) The television satellite antenna shall be located in the rear or side yard only;
  - (2) The television satellite antenna shall be set back at least 10 feet from the property line or public right-of-way line or any other easements of record;
  - (3) The television satellite antenna shall be screened to minimize visual impact on surrounding properties and public rights-of-way and public property. Such screening may include architectural or landscape treatments along the antennas nonreception window axis and low level landscape treatment along the reception window axis providing minimum opaqueness without interfering with signal reception, or any other similar type of screening approved by the Zoning Administrator;
  - (4) A zoning permit shall be obtained from the Town Zoning Administrator prior to the installation of the satellite television antenna in accordance with the requirements of this Zoning ordinance; and
  - (5) The installation and use of the satellite television antenna shall meet all other applicable local, state and federal laws.
  - [1] Section 1 of this ordinance provided as follows: "This ordinance is intended to comply with any and all applicable federal and state laws and regulations to the extent that any such federal and state laws and regulations validly pre-empt local zoning regulations with respect to satellite television receiving antenna, including but not necessarily limited to, the Report and Order of the Federal Communications Commission dated January 14, 1986 (FCC 86-28) and the Federal Communications Rules and Regulations found in 47 Code of Federal Regulations (CFR) Section 25.104. This ordinance shall further be construed and administered so as not to unduly hamper reasonable reception of television signals by satellite television receiving antenna while taking into account that the bulk and visual impact of such antennas make it appropriate to place some limitations as such antennas."

## § 180-43. Height regulations.

No principal structure shall exceed 2 1/2 stories or 35 feet in height, and no accessory structure shall exceed two stories or 20 feet in height, except as provided in § **180-100**.

## § 180-44. Lot area, lot width and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements in Articles XIV and XV.<sup>[1]</sup>

[1] Editor's Note: These requirements may be found in the R-20,000 District table at the end of this chapter.

## § 180-44.1. Prohibited uses.

[Added 1-24-2005 by Ord. No. 256] The prohibited uses in this district shall be as

- A. Tattoo parlors;
- B. Psychic reading establishments;
- C. Adult video stores; and
- D. Car wreck and automobile body repair yards.

## Article VIII. R-10,000 Suburban Residence District

## § 180-45. Purpose.

The purpose of the R-10,000 District is to provide for relatively smaller lot sizes (minimum 10,000 square feet) for residential dwellings, based on availability of public water and sewerage facilities. This would essentially permit more dwellings per acre and less open area than the R-20,000 Residence District. The district likewise provides for, where determined suitable, planned unit development wherein multifamily units may be provided as part of a housing mix.

#### § 180-46. Applicability.

The following regulations and applicable regulations contained in other articles shall apply in the R-10,000 Residence District.

#### § 180-47. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Any use or structure permitted and as regulated as a principal permitted use in the R-20,000 District, except as hereinafter modified.
- B. Conversion or alteration of a building existing at the time of the enactment of this chapter to accommodate no more than three families, provided that the requirements of § 180-88 and the requirements of the Health Department are complied with.

C. Planned unit development, subject to the provisions of § 180-93 and cluster subdivision subject to § 180-90.

#### § 180-48. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Any conditional use permitted and as regulated in the R-20,000 District, except as hereinafter modified.
- B. Boarding or rooming houses or tourist homes.
- C. Clubs, fraternities, lodges, or similar organizations not conducted as a gainful business, provided that any buildings or structures are located subject to the distance requirements specified in § 180-16.
- D. Community centers and swimming pools associated therewith.
- E. Dwellings, two-family.
- F. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the Federal Communications Commission as defined in this chapter and as regulated as provided hereinafter.

  [Added 5-28-1996 by Ord. No. 207]

## § 180-49. Accessory uses.

The accessory uses allowed in this district shall be as follows:

- A. Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- B. Keeping of roomers or tourists by a resident family.
- C. A satellite television antenna, defined as any device used or designed to receive television signals from one or more orbitally based satellites, may be allowed, in this District, provided the following requirements are met: [Added 1-28-1999 by Ord. No. 182]
- D. The television satellite antenna shall be located in the rear or side yard only;
- E. The television satellite antenna shall be set back at least 10 feet from the property line or public right-of-way line or any other easements of record;
- F. The television satellite antenna shall be screened to minimize visual impact on surrounding properties and public rights-of-way and public property. Such screening may include architectural or landscape treatments along the antennas nonreception window axis and low level landscape treatment along the reception window axis providing minimum opaqueness without interfering with signal reception, or any other similar type of screening approved by the Zoning Administrator;

G.

A zoning permit shall be obtained from the Town Zoning Administrator prior to the installation of the satellite television antenna in accordance with the requirements of this chapter; and

H. The installation and use of the satellite television antenna shall meet all other applicable local, state and federal laws.

## § 180-50. Height regulations.

The height regulations shall be the same as specified in the R-20,000 District.

§ 180-51. Lot area, lot width, and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements in Articles XIV and XV: [1]

[1] Editor's Note: These requirements may be found in the R-10,000 District table at the end of this chapter.

## Article IX. R-7,500 Urban Residence District

§ 180-52. Purpose.

The purpose of the R-7,500 Urban Residence District is to enable in the urban areas of the Town, where both public water and sewerage facilities are available, a greater number of dwellings per acre. The minimum lot size for a single-family dwelling is 7,500 square feet. This district also enables the use of multifamily structures where determined suitable through planned unit development provisions of this chapter.

#### § 180-53. Applicability.

The following regulations and the applicable regulations contained in other articles shall apply in the R-7,500 Residence District.

#### § 180-54. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Dwellings, single- and two-family.
- B. Dwellings, multifamily, subject to the provisions of planned unit development as enumerated in § 180-93.
- C. (Reserved)<sup>[1]</sup>
  - [1] Editor's Note: Former Subsection C, allowing boardinghouses and lodging houses as principal permitted uses, was repealed 9-25-2006 by Ord. No. 267.

D.

Any use or structure permitted and as regulated as a principal permitted use in the R-10,000 District, except as hereinafter modified, and except cluster subdivision.

## § 180-55. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Any conditional use permitted and as regulated in the R-10,000 District.
- B. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the Federal Communications Commission as defined in this chapter and as regulated as provided hereinafter.

  [Added 5-28-1996 by Ord. No. 207]

## § 180-56. Accessory uses.

The accessory uses allowed in this district shall be as follows:

- A. Accessory buildings and uses customarily incidental to any principal use or authorized conditional use.
- B. A satellite television antenna, defined as any device used or designed to receive television signals from one or more orbitally based satellites, may be allowed, in this district, provided the following requirements are met: [Added 1-28-1991 by Ord. No. 182]
  - (1) The television satellite antenna shall be located in the rear or side yard only;
  - (2) The television satellite antenna shall be set back at least 10 feet from the property line or public right-of-way line or any other easements of record;
  - (3) The television satellite antenna shall be screened to minimize visual impact on surrounding properties and public rights-of-way and public property. Such screening may include architectural or landscape treatments along the antennas nonreception window axis and low-level landscape treatment along the reception window axis providing minimum opaqueness without interfering with signal reception, or any other similar type of screening approved by the Zoning Administrator;
  - (4) A zoning permit shall be obtained from the Town Zoning Administrator prior to the installation of the satellite television antenna in accordance with the requirements of this chapter; and
  - (5) The installation and use of the satellite television antenna shall meet all other applicable local, state and federal laws.

#### § 180-57. Height regulations.

No principal structure shall exceed three stories or 40 feet in height, and no accessory structure shall exceed 1 1/2 stories or 25 feet, except as provided in §§ 180-93 and 180-100.

## § 180-58. Lot area, lot width and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements in Articles XIV and XV: [1]

[1] Editor's Note: These requirements may be found in the R-7,500 Urban Residence District table at the end of this chapter.

#### Article X. B-L Local Business District

§ 180-59. Purpose.

The purpose of the B-L Local Business District is to provide for logical locations where the retail services needed by the Town population can be made available. The areas are centrally located near the locations of existing and expected population concentrations and would include portions of the "downtown business area" as well as other neighborhood business locations.

## § 180-60. Applicability.

The following regulations and applicable regulations contained in other articles shall apply in the B-L Local Business District.

## § 180-61. Principal permitted uses.

[Amended 2-11-1985 by Ord. No. 141; 11-14-1986 by Ord. No. 147; 10-10-2005 by Ord. No. 263]

The principal permitted uses in this district shall be as follows:

A. Local retail business or service shops, including: [Amended 7-11-2016 by Ord. No. 296]

Antique shops

Appliance stores

Bakery shops

Banks, savings and loan institutions

Beauty and barber shops

Candy stores

Clothing stores

Dairy products stores

Dress or millinery shops

Drugstores

Dry goods or variety shops

Florist or garden shops

Food and grocery stores

Furniture and upholstering stores

Gift or jewelry shops

Hardware stores

Hotels

Laundromats

Lunchrooms

Meat markets

Motels

Movie theaters, except that adult movie theaters and adult bookstores shall be permitted as conditional uses only in the Business General and Industrial Restricted Zoning Districts

Newspaper publishing establishments

Pet shops

Photographic studios

Produce stands

Radio and television studios or repair shops

Restaurants (without liquor licenses or with liquor licenses, providing that the average monthly receipts from the sale of food constitute at least 41% of the average monthly receipts from the combined sale of food and alcoholic beverages as measured over a period of one year immediately preceding the date of an application for license issuance, renewal, upgrade, transfer or other modification)

Shoe repair shops

Specialty shops

Sporting goods or hobby shops

Stationery stores

Tailor establishments

Taxi stands

Telephone central office or service center

- B. Funeral establishments.
- C. Offices and clinics, professional and business, including veterinary clinics or animal hospitals, but not including any outdoor exercise runway.
- D. Planned business centers, subject to the provisions of § 180-91.
- E. Retirement, nursing or boarding homes.
- F. Schools, art, trade, business or nursery.
- G. Social clubs, fraternal organizations, community meeting halls.
- H. Any other retail business or service establishment which is determined by the Board to be the same general character as the above permitted retail business or service use, but not including any use which is first permitted in the B-G District and which, in the judgment of the Board, would likely be objectionable in the B-L District. (Note: This

determination is a ministerial act and is made by the Board meeting in public session, but does not require a public hearing or notice therefor.)

- I. Any use or structure permitted and as regulated as principal permitted use in an R-7,500 District or except as may hereinafter be modified.
- J. Conversion or alteration of a building existing at the time of the enactment of this chapter to accommodate apartments, provided the following conditions are met:
  - (1) No more than 50% of the total usable floor space on first floor shall be devoted to apartments.
  - (2) The parking requirements set forth in § 180-88 of this chapter must be met.
  - (3) All Health Department requirements must be met.
  - (4) All renovations, alterations and additions must be in compliance with the 1984 BOCA (Basic National Building Code) and the 1985 BOCA Supplement adopted in Ordinance No. 52 by the Commissioners of Carroll County.
  - (5) Any additions, supplements and amendments to Carroll County Ordinance No. 52 will be applicable to all renovations, alterations and additions.
  - (6) Apartment units must have a minimum square footage as follows:
    - (a) One-bedroom: 600 square feet.
    - (b) Two-bedroom: 800 square feet.
    - (c) Three-bedroom: 1,000 square feet.
- K. Establishments licensed to keep for sale and to sell beer and light wines at retail for consumption on the premises or elsewhere (including pubs, taverns, microbreweries, and wine bars) that were in existence on or before May 9, 2016. [Added 7-11-2016 by Ord. No. 296]

#### § 180-62. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Food processing and packing plants; provided, such use shall be located three times the distance requirements specified in § 180-16.
- B. Kennels or animal hospitals with runways, provided that such use shall be subject to the distance requirements as determined reasonable and necessary by the Board.
- C. Public utility buildings, structures or uses, including radio, television, and other communication facilities not considered essential utility equipment as enumerated in § 180-122; communication towers, freestanding towers, guyed towers, communication tower complexes, poles and transmission lines including amateur radio facilities as defined pursuant to this chapter and as regulated as provided hereinafter. [Amended 5-28-1996 by Ord. No. 207]

D.

Commercial swimming pools, parks, and recreational areas, provided that such use shall be subject to any distance requirements determined reasonable and necessary by the Board.

- E. Alcoholic package good stores.
- F. Carpentry or woodworking shops. [Added 4-16-1984 by Ord. No. 136]
- G. Sheet metal shops. [Added 4-16-1984 by Ord. No. 136]
- H. Trade shops, including artists, silversmiths and other unique crafts shops. [Added 12-9-2003 by Ord. No. 233]
- I. Computer and electronics repair shops. [Added 12-9-2003 by Ord. No. 233]
- J. Wholesale business, warehousing or service establishments. [Added 12-9-2003 by Ord. No. 233]
- K. Sign painting shops. [Added 12-9-2003 by Ord. No. 233]
- L. Automobile accessory. [Added 10-20-2005 by Ord. No. 263]
- M. Laundry or dry-cleaning establishments and pickup stations. [Added 10-20-2005 by Ord. No. 263]
- N. Service stations.
  [Added 10-20-2005 by Ord. No. 263]
- O. Commercial parking lot. [Added 10-20-2005 by Ord. No. 263]
- P. Microdistilleries.
  [Added 9-28-2015 by Ord. No. 291]
- Q. Establishments licensed to keep for sale and to sell beer and light wines at retail for consumption on the premises or elsewhere (including pubs, taverns, microbreweries, and wine bars), and where at least 50% of the business is comprised of selling alcohol. [Added 7-11-2016 by Ord. No. 296]

## § 180-63. Accessory uses.

The accessory uses allowed in this district shall be as follows:

A. Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use.

## § 180-64. Required conditions.

A. All business, services or processing, including the storage of any manufacturing waste or by-product of the aforesaid business, services, or processing, shall be conducted wholly within a completely enclosed building, except for sale of automotive fuel, lubricants and fluids at service stations, off-street automobile parking and loading areas, public utility uses, taxi stands, garden shops, produce stands and, as determined by the Zoning Administrator, outdoor seating areas (in, for example, restaurants, fast-food and carry-out establishments, cafes, bistros, pubs, taverns, microbreweries, wine bars, coffeehouses, eateries, or similar establishments that serve food or beverages).

[Amended 9-28-2015 by Ord. No. 291; 7-11-2016 by Ord. No. 296]

- B. Goods shall consist primarily of new or reconditioned merchandise or antiques.
- C. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.
- All business, services or processing shall be conducted such that deliveries and pickups shall not unduly burden any public way or unreasonably inhibit the regular flow of vehicular and pedestrian traffic.
   [Amended 9-28-2015 by Ord. No. 291]

## § 180-65. Height regulations.

No structures shall exceed 2 1/2 stories or 35 feet, except as provided in § 180-100.

## § 180-66. Lot area, lot width and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements in Articles XIV and XV.<sup>[1]</sup>

[1] Editor's Note: These requirements may be found in the B-L Local Business District table at the end of this chapter.

#### § 180-66.1. Prohibited uses.

[Added 1-24-2005 by Ord. No. 256] The prohibited uses in this district shall be as follows:

- A. Tattoo parlors;
- B. Psychic reading establishments;
- C. Adult video stores; and
- D. Car wreck, automobile body repair yards, new and/or used car dealerships. [Amended 10-20-2005 by Ord. No. 263]

#### Article XI. B-G General Business District

## § 180-67. Purpose.

The purpose of the B-G General Business District is to provide logical locations for businesses of a more general nature than hereinbefore provided in the B-L Local Business District. Businesses proposed include retail, wholesale, and some light processing operations.

## § 180-68. Applicability.

The following regulations and applicable regulations contained in other articles shall apply in the B-G General Business District.

## § 180-69. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

A. Retail trades, businesses and services of a general commercial nature, including the following:

Amusement parks

Automobile, trailer, or implement sales, service and repair establishments, including motorcycle shops.

Bottling of soft drink or milk or distribution stations therefor

Bowling alley

Carpentry or woodworking shops

Department stores

Drive-in eating and drinking establishments of a nonalcoholic nature

Golf driving ranges

Printing shops

Schools of a business, dancing, music, trade or other commercial nature

Sheet metal shop

Sign painting shop

Signs, outdoor advertising, subject to the provisions of § 180-89

Skating rink

Swimming pools

Tourist homes

Wholesale business, warehousing or service establishments, except as first allowed in an I-R District

B. Any use or structure permitted and as regulated as a principal permitted use in an R-7,500 or B-L District.

## § 180-70. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Amusement arcade. [Added 5-30-1982 by Ord. No. 125]
- B. Building material sales and storage yards.
- C. Feed and grain sales, milling and/or storage.
- D. Any conditional use permitted and as regulated in the B-L District, except as modified in § 180-69.
- E. Adult bookstore. [Added 3-11-1985 by Ord. No. 141]
- F. Adult movie theater. [Added 3-11-1985 by Ord. No. 141]
- G. Only communication towers, freestanding towers, guyed towers for amateur radio communications licensed by the Federal Communications Commission as defined in this chapter and as regulated as provided hereinafter. [Added 7-9-2001 by Ord. No. 223b]

## § 180-71. Accessory uses.

The accessory uses allowed in this district shall be as follows:

A. Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises," provided that such signs are located as regulated in § 180-89C.

## § 180-72. Height regulations.

No structure shall exceed 50 feet in height except as provided in § 180-100.

## § 180-73. Lot area, lot width and yard requirements.

The following minimum requirements shall be observed, subject to the modified requirements in Article XV: [1]

[1] Editor's Note: These requirements may be found in the B-G General Business District table at the end of this chapter.

## Article XII. I-R Restricted Industrial District

## § 180-74. Purpose.

The purpose of the I-R Restricted Industrial District is to provide locations for the lighter manufacturing processes; however, the district is not exclusive to most of the B-G District uses. For the most part, the manufacturing is composed of processing or assembly of previously processed materials.

## § 180-75. Applicability.

The following regulations and applicable regulations contained in other articles shall be permitted in the I-R Restricted Industrial District.

## § 180-76. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Truck or motor freight terminals or warehouses.
- B. Uses of a light industrial nature including, but not limited to, the following, provided that such uses shall be subject to the distance requirements specified in § 180-16:
  - (1) Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic or optical products.
  - (2) Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fibre, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metal, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.
  - (3) Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
  - (4) Manufacture of musical instruments, novelties, and molded rubber products, including tire manufacture, recapping and treading.
  - (5) Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  - (6) Laboratories, chemical, physical and biological.
  - (7) Clothing and shoe manufacture.
  - (8) Carpet and rug cleaning plants.
  - (9) Petroleum products storage underground.
  - (10) Blacksmith, welding, machine or similar shops.

- (11) Heliports.
- C. Agriculture for interim use.
- D. Any use permitted and as regulated as a principal permitted use and a conditional use in the B-L and B-G Districts, except dwellings, alcoholic package goods stores, amusement arcades and except as may be modified in this section or as may be hereinafter modified.
  - [Amended 5-30-1982 by Ord. No. 125; 3-24-1997 by Ord. No. 208]
- E. Any other use that is determined by the Board to be of the same general character as the above permitted uses, and which would not be detrimental to the public health, safety, or general welfare of the community, but not including any use which is prohibited in the I-R District.
- F. Industrial parks, subject to § 180-92.

## § 180-77. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. Alcoholic package goods stores as regulated in the B-G District.
- B. The following uses when the location of such use shall have been authorized by the Board, provided that such use shall be subject to two times the distance requirements specified in § 180-16:
  - (1) Bituminous concrete mixing plants.
  - (2) Concrete and ceramic products manufacture, including ready-mixed concrete plants.
  - (3) Contractors' equipment and storage yards.
  - (4) Petroleum products storage tanks above ground, any one of which has the capacity in excess of 1,000 gallons, provided that all state and federal laws, as well as National Fire Underwriters Codes, are complied with.
  - (5) Sawmills, commercial.
  - (6) Manufacture and assembly of aircraft, automobiles, or other vehicles.
  - (7) Manufacture and bottling of alcoholic beverages.
  - (8) Machine shops, structural steel fabricating.
  - (9) Coalyards.
  - (10) Copperage works.
  - (11) Manufacture or processing of meat or food products.
  - (12) Manufacture of rayon or similar products.

- (13) Manufacture of rubber or rubber products.
- (14) Manufacture of starch, glucose, dextrin, or spice.
- (15) Manufacture of wire or wire products.
- (16) Fertilizer, potash, insecticide manufacture.
- C. Adult bookstores.
  [Added 2-11-1985 by Ord. No. 141]
- D. Adult theaters.
  [Added 2-11-1985 by Ord. No. 141]
- E. Communication towers, freestanding towers, guyed towers, communication tower complexes, poles and transmission lines including amateur radio facilities as defined pursuant to this chapter and as regulated as provided hereinafter. [Added 5-28-1996 by Ord. No. 207; amended 7-9-2001 by Ord. No. 223b]

## § 180-78. Accessory uses.

The accessory uses allowed in this district shall be as follows:

A. Uses customarily accessory and incidental to any principal permitted use or authorized conditional use, including a temporary office or dwelling associated with an industrial use.

## § 180-79. Height regulations.

No structure shall exceed 50 feet in height, except as provided in § 180-100.

#### § 180-80. Yard requirements.

The following requirements shall be observed, subject to the provisions of Article XV:

- A. Front yard: for industrial buildings or structures, 30 feet.
- B. Side yard: 10 feet, except adjoining an R District in which case not less than 30 feet.
- C. Rear yard: 30 feet.

## Article XIII. I-G General Industrial District

[Added 11-14-1988 by Ord. No. 164]

## § 180-81. Applicability.

The following regulations and applicable regulations contained in other articles shall apply in the I-G General Industrial District.

## § 180-82. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Uses of a heavy industrial nature, but not limited to the following, provided such uses shall be located two times the distance requirements specified in § 180-16:
  - (1) Manufacture and assembly of aircraft, automobiles, house trailers or other vehicles.
  - (2) Manufacture of brick, clay products.
  - (3) Machine shops, structural steel fabricating.
  - (4) Coal yards.
  - (5) Copperage works.
  - (6) Contractor's equipment storage yard.
  - (7) Crematories.
  - (8) Manufacture or processing of chemicals, except sulfuric, nitric or hydraulic or other corrosive or offensive acids.
  - (9) Manufacture of dye or dyestuff and printing ink.
  - (10) Electric generating or steam power plants.
  - (11) Flour mill, grain milling or drying.
  - (12) Manufacture of felt, shoddy, hair products, feathers, emery cloth, sandpaper or sand blasting and/or products therefrom.
  - (13) Enameling, japanning, lacquering, galvanizing and plating.
  - (14) Manufacture or processing of meat or food products, except slaughterhouses.
  - (15) Manufacture of paper, pulp, or cloth.
  - (16) Manufacture of perfume.
  - (17) Manufacture of pickle, sauerkraut, vinegar, yeast, soda or soda compounds.
  - (18) Manufacture of rayon or similar products.
  - (19) Manufacture of, rubber or rubber products.
  - (20) Manufacture of starch, glucose, dextrin or spice.
  - (21) Manufacture of soap, oil, paints, turpentine.
  - (22) Manufacture of wire or wire products.

- B. Agriculture for interim use, provided that any buildings or feeding pens in which farm animals are kept shall comply with the distance requirements of § 180-16.
- C. Any use permitted or as regulated as a principal permitted use in the I-R District, except as hereinafter modified.
- D. Any use permitted and as regulated as a principal permitted use and a conditional use in the B-L and B-G Districts except dwellings.
- E. Any other use that is determined by the Board to be of the same general character as the above permitted uses and which would not be detrimental to the public health, safety, or general welfare of the community.

## § 180-83. Conditional uses.

The conditional uses requiring Board authorization in this district shall be as follows:

- A. The following uses, when the location of such use shall have been authorized by the Board, provided that such use shall not be less than 1,000 feet from any R District, except an I-R District, and four times the distance requirements as specified in § 180-16:
  - (1) Acid or heavy chemical manufacture, processing or storage.
  - (2) Blast furnace or boiler works.
  - (3) Cement, lime, gypsum or plaster of paris manufacturing.
  - (4) Distillation of bones, fat rendering, grease, lard or tallow manufacturing or processing.
  - (5) Explosive manufacture or storage.
  - (6) Extractive type industry, subject to the provisions of § 180-100.
  - (7) Fertilizer, potash, insecticide, glue, size or gelatin manufacture.
  - (8) Foundries.
  - (9) Gas manufacture or storage for heat or illumination.
  - (10) Petroleum products refining or storage above ground in tanks in excess of 1,000 gallons, provided that all state and federal laws, as well as National Fire Underwriters Codes, are complied with.
- B. Bituminous concrete (blacktop) mixing plants as regulated in the I-R District.
- C. Any conditional use set forth and as regulated in the I-R District.

#### § 180-84. Accessory uses.

The accessory uses allowed in this district shall be as follows:

- A. Uses customarily accessory and incidental to any principal permitted use or authorized conditional use, including a mobile home or dwelling associated with an industrial use.
- § 180-85. Height regulations.

No structure shall exceed three stories or 50 feet in height except as provided in § 180-100.

§ 180-86. Yard requirements.

Yard requirements shall be the same as in the I-R District.

§ 180-87. Required conditions.

All applications for permitted or conditional uses shall be subject to a site plan review by those agencies determined appropriate by the Zoning Administrator, who, following any referral to such agencies, shall cause the plan to be presented to the Council which shall have the authority to approve the plan as presented, or approve the plan with modifications or conditions. In approving site development plans, the Council or its duly authorized representative shall have the authority to:

- A. Limit the number and approve the location and design of entrances in the interest of public safety and minimizing traffic congestion to the greatest extent possible.
- B. Require, where appropriate, a landscaping and signing plan to promote an attractive and pleasing appearance.
- C. Approve lighting arrangements where appropriate to insure no visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings.
- D. Require binding agreement, backed by bond or other surety, and provided to the Council where an occupancy permit is requested prior to the completion of the site development plan and/or the fulfillment of any conditions attached thereto.
- E. Insure conformance to all duly adopted elements of the Town Master Plan.

## Article XIV. Special Provisions

- § 180-88. Parking space requirements.
- A. Off-street parking spaces. For the following uses of buildings hereafter erected, or increased in size by as much as 20% of the size existing at the time of the adoption of these regulations, or uses hereafter established, off-street parking facilities which are outside the public right-of-way shall be required as follows:
  - (1) All single-family detached dwellings shall provide facilities for off-street parking for not less than three motor vehicles per dwelling and all multifamily dwellings shall provide facilities for off-street parking for not less than two motor vehicles per dwelling unit or apartment.

[Amended 4-12-2004 by Ord. No. 244]

(2) All, B-L, B-G, I-R and Planned Employment Center District uses shall provide offstreet parking facilities which are not more than 300 feet distant from an entrance to said establishment, and which shall accommodate normal parking requirements as determined by the Zoning Administrator at the time of application for a zoning certificate, but in any case, not less than the following: [Amended 5-30-1982 by Ord. No. 125; 12-8-2014 by Ord. No. 288; 9-28-2015 by Ord. No. 291; 7-11-2016 by Ord. No. 296]

Amusement arcade 1 parking space for every two game machines or amusement devices

Automobile sales and service garages

Banks, business offices, and professional offices (other than a

doctor's office)

Bowling alleys 5 spaces for each alley

Churches and schools 1 space for each 4 seats in a principal

auditorium or 1 space for each 10 classroom seats, whichever is greater

Dance halls, assembly halls 200% of floor area used for dancing or

assembly

50% of floor area

50% of floor area

Doctor's office 8 parking spaces per doctor

Funeral homes, mortuaries 4 spaces for each parlor or 1 space for

each 50 square feet of floor area,

whichever is greater 100% of floor area

Furniture and appliance stores,

household equipment or furniture repair shops, over 1,000 square feet of floor

area

Hospitals 1 space for each 2 beds

Hotels, motels, lodging houses 1 1/2 spaces for each bedroom

Manufacturing plants 1 space for each 2 employees on the maximum working shift or 25% of floor

area, whichever is the greater

Microdistillery 1 space per every 200 square feet of

floor area.

Nursing home 1 space for each 4 beds

Pubs, taverns, microbreweries, wine

bars

100% of floor area

Restaurants, and nightclubs 200

Retail stores, supermarkets, etc., over

2,000 square feet floor area

200% of the floor area 200% of floor area

Sports arenas, auditoriums, other than

in schools

1 space for each 3 seats

Theaters, assembly halls with fixed

seats

1 space for each 3 seats

Commercial or club swimming pools

1 space for each 3 members or each 3 persons of estimated maximum

capacity

Wholesale establishments or warehouses

1 space for each 2 employees or 10% of floor area, whichever is greater

- (3) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is most nearly similar shall apply.
- (4) Notwithstanding Subsection A(2) above, the Commission may, upon application in B-L and Planned Employment Center Districts only, authorize modification, reduction or waiver should the Commission find that adequate parking is existing or planned in the applicable B-L or Planned Employment Center District. [Amended 12-8-2014 by Ord. No. 288]
- (5) The Board of Appeals may authorize, subject to provisions of § 180-110, a modification, reduction or waiver of the foregoing requirements, if it should find that, in a particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such modification, reduction or waiver.

[Amended 12-8-2014 by Ord. No. 288]

- (6) Every off-street parking area for more than five vehicles shall be located at least 10 feet from every street line, and five feet from every residential lot line. The edges of the parking area shall be curbed or buffered, and the space between parking area and street or lot line shall be landscaped and maintained in sightly condition. Where adjoining a street, such landscaping shall consist of grass and low shrubs or ornamental trees; where adjoining a residential lot, it shall include a hedge of sufficient type and height (not less than 30 inches) to protect and screen the adjoining property. If an ornamental wall or fence is installed in lieu of such hedge, and accomplishing the same purpose, then the five-foot strip may be omitted.
- (7) Any off-street parking area, including any commercial parking lot for more than five vehicles, shall be surfaced or kept treated in such manner as may be necessary to prevent any dust nuisance to the neighboring property or the general public, shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self propelled vehicles.
- (8) Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to direct the light away from adjoining residential premises and from public streets.
- (9) In providing required parking facilities, the minimum standards shall be:
  - (a) Access lane width: 25 feet for ninety-degree (perpendicular) parking; 20 feet for angular parking.
  - (b) Parking stall depth: 20 feet, except for parallel parking stalls which shall be 25 feet, provided that the end stalls may be reduced to 20 feet.
  - (c) Parking stall width: a minimum of nine feet measured perpendicular to stall depth, except for parallel parking stalls which may be reduced to seven feet in width when the door on each side of the vehicle can be opened without being obstructed.

- (d) Maneuverability and setback. In all cases, with the exception of single- and two-family residences, parking facilities shall be designed, constructed and delineated so as to facilitate one-maneuver parking exclusive of road or street right-of-way, and a minimum setback requirement of 10 feet from any public street right-of-way shall be provided.
- (e) Continued maintenance. Parking stalls shall be periodically repainted in order to maintain continuous and clear identification.
- (10) Off premises restricted parking. Except as may be otherwise provided by this chapter, the Board of Appeals may authorize, following public hearing, an off-street restricted parking area which is accessory to, but not on the same premises of any permitted, conditional or nonconforming use, subject to the following conditions and limitations:
  - (a) No charge shall be made for the parking of vehicles, and the accessory use shall be clearly for the benefit of employees or patrons.
  - (b) The application shall be accompanied by the names and addresses of all confronting and adjoining property owners within 200 feet of the premises in question, who shall be given the opportunity to be heard at public hearing.
  - (c) The Board shall find the premises in question to be within reasonable proximity to the principal, conditional or nonconforming use to which it is accessory.
  - (d) Compliance with Subsections A(7) and (9) above and any other requirements the Board may prescribe or deem necessary or desirable with respect to lighting, enclosures, marking, surfacing, or planting for the protection of adjacent property.
  - (e) That a zoning certificate issued for an accessory parking area shall be revocable subject to continued compliance with any requirements or conditions.
- (11) Parking impact fee. The Planning and Zoning Commission may permit fulfillment of all or part of the parking requirement in the Downtown Business District to be satisfied through the payment of a parking impact fee in lieu of on-site parking when on-site parking is impractical due to site conditions. Parking Impact Fees shall be determined by ordinance based upon a per-space cost. Parking impact fee payments shall be used for the development of parking facilities within the Downtown Business District as more particularly set forth by ordinance. [Added 12-11-2000 by Ord. No. 221]
- B. Off-street loading facilities. All B District and I-R District uses shall provide adequate off-street loading facilities for vehicles delivering to, unloading or removing goods, materials, supplies, or waste in connection with said business or use. In connection with every building and part thereof erected, having a gross floor area of 10,000 square feet or more, and which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital or other similar use, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of the first 20,000 square feet. Each loading space shall not be less than 10 feet in width, 45 feet in length

and 14 feet in clear height. Such space may occupy all or any part of any required yard or court space, except a front yard or the required side yard on the side street of the corner lot. No such space shall be located closer than 30 feet to any lot located in any R District, unless the loading space is wholly within a completely enclosed building.

## § 180-89. Signs.

In order to properly integrate all regulating provisions affecting signs, as defined in § 180-122, and to regulate such devices in an orderly and comprehensive manner, it is hereby provided that signs are subject to regulations as set forth herein.

- A. Signs permitted without zoning certificate. The following signs are permitted without a zoning certificate in any district, provided that the following conditions are adhered to:
  - (1) Signs indicating the name and/or premises or accessory use of a home for a home occupation or professional purposes, not exceeding one square foot in area.
  - (2) Signs not exceeding 30 square feet on a farm advertising farm products primarily grown on the premises, provided that they are located off the highway right-of-way and do not interfere with traffic visibility.
  - (3) Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of an event of a public interest.
  - (4) Temporary real estate signs, not exceeding 20 square feet, and being located on and advertising subject property for sale or lease.
  - (5) Temporary signs, not exceeding 100 square feet, located on and advertising a new subdivision.
  - (6) Building contractors and professional persons temporary signs on buildings under construction, limited to a total area for all such signs of 150 square feet.
- B. Signs requiring zoning certificate. The following signs are permitted in accordance with zoning district regulations and require a zoning certificate:
  - (1) Signs, business.
  - (2) Signs, outdoor advertising.
- C. Use-on-the-premises signs. Business signs pertaining to use on the premises, as enumerated in Subsection B(1) are permitted as an accessory use in all districts.
  - (1) No such sign shall project over or into any street right-of-way or more than 12 inches above the parapet wall or roofline.
  - (2) Any sign which is attached to the ground shall be located in such a manner that traffic visibility is not impaired.
  - (3) The total area for all signs shall not exceed four times each linear foot of the building wall most nearly parallel to or confronting the adjacent street. Only one building frontage shall be used in computing the sign area allowance, except on a corner lot, in which case an additional 25% of the sign area allowed may be

authorized. In no case shall the area of any one sign exceed 200 square feet on any one side. Computations of signs shall include all sides (where applicable) including the entire face of the sign and any wall work incidental to its decoration and shall include the space between letter figures and designs or the space within letter figures and designs.

D. Use-off-the-premises signs. Outdoor advertising signs pertaining to use off the premises, as enumerated in Subsection **B(2)**, shall be a principal permitted use in all districts, except the C, H, R, B-L and Planned Employment Center Districts and except in the following scenic areas as may hereinafter be described: Maryland Route 32 By-Pass.

[Amended 12-8-2014 by Ord. No. 288]

- E. Approval of location and maintenance of signs requiring zoning certificates. The following general regulations shall, without exception, be observed with respect to the approval of location and maintenance of signs enumerated in Subsection B of this section:
  - (1) No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection on any portion of an adjacent highway or residential buildings. However, no flashing or rotating flashing illumination shall be permitted.
  - (2) No sign which uses the word "stop" or "danger" or presents or implies the need or requirement of stopping or the existence of danger shall be permanently displayed.
  - (3) No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entranceways, driveways, or any public road intersection.
  - (4) No sign shall be closer to any public highway where permitted than the required front yard requirement of the district in which it is authorized, if the distance between such sign and the nearest lot line on which a building is located is 100 feet or less.
  - (5) No sign shall be permitted which contains statements, words, or pictures of an obscene, indecent or immoral character, or such as will offend public morals or decency.
  - (6) No sign shall be placed on rocks, trees or on poles maintained by public utilities.
  - (7) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises or person and unless maintained in a good general condition and in a reasonable state of repair, the Zoning Administrator shall order such sign to be made safe or repaired and such order shall be complied with within five days of the receipt of such order.

(8)

All outdoor advertising signs shall be spaced in such a manner that in the B-G and I Districts, there shall be a minimum of 300 feet between signs. In the case of existing dual-lane highways, each side of the dual highway shall be considered separately in determining such spacing requirements. In the case of non-dual-lane highways, spacing shall be determined and measured between signs regardless of the side of the highway in which they are located or proposed.

- (9) Where a sign structure does not include advertising information for a period of 120 days, such sign structure shall be deemed a violation thereafter and shall be removed.
- (10) No sign shall be permitted in any district which does not have a fixed location, but not necessarily permanent location, on the ground or on a building, including mobile-type signs so constructed as to be mounted on a preassembled vehicle or other device and designed to be movable by means of attached wheels or similar devices.
- (11) No pennant, pinwheels or similar circus or carnival-type attractors shall be permitted in any district.
- F. Overhanging signs. In addition to any and all conditions imposed in this § 180-89, the following general regulations shall be observed with respect to overhanging signs on buildings or structures located on Main Street within the Town's corporate limits: [Added 9-24-1990 by Ord. No. 179]
  - (1) The applicant shall submit an application for a zoning certificate authorizing such overhanging sign. The application shall be on a form approved by the Town Zoning Administrator and shall include:
    - (a) Two copies of a drawing which illustrates the building elevation and the exact location of the sign;
    - (b) Two copies of a drawing (to scale) which illustrates sign dimensions, design, contents and other pertinent information as determined by the Town Zoning Administrator; and
    - (c) A nonrefundable application fee of \$10.
  - (2) The following size and height restrictions shall apply to each overhanging sign:
    - (a) The sign's maximum projection from the building wall shall be 42 inches, provided that the sign shall be at least 12 inches from or inside the curbline or sidewalk edge.
    - (b) The sign must have an eight-foot minimum height from grade.
    - (c) The sign is subject to a maximum height of 42 inches.
    - (d) The sign is subject to a maximum thickness of six inches.
  - (3) The sign shall not contradict the historic atmosphere of Main Street nor contradict the goals, objectives or policies of the Main Street Master Plan.

(4)

The sign shall be designed, manufactured, assembled and installed with professional workmanship and use high quality materials designed for use in the sign industry.

- (5) The contents of the sign shall be limited to the legal or trade name of the business or the actual business product or service sold at the location. No telephone numbers, addresses or other information shall be permitted on the sign.
- (6) The applicant shall keep the sign in a good state of repair and ensure that it remains properly secured to the building. Any failure of the applicant to keep such sign in a good state of repair shall constitute a zoning violation hereunder. The Town Zoning Administrator, or his designee, shall give 15 days' written notice to the applicant in the event that any such sign shall constitute a detriment to the health, welfare or safety of the public for any reason, including, but not limited to, the failure of the applicant to keep the sign in a good state of repair. In the event that the status of the sign has not been corrected within 15 days of the date of such notice, the Town may repair the sign and insure that it remains properly secured to the building, at the sole cost and expense of the applicant. In the case of any emergency with respect to any such sign, the Town may correct or repair the sign immediately, without notice to the applicant, and at the sole cost and expense of the applicant.
- (7) Any person aggrieved by the decision of the Town Zoning Administrator may appeal such decision in accordance with Article XVII.
- (8) In the event there is any inconsistency between § 180-89F and the remaining provisions of § 180-89, the more restrictive provisions shall control.

# § 180-90. Cluster subdivision; small town planning guidelines; overlay designation.

[Amended 5-28-1996 by Ord. No. 196]

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

### **ALLEY**

A lane which provides rear access to a lot which fronts on a public road.

### **CLUSTER SUBDIVISION**

A subdivision of land in which the single-family detached dwelling units are situated together so as to suitably create common space that is permanently protected and perpetually dedicated for common use.

#### **COMMON SPACE**

Land area within a cluster subdivision deeded as a parcel or parcels separate from building lots and streets and perpetually dedicated for conservation and/or recreational purposes as common land. The ownership and purpose of common space shall be specified by the Planning and Zoning Commission in approving a subdivision, and only recreational facilities or other improvements consistent with the approved purpose shall be permitted within the common space.

#### CONVENTIONAL SUBDIVISION

A subdivision of land in which all lots meet the minimum area for dimensional requirements of this chapter for the underlying district in which the subdivided parcel is located.

#### **ZERO LOT LINE**

The location of a dwelling unit on a lot in such a manner that one or more of the dwelling's sides rest directly on the four-foot setback line. All lots providing for zero lot lines must also provide for a five-foot easement on the neighboring property for access to and maintenance of the dwelling.

- B. Purpose. It is the purpose of this section to provide more flexible standards in the development of residential single-family detached dwelling units to permit residential lots and yards to be smaller than otherwise required under regulations applicable to the underlying zoning districts. It is intended that use of these flexible standards and requirements will direct development to those land areas most suitable for development, will create a more attractive, creative, and efficient use of land, and will achieve the following objectives:
  - (1) The creation of common space within new residential developments;
  - (2) The maintenance and/or enhancement of the appearance, character, and natural beauty of an area;
  - (3) The protection of the local ecology and the quality and quantity of underground and surface water and the preservation of stands of trees and the natural landscape;
  - (4) The protection of scenic vistas from the Town's roadways and other places, such as homesites, hillsides, landmarks, and parks;
  - (5) The preservation of the Town's traditional character and creation of a physical connection with the rest of the Town:
  - (6) The facilitation of the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner, resulting in a reduced cost of providing public services and infrastructure;
  - (7) The encouragement of a less sprawling form of development.

## C. Applicability.

(1) The Cluster Subdivision Overlay District classification is designed to promote the health, safety, and general welfare of the citizens of the Town by regulating the appropriate use of land in all areas of the Town and to encourage the placement and use of structures and use of land more in keeping with neo-traditional small town planning concepts. The regulations provided in this section constitute overlay zoning regulations, and are in addition to and not in lieu of all zoning regulations applicable to the underlying zoning district of the property. In the event of any conflict between the zoning regulations in the underlying zoning district and these overlay zoning regulations, these overlay zoning regulations shall control, unless such requirement is waived pursuant to the provisions of Subsection C(4) by the Planning and Zoning Commission.

- (2) The regulations provided in this section shall apply to the proposed development of all lands, buildings, and properties within the territorial limits of the Town of Sykesville where the primary use is intended to be residential single-family detached and attached dwelling units. The Planning and Zoning Commission will require that the provisions of this section be utilized in any tract or parcel of land to achieve the purposes and objectives of Subsection B, except: (a) when the tract or parcel of land will be developed in accordance with § 180-93, as a planned unit development; (b) when the tract or parcel of land is exempted from the regulations provided in this section by the Planning and Zoning Commission in accordance with the provisions of Subsection C(4) below; or (c) when the tract or parcel of land is otherwise grandfathered in accordance with the provisions of Subsection C(5) below. Determination of the applicability of this section shall be made at the time of sketch plan application and approval by the Planning and Zoning Commission.

  [Amended 4-12-2004 by Ord. No. 244]
- (3) The overlay zoning regulations of this section shall also apply to the redevelopment of any property within the boundaries of the Town where the primary use is intended to be single-family detached and attached dwelling units. "Redevelopment," as used herein, means the process of substantially altering previously developed property by the improvement or alteration, such as, by way of example only, changing the lot lines, front, side, or rear yard areas, the building envelope, increasing the total impervious surfaces on the property by more than 25%, or otherwise altering the property in a manner that increases the assessed value of the property by more than 50%. In the event of redevelopment, the land being redeveloped shall be subject to these overlay zoning regulations. [Amended 4-12-2004 by Ord. No. 244]
- (4) Exemption. If the owner/applicant presents evidence satisfactory to the Planning and Zoning Commission that the objectives of Subsection B would be better satisfied by compliance with the requirements of the underlying zoning, then the applicant may be exempted by the Planning and Zoning Commission from compliance with this section. [Amended 4-12-2004 by Ord. No. 244]
- (5) Grandfathered properties.
  - (a) "Grandfathered," as used in this section, describes the status accorded certain properties and development activities that are exempt from the application of the overlay zoning regulations as provided in this section.
  - (b) Any lot on which development activities have legally progressed to the point of pouring foundation footings or the installation of structural members, prior to the effective date of the overlay zoning regulations adopted in this section, will be permitted to complete construction as per existing development approvals (e.g., building permit).
  - (c) Any legally buildable single lot or parcel of land of record, or any single lot or parcel of land for which final plat approval has been granted prior to the effective date of the overlay zoning regulations adopted in this section shall be grandfathered and may be improved or developed in accordance with all other provisions of this chapter, Chapter 145, Subdivision Regulations, and other Town ordinances then in effect.

(d)

Any lot, or parcel or land, for which preliminary plan approval has been granted and has not expired, or for which an extension of preliminary plan approval has been granted by the Planning and Zoning Commission prior to the effective date of the overlay zoning regulations adopted in this section, shall be grandfathered and may be improved or developed in accordance with all other provisions of this chapter, Chapter 145, Subdivision Regulations, and other Town ordinances in effect prior to the effective date of the overlay zoning regulations adopted in this section. However, any development activities on any such lot or parcels of land should comply insofar as possible with the overlay zoning regulations provided in this section if the development activity occurs after the effective date of the overlay zoning regulations adopted pursuant to this section.

- D. Standards. The following standards shall apply to all cluster subdivisions:
  - (1) Number of dwelling units permitted.
    - (a) The number of dwelling units shall be determined by the following procedure:
      - [1] The gross acreage of the parcel to be subdivided shall be determined through a survey performed by a licensed surveyor.
      - [2] The interim acreage of the parcel to be subdivided shall be determined by subtracting from the gross acreage the total acres of wetlands and one-hundred-year floodplains which exist on the parcel to be subdivided.
      - [3] The net acreage of the parcel to be subdivided shall be determined by reducing the interim acreage by 15% to account for acreage which would have been dedicated to roads and other public improvements under conventional zoning.
      - [4] To determine the total number of dwelling units permitted, the net acreage shall be multiplied by:
        - 0.34 when the underlying zoning is a C Conservation District, subject to the restrictions in Subsection **D(1)(b)**
        - 2 when the underlying zoning is Residence District R-20,000
        - 4 when the underlying zoning is Suburban Residence District R-10,000
        - 5 when the underlying zoning is Urban Residence District R-7,500
        - 5 when the underlying zoning is Local Business District B-L
        - 5 when the underlying zoning is General Business District B-G
        - 5 when the underlying zoning is Restricted Industrial District I-R
        - The total number of dwelling units permitted shall be rounded down to the nearest whole number.
      - [5] The resulting product shall be the total number of dwelling units permitted on the parcel. This figure shall be shown on the drawings and plans submitted by the applicant for preliminary plan approval.
    - (b) Where the property lies in more than one zoning district, the permitted number of dwelling units shall be calculated as above for each district and added to give a total number of dwelling units. The dwelling units may be clustered in

one or more districts, except that dwelling units shall not be clustered in a C Conservation District.

- (2) Bonus provision.
  - (a) The Planning and Zoning Commission may allow and approve more than the number of dwelling units permitted under Subsection D(1) above, upon the Planning and Zoning Commission's determination that the proposed development, through the quality of its site design and architecture, displays sensitivity to the purposes of this section. The Planning and Zoning Commission may require renderings, scale models, topographical exhibits, description of housing types, and material selection. The following amenities and characteristics shall serve as guidance for determination of the bonus percentage to be allowed:
    - [1] No culs-de-sac in the subdivision: bonus of 2%.
    - [2] Parking facilities are provided behind all dwelling units: bonus of 2%.
    - [3] If a stormwater management pond is used, the ratio is restricted to 6:1 maximum: bonus of 2%.
    - [4] No roofline ratios are less than 12:10: bonus of 2%:
    - [5] Detached garages are used exclusively: bonus of 2%.
    - [6] Copper or tin roofs are used on at least 20% of the dwelling units: bonus of 2%.
    - [7] All front porches are deeper than six feet: bonus of 2%.
    - [8] Horizontal wood siding is used on at least 80% of the dwelling units: bonus of 2%.
    - [9] Fifty percent more than the minimum quantity required of specimen trees greater than three inches caliper width are included in the subdivision design: bonus of 2%.
  - (b) The aggregate density bonus over the permitted number of dwelling units calculated in accordance with Subsection **D(1)** above, shall not exceed 10% of the total permitted under Subsection **D(1)** above.
- E. Design guidelines. In evaluating the sketch plan, preliminary plan or final plan of a cluster subdivision, the following criteria are among the matters that must be considered by the Planning and Zoning Commission to find that the site design meets the purposes of this section:
  - (1) Location of building envelopes and landscaping.
    - (a) Building envelopes should be selected that do not include the tops of ridgelines.
    - (b) Building envelopes should be located on the edges of fields and/or on the edges of wooded areas to minimize the visual impact of development.

- (c) Building envelopes should not include areas with slopes in excess of 25%.
- (d) Existing stone rows and tree lines should be preserved.
- (e) Trees on ridges should not be removed.
- (2) Lot lines and yards.
  - (a) All dwellings and structures shall be located a minimum of 50 feet from any adjacent C Conservation District and/or any agriculturally zoned land.
  - (b) No building envelope shall be placed closer than five feet to any lot line, except single-family attached dwelling units may be built side by side. Zero lot line dwelling units may be built four feet from any other lot line, however, a five-foot easement for access to and maintenance of the dwelling must be provided. If new dwelling units are positioned immediately adjacent to existing dwelling units, the size of the side yard setbacks for the new dwelling units should follow the pattern established by the already-existing dwelling units.
  - (c) The maximum average of all front yard setbacks should be no greater than 20 feet. If new dwelling units are positioned on lots to be immediately adjacent to existing dwelling units, the size of the front yard setbacks for the new dwelling units should follow the pattern established by the already-existing dwelling units. The front yard setback shall be measured from the edge of the nearest right-of-way.
  - (d) Flag lots are prohibited.
  - (e) All sidewalks should be placed with the eventual goal of linking the cluster subdivision to the downtown areas of the Town.
- (3) Public roads. The amount of site disruption caused by roadways and the associated grading required for their construction should be minimized.
  - (a) All roads shall connect with other roads within the cluster subdivision and roads must be placed to link in a grid pattern to facilitate neighborhood blocks, unless the applicant presents evidence satisfactory to the Planning and Zoning Commission that it is not possible for all roads to connect or to be placed in a grid pattern. The use of alleys to provide rear access to lots fronting on public roads is permitted.
  - (b) The use of one-way streets, with on-street parking restricted to one side only, should be considered where feasible.
  - (c) Individual road widths shall be determined by the topography, use, and traffic pattern anticipated for each road. The minimum roadway width for alleys connecting the rear access of lots fronting on public roads shall be 12 feet. The minimum roadway width for all other roads shall be:

Description	Width	
	(feet)	Road Type
Two-way road:		
No parking allowed on road	22	Local road

	Width	
Description	(feet)	Road Type
Parking allowed one side only	28	Two-way local road
Parking allowed both sides	36	Collector road
One-way road:		
No parking allowed on road	12	One-way subdivision road
Parking allowed one side only	20	General subdivision road
Parking allowed both sides	28	Urban subdivision road

- (d) The perimeter of blocks within the subdivision should not exceed 1,300 feet. No block face should be greater than 300 feet without an alley providing through access.
- (e) Roadways should generally follow existing contours of the land to minimize grading.

## (4) Driveways.

- (a) The number of driveways accessing collector roads should be kept to a minimum. The use of alleys to enhance traffic flow should be considered where feasible.
- (b) In general, the use of common driveways is discouraged. However, where common driveways are approved by the Planning and Zoning Commission, the maximum number of units served by a common driveway shall be two. The minimum common driveway width shall be 12 feet.
- (c) All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved by the Town Attorney.
- (d) All driveways shall be designed to provide facilities for off-street parking of not less than two motor vehicles per dwelling unit.
- (5) Signage and lighting. In general, permanent on-site development identification signs are discouraged. However, where a development identification sign is approved by the Planning and Zoning Commission, its area shall be limited to eight square feet, its construction shall be of natural materials (i.e., wood and stone), and the base area shall be appropriately landscaped. Lighting, if provided, shall be shielded and appropriately screened by natural landscaping.
- (6) Accessory buildings and structures. Accessory buildings and structures shall be located on the interior of the lot within all setback lines.

## (7) Existing structures.

(a) When a parcel to be subdivided under this section contains existing structure (s), the owner/applicant of the parcel shall request of the Sykesville Historical Commission an advisory opinion to survey the parcel to determine any historic, architectural, or cultural significance of the structure(s). If significance is established, the owner/applicant must preserve the structure(s) or offer the structure(s) and minimum lot size(s) compatible with the underlying zoning to the Town of Sykesville for the preservation of the historic setting of the structure(s). If accepted by the Town, the lot(s) shall be included in the common space calculations, and the Planning and Zoning Commission may recognize such dedication in consideration of a density bonus under Subsection **D(2)**, considering all other factors.

- (b) Adaptive reuse of structures not deemed to be of historic, architectural, or cultural significance by the Sykesville Historical Commission, including the adaptive reuse of existing agricultural structures such as barns and silos, for residential use or permitted accessory use, is encouraged and shall be permitted where determined to be appropriate by the Planning and Zoning Commission, upon advice of the Town Engineer. If adaptive reuse as described above is used in the subdivision design, minimum lot size(s) compatible with the underlying zoning shall be created for the adapted reused structures and offered to the Town of Sykesville for preservation. If accepted by the Town, the lot(s) shall be used in the common space calculations, and the Planning and Zoning Commission may recognize such dedication in consideration of a density bonus under Subsection D(2), considering all other factors.
- (8) Wildlife management plan. In projects involving 25 or more acres, a wildlife management plan shall be submitted. This plan shall address measures taken to preserve and improve on-site wildlife habitat. Rare and endangered species habitat protection shall be addressed, if applicable. Where feasible, wildlife corridors should be incorporated into development plans.

## F. Common space.

- (1) Standards.
  - (a) Parcels to be subdivided under this section shall contain undeveloped portions of the tract dedicated to common space equal to or greater than 40% of the gross acreage of the parcel to be subdivided. Lot(s) associated with existing structure(s) may be included in the land space identified as common space, but the square footage of the structures shall not be included in the calculation to meet the total land area required for common space unless the lot(s) is accepted for preservation by the Town of Sykesville in accordance with Subsection E(7)(a) or (b). The bonus density criteria set forth in Subsection D (2) may be used in lieu of and not in addition to a density bonus, as a credit towards the common space requirement. The common space credit towards the common space requirement shall be no more than 10%. If the criteria in Subsection D(2) is applied to the common space credit, no density bonus shall be allowed.
  - (b) Wetlands and/or watercourses and/or land with slopes in excess of 25% shall account for no more than 1/3 of the common space.
  - (c) Notwithstanding the above, up to 50% of the common space may be land covered by water if, in the Planning and Zoning Commission's judgment, such water body is deemed a site amenity.
  - (d) All dwelling units shall have reasonable access to common space areas, and the maximum number of lots compatible with good design should abut the common space.

- (e) If active recreational areas are included in the common space, they shall be suitably located and adequately screened to provide and assure privacy and quiet for the neighboring residents.
- (f) Small areas of subdivision common space scattered throughout the cluster subdivision shall be avoided. To the extent possible, a contiguous system of common space shall be achieved by linking common space areas with pedestrian pathways.
- (g) The pedestrian circulation system shall be designed to assure that pedestrians can move safely and easily on the site and between properties and activities within the site and neighborhood.
- (h) Access shall be provided to each parcel of common space from one or more streets in the development and shall be contiguous across proposed rights-ofway.
- (i) Access to the common space shall be delineated by the use of design elements such as stone walls, woodland paths surfaced with bark mulch, etc.

## (2) Use of common space.

- (a) The common space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those uses. No other uses shall be allowed in the common space except as provided herein.
- (b) Only 5% of the common space may be subject to or used for paved areas, bike trails, or pathways or accessory structures to the dedicated use of the common space. The common space may be subject to permanent easements for the construction, maintenance, and repair of roads and utilities servicing the common space or the cluster subdivision, and sewer or drainage facilities serving the common space or the cluster subdivision or adjacent land.

## (3) Ownership of common space.

- (a) The common space shall be offered in whole to the Town of Sykesville. Acceptance in whole or in part shall be determined by the Town Council.
- (b) If acceptance of the common space is denied by the Town of Sykesville, then the common space shall be conveyed as follows:
  - [1] To a corporation or trust such as a condominium or homeowners' association, the ownership or membership of which is comprised of the owners of lots or dwelling units within the cluster subdivision. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or dwelling units in perpetuity. Maintenance of the common space and any facilities located thereon shall be permanently guaranteed by such corporation or trust. The corporation or trust shall provide for mandatory assessments to each lot or residential unit for maintenance expenses. Each such corporation or trust shall be deemed to have assented to allow the Town to perform maintenance of the common space and any facilities located thereon, if the corporation or trust fails to provide adequate maintenance, and shall grant the Town an easement over the common space to do so. In any instance where

maintenance is required, unless the situation is an emergency, the Town shall provide 15 days' written notice to the corporation or trust as to the need for maintenance and, if the corporation or trust fails to complete said work, the Town may perform the work at the cost and expense of the corporation or trust. The owner of each lot or residential unit shall be deemed to have assented to the Town filing a lien against each lot or residential unit in the development for the full cost of such maintenance, which liens shall be released upon payment to the Town of same. Each individual deed, as well as the deed of trust or articles of incorporation, shall include provisions to carry these provisions into effect. Documents creating such trust or corporation shall be submitted to the Planning and Zoning Commission for approval by the Planning and Zoning Commission and the Town Attorney and shall be recorded in accordance with all applicable state and local laws governing such entities as a condition of the Planning and Zoning Commission's final approval.

- [2] To an entity or governmental agency specifically established to accept the property subject to a conservation easement or scenic easement prohibiting further development or construction of dwelling units on the property and maintaining the property in perpetuity for the uses set forth in Subsection F(2).
- [3] The owner or other entity may retain the common space for use or lease for one of the purposes specified in Subsection F(2), provided that the owner conveys the development rights of the common space in a conservation or scenic restriction prohibiting further development of the property.

#### G. Nonresidential uses...

- (1) In order to provide limited commercial services and thus facilitate the pedestrian focus of a traditional village or neighborhood, nonresidential uses are permitted based upon the criteria established herein.
- (2) Areas designated for the commercial uses must be shown on the preliminary plan and approved by the Planning and Zoning Commission.
- (3) Principal permitted use is limited to local retail business shops of the following types only:
  - (a) Bakery shops.
  - (b) Dairy products stores.
  - (c) Food and grocery stores.
  - (d) Fruit or vegetable stores.
  - (e) Art studios or art galleries.
  - (f) Bookstores, not including adult bookstores.
  - (g) Professional offices (architects, attorneys, doctors, dentists).

- (h) Bed-and-breakfast inns.
- (i) Artisan, antique, or craft shops.
- (j) Home occupation. A "home occupation" shall be defined as that term is defined in § 180-122. [1]
  - [1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- (4) The following uses shall be conditional uses requiring approval by the Board of Appeals:
  - (a) Banks.
  - (b) Restaurants.
  - (c) Bank automatic teller machines.
  - (d) Day-care centers.
- (5) The conduct of any business outside a completely enclosed building as accessory to a principal permitted use shall require approval by the Board of Appeals. Otherwise, all business operations shall be conducted wholly within a completely enclosed building.
- (6) Drive-in windows, drive-in restaurants, and fast-food restaurants are prohibited.
- (7) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.
- (8) New buildings, whether on vacant lots or sharing a lot with an existing building, must be compatible in size, scale, general appearance, and building materials with surrounding buildings.
- (9) Buildings for nonresidential use must reflect the character of the residential units in the cluster subdivision, according to the following design criteria:
  - (a) Building massing (height and bulk of structures, type and angle of roofline);
  - (b) Building width-to-height ratio;
  - (c) Location and use of yard areas;
  - (d) Location and design of landscaped and paved areas;
  - (e) Ratio of landscaped area to areas covered by impervious surfaces (minimum of 1:2.5);
  - (f) Location, size, and type of projections (porches and rooflines).

## § 180-91. Planned business centers (shopping centers).

In any B-L, B-G or I-R District, the Commission may approve a Planned Business Center (neighborhood-type shopping center), as defined in § 180-122.

- A. Approval by Planning and Zoning Commission.
  - (1) The developer of any such planned business center, prior to any construction, shall present to the Commission for its review, a development plan of such proposed center. The development plan shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage and water and sewerage facilities, and such other information as is necessary for the Commission to give the necessary consideration.
  - (2) It shall be the duty of the Commission to ascertain whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions:
    - (a) A need is evident for such shopping facilities at the proposed location, such need being demonstrated by the developer by means of market studies or such other information as the Commission may require.
    - (b) That the proposed planned business center is adequate to serve the needs of the people which reasonably may be expected to be served by such shopping facilities.
    - (c) That the proposed planned business center will not cause points of traffic congestion on existing or planned future roads in the areas of such proposed location.
    - (d) That the plans provide for a planned business center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center.
  - (3) The Commission shall, within a reasonable time after consideration of a development plan for a planned business center, issue to the office of the Zoning Administrator a written report of its findings.
  - (4) The Commission shall approve such planned business center project, provided that the requirements of this chapter are complied with.
  - (5) Upon receipt of written approval from the Commission, the Zoning Administrator shall issue the necessary zoning certificate.
- B. Permitted uses. The uses permitted in a planned business center shall be those retail business, commercial and service uses and accessory uses permitted in the B District in which the planned business center is located. No residential use, heavy commercial or industrial uses shall be permitted or any use other than such as is necessary or desirable to supply goods and services to the surrounding area.
- C. Prohibited uses.

Amusement parks, commercial

Automobile, trailer or implement repair establishments

Bottling of soft drink or milk or bulk distribution stations

Building material, sales or storage yards

Carpenter or woodworking shop

Circus

Drive-in theaters

Feed and grain, sales, storage, including milling

Funeral establishments

Golf driving ranges

Hotels and apartment hotels

Kennels

Livery stables

Newspaper publishing establishments and printing shops

Riding academies

Sheet metal shops

Sign painting shops

Swimming pools

Target ranges

Truck or motor freight terminals or warehouses

Wholesale business, warehousing and service establishments

- D. General regulations. The following regulations shall apply to a planned business center:
  - (1) Building height. No building shall exceed the permitted height of the B District in which the planned business center is located, except as may be modified by Article XV of this chapter.
  - (2) Yards. No building shall be erected within 50 feet of a public street right-of-way line, and no parking lot or other facilities or accessory use, except permitted signs and plantings, shall be located within 10 feet of any public street right-of-way line.
  - (3) No building shall be located within 50 feet of any other boundary line, and any such line which adjoins an R District, if deemed necessary by the Commission, shall be screened by a solid wall or compact evergreen hedge at least six feet in height, or by such other screening device as may be deemed appropriate and adequate.
  - (4) Tract coverage. Buildings shall not be permitted to cover more than 25% of the total project area.
  - (5) Customer parking space. Off-street parking shall be provided as required in § **180-88A** of this chapter. Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from adjoining premises in any R District and from any public roads.
  - (6) Loading space. Off-street loading space and facilities shall be provided as required in § 180-88B of this chapter. Such facilities shall be in the rear of any building, unless the Commission for good reason approves a location at the sides of any

such building, and shall not be included as part of any customer parking space required herein.

(7) Signs. In addition to signs permitted and as regulated in either B District in which the shopping center project is located, one additional sign not exceeding 200 square feet in area containing the names of the shopping center and/or the establishments located therein, may be placed at any location within the boundaries of the project, but it shall not exceed 30 feet in height. Any shopping center fronting on more than one street may be permitted such a sign within the required yard area along each street.

## § 180-92. Industrial parks.

In any I-R District, an industrial park may be established and a zoning certificate issued therefor, following receipt of approval by the Commission in accordance with the procedures and provisions set forth herein.

- A. Principal permitted uses. The following principal permitted uses shall be allowed in an industrial park:
  - (1) Principal permitted uses allowed in an I-R District, except those prohibited under Subsection B.
  - (2) Office buildings for services oriented to the needs of industries located in the park, such as offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, post offices, provided that such office buildings shall not be the first use erected in the industrial park or occupy more than 5% of the total land area.
  - (3) Wholesale, warehousing establishments where no retail sales are permitted.
  - (4) Truck or motor freight terminals or warehouses.
  - (5) Heliport, subject to standards recommended by the Federal and/or State Aviation Agency, and Commission approval.
- B. Prohibited uses. The following uses are prohibited in an industrial park:
  - Any use in conflict with any ordinance in Sykesville, Carroll County or the State of Maryland.
  - (2) Any new dwelling, mobile homes, mobile home parks, or institutions for human care, and uses first allowed in a B District.
  - (3) Brick yards, manufacture of pottery, tile, terra cotta, clay products.
  - (4) Electric or steam generating plants.
  - (5) Extractive uses.
  - (6) Flour mill, grain or feed drying or processing.
  - (7) Sawmills.

- (8) Signs and billboards, except as authorized herein.
- (9) Conditional uses in an I-R District.
- C. Accessory uses. Uses shall be allowed which are customarily incidental to or are demonstrably related to permitted uses in an industrial park including indoor and outdoor recreational facilities, cafeterias, clinics, libraries, schools, meeting rooms, display rooms related to or primarily restricted to the industries located in the industrial park.
- D. Required conditions. All manufacturing uses shall be conducted in an enclosed building except for parking, loading, or storage. All buildings shall be of fireproof construction to meet the requirements of Maryland and/or National Fire Codes and Building, Plumbing, or other codes for Carroll County and the Town of Sykesville, in effect or which may hereafter be enacted or amended. Processes and equipment employed, and material and goods used shall be limited to those not objectionable by reason of odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter, or water-carried waste.
- E. Development and site plans.
  - (1) No building permit shall be issued on any lot unless the Commission shall have approved a development plan for the entire industrial park and a site plan for each lot therein as it is proposed for development. The Commission shall consider the effect of the design and operations of the park on the environs, as well as on future component industrial occupants.
  - (2) In considering the overall development plan, the Commission shall pass upon, among other things:
    - (a) The layout of the park with respect to internal roads and the access of such to public highways.
    - (b) Preservation of natural topographic features, such as trees and watercourses.
    - (c) Grading plans, drainage structures, water and sewerage facilities, and other utilities.
    - (d) Orientation with relation to other adjacent properties.
    - (e) Landscaping proposals.
  - (3) In considering the site plan for a lot, the Commission shall pass upon, among other things:
    - (a) Layout of the site with respect to the arrangement and width of its driveways and parking areas and their relationship to off-site roadways within the industrial park and to external public highways.
    - (b) Preservation of natural topographic features, such as trees and watercourses.
    - (c) Grading plan and plans for all utilities, including water and sewerage facilities, storm drainage, parking lots, loading docks, lighting and screening.
    - (d) Lot layout, including front, side and rear yard lines.

- (e) Location, height and orientation of proposed buildings.
- (f) Identity of occupant and nature of operations.
- (g) Employee information as to number and shifts.
- (h) Location, size and lighting of signs.
- (i) Outdoor storage areas, including location, screening, and safety features.
- (4) Approval by other agencies of jurisdiction, including Health Department, State Highway Administration, Sanitary Commission, and other county, state or municipal officials deemed necessary to assure the adequacy of those aspects of the plan deemed pertinent to the respective department, commission or office.
- F. Standards for vehicular access, parking, loading and outdoor storage.
  - (1) Vehicular access.
    - (a) Vehicular access to industrial parks shall be permitted only from a Town-, county- or state-maintained highway, or a private way connecting with such highways, and not directly with any residential street.
    - (b) Road access to an industrial park may be at points prescribed by the appropriate agency of jurisdiction, but in no case less than the following:
      - [1] For state roads, not less than 750 feet between points of access.
      - [2] For Town and/or county roads, not less than 200 feet between points of access.
    - (c) All streets within an industrial park must be built to Town standards and shall thereafter be accepted for maintenance by the Town.
  - (2) Parking and loading facilities.
    - (a) Space for off-street parking and storage of vehicles shall be as follows: one space for each two employees on the maximum shift, plus one space for visitors' use for each 25 employees on the maximum shift, plus one space for each company-owned or -leased vehicle based at the premises.
    - (b) All parking areas shall be constructed to Town specifications, be properly signed for traffic control, and/or adequate lighting provided, if used at night, and individual spaces shall be clearly marked.
    - (c) Loading areas shall be as provided under § 180-88B.
  - (3) Outdoor storage:
    - (a) No outdoor storage shall be permitted in the front yard.
    - (b) Where there is outdoor storage, such areas shall not occupy more than 20% of the area of the lot.
    - (c)

- Where there is outdoor storage of equipment products, and process materials, or empty industrial containers, they shall be stored and maintained in a neat pattern, subject to National Fire Codes.
- (d) Outdoor storage areas on any lot adjacent to an R District must be screened therefrom by a planting of evergreens or by an ornamental wall not less than six feet in height.
- G. Building location, landscaping and utilities.
  - (1) Building location:
    - (a) All lots adjacent to a road as shown on the Major Road Plan shall be oriented thereto.
    - (b) Architectural treatment of all building walls visible from public roads shall be harmonious with the front elevation, in design, quality and materials.
  - (2) Landscaping.
    - (a) A landscaping plan shall be submitted to the Commission as part of the preliminary development plan.
    - (b) Any part of a lot not used for buildings, parking, loading, driveways, outside storage, or walkways shall be planted with grass, or other ground cover, trees, shrubs, and/or flowers, and shall be properly maintained at all times.
  - (3) Utilities.
    - (a) A utilities plan shall be submitted to the Commission as part of the preliminary development plan.
    - (b) Any overhead wires determined necessary shall be run along the rear property lines where practical, and any control instrument station or substations shall be screened.

## H. Signs and lighting.

- (1) The design, lettering, lighting and location of all signs shall be included insofar as possible, as part of the site plan submitted for approval of the Commission.
- (2) Signs; outdoor advertising shall be limited to one such device for each highway frontage and one such device as a directory for occupants for each entrance to the industrial park.
- (3) Signs, business, for identifying the use or the occupant shall be a part of the architectural design and be attached to the building. Any signs detached from buildings shall be landscaped.
- (4) Signs prohibited shall include outdoor advertising signs (of a billboard nature), except as indicated in Subsection **H(2)**; flashing, rotating lights, or changing light intensity or changing color signs; hanging or projecting signs; signs above the roof or parapet; or signs painted or pasted directly upon any wall shall likewise be prohibited.

- (5) All major buildings and parking areas may be lighted with exterior flood or spotlights, provided that lights are not directed toward adjacent R Districts or roads or streets.
- Height, area, and yard requirements.
  - (1) Height regulations.
    - (a) No building shall exceed 50 feet in height, except as provided in Article XV of this chapter.
  - (2) Area requirements.
    - (a) No industrial park considered herein shall comprise less than five acres if it is a completely separate tract; provided that no area limitation shall be placed on an industrial park if is is an addition to another industrial park or has a common boundary with an existing I-R District.
    - (b) The minimum ground area for any lot for a principal building shall be one acre and the minimum lot frontage 200 feet.
    - (c) The maximum ground area coverage of any lot by a principal building or buildings shall not exceed 25% of the total lot area.
  - (3) Yard requirements.
    - (a) Front, side, and rear yards shall be determined in an industrial park as follows:
      - [1] A front yard adjacent to an expressway or primary highway as shown on the Major Road Plan of the Town shall be 75 feet.
      - [2] Front yard on other county or municipal streets shall be 75 feet.
      - [3] Front yard on interior roads within an industrial park shall be 50 feet.
      - [4] Side or rear yards shall be as follows:
        - [a] Adjoining an R District: 100 feet.
        - [b] Adjoining a B or I-R District: 50 feet.
    - (b) A landscaped strip not less than 10 feet wide shall be provided along each side yard for the length of any principal building, except for that portion of the yard needed for loading or parking areas.
    - (c) Any portion of a lot in an industrial park not used for driveways, walkways, parking, loading, or storage areas shall be planted in grass or other suitable ground cover.

# § 180-93. Planned unit development; regulations.

A planned unit development may be approved by the Commission, as permitted under §§ 180-47 and 180-54, subject to all the following provisions:

Α.

Purpose and objectives. Within the limit of these requirements, it is the purpose of the planned unit development to provide suitable sites for relatively higher density types of residential structures in areas zoned R-10,000 and R-7,500 Districts and to permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures, including one- and two-family units, townhouses, and garden apartments within the areas designated. The following objectives are sought in providing for the planned unit development:

- (1) To provide a more attractive and varied living environment than would be possible through the strict application of R District requirements.
- (2) To encourage developers to use a more creative approach in the development of land.
- (3) To encourage a more intimate, efficient, and aesthetic use of open space.
- (4) To encourage variety in the physical development patterns of residential areas.
- B. Area. The proposed planned unit development shall normally include a tract of land not less than 20 acres in an R-10,000 District and 10 acres in an R-7,500 District. A planned unit development may be considered on a parcel of land less than 10 acres if it has a common boundary with an R-7,500 District, but in no case shall a tract of land less than five acres be considered. Where the acreage in a planned unit development project is 100 acres or more, the Commission may approve in the development plan as part of the overall plan a planned business center in which B-L Business District uses may be located in accordance with § 180-91; provided, however, that such planned business center is located in a manner as to be a integral part of the development itself and not as a means of servicing adjacent areas, or as a basis by which a business district may be extended to adjacent properties.
- C. Designation of a planned unit development.
  - (1) Land zoned properly and meeting the minimum requirements may be designated by the Commission as suitable for a planned unit development and may be developed by the owner, if he so desires, according to the requirements and standards herein.
  - (2) No land shall be designated as a planned unit development unless it satisfactorily meets such additional criteria as to suitability for such a development as may have been adopted by the Commission. Such criteria shall include, but not be limited to, those enumerated under §§ 180-19 and 180-94.
- D. Type and use of structures. Dwelling units may include single-family, two-family or multifamily structures, based on density requirements, standards described, nature of adjacent development, and compensating features of the development plan. The Commission may also approve places of public assembly, recreational buildings, and accessory buildings, if primarily for use by persons residing within the planned unit development, and if located and planned in a manner not detrimental to adjacent properties.
- E. In any R-7,500 Urban Residence District, the Board of Appeals, following public hearing, may approve up to 100% of the units in multifamily structures subject to the following:

[Amended 3-13-1978 by Ord. No. 110]

- (1) The Planning and Zoning Commission having formally reviewed and filed with the Board of Appeals its preliminary approval of the proposed site and/or subdivision development plan for the property to be the subject of public hearing;
- (2) Due consideration being given by the Board of Appeals to the requirements of § 180-109 of this chapter; and
- (3) That the final site development plan and/or subdivision plat be submitted to the Commission for its approval along with any public works agreement prior to the issuance of any zoning certificate or building permits.
- F. The gross residential density of a planned unit development shall not exceed the equivalent of six dwelling units per gross acre.
  - (1) Such density shall be calculated as follows, as applicable to multifamily structures:
    - (a) Each efficiency apartment dwelling unit is equivalent to 0.50 unit.
    - (b) Each one-bedroom multifamily or apartment unit is equivalent to 0.75 unit.
    - (c) Each two-bedroom multifamily or apartment dwelling unit is equivalent to 1.00 unit
    - (d) Each three-bedroom multifamily or apartment dwelling unit is equivalent to 1.50 unit.
  - (2) Calculation of gross acreage shall include all land within the PUD tract, regardless of use, and if it abuts an external motorway to which access is permitted, may include 1/2 of the right-of-way thereof, but not exceeding 30 feet.
- G. Open space. Common open space shall comprise not less than 25% of the gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the planned unit development, but shall not include streets, off-street parking areas, or utility easements. The Commission must be furnished satisfactory evidence, as a condition for approval, that such open space area will be continued and that perpetual maintenance is provided for.
- H. Sanitary facilities. Prior to accepting for approval a development for a planned unit development, the Commission must be furnished satisfactory evidence that public water and sewerage systems will be provided and approved by the Health Department, as well as by any other agency having jurisdiction over such matters.
- I. Development plan.
  - (1) Applications for approval of a planned unit development must be accompanied by a development plan prepared by a licensed architect, registered civil engineer, professional landscape architect or other qualified land planner. The development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades, and approximate dimensions and locations of proposed structures, streets, parking areas, walkways, easements and property lines.
  - (2) After approval of the development plan by the Commission, any material change therein shall require a resubdivision of such plan for approval. In any case, where an approval has been given by the Commission and construction has not started

within one year thereafter, such approval of the planned unit development shall automatically be terminated.

- J. Standards for location of dwelling types.
  - (1) Within 100 feet of any other property in an R District, other than an R-7,500 District, dwellings shall be of single-family types.
  - (2) As a condition for approval of a planned unit development in which multifamily dwellings are proposed, the Commission shall require over and above other standards herein, that these uses be so arranged and distributed, and appropriately related to public open space, single-family dwellings and/or semidetached dwellings that higher densities are not unreasonably and disproportionately concentrated in these locations, or so located as to concentrate traffic on minor residential streets.
- K. Area requirements, yards and dwelling units per building. Standards shall be as follows:
  - [1] Editor's Note: These requirements may be found in the Planned Unit Development table at the end of this chapter.
- L. Height regulations. Maximum heights of buildings shall not exceed the height as specified in the R-7,500 District.
- M. Parking. At least two usable off-street parking spaces shall be provided for each dwelling unit either on the lot it occupies or within 150 feet of such lot or an apartment dwelling unit. For each apartment unit, space shall be provided at the rate of two spaces per dwelling unit.
- N. Public hearing. Except as provided in Article XIX, no public hearing need be held on any application for a planned unit development, provided that a public hearing may be held by the Commission when it deems such hearing to be desirable or necessary in the public interest.
- O. Financial responsibility. Prior to accepting a development plan for review, the Commission must be satisfied that the owners of and/or applicants for a planned unit development are financially able to complete the proposed development, that they intend to start construction within one year following the Commission's approval and that they intend to complete it within a reasonable time as determined by the Commission.

# § 180-94. Planned major subdivision; residential, regulations.

A major subdivision of land for residential purposes in those districts where permitted may be approved by the Commission, as authorized in §§ 180-25E, 180-32C and 180-40C, subject to § 180-19 of the general provisions of this chapter, and the following provisions:

A. Purpose and intent. The Commission finds that a portion of the police power of the State of Maryland has been delegated to each municipality to be exercised reasonably in determining the manner and nature of development within each municipality. The Maryland General Assembly has given much discretion to the several municipalities in

making such determinations relying on the local jurisdiction's knowledge of local conditions and the needs of its people and communities. The Maryland General Assembly has further created numerous state departments and agencies to provide consultation, advice, data and other similar forms of assistance in the furtherance of establishing comprehensive policies on which to base local planning decisions for the general good and welfare. Development pressures (i.e., population shifts, sewer moratoriums, accelerating inflation of land values, and other phenomena), caused by a myriad of complex social and economic factors which transcend local jurisdictional boundary lines, are bringing increasing numbers of families into Sykesville and its environs necessitating the provision of additional public schools; solid waste disposal sites; water, sewerage and storm drainage facilities; roads and associated facilities; police, fire and related emergency-service-type facilities; primary health care facilities; open space, floodplain management and sediment control measures; and the increasing need for maintaining a stable tax base. In recognition of the fundamental difference between the diverse and unlimited "wants" of a growing community of people, and those "needs" which are inherently basic or limited (i.e., land, air and water resources), it is imperative that plans, policies and decisions, insofar as it is humanly possible, be weighed and ordered; first, in consideration of the fundamental "needs", and secondly, in consideration of the priority of "wants" which ultimately involve the direct or indirect expenditure of limited public funds.

- B. The following provisions, therefore, are set forth in planning for the continued orderly development of Sykesville and its environs in the pursuit of these objectives: In designating a tract(s) or area(s) suitable for a major subdivision of land for residential purposes in any district where permitted, the Commission shall, pursuant to authority granted by Article 66B, Annotated Code of Maryland, this Chapter 180, Zoning, and Chapter 145, Subdivision Regulations, in addition to any other applicable ordinances or regulations, require that adequate provision(s) be incorporated in and made a part of any conditions of any approval to insure the integrity and orderly use of the Town's natural resources as would promote the public necessity, health, safety, convenience, general welfare, environment, and the Town's financial ability to provide and/or receive essential community improvements, facilities and/or services. Such conditions of approval may include, and insure adequate provisions for such specific on- and off-site facilities and improvements as: school sites; solid waste disposal sites; open spaces; floodplain management and sediment control measures; water, sewerage and storm drainage facilities; roads and associated facilities; police, fire and related emergencytype facilities including consideration of primary health care facilities. Whenever any one or combination of the aforesaid facilities and/or improvements are deemed necessary to carry out the intent and purpose of the duly adopted official Master Plan for Sykesville and the authority conveyed by Article 66B of the Annotated Code of Maryland, this Chapter 180, Zoning, Chapter 145, Subdivision Regulations, or any other applicable ordinances or regulations; and where any one or combination of the aforesaid facilities and/or improvements deemed necessary cannot be provided or assured, then the Commission shall either disapprove or defer designating those areas in question, in whole or in part, as suitable for a major subdivision of land for residential purposes until such time as those specific improvements and/or facilities deemed necessary can be adequately provided or assured.
- C. The provisions of § 180-94, Subsections A and B shall also apply to the subdivision of land for residential purposes in Planned Employment Center Districts. [Added 12-8-2014 by Ord. No. 288]

# § 180-95. Site plan review by Planning and Zoning Commission.

[Added 7-20-1984 by Ord. No. 137]

- A. All proposals or zoning applications for the hereinafter enumerated uses shall be subject to a site plan review by the Sykesville Planning and Zoning Commission and by such other agencies as the Planning and Zoning Commission shall deem appropriate:
  - (1) Cluster subdivisions (§ 180-90 of this chapter).
  - (2) Planned business centers (§ 180-91 of this chapter).
  - (3) Industrial parks (§ 180-92 of this chapter).
  - (4) Planned unit developments (§ 180-93 of this chapter).
  - (5) Planned major subdivisions (§ 180-94 of this chapter).
  - (6) All conditional uses approved by the Board of Zoning Appeals pursuant to § 180-105A(2) of this chapter.
  - (7) All structural alterations to nonconforming buildings or structures, and uses of nonconforming parcels, lots or tracts of land approved by the Board of Zoning Appeals pursuant to § 180-8A of this chapter.
  - (8) All changes from one non-conforming use to another non-conforming use approved by the Board of Zoning Appeals pursuant to § 180-8B of this chapter.
  - (9) All principal permitted uses in the B-L, B-G and Planned Employment Center Districts (Articles X, XI, and XXII respectively, of this chapter), where a building permit and zoning certificate are required for improvements involving building renovation, parking or new construction.

    [Added 3-9-1992 by Ord. No. 193; amended 12-8-2014 by Ord. No. 288]
  - (10) Planned Employment Center District (Article **XXII** of this chapter). [Added 3-9-1992 by Ord. No. 193; amended 12-8-2014 by Ord. No. 288]
- B. The Planning and Zoning Commission shall have the authority, following referral to such agencies, to approve or disapprove the plan as presented or approve the plan with modifications or conditions.
- C. In approving the site plans, the Commission shall have the authority to:
  - (1) Limit the number and approve the location and design of entrances in the interest of public safety and minimizing traffic congestion to the greatest extent possible.
  - (2) Require a grading, stormwater management, landscaping, fencing and signing plan.
  - (3) Approve lighting arrangements to ensure no visual interference with the traveling public on adjacent roadways, and to minimize glare or reflection on adjacent buildings.

- (4) Ensure conformance to all duly adopted elements of the Town Master Plan.
- (5) Require binding agreement, backed by bond or other surety provided to the Mayor and Council of Sykesville, to insure the completion of the site plan and to fulfill any conditions attached thereto. The agreement or bond shall be provided unless specifically waived by the Commission.
- D. No zoning certificate shall be issued for the uses enumerated in this section until the Planning and Zoning Commission has approved a site plan for the use.
- E. The site plan required by this section shall consist of a plan indicating the location of existing and proposed buildings, structures, signs, paved areas, walkways, vegetative cover, existing and proposed grades, initial landscaping and screening within the site.
- F. Any person or persons jointly or severally aggrieved by any final decision of the Planning and Zoning Commission, or any taxpayer, or any officer, department, board or bureau of the Town of Sykesville, may appeal same to the Circuit Court of Carroll County.

# Article XV. Exceptions and Modifications

§ 180-96. Applicability.

The regulations specified in this chapter shall be subject to the following exceptions, modifications, and interpretations.

## § 180-97. Lot area modification.

- A. Minimum lot area and lot width regulations in any zone shall not apply to repeater, booster, transformer, or switching stations, or dial offices.
- B. In any district wherein a single-family dwelling is permitted, such dwelling may be permitted on any lot or parcel which is of official record by deed or a subdivision duly recorded in the plat records of Carroll County as of the effective date of this chapter, provided:
  - (1) The owner does not own sufficient land adjoining to enable conformance with yard or area requirements.
  - (2) No side yard shall be less than 10% of the width of the said lot.
  - (3) All other regulations are complied with.
- C. In any district except the C Conservation District, where dwellings are permitted, if neither a public water supply or sewerage system is accessible or if an acceptable community water supply or sewerage system is not to be provided, the minimum lot size shall be 20,000 square feet and 100 feet in width, subject, however, to the requirements of the Maryland State Department of Health.
- D. Except in a C Conservation or R-20,000 Residence District, if a public water supply is accessible and individual lot sewerage facilities are approved, the minimum lot size for

a dwelling shall be 15,000 square feet, with 100 feet width at the building lines, subject, however, to the requirements of the Maryland State Department of Health.

## § 180-98. Setback modifications.

Where the average setback line of at least two existing buildings on lots which are on the same side of the street or road and within 200 feet of the lot in question is less than the minimum setback prescribed by this chapter, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the center line of any abutting road or street.

## § 180-99. Projection into yards.

- A. If attached to the main building, a carport or a one-story open porch, with or without a roof, may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard.
- B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than four feet, provided that such projections (excepting eaves) are not over 10 feet in length.
- C. Fences and walls shall be exempt from building lines and yard requirements unless obstructions to vision.

## § 180-100. Height.

- A. Building height limitations shall not apply to water tanks, barns, windmills, silos, or other accessory farm structures; or to belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, radio, television or radar towers, chimneys or smokestacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses, or roof structures for housing stairways; or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building. No penthouse or roof structure shall have a total area greater than 25% of a roof area, nor shall such structure be used for any purpose than a use incidental to the main use of the building.
- B. In any R or B District, the height of a building may be extended to three stories, but not over 40 feet, if each side yard is increased in width 1/2 foot for each additional one foot of height above the normal maximum limit.
- C. On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the zone.
- D. In any zone where public or quasi-public buildings are permitted such buildings may be erected to a height of 120 feet, but the minimum front, rear, and side yards shall be increased one foot for each foot of height above the limit established for the zone in which the building is erected.

# § 180-101. Variance.

The Board may authorize, upon appeal, in accordance with § 180-105 variances from height, lot area, lot width, yard regulations, parking space requirements, sign regulations, and distance requirements specified in § 180-16. The Board may grant such variance only in cases where the strict compliance with the terms of this chapter would result in practical difficulty and unreasonable hardship, and only if in strict harmony with the spirit and intent of such regulations and only in a manner so as to grant relief without substantial injury to public health, safety, and general welfare.

## Article XVI. Administration

# § 180-102. Zoning Administrator.

- A. There is hereby established the office of Zoning Administrator. The office shall be filled by a person appointed by the Mayor and Council of Sykesville after receipt of recommendations by the Commission. Any person appointed to the office shall be or become, upon appointment, a resident of Carroll County and shall be qualified by education, experience, or training, to administer and enforce the provisions of this chapter. Any person so appointed shall maintain no interest in any matter which may be construed by the Mayor and Council to be in conflict with the duties and decisions of the office of Zoning Administrator.
- B. The provisions of this chapter shall be enforced by the Zoning Administrator. Appeal from a decision of the Zoning Administrator shall be made to the Board of Appeals as provided in § 180-107.
- C. All departments, officials and public employees of the Town of Sykesville which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

## § 180-103. Zoning certificates.

- A. It shall be unlawful for an owner to use or permit the use of any building, structure or land or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Administrator. A zoning certificate shall be revocable, subject to continued compliance with all requirements and conditions.
- B. All applications for zoning certificates shall be accompanied by plans drawn approximately to scale, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings, if any; and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the present use and/or proposed use to be made of the lot shall be shown. The application and/or plans shall include such other information as reasonably may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this chapter. The plans shall be retained in the office of the Zoning Administrator.

- C. The Zoning Administrator shall approve the issuance of a zoning certificate only if the application complies with the requirements of this chapter, and provided that such zoning certificate shall be conditioned where necessary on the approval of the County Health Officer, State Highway Administration and/or County Roads Department, Town Planning and Zoning Commission, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all zoning certificates and copies shall be furnished upon request to any person upon payment of the cost thereof. If a zoning certificate is issued, such approval and issuance thereof does not sanction variance from the terms of this chapter.
- D. If the Zoning Administrator shall find any of the provisions of this chapter being violated, he shall notify in writing, by certified mail, the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; and shall, unless compliance is met within a reasonable time, take any other action authorized by this chapter to insure compliance with or prevent violation of its provisions.
- E. A zoning certificate shall become void one year after the date of issuance, if the construction or use for which the certificate was issued has not been started.

# Article XVII. Board of Appeals

§ 180-104. Creation; membership; powers and duties.

The Board of Appeals of Sykesville is hereby created and designated the "Board of Zoning Appeals." The number of members of said Board, their term of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Article 66B, Annotated Code of Maryland.

## § 180-105. General powers.

- A. The Board shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this chapter or of any ordinance adopted pursuant thereto.
  - (2) To hear and decide conditional uses to the ordinance upon which such Board is required to pass.
  - (3) To authorize, upon appeal in special cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this chapter will result in unwarranted hardship and injustice and which will most nearly accomplish the purpose and intent of the regulations of this chapter.
- B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law and this chapter, and amendments thereto, reverse or affirm, wholly

or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

C. The Board is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

§ 180-106. Organization; meetings; authority to administer oaths and compel attendance of witnesses; technical assistance; minutes of proceedings; records.

The Board shall be organized and its rules shall be amended, if necessary, in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. For assistance in reaching decisions relative to appeals, conditional uses, or variances, the Board may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Commission or any county agency. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, and shall keep records of all its official actions, all of which shall be filed in the office of the Board and shall be a public record.

# § 180-107. Appeals to Board.

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, commission or bureau of the county affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision by filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

# § 180-108. Hearings.

- A. Action required after filing of application. Upon the filing of an application before the Board, the following action shall be taken preparatory to holding a hearing thereon:
  - (1) The Board shall fix a reasonable time for a hearing of the application or appeal.
  - (2) Notice of the hearing shall be advertised in two consecutive issues of a newspaper having general circulation within Sykesville. The first insertion shall appear in such newspaper at least 15 days prior to such hearing.
  - (3) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than 22 inches by 28 inches at least 14 days before the date of the hearing.
  - (4) Notification by certified mail shall be made to the appellant or petitioner, and to the owners of those properties and the addresses certified on the notice of appeals by

- the appellant or petitioner as being contiguous to the property with which the hearing is concerned.
- (5) The Board, upon application in writing by any interested party filed with the Zoning Administrator no less than 10 days prior to the date of scheduled hearing, shall visit the specific property involved prior to the hearing. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.
- B. Holding of hearing; appearance at hearing. The Board, following such action above, shall hold such hearing. At the hearing, any party may appear and be heard in person or by agent or attorney.

### C. Postponement.

- (1) Requests for postponement of a scheduled hearing shall be filed in writing with the Zoning Administrator not less than 10 days prior to the date of hearing, and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Chairman of the Board.
- (2) Requests for postponement filed later than 10 days prior to the date of a scheduled hearing, shall, in addition to the other requirements set forth in Subsection C(1) above, be supported by an affidavit of the party making the request or some other creditable person. The granting of such request shall be at the discretion of the Board in cases of extreme hardship or upon good cause shown.
- (3) The Board may, upon its own initiative, postpone a scheduled hearing at any time.
- D. Continuance. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session.
- E. Decision by Board; appeal from decision by Board. The Board shall render a decision within a reasonable time. Any party aggrieved by a decision of the Board of Appeals may appeal to the Circuit Court of Carroll County in a manner set forth in the applicable sections of Article 66B of the Annotated Code of Maryland, as amended. The Court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

# § 180-109. Limitations, guides and standards.

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, such Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:

A. The number of people residing or working in the immediate area concerned.

- B. The orderly growth of Sykesville.
- C. Traffic conditions and facilities.
- D. The effect of such use upon the peaceful enjoyment of people in their homes.
- E. The conservation of property values.
- F. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- G. The most appropriate use of land and structure.
- H. Decisions of the courts.
- I. The purpose of these regulations as set forth herein.
- J. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

## § 180-110. Disapproval of application.

If the application is disapproved by the Board, thereafter the Board shall take no further action on another application for substantially the same proposal, on the same premises, until after two years from the date of such disapproval. If an appeal to the Board is perfected and the public hearing date is set and duly advertised and properly posted and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same premises for one year.

## § 180-111. Fees.

A filing fee shall accompany each application for appeal to the Board, as may be determined by the Mayor and Council of Sykesville.

## Article XVIII. Enforcement

# § 180-112. Violations and penalties; continuing offenses.

[Amended 9-27-2004 by Ord. No. 247; 6-14-2010 by Ord. No. 272] The violation of any of the provisions of this chapter shall constitute a Class E municipal infraction as provided in Chapter 1, Article I, Municipal Infractions. Each and every day during which such illegal location, erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.

# § 180-113. Other relief.

In addition to other remedies, the Mayor and Council, the Zoning Administrator, or any adjacent or neighboring property owner may institute injunction, mandamus, abatement, or

other appropriate action or proceedings to compel compliance with the provisions of this chapter.

## Article XIX. Amendments

# § 180-114. Petition for change; public hearing; posting of property; annexations.

These regulations, restrictions and provisions and the boundaries of the districts may from time to time be amended, supplemented, changed, modified or repealed by the Mayor and Council. Any person or officer, department, board, commission or bureau of the Town may petition for such change or amendment; however, no such change or amendment shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town, and if the proposed amendment involves a change in a zoning district boundary line, the property involved shall be posted for a period of 15 days immediately preceding the hearing. Where an official annexation by the Town is involved, the requirements of the Annotated Code of Maryland (Article 23 inclusive) shall govern and be applicable, as shall applicable provisions of the Carroll County Zoning Ordinance relating to official annexations by any municipality of Carroll County.

# § 180-115. Referral of changes to Planning and Zoning Commission.

The Mayor and Council shall refer all proposed changes and amendments to these regulations or proposed changes in a zoning district to the Planning and Zoning Commission for report and recommendations.

# § 180-116. Factors to be considered by Mayor and Council.

Before acting upon proposed changes and amendments to these regulations or changes in the zoning district boundary lines, the Mayor and Council shall consider the following:

- A. The purpose of these regulations, as outlined in Article I.
- B. The report and recommendation of the Commission.
- C. Whether there have been any substantial changes in or near the area covered by a proposed change in the district boundary lines.
- D. Any new phases of the Master Plan for Sykesville developed since the adoption of these regulations.
- E. Whether it is clearly evident that there was an error or mistake in the zoning of the subject property.

F. Whether there has been a convincing demonstration that the proposed rezoning would have been fully as appropriate and logical for the subject property as was the zone in which it was placed.

# § 180-117. General duties of Planning and Zoning Commission.

The Commission shall study zoning, its development, application and relation to public and private development and its relation to other phases of the Master Plan for the development and may, from time to time, submit amendments to these regulations or changes in the district boundaries to the Mayor and Council. However, no such amendment or change shall become effective until approved by the Mayor and Council as required by this article.

# § 180-118. Vote required to effect amendment.

Unless otherwise provided by Article 66B of the Annotated Code of Maryland, as amended, no proposed amendment, supplement or change to this chapter shall be approved without the favorable votes of members of the Council as required by the Town Charter.

# § 180-119. Reconsideration of defeated proposals.

If a petition for a change in a zoning district boundary is disapproved by the Mayor and Council, thereafter the Mayor and Council shall take no further action on another petition for the same or substantially the same proposal on the same premises until after 12 months from the date of the last disapproval.

# § 180-120. Scale drawing to accompany applications for map changes.

Every application for a change in zoning of district boundaries shall be accompanied by a scale drawing, showing the existing and proposed boundaries and such other information as may be needed to properly locate and plat the amendment on the official Zoning Maps.

## § 180-121. Filing fee for map change applications.

A filing fee shall be charged for processing an application for a change in zoning, as may be determined by the Mayor and Council.

## Article XX. Definitions.

## § 180-122. Generally.

For the purpose of this chapter, certain terms used are herein defined as follows:

#### **ACCESSORY USE**

A use of a building, lot or portion thereof, which is incidental and subordinate to the principal use of the main building or lot.

### **ADULT BOOKSTORES**

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

[Added 2-11-1985 by Ord. No. 141]

#### ADULT MOTION PICTURE THEATER

An enclosed building with a capacity of 25 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, for observation by patrons therein. [Added 2-11-1985 by Ord. No. 141]

### AGRICULTURE or AGRICULTURAL PURPOSES

The raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil.

#### AMUSEMENT ARCADE

Any facility for the use of operation of more than three amusement devices or game machines, including, but not limited to, television games, electronic novelty gases, electro-mechanical and electronic target games, driving games, pinball machines and other similar devices and machines.

[Added 5-30-1982 by Ord. No. 125]

#### **APARTMENT**

An area within a structure arranged or designed for occupancy by one family.

### **APARTMENT HOUSE**

Any building arranged, designed or used for rent or occupancy, or is cooperatively owned by its occupants having three or more family units, and with a yard, compound, service, or utilities in common.

#### **BOARD**

Refers to the Board of Appeals.

#### **BUILDING LINE**

The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

#### **BUILDINGS**

Any structure enclosed within exterior walls for the enclosure, shelter, or protection of persons, animals or chattels.

#### COMMISSION

Refers to the Town of Sykesville Planning and Zoning Commission.

#### CONDITIONAL USES

Uses which are specified for Board of Appeals approval prior to authorization and which uses, after public hearing, may be approved conditionally, or disapproved in

accordance with § 180-105. The term "conditional use" shall constitute the same meaning as "special exception" specified as one of the general powers of the Board of Appeals in accordance with Article 66B of the Annotated Code of Maryland.

#### CONSTRUCTION STARTED

For the purposes of this chapter, construction will be deemed to have begun when all of the necessary excavation and piers and/or footings of one or more buildings or structures covered by the permit have been completed.

## DWELLING

Any building arranged, designed, or used in whole or in part, for residential purposes, but not including a tent, cabin, trailer or mobile home, or a room in a hotel or motel.

#### A. DWELLING, SINGLE-FAMILY

A detached building designed for or used exclusively for residential purposes by one family or one housekeeping unit.

# B. DWELLING, TWO-FAMILY

A detached building with one dwelling unit above the other (duplex) or two semidetached dwelling units located on abutting lots separated by a party wall without openings, in either case for or used exclusively for residential purposes, but not more than a total of two families or two housekeeping units.

# C. DWELLING, MULTIFAMILY

A detached building or a group of attached and semi-detached buildings, designed for or used exclusively for residential purpose by more than two families or more than two housekeeping units.

# **ESSENTIAL SERVICES or ESSENTIAL UTILITY EQUIPMENT**

Facilities owned or maintained by public utility companies or public agencies, located in public ways or in easements provided for the purpose, or on a customer's premise and not requiring private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication or similar services to adjacent customers; including pumping stations and waste water treatment plants, but not including any building, yard, station or facility requiring a site in excess of 400 square feet, except as hereinbefore provided, and not including any cross country pipeline, transmission line or towers, communications towers, or any line requiring a private right-of-way.

[Amended 7-9-2001 by Ord. No. 223b]

#### **FAMILY**

One or more persons related by blood, marriage or adoption occupying a dwelling and living together as a single housekeeping unit or a group of not more than three persons not related by blood, marriage or adoption occupying a dwelling and living together as a single housekeeping unit.

[Amended 9-25-2006 by Ord. No. 267]

# **FARM**

An area of land used for agricultural purposes, as defined in section 20.02 and which provides a primary source of income for the occupant or owner.

# **GARAGE**

## A. GARAGE, RESIDENTIAL

An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles, 50% of which may be used for the storage of a commercial vehicle.

## B. GARAGE, SERVICE

A garage, other than a residential garage, where motor vehicles, trailers, or other type of equipment are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

#### **HEALTH DEPARTMENT**

The Maryland State Department of Health.

#### THE HISTORIC DISTRICT COMMISSION

Refers to the Historic District Commission authorized in accordance with Article 66B of the Annotated Code of Maryland.

#### HOME OCCUPATION

Any use of a dwelling, conducted solely by a member or members of the family residing therein, which is incidental or subordinate to the main use of the building for dwelling purposes; which utilizes not more than 25% of the floor area of the dwelling; which does not generate vehicular parking or nonresidential traffic to a greater extent than would normally result from residential occupancy; in connection with which no inventory or stock in trade is kept for regular sale to persons coming to the premises; and with no other evidence being visible, other than a sign not exceeding one square foot, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for other than residential purposes.

#### HOSPITAL, CLASS A

A hospital which does not primarily treat communicable diseases, insane or feebleminded patients, epileptics, drug addicts, or alcoholic patients, and is not a penal or correctional institution.

# HOSPITAL, CLASS B

A hospital which does primarily treat the types of cases note in Class A above, and which may be a penal or correctional institution.

# INDUSTRIAL PARK

The division of a tract of land which is eminently suitable for industrial use into small tracts or parcels according to a comprehensive plan for occupancy by a group of industries and has streets and utilities and conforms to the requirements of section 13.5.

#### KENNEL

Any building or structure and/or land used, designed, or arranged for housing, boarding, breeding or care of more than three adult dogs kept or bred for hunting, sale, exhibition, or other use for profit.

#### LOT

A piece of parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this chapter, and having frontage on a street as defined herein.

# A. LOT, CORNER

A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed 135°.

#### B. LOT FRONTAGE

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on comer lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required herein, except that not more than one rear yard shall be required.

#### C. LOT MEASUREMENTS

# (1) DEPTH

The average horizontal distance between the front lot line and the rear lot line.

#### (2) WIDTH

The horizontal distance between side lot lines measured at the mid-points of the side lot lines.

## D. LOT OF RECORD

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

#### **MASTER PLAN**

Means policies, statements, goals, and inter-related plans for private and public land use, transportation and community facilities documented in text and maps which constitute the guide for the Town's future development.

# **MEDICAL CENTER**

A medical or dental clinic building or group or combination of such buildings occupied by medical practitioners and used for examination and/or treatment of patients, which may include laboratory and/or testing equipment for the purpose of providing health services to people on an out-patient basis.

## **MICRODISTILLERY**

An establishment for the purpose of the annual production, storage, distillation, manufacturing, processing, distribution, and wholesale and retail sale of no more than 27,500 gallons of liquor made from produce grown or produced off-site, and for tours and tastings of the products. Such establishment shall be in compliance with any and all local, state, and federal liquor laws and licensing requirements and health department regulations, and shall possess any and all licenses which may be required by Carroll County, the Town of Sykesville, and/or the State of Maryland, including, without limitation, a Class I manufacturer's license as provided in Article 2B § 2-202 of the Maryland Code, Annotated (2014) ("liquor license"). [Added 9-28-2015 by Ord. No. 291]

#### NONCONFORMING USE

A use of a building or of land lawfully existing at the time this chapter becomes effective and which does not conform with the use regulations of the zone in which it is located.

## **NURSING HOMES**

These items include rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. Extended care, intermediate care or personal care facility as defined within Maryland State Health Department Regulations.

- A. An institution which admits two or more individuals for care, and who are not related to the owner or administrator.
- B. Domiciliary care facility as further defined within Maryland State Health Department Regulations.
- C. An institution which admits four or more aged and/or disabled non related individuals not gainfully employed and which maintains the necessary facilities and provides a protective institutional or home-type environment.
- D. Treatment facility for emotionally disturbed children and for Adolescents as Further Defined with Maryland State Health Department Regulations.
- E. An institution for the treatment of emotionally disturbed children and/or adolescents with overnight accommodations for two or more non related individuals.

#### **OPEN SPACE**

Land provided and deemed necessary and desirable for present and future residents and citizens of the area including such land in stream valleys, natural woods, areas of unusual natural scenic beauty, local play lots, recreational walkways, pathways and planting areas in residential subdivisions.

#### PLANNED BUSINESS CENTER

Three or more retail stores or service establishments designed as a unit and primarily served by common accessories such as signs, parking lots, arcades and walkways.

#### PLANNED MAJOR SUBDIVISION; RESIDENTIAL

A major subdivision of land as defined in Section 19.38 for residential use and requiring an approved plan therefor by the Commission.

#### RETIREMENT HOMES

Specifically designed multi-dwelling unit buildings to which occupancy is restricted to elderly citizens.

#### SEPTIC MINOR SUBDIVISION

For the purposes of the Sustainable Growth and Agriculture Preservation Act of 2012 (Senate Bill 236), after October 1, 2012, a minor subdivision will be defined as up to seven new lots for purposes of the applicability of Senate Bill 236 only. All development proposals will be required to comply with all other processing and code provisions applicable to minor subdivisions.

[Added 12-10-2012 by Ord. No. 284]

#### **SERVICE STATION**

Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil and accessories at retail, where minor repair service is incidental, and no storage or parking space is offered for rent.

### **SETBACK**

The required minimum horizontal distance between a building line as defined herein, and the related front, side, or rear property line.

#### SIGNS

A name, identification, description, display, logo, illustration or device (including wigway, twiller, pinwheel, pennant, and other similar device) which is affixed, stationed,

or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.

#### A. SIGN, BUSINESS

A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.

# B. SIGN, OUTDOOR ADVERTISING

A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

## SPECIFIED ANATOMICAL AREAS

[Added 2-11-1985 by Ord. No. 141]

- A. Less than completely and opaquely covered:
  - (1) Human genitals, pubic region,
  - (2) Buttock, and
  - (3) Female breast below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

# SPECIFIED SEXUAL ACTIVITIES

[Added 2-11-1985 by Ord. No. 141]

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### STABLE, PRIVATE (HORSE)

An accessory structure designed for the shelter, feeding and care of no more than two horses or ponies maintained on the property as pets or for domestic use as distinguished from agricultural or commercial stables.

## STREET; HIGHWAY; ROAD

Any street existing or which may be approved by the Commission. The word "street" shall also mean "road", "highway", "boulevard", "avenue", "lane", or "court".

# STRUCTURE

Anything constructed, the use of which requires fixed location on the ground or is attached to something having such location, but not including fences, power, gas, water, sewage, or communication lines or poles, towers or pole structures, sidewalks, driveways or curbs.

#### **SUBDIVISION**

The division of any tract or parcel of land into three or more lots or parcels for immediate or future sale or lease or building development. If a new street is involved,

"subdivision" shall mean any division of a tract or parcel of land. "Subdivision" shall not, however, include division of land for agricultural purposes.

#### A. MAJOR SUBDIVISION

A division of a tract or parcel of land into 4 or more lots or parcels for immediate or future sale or lease or building development. If a new street is involved, "subdivision" shall mean any division of a tract or parcel of land and shall be construed as a major subdivision. For the purposes of the Sustainable Growth and Agriculture Preservation Act of 2012 (Senate Bill 236) only, after October 1, 2012, a request that results in a total of eight or more new lots will be defined as a major subdivision.

[Amended 12-10-2012 by Ord. No. 284]

#### **B. MINOR SUBDIVISION**

A division of a tract or parcel of land into no more than 3 lots or parcels for immediate or future sale or lease or building development. Additionally, divisions or redivisions of land, as the case may be, involving modifications in property lines, plat corrections, or enlargement of existing properties shall generally be construed as a minor subdivision.

#### **TEMPORARY USE**

Any use which has been authorized under the provision of this chapter which is not unlimited as to the time in which such use shall legally continue.

#### **VARIANCE**

A Variance is a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

# **YARD**

Any open space on the same lot with a principal building(s) which lies between such building(s) and the lot line and is open and unoccupied from the ground up.

#### A. FRONT YARD

A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building.

#### B. REAR YARD

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building.

# C. SIDE YARD

A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

#### ZONING CERTIFICATE

A written statement issued by the Zoning Administrator, authorizing buildings, structures, or uses, in accordance with the provisions of this chapter.

§ 180-123. Singular and plural; use and used; shall and may; hereafter; person.

Words used in the present tense include the future tense; words used in the singular number shall include the plural number; words in the plural number shall include the singular number; the words "use" and "used" include the words "arranged, designed or intended for use"; the word "shall" is always mandatory, the word "may" is permissive; "now" shall mean at the time of the adoption of these regulations; "hereafter" shall mean after the adoption of these regulations. The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

# Article XXI. (Reserved)

[1] Editor's Note: Former Article XXI, Employment Campus District, added 1-23-2006 by Ord. No. 266, was repealed 12-8-2014 by Ord. No. 288.

§ 180-124. through § 180-133. (Reserved)

# Article XXII. Planned Employment Center District

[Added 12-8-2014 by Ord. No. 288]

§ 180-134. Purpose.

The purpose of the PEC - Planned Employment Center District is to provide for logical locations where high-quality mixed use developments can occur in harmony with surrounding land uses (including site layouts and architecture that is aesthetically pleasing and consistent with applicable guidelines) and in support of Sykesville's goals for growing the employment base, providing housing for existing and future residents, and offering retail services that complement the existing businesses within the Town. The following objectives will help fulfill this purpose:

- A. To encourage orderly, staged development of comprehensively designed mixed-use centers.
- B. To create a mixture of office, retail, recreational, hotel, institutional, light industrial and residential uses within a single structure or within multiple structures where all related structures, parking, and open spaces are designed to function as a cohesive and integrated site, while protecting the residential character of surrounding neighborhoods.
- C. To provide for an enriched and enhanced natural environment by the preservation of trees and the incorporation of stormwater management techniques which maintain the hydrologic regime of the site.
- D. To assure compatibility of the proposed land uses with the internal and surrounding uses by incorporating innovative standards of land planning and site design.
- E. To encourage harmonious and coordinated development of sites, considering the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.

Fυ

To encourage development that is of excellent design and architecture with a mix of uses that will create a synergy of uses, efficiency of design, and contribute to a reduction of vehicle miles traveled.

# § 180-135. Applicability.

PEC - Planned Employment Centers are limited to properties that are in excess of 20 acres and are within 1,320 feet from Maryland Route 32. Any portion of a proposed development application must be within 1,320 feet from Route 32; the entire development parcel does not have to meet this requirement. The following regulations and applicable regulations contained in other articles shall apply in the PEC - Planned Employment Center District.

# § 180-136. Principal permitted uses.

The principal permitted uses in this district shall be as follows:

- A. Nonresidential uses including:
  - (1) Local retail business or service uses, including:
    - (a) Alcoholic package good stores. [Amended 7-11-2016 by Ord. No. 296]
    - (b) Antique shops.
    - (c) Arcades.
    - (d) Art galleries.
    - (e) Art and craft shops.
    - (f) Artisans and craft work.
    - (g) Automobile parts and supply stores.
    - (h) Bakery or donut shops.
    - (i) Banks.
    - (j) Barbershops.
    - (k) Bicycle, motor scooter, moped sales and service.
    - (I) Billiard and pool halls.
    - (m) Bookstores, except adult bookstores.
    - (n) Candy stores.
    - (o) Cigar stores.
    - (p) Clock shops for sale or repair.

- (q) Clothing stores.
- (r) Computer, TV, phone, and electronic equipment sales and service.
- (s) Consignment shops, except pawn shops.
- (t) Construction or sales trailers, temporary, in an approved development actively under construction.
- (u) Convenience stores, gift shops, and newsstands.
- (v) Delicatessens and snack bars.
- (w) Department stores.
- (x) Dry cleaning retail outlets.
- (y) Flooring stores.
- (z) Florist shops.
- (aa) Furniture stores.
- (bb) Grocery stores.
- (cc) Hair and nail salons.
- (dd) Hardware stores.
- (ee) Hobby shops.
- (ff) Ice cream shops.
- (gg) Interior decorating establishments.
- (hh) Jewelry stores.
- (ii) Linens, bath, and curtain stores.
- (jj) Locksmiths.
- (kk) Luggage or leather goods stores.
- (II) Mailing and shipping services.
- (mm) Office supply stores and business service, establishments including signage and copying.
- (nn) Opticians or optometrical establishments.
- (oo) Parks, private.
- (pp) Pharmacies.
- (qq) Photographic stores and studios.

- (rr) Picture framing establishments.
- (ss) (Reserved)[1]
  - [1] Editor's Note: Former Subsection A(1)(ss), listing pubs, tavems, microbreweries, and wine bars as principal permitted uses, was repealed 7-11-2016 by Ord. No. 296.
- (tt) Rental establishments (with no on-site/outside storage).
- (uu) Restaurants (without liquor licenses or with liquor licenses, providing that the average monthly receipts from the sale of food constitute at least 41% of the average monthly receipts from the combined sale of food and alcoholic beverages as measured over a period of one year immediately preceding the date of an application for license issuance, renewal, upgrade, transfer or other modification).

[Amended 7-11-2016 by Ord. No. 296]

- (vv) Sporting goods stores.
- (ww) Stationery stores.
- (xx) Swimming pools (private) and recreational facilities. (private) associated with a residential development, if located at least 50 feet from each lot line and dwelling unit.
- (yy) Tanning salons.
- (zz) Tattoo parlors and body piercing salons.
- (aaa) Telecommuting centers.
- (bbb) Toy shops.
- (ccc) Travel agencies.
- (ddd) Upholstering shops, including sail making shops
- (eee) Video sales and rental establishments, excluding adult video sales and rental.
- (fff) Wallpaper and paint stores.
- (2) Office, research, institutional, and light industrial uses including:
  - (a) Advertising agencies.
  - (b) Business, professional, and medical offices and clinics.
  - (c) Computer and data processing facilities.
  - (d) Engineering and scientific research or development facilities.
  - (e) Government offices.

- (f) Television stations, radio broadcasting stations, and recording studios.
- B. Residential uses including:
  - (1) Single-family.
  - (2) Two-family.
  - (3) Multifamily residential.
- C. Any other retail business, service establishment, office, research, institutional, light industrial, and residential use which is determined by the Board to be the same general character as the above permitted uses. (Note: This determination is a ministerial act and is made by the Board meeting in public session, but does not require a public hearing or notice thereof.)

# § 180-137. Conditional uses.

The conditional uses requiring Board authorization in this district shall include:

- A. Nonresidential uses including:
  - (1) Local retail business or service uses, including:
    - (a) Appliance sales and service facilities.
    - (b) Automobile gasoline and service stations.
    - (c) Carwashes accessory to automobile gasoline stations.
    - (d) Public and commercial recreational facilities, including miniature golf; driving ranges; tennis, racquet, and handball barns or courts; artificial ski slopes; indoor soccer; bowling alleys; BMX bike, skateboard or roller blade parks; gocarting; skating rinks, and swimming pools.
    - (e) Communication towers, except that freestanding telecommunication towers are prohibited.
    - (f) Dog grooming and dog day-care facilities, without outside runs or pens.
    - (g) Entertainment complexes and theatres, including multi-screen complexes but excluding adult movies/videos.
    - (h) Health clubs, spas, and gymnasiums.
    - Home centers and building supply stores.
    - (j) Meat, seafood, and poultry markets.
    - (k) Nightclubs and comedy clubs.
    - Pet shops.
    - (m) Produce markets.

- (n) Establishments licensed to keep for sale and to sell beer and light wines at retail for consumption on the premises or elsewhere (including pubs, taverns, microbreweries, and wine bars), and where at least 50% of the business is comprised of selling alcohol. [Added 7-11-2016 by Ord. No. 296]
- (2) Office, research, institutional, and light industrial uses including:
  - (a) Adult day care centers.
  - (b) Assisted living facilities.
  - (c) Auditoriums.
  - (d) Banquet halls.
  - (e) Catering establishments.
  - (f) Child-care centers.
  - (g) Civic facilities, community centers, libraries, museums.
  - (h) Community meeting halls.
  - (i) Country clubs, private clubs, service, nonprofit, and charitable or philanthropic organizations, social clubs, and fraternal organizations.
  - (i) Funeral establishments.
  - (k) Golf courses.
  - Hospice facilities.
  - (m) Hospitals.
  - (n) Hotels and motels.
  - (o) Nursing homes and congregate care facilities.
  - (p) Religious facilities.
  - (q) Schools, public charter, and schools, private: academic, arts, business, technical, or trade, public or private colleges and universities.
  - (r) Staging areas for county capital projects.
  - (s) Veterinary clinics, if over-night stays are limited to those necessary for medical treatment, without outside runs or pens.
- B. Any other retail business, service establishment, office, research, institutional, and light industrial use which is determined by the Board to be the same general character as the above conditional uses. Any conditional use proposed must be reviewed by the Planning Commission before submission to the Board. The Planning Commission will make a recommendation to the Board. In deciding such matters, the Board shall give consideration, among other things, to the following:

- (1) The number of people residing or working in the immediate area concerned.
- (2) The orderly growth of Sykesville.
- (3) Traffic conditions and facilities.
- (4) The effect of such use upon the peaceful enjoyment of people in their homes.
- (5) The conservation of property values.
- (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding properties.
- (7) The most appropriate use of land and structure.
- (8) Decisions of the courts.
- (9) The purpose of these regulations as set forth herein.
- (10) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches, and the like.

# § 180-138. Accessory uses.

The accessory uses allowed in this district shall be those uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use. Accessory uses shall be screened from public view by walls, fencing, landscaping, or a combination of the three.

# § 180-139. Required percental e of land uses.

A. The following percentages of land uses shall be provided in a PEC- Planned Employment Center development proposal:

Office/research/institutional/hotel/light industrial: 20% to 55%

Retail/services: 10% to 20% Residential: 10% to 35%

Open space: no less than 25%

- B. Building square footages shall be used to determine the land use percentages within mixed-use buildings. For example, if a mixed-use building is on a two-acre parcel within the development and 25% of the building is devoted to nonresidential uses and 75% is devoted to residential uses, then 25% of the parcel area (1/2 acre) shall be considered nonresidential and 75% (one and 1/2 acre) shall be considered residential.
  - (1) For the purposes of this calculation, the percentage for each land use shall be based on the total (or gross) development parcel size.
  - (2) Any land that was previously part of the original development parcel that was subdivided and dedicated to the Town of Sykesville can be included in the total

development parcel size for determining both percentage of land use and open space requirements (i.e., Warfield Park Parcel, and internal public roads).

C. Recreational space shall be provided within, or adjacent to, any proposed residential development. Twenty percent of the required open space shall be devoted to recreational space. Recreational space is defined as good buildable land with no wetlands, floodplains, forest conservation, slopes in excess of 5% grade (once graded), or any other environmental or physical encumbrances. Physical improvements within the required recreational space (such as a community center, play equipment, etc.) can reduce the total required area below 20% at the Commission's discretion.

# § 180-140. Densities and floor area ratios.

- A. The maximum nonresidential floor area ratio shall be 0.15 based on the total development parcel. Floor area ratio shall be measured in square footage. The maximum residential density shall be two homes per acre based on the total development parcel. Residential density shall be measured in units per acre. For mixed-use buildings (i.e., residential over retail), the nonresidential shall be considered square feet and deducted from the total permissible nonresidential square feet and the residential shall be dwelling units and deducted from the total permissible residential density.
- B. No density bonuses from any other section of the Sykesville Zoning Code shall be permitted in the PEC Planned Employment Center.

# § 180-141. Maximum height.

The maximum building height shall be six stories.

# § 180-142. Bulk regulations (lot area, lot width, and yard requirements).

The bulk regulations for a PEC - Planned Employment Center shall follow traditional neighborhood design principles where buildings are close to streets and necessary services such as parking areas, trash containers, alleys, loading areas, etc., are hidden, in as much as possible, from public view. During the concept plan phase of the development approval process, the applicant shall provide the Commission with a list of building setback requirements from public streets, other structures within the development, and the property boundaries. Once approved by the Commission, these bulk requirements shall be included in the pattern book and govern development of the PEC - Planned Employment Center.

# § 180-143. Pattern book.

A. As part of the preliminary plan phase of the development approval process, the applicant shall provide the Commission with a pattern book that will address site planning, architectural, landscape architectural, and signage requirements for the proposed development. Once approved by the Commission, the pattern book shall govern development of the PEC - Planned Employment Center. If guidelines exist for the proposed development, such as the "Warfield Commercial Center: Design Guidelines and Standards for Signs and Energy Efficiency," then the applicant will follow them, or propose changes to account for changes in the land use, technology, or design approach. The pattern book shall be prepared by a licensed professional landscape architect, architect, or engineer.

- B. The pattern book shall include, at a minimum, the following sections:
  - (1) Introduction.
    - (a) Description of the overall development.
    - (b) Market analysis for the proposed uses.
    - (c) Relationship between the proposed development and the existing Town.
  - (2) Site planning principles.
    - (a) Relationship of uses within the development.
    - (b) Focal points of the development and how they have been maximized.
    - (c) Vehicular and pedestrian connectivity within the development and to the Town.
    - (d) Proposed recreational areas within and adjacent to residential areas. Including proposed improvements to recreational areas to serve the intended residential population.
    - (e) Building and parking setbacks.
    - (f) Parking ratios per use shall be in accordance with § 180-88.
    - (g) Proposed service and loading spaces.
  - (3) Architectural design.
    - (a) Architectural style and overall design principles.
    - (b) Graphic examples of selected style.
    - (c) Design details and materials.
  - (4) Landscape architectural design.
    - (a) Public spaces and art within the development.
    - (b) Hardscape and softscape design details and materials.
    - (c) Streetscape design.
    - (d) Site furnishing details and products.
    - (e) Landscape screening (perimeter buffers, parking lots, service and loading areas).

- (f) Lighting details and materials.
- (5) Signage plan.
  - (a) A signage plan for the Planned Employment Center shall be included in the pattern book. The signage plan shall outline:
    - [1] Size, type, and location of all signs at the entrance to the development.
    - [2] Size and type of the stationary direction sign.
    - [3] Size and type of all flat wall signs.
    - [4] Size and type of service entrance signs.
  - (b) Exterior signage in the Planned Employment Center shall be for identification only and may not be treated as an advertising device. Signage text is limited to company name and/or logo.
  - (c) Sign locations shall be permitted as follows:
    - [1] For each single-tenant building, one freestanding sign at a point near the project entrance and one building-mounted sign.
    - [2] For each multi-tenant building, one freestanding sign with only the building name at a point near the project entrance and a building-mounted tenant identification system for each tenant.
  - (d) Sign types shall be permitted as follows:
    - [1] Freestanding signs.
      - [a] Maximum size shall not exceed 24 square feet on a two-sided sign.
      - [b] Maximum height shall not exceed six feet above grade except for the sign identifying the Planned Employment Center.
      - [c] The sign shall be constructed of durable materials consistent with and/or complementary to the materials used in buildings within the Planned Employment Center.
      - [d] The sign shall be mounted on a sturdy base.
      - [e] Illumination by unobtrusive ground lighting is permissible.
    - [2] Building-mounted signs.
      - [a] Sign location on the building shall be compatible with the architectural design of the building.
      - [b] No signs may extend above the roof or parapet line of the building.
      - [c] Illumination may be internal through a translucent letter face or opaque letters project slightly off the wall and back-lit from a source concealed within the letter.

- (e) In multi-tenant buildings, the developer or owner is responsible for submitting a tenant identification system for approval.
  - [1] The system shall include a standardized design format to ensure matching of size, materials, color, finish, and typeface.
  - [2] The system shall be of a scale to identify individual tenants from parking areas rather than to provide major tenant visibility from surrounding roads.
  - [3] Tenant signage shall be building-mounted. The placement shall relate architecturally to door and window openings or other elements of the building.
  - [4] Each tenant shall be assigned a designated sign panel.
- (f) Sign color shall be limited to one color for the lettering and one color for the background. The background color shall be darker than the message and graphics. Where an additional color is desired because it is part of the owner's or tenant's logo, the Commission may modify this requirement.
- (g) Each lot is limited to one temporary sign, which may be double-sided and shall be removed within one year.
  - [1] Maximum sign area shall not exceed 32 square feet.
  - [2] Signs shall be mounted on two four-inch-by-four-inch wood posts with top of sign a maximum of eight feet.
  - [3] Actual mounting height permitted shall be determined by sign proportions and location.
- (h) The following are prohibited:
  - [1] Flashing or moving signs.
  - [2] Exposed neon or other exposed light source signs.
  - [3] Applied wood letters.
- (i) The guidelines established above shall supersede § 180-89. In addition, the Planning Commission can modify these guidelines based on a superior signage plan and program.
- (6) Management and maintenance program.
  - (a) For privately owned property.
  - (b) For common areas.
- (7) Phasing of the development.
  - (a) The anticipated time to complete the entire development.
  - (b)

When various uses of the development are anticipated to be developed. Consider balancing the development of various uses to maximize the fiscal benefit to the development and Town.

C. The pattern book shall be evaluated based on the Purpose and Objectives of the PEC - Planned Employment Center District as outlined in § 180-134.

# § 180-144. Approval process.

- A. A PEC Planned Employment Center shall follow a three-step approval process, including:
  - (1) Concept plan;
  - (2) Preliminary plan; and
  - (3) Final plan/subdivision.
- B. Any amendment of the plan must go through the same three-step process. If, however, the Town's Zoning Administrator believes the amendment is not substantive, then the concept and preliminary approval steps can be combined into one preliminary plan approval.
- C. An applicant shall submit all concept, preliminary and final plans to the Planning Commission for consideration. The purpose is to provide the Commission with sufficient information to determine the practicality and suitability of the proposed development. All plans shall be prepared by a licensed architect, registered civil engineer, professional landscape architect or other qualified land planner. All plans shall be to scale and contain the appropriate information for the submission (i.e., concept plans are more general than preliminary or final plans).

#### D. Hearing.

- (1) The Planning Commission shall hold a public hearing when considering the preliminary plan (including the pattern book). The following notice shall be given:
  - (a) At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.
  - (b) Property upon which a Planned Employment Center development is proposed shall be posted conspicuously by a notice at least 22 inches by 28 inches in size, at least 15 days before the date of the hearing.
  - (c) Notice of the hearing shall be sent by first-class mail to the person making application to the Commission no less than 15 days prior to the first scheduled hearing.
  - (d) At least 15 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

- (2) The Commission may approve or disapprove the Preliminary Plan (including the Pattern Book) after a public hearing.
- E. Should the Planning Commission determine additional assistance to review an application is required, the Town may hire licensed professionals (such as a landscape architect, architect, and/or engineer) to assist in the review of the application. The cost of any outside professionals shall be paid for by the applicant. The Town shall make every effort to minimize all costs associated with any outside professional assistance.

# § 180-145. Other applicable regulations.

The regulations provided herein are not meant to supersede other applicable Town, county, or state regulations such as historic district and Maryland Historic Trust requirements, stormwater management, parking regulation, forest conservation act requirements, and/or sediment and erosion control provisions. These, and other regulations, shall remain in full effect and govern the design.

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