

ORDINANCE NO. #39

An Ordinance of the Commissioners of Mardela Springs to be known as "The Zoning Ordinance of Mardela Springs, including a Zone District Map which shall be part of the Zoning Ordinance, to set forth the legislative standards for parking designed to lessen congestion in the Streets; to set forth standards and permissible uses designed to secure safety from fire, panic and other dangers; to promote health, aesthetics, and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing the Town of Mardela Springs into districts of such size and shape as may be best suited to carry out the purpose of the legislative height and size of buildings and other structures, building lines and setbacks, the size of yards, the density of the population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, in accordance with a comprehensive plan, to provide for off-street parking; and to provide for the administration and enforcement of the regulations and restrictions; to impose certain duties and confer powers and responsibilities upon the Board of Zoning Appeals; to authorize special exception; to provide for court review and to provide penalties for the violation of the provisions of this ordinance.

NOW THEREFORE, be it enacted and ordained, by the Commissioners of Mardela Springs as follows:

SECTION I: LEGISLATIVE AUTHORITY

a) By authority of Acts of the General Assembly of Maryland as set forth in Article 66B of the Annotated Code of Maryland and the amendments thereto, and in accordance with the Comprehensive Plan adopted by the Commissioners of the Town of Mardela Springs, Maryland; said Commissioners are empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, off-street parking, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, signs, structures and land for trade, industry, residence or other purpose.

SECTION II: METHOD OF REGULATION

a) The method to be used for implementing the legislative intent of Article 66B shall be by ordinance of the Town Commissioners dividing the Town into districts of such location, shape, and area as may be deemed best suited to carry out the purpose Article 66B. Within such districts, the Commissioners may regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land. The regulations in this Zoning Ordinance are intended to carry out the mandate of Article 66B.

b) Wherever the regulations of this ordinance conflict with any other Town ordinance concerning sizes, dimensions or uses of land, buildings or structure; the more restrictive interpretation of the two ordinances shall govern.

SECTION III: DEFINITIONS & WORD USAGE

a) Word Usage

1) For the purpose of this ordinance, certain words in the singular number shall include the plural number; and words in the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.

2) The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified. The word "lot" includes the word "plot"; the word "used" shall be deemed also to include "designed, intended or arranged to be used"; the term "erected" shall be deemed to also include "constructed, reconstructed, altered, placed, or moved". The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous".

3) The word "Town" shall mean Mardela Springs, Maryland. The terms "Town Commission", "Planning Commission", "Zoning Board of Appeals", "Building Inspector", "Health Inspector", and "Fire Inspector" mean the respective Commissions, Boards, and Officers of Mardela Springs, including certain officials of Wicomico County, Maryland who have been authorized by official actions of both the Town Commission and the County Council of Wicomico County to perform certain official duties within, and on behalf of, the Town of Mardela Springs.

b) Definitions

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

1) **AGRICULTURE or AGRICULTURAL** -- The bona fide use of a parcel of land of five (5) acres or more for the cultivation of crops, raising livestock or similar agrarian activity; along with the related buildings, structures and appurtenances necessary to carry-out the aforementioned activities.

2) **APARTMENT BUILDING** -- A single residential structure designed and constructed to contain three (3) or more separate dwelling units, regardless of the internal arrangement of such units or the ownership thereof.

3) **APARTMENT PROJECT** -- A group of two (2) or more apartment buildings constructed in accordance with a comprehensive development plan.

4) **AUTOMOBILE SALES LOT** -- Any place outside a building where two (2) or more vehicles are offered for sale, or rental, or advertising purposes.

5) **BED AND BREAKFAST** -- A building other than a hotel, motel, rooming house or restaurant where lodging is offered to the traveling public for temporary occupancy not exceeding thirty (30) days at any one visit, where the breakfast meal is provided as a part of the room rental charge, and where a resident family lives in the same building.

6) **BLOCK** -- An area of land surrounded on all sides by streets, railroads, watercourses, or other rights-of-way, regardless of size or shape of such land or the number of lots thereon.

- 7) **BUILDING** -- A structure having one (1) or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
- 8) **BUILDING, ACCESSORY** -- A building detached from and subordinate to a main building on the same lot and used for the purposes customarily incidental to the use of the main building or to any agricultural use shall be deemed an accessory building.
- 9) **BUILDING, MAIN** -- A building in which is conducted the principal use of the lot on which the building is situated.
- 10) **CARE HOME** -- Includes rest home, nursing home, convalescent home and boarding home for the aged established to render domiciliary care for chronic or convalescent patients; but excludes child care homes and facilities predominantly for the care of mentally retarded, mentally or emotionally disturbed, alcoholic or drug-addicted patients.
- 11) **CHILD CARE HOME** -- Private, public or semipublic facility licensed for the housing and care of children.
- 12) **CHURCH** -- A building used primarily for religious activities by an organization or group chartered by the State of Maryland as a non-profit organization for the usual purposes of religious organizations
- 13) **CLINIC, OUTPATIENT** -- Any institution receiving outpatients only and rendering medical service.
- 14) **COMMUNITY SEWER or WATER SYSTEM** -- Any public, semipublic or private system designed to provide sewer and/or water service to more than one (1) lot, and approved by the Wicomico County Health Department and/or the Maryland State Department of Health.
- 15) **COMMUNITY USE** -- A facility or land used for public recreation, safety, cultural or educational activities, which is owned and managed by a public, semipublic or nonprofit corporation.
- 16) **COMPREHENSIVE SITE PLAN** -- Plan or plans drawn to a scale of 1 inch equals 40 feet (or less), for the entire site or tract which shows all components of the proposed development and which contains the following information:
- a) Property survey prepared by a registered land surveyor or engineer, showing the exact boundaries and area of the site, plus the location of any existing easements on the site, and all natural features of the site including streams, wooded areas, pavements, etc.
 - b) A plan showing the final specific development proposed in its entirety including the location of buildings, parking areas, storm water management areas, sewage disposal areas, well(s) and any other improvements, as well as areas to be left in their natural state.
 - c) Elevation and floor plan drawings of new buildings or structures, or of alterations to be made to existing buildings.
 - d) A landscaping plan showing the locations, type and species of proposed plantings in screening areas and all other portions of the lot.

- 17) **DWELLING UNIT** -- A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.
- 18) **ESSENTIAL SERVICES** -- Facilities and structures owned or maintained by a government, a public agency or a public utility company for the purpose of and directly necessary for rendering or providing communication, electric, gas, sewer, water or comparable service of a public utility nature and, in fact, used for the rendering of that service.
- 19) **FAMILY** -- One (1) person or two (2), or more, persons related by blood or marriage.
- 20) **FAMILY DAY CARE HOME** -- Any dwelling unit licensed/registered by the appropriate state and/or county health or welfare agency to provide care for no more than eight (8) children separated from their parents or guardians during any part of the day and occupied by the family of the licensee.
- 22) **FARM** -- A parcel of land of five (5) acres or more on which bona fide agricultural and related uses are conducted as specified in the definition of agriculture".
- 23) **FARM ACCESSORY BUILDINGS** -- Accessory buildings for bona fide farm uses are structures which are necessary in the execution of the agricultural processes. These buildings are not intended to include food processing or manufacturing uses of a related nature.
- 24) **FLOOR AREA, GROSS** -- The aggregate area of all floors, including the area of the outside wall, and measured to the exterior of such wall.
- 25) **FRONTAGE** -- That dimension of a lot measured along and abutting and contiguous to the street right-of-way line (not the pavement line), or, if a street right-of-way line is curved, measured along the chord of the arc.
- 26) **GARAGE, ACCESSORY** -- An accessory building or part of a main building used only for the storage of motor vehicles as an accessory unit.
- 27) **GARAGE, REPAIR** -- A building or part thereof, other than an accessory or parking garage, used for the storage, care or repair of motor vehicles.
- 28) **GROUP DAY-CARE CENTER** -- Any place, however designated, licensed by the appropriate state and/or county health or welfare agency that, for part or all of a day, or on a 24 hour basis on a regular schedule, and at least twice per week, offers or provides child care.
- 29) **GUEST ROOM** -- A room or rooms in a single family residence, without kitchen facilities, but with access to sanitary facilities within the same structure; and rented to a non-family resident.
- 30) **HOME OCCUPATION** -- An occupation conducted, within a single family residence or an accessory building on the same lot as the residence, by a member or members of the immediate family residing therein; and, in which, there is no stock kept in trade, or commodity to be sold upon the premises other than those prepared on said premises for sale; and no person is engaged or employed other than a member of the immediate family residing on the premises; no equipment or facilities are used other than those needed for purely domestic or household purposes; the architectural style of the residence is not altered from its residential character; and no outside storage or display is utilized.

- 31) **HOME OFFICE** -- An office, studio or room used for the rendering of a service or advice for a fee when:
- a) Such use is conducted within a single family residence which is the bona fide residence of the principal practitioner or in an accessory building on the same lot with the residence, provided that adequate parking is available.
 - b) No other persons are employed in the occupation in excess of one (1) employee of the principal practitioner.
 - c) The architectural style shall not be changed from its residential character.
 - d) No outside storage or display is utilized.
 - e) The site shall not generate continuous traffic to the site.
- 32) **JUNKYARD** -- The use of any space, whether inside or outside a building, for the storage, keeping or abandonment, salvage or sale of junk, scrap metals or other scrap materials, including the dismantling, demolition or abandonment of one (1) or more automobiles or other vehicles or machinery or parts thereof.
- 33) **KENNEL** -- Any place in or at which more than three (3) dogs older than six (6) months of age, are kept; or, in which, any number of dogs are kept for the purpose of sale or in connection with the boarding, care or breeding of which any fee is charged.
- 34) **LOADING SPACE** -- Any off-street space available for the loading or unloading of goods.
- 35) **LOT** -- Land occupied or to be occupied by a building and any building accessory thereto or by a building group and any buildings accessory thereto, together with the open spaces appurtenant to such building or group, and either having its principal frontage on a street. A parcel of land shall be deemed a "lot" in accordance with this definition regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.
- 36) **LOT AREA** -- The total horizontal area included within lot lines.
- 37) **LOT, CORNER** -- A lot at the junction of and abutting on two (2) or more intersecting streets, or a lot bounded on and abutting on more than one (1) side by the same street.
- 38) **LOT, FRONTAGE** -- That portion of a lot abutting or contiguous to any street or road.
- 39) **LOT, INTERIOR** -- A lot other than a corner lot.
- 40) **LOT LINE** -- Any boundary line of a lot on a legally recorded plat.
- 41) **LOT LINE, REAR** -- The lot line that is generally opposite the lot line along the frontage of the lot. If the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten (10) feet long, lying wholly within the lot, and farthest from the front lot line.

- 42) **LOT WIDTH** -- The width of a lot along a line parallel to the frontage thereof and lying a distance therefrom equal to the required setback on said lot required by this ordinance, or of a greater setback line if established.
- 43) **MOBILE DWELLING** --See" Residence, Mobile"
- 44) **MOTEL** -- Any building or portion thereof containing sleeping accommodations in ten (10) or more rooms for persons who are not members of a family (as defined in this ordinance); regardless whether such establishment is designated as a hotel, inn, motel, motor lodge, etc.
- 45) **NEIGHBORHOOD SERVICE ESTABLISHMENT** -- A retail sales or service business not larger than two thousand five hundred (2500) square feet of gross building area; primarily utilized to provide goods and/or services to surrounding residential areas.
- 46) **NON-CONFORMING BUILDING or USE** -- A building or use lawfully existing at the time of adoption or amendment of this ordinance and which does not conform with the use regulations of the district in which it is located.
- 47) **OFFICE, MOBILE** -- A structure that contains one (1) or more office units and that is designed to be transportable, either by traction or under its own power. This definition shall apply whether or not the wheels or other devices for mobility are actually in place and regardless of alterations or additions to the original structure.
- 48) **PLAT** -- A sketch, map or survey of a lot or lots, tract or parcel of land, including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.
- 49) **PRIVATE CLUB** -- An association for civic, social, cultural, religious, literary, political recreational or similar activities, operated for the benefit of its members but not open to the general public.
- 50) **RECREATIONAL GROUND** -- Any establishment operated as a commercial enterprise in which facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, shooting, sports, games and like activities which require substantial areas and/or facilities.
- 51) **RESIDENCE** -- A building containing only dwelling units. The term "residence" or any combination thereof, shall not be deemed to include hotel, boarding house, rooming house, motel, hospital or other accommodations used for transient occupancy, or for mobile residences.
- 52) **RESIDENCE, MOBILE** -- A structure that contains one (1) dwelling unit which is transportable via a frame and undercarriage that is designed to permanently support it without requiring a separate fixed foundation for support. This definition shall apply regardless whether or not the frame and/or undercarriage are actually in place and regardless of alterations or additions to the original structure. A modular residence which is certified as such by the Maryland Department of Economic and Community Development shall not be deemed a "mobile residence".
- 53) **RESIDENCE, MULTIFAMILY** -- A residence containing three (3) dwelling units.
- 54) **RESTAURANT** -- Any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment

stand at a public playground, park, or community event shall not be deemed a restaurant.

55) RIDING STABLE -- Any place at which horses or ponies are kept for hire, either with or without instruction in riding.

56) SCHOOL ,NURSERY -- Any place, however designated, which is certified by the Maryland Board of Education to provide training, guidance and education for seven (7) or more children separated from their parents or guardians during any part of the day.

57) SCHOOL OF GENERAL INSTRUCTION -- A public, private or rochial school or college giving regular instruction at least five (5) days each week, except for holidays, during a normal school year of not less than seven (7) months; but not including a school a special instruction as defined herein, or a nursery school(unless conducted as part of a school of general instruction), nor a riding school however designated.

58) SCHOOL OF SPECIAL INSTRUCTION -- A school with three (3) or more employees primarily devoted to giving instruction in vocational, professional, commercial, musical, dramatic, artistic, linguistic, scientific, religious or other special subjects, but not including a nursery school or riding school.

59) SETBACK LINE -- A line drawn through the point of a building nearest to the street or lot line from which the setback line is measured, and lying parallel thereto. The term "required setback line" means a line beyond which no buildings or structures as defined by this ordinance are permitted to extend.

60) SHOPPING CENTER -- A group of commercial establishments planned, developed, owned and managed as a unit; with on-site parking and with similar architectural characteristics.

61) SHOPPING CENTER, NEIGHBORHOOD -- A group of commercial establishments providing for the sale of convenience items or personal services.

62) SIGN -- Any device on which lettered, figured or pictorial matter is displayed for the purpose of visually bringing the subjects to which it is appertaining to the attention of the public while viewing the same from outdoors. Any lighting used to delineate any part of a building, except as part of a seasonal display, shall be deemed to be a sign display. This does not include any flag of and displayed by a governmental agency, or any flag or banner of and displayed by any civic, religious or charitable organization.

a) **Commercial Sign** -- Any sign belonging to or controlled by the owner or occupant of a building or premises which is used to identify the building or premises or the products or services sold therein or thereon.

b) **Flashing Sign** -- A sign, the illumination of which is not kept stationary or constant in intensity at all times when in use, except that illuminated signs which indicate the temperature, time, date or similar public service shall not be considered "flashing signs".

c) **Indirectly Illuminated Sign** -- An illuminated, non-flashing sign whose illumination is derived from an external artificial source so arranged that no direct rays of light are projected from such source into any residential district or public street.

- d) **Outdoor Advertising Structure** -- Any poster panel, billboard, painted bulletin or other structure, device, surface or display used for advertising purposes which is not located on the premises of the business advertised.
- e) **Sign Area** -- The entire area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area, but not including any structural elements outside the limit of such sign nor forming an integral part of the display. Only one (1) side of a double - faced or V-type sign structure shall be used in computing allowable sign area.
- 63) **STREET** -- A public road, access way, or right -of -way, owned or maintained by the Town or its assigns, or by Wicomico County or the State of Maryland; but not including private lanes, roads or rights-of-way open to the public but never owned or maintained by the Town or other governmental body.
- 64) **STRUCTURE** -- Any combination of materials forming any construction, the use of which requires location on the ground or attachment to something having location on the ground.
- a) For the purposes of this ordinance, the term "structure" shall not include awnings, chimneys, sidewalks, porch steps, driveways, mailboxes, fences, roof overhangs not exceeding two (2) feet, shelters for school bus stops, tree houses, exterior lighting, and similar items.
- b) Porches, patios, decks, carports and similar constructions which are enclosed by walls and/or roof shall be deemed "structures"; if not enclosed by walls or roof said constructions shall not be deemed "structures" unless the height of the floor or deck of said construction is more than eighteen (18) inches above or below the average ground level at the perimeter of the construction.
- 65) **SUBDIVISION** -- A lot, parcel or tract of land which has been legally subdivided, platted and recorded according to the laws of the Town and the State of Maryland.
- 66) **THEATER, INDOOR** -- A building designed and/or used primarily for the commercial exhibition of motion pictures or live shows to the general public.
- 67) **TOURIST HOME** -- A dwelling in which, for compensation, lodging is provided or offered to not more than nine (9) transient guests. A "tourist home" shall not be deemed a "home occupation".
- 68) **TOWNHOUSE** -- A single family dwelling forming one (1) of a series of attached single family dwellings, which may be offered for sale or rental, separated from one another by a party wall without doors, windows or other provisions for human passage or visibility or sound transmission.
- 69) **TRAVEL TRAILER** -- A portable vehicular structure not over eight (8) feet wide or thirty-five (35) feet in length, designed as a temporary living unit for travel, recreation, and vacation uses.
- 70) **USE, ACCESSORY** -- A use which is customarily incidental and subordinate to the principal use of a lot or a building, and which is located on the same lot therewith.
- 71) **USE, PERMITTED** -- Those uses specifically listed in this ordinance as "uses permitted inherently", not to include uses herein described as "non-conforming uses".

72) **USE, PRINCIPAL** -- The primary purpose for which a building or lot is designed, arranged, intended, occupied, maintained or used.

73) **WAYSIDE STAND** -- A structure, whether permanent, temporary, mobile or fixed, including tables or other means of displaying for sale predominantly local farm produce on a seasonal basis.

a) Display of non-produce items and non-local produce may not exceed a combined total of twenty (20) percent of the total display area of a wayside stand

b) Operation of a wayside stand may not exceed six (6) months per calendar year.

74) **YARD** -- An open space, unoccupied by any structure, on the same lot with a building or a building group, lying between the building or building group and the nearest lot line.

SECTION IV: ZONING DISTRICTS

a) In accordance with the Comprehensive Plan adopted by the Town Commission, this ordinance establishes four (4) Zoning Districts for the Town. The location and boundaries of these districts are shown on the Official Zoning Map of the Town which is signed by the members of the Town Commission and is located at the Town offices in Mardela Springs.

b) The Zoning Districts for the Town are:

1) **Rural Residential:** Undeveloped areas designated primarily for single family detached homes and related uses, with a development density of approximately three (3) to four (4) persons per acre.

2) **Village Residential :** Existing residential area of the Town, including some vacant lots, with an existing population density of slightly over four (4) persons per acre.

3) **Village Center District:** Existing mixed use areas of the Town, including both neighborhood commercial and residential uses.

4) **Highway Commercial District:** Area reserved for commercial activities that depend on highway traffic for business.

c) The requirements of this ordinance may be modified to the extent necessary that all land within the Chesapeake Bay Critical Area, as established by other Town Ordinance, shall comply with the provisions of that regulation.

ARTICLE II RURAL RESIDENTIAL DISTRICT

SECTION I: PURPOSE

a) The purpose of this district is to establish a low density development area which will allow for some growth of the Town, while protecting its limited drinking water resources from exhaustive use and/or sewage contamination.

b) Uses Permitted:

No building, structure, or land shall be used, and no building or structure shall hereafter be erected, structurally altered, or enlarged, except for one (1) or more of the following uses:

SECTION II: USES

a) Uses permitted inherently:

1) Agriculture and related agricultural activities on existing tracts of five (5) acres or more, including but not limited to:

a) The raising, harvesting, and storage of field crops, orchards, vegetables, "U-Pick" crops, tree and shrub nurseries, etc.

b) The raising of livestock;

c) The raising of poultry for home use only, in numbers not to exceed a total of _____ birds at any one time.

d) The construction and use of accessory buildings related to the agricultural activities of the owner or operator.

e) Provided that no structure for the housing of animals, feed lots, or storage of animal waste, feed or grain shall be located within two hundred (200) feet of any adjoining lot line.

2) Family Day Care Home on a minimum lot of one (1) acre.

3) Home Occupation: as defined in this ordinance

4) Home Office: as defined in this ordinance

5) Rental of guest rooms to not more than a total of two (2) roomers within a single family residence on a parcel of land not less than one (1) acre.

6) Residences, Single- family.

7) Cemeteries

b) Uses Permitted By Special Exception:

1) Churches, Places of Worship: with accessory education buildings, meeting halls and offices.

2) Residence, Mobile: In accordance with Chapter 5, Article 3, Section 5-301 of the Code of Ordinances for the Town of Mardela Springs, Maryland (Mobile Home Regulations). Setback requirements of this zoning ordinance shall supersede those of said Mobile Home Regulation.

3) Schools of Special Instruction: as defined in this ordinance

c) Accessory Uses and Buildings

1) **Accessory uses, buildings and structures** incidental to and associated with uses permitted inherently or by special exception, provided that all such buildings, uses, and structures are on the same lot as the principal use.

2) **Accessory residential buildings and structures**, including but not limited to; private garages, detached home workshops; swimming pools, cabanas, greenhouses not larger than 500 square feet; private studios; boat houses, piers, etc. All accessory uses shall be setback a minimum of 25 feet from any adjoining lot line, they shall be incidental to the use of the property as a residence, and they shall be on the same lot as the residence.

3) Accessory Apartment

Not more than one (1) apartment unit as an accessory use within a single family residence or an accessory building on the same lot, provided that

a) The lot size shall be a minimum size of one (1) acre.

b) The apartment shall be no larger than 50% of the square footage of the residence and;

c) All parking for the apartment is located in the rear yard as required for the residence.

d) No accessory apartment may be constructed or utilized on any property which also has guest rooms (as defined by this ordinance).

4) **Mobile residences or mobile offices** may not be used as accessory structures on any lot.

SECTION III: MINIMUM DEVELOPMENT STANDARDS

a) Area Requirements

1) **Each principal use**, together with all accessory buildings and uses, with a private on-site septic system and well shall be located on a lot of land having a minimum area as determined by the Wicomico County Health Department; but in no event shall any lot, hereafter created in this district, have an area of less than _____ square feet.

2) **Any existing lot**, legally recorded by deed or plat of record at the time of enactment or subsequent amendment to this ordinance, shall be considered a minimum lot under the terms of this ordinance.

b) Setback Requirements

The following minimum setback requirements for front, rear and side yards shall apply to all buildings or structures in this zoning district:

1) **Front Yard Requirements:** Fifty (50) feet from the front property line, or Seventy-five (75) feet from the center line of Street, whichever is greater

2) **Rear Yard Requirements:** Thirty (30) feet from the property line

3) **Side Yard Requirements: (Interior Lots) :** A total of two (2) side yards of fifteen (15) feet each.

4) **Corner Lot Requirements:** The front yard setback distance shall be maintained from all public Streets (as defined in this ordinance). Setbacks from private lanes or roads shall be a minimum of fifteen (15) feet.

c) Lot Requirements and Restrictions

1) **All interior lots** herein after established in this district by subdivision of existing lots shall have a minimum width of one hundred (100) feet at the Front Setback Line. All corner lots shall have a minimum width of one hundred twenty-five (125) feet measured along the front setback line.

2) **At least two (2) off-street parking spaces**, per family, shall be provided for each residence, plus at least one (1) off-street parking space for each apartment and one (1) for each guest room in this district. No parking area for more than five (5) vehicles shall be located closer than twenty (20) to the nearest residential property line.

3) **All areas not devoted to building and related uses** as required by this ordinance, shall be landscaped with a combination of ground cover, grass, trees and shrubbery; and shall be maintained in an suitable manner; except that agricultural lands need not be landscaped.

4) **No structure or building** may be erected or built to a height exceeding thirty-five (35) feet; excluding television antennas, farm structures, chimneys, and roof-top HVAC equipment.

**ARTICLE III
VILLAGE RESIDENTIAL DISTRICT**

SECTION I: PURPOSE

a) The purpose of this district is to recognize standards that have been established for much of the Town over a period of many years, and to set forth regulations that will tend to maintain these standards and protect the residential properties from encroachment by incompatible uses.

SECTION II: USES

No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered or enlarged except for one (1) or more of the following uses:

a) Uses Permitted Inherently

1) Residences : Single Family

2) Accessory Residential Uses, including but not limited to: private garage, detached home workshop, swimming pool, greenhouse, private studio, etc. all of which shall be incidental to the use of the property as a residence.

3) Home Occupations

- 4) **Home Offices**
- 5) **Family Day Care Home:** as defined in this ordinance.
- 6) **Community Use:** as defined in this ordinance.
- 7) **Cemeteries**
- b) **Uses Permitted By Special Exception:**
 - 1) **Antique Sales and refinishing** conducted as a home occupation.
 - 2) **Apartment Building:** as defined in this ordinance
 - 3) **Bed and Breakfast:** as defined in this ordinance
 - 4) **Guest Room:** as defined in this ordinance
 - 5) **School, Nursery:** as defined in this ordinance
 - 6) **School of Special Instruction:** as defined in this ordinance
 - 7) **Care Home, including Child Day Care** not in a Family Day Care Home.
 - 8) **Residence, Two-Family and Multi-family:** as defined in this ordinance
 - 9) **Churches, and other Places of Worship**
- c) **Accessory Uses and Buildings**
 - 1) **Accessory uses, buildings and structures incidental to and associated with uses permitted inherently or by special exception, provided that all such buildings, structures and uses are on the same lot as the principal use.**
 - 2) **Accessory residential buildings and structures, including but not limited to; private garages, detached home workshops, swimming pools, cabanas, greenhouses not larger than 500 square feet, private studios, boat houses, pier, etc. All accessory shall be setback a minimum of ten (10) feet from any adjoining lot line; they shall be incidental to the use of the property as a residence; and they shall be on the same lot as the residence.**
 - 3) **Accessory Apartment. Not more than one (1) apartment unit as an accessory use within a single-family residence or an accessory building on the same lot, provided that:**
 - a) **The apartment shall be no larger than 50% of the square footage of the residence.**
 - b) **All parking for the apartment and the single-family residence is off-street.**
 - c) **No accessory apartment may be constructed or utilized on any property which also has guest rooms. Mobile residences or mobile offices may not be used as accessory structures on any lot.**

SECTION III: MINIMUM DEVELOPMENT STANDARDS

a) Area Requirements

1) Each principal use, together with all accessory buildings and with a private on-site septic system and well shall be located on a lot of land having a minimum area as determined by the Wicomico County Health Department; but in no event shall any lot, herein after created in this district, have an area of less than _____ square feet.

2) Any existing lot, legally recorded by deed or plat of record at the time of enactment of this ordinance, shall be considered a minimum lot under the terms of this ordinance.

b) Setback Requirements

The following minimum setback requirements for front, rear and side yards shall apply to all buildings or structures in this zoning district.

1) **Front Yard Requirements:** Thirty (30) feet from the front property line, or Fifty-five (55) feet from the center line of Street, whichever is greater.

2) **Rear Yard Requirements:** Thirty (30) feet from the rear property line.

3) **Side Yard Requirements (Interior Lots) :** A total of two (2) side yards of ten (10) feet each.

4) **Corner Lot Requirements:** The front yard setback distance shall be maintained from all public Streets. Setbacks from private lanes or roads shall be a minimum of fifteen (15) feet.

c) Lot Requirements and Restrictions

1) All interior lots herein after established in this district by subdivision of existing lots shall have a minimum width of Seventy-five (75) feet at the Front Setback Line. All corner lots shall have a minimum width of One Hundred (100) feet measured along the front setback line.

2) At least two (2) off-street parking spaces, per family, shall be provided for each residence, and at least one (1) off-street parking space for each apartment and each guest room in this district.

3) No structure or building may be erected or built to a height exceeding thirty-five (35) feet: excluding television antennas and chimneys.

ARTICLE IV VILLAGE CENTER DISTRICT

SECTION I: PURPOSE

The purpose of this district is to provide development alternatives and to allow for neighborhood service establishments in those areas of the Town which have historically had a mixture of both residential and business uses.

SECTION II : USES

No building, structure or land shall be used, and no building or structure shall herein after be erected, structurally altered, or enlarged, except for one (1) or more of the following uses:

a) Uses permitted inherently:

1) Antique Sales

2) Bed and Breakfast facilities of not more than four (4) guest rooms within one building or residence per lot.

3) Bakeries

4) Barber Shops & Hairdressers' Shops

5) Business & Professional Offices: other than Medical / Dental offices

6) Dwelling units above the first floor of commercial buildings: Limited to one (1) apartment.

7) Residences:

a) Single Family residence

b) Two family Residence on a minimum lot of 22,000 sq. ft.

8) Family Day Care Home: as defined in this ordinance.

9) Banking Institutions: with site plan approval from the Town

10) Home Occupations

11) Home Offices

12) Community Uses

13) Churches, and Places of Worship

14) Private Club hall or lodge building

15) Restaurant: with off-street parking

16) Public Cultural Facilities; Libraries, Museums, art Galleries, etc.

17) Neighborhood Service Establishments

18) Accessory Buildings / Uses

19) Art / Photography Studios

20) Essential Services: as defined in this ordinance, including Fire & Rescue facilities, Municipal offices, etc., with supporting activities.

21) Gift Shops: including Flower Shops, Arts & Crafts Shops, and similar establishments.

b) Uses permitted by Special Exception:

- 1) Cabinet Making Woodworking Shop**
- 2) Apartment Building:** as defined in this ordinance
- 3) Guest Rooms :** as defined in this ordinance
- 4) School, Nursery:** as defined in this ordinance
- 5) School of Special Instruction :** as defined in this ordinance
- 6) Care Home:** including Child Day Care not in a Family Day Care Home, and Nursing Homes for the Aged.
- 7) Medical / Dental Offices or Clinics**
- 8) Catering Establishments**
- 9) Residence, Multi-Family :** as defined in this ordinance
- 10) Cemeteries**
- 11) Temporary Circus / Carnival Grounds**

c) Accessory Uses and Buildings

- 1) Accessory uses, buildings and structures incidental to and associated with uses permitted inherently or by special exception ,provided that all such buildings, structures and uses are on the same lot as the principal use.**
- 2) Accessory residential buildings and structures, including but not limited to; private garages, detached home workshop, swimming pools, cabanas, greenhouses not larger than two hundred (200) square feet, private studios, boat houses, piers, etc. All accessory uses shall be setback a minimum of ten (10) feet from any adjoining lot line; they shall be incidental to the use of the property as a residence; and they shall be on the same lot as the residence.**

3) Accessory Apartment

Not more than one (1) apartment unit as an accessory use within a single-family residence or an accessory building on the same lot, provided that:

- a) The apartment shall be no larger than 50% of the square footage of the residence.**
- b) All parking for both the apartment and the single family residence shall be off-street.**
- c) No accessory apartment may be constructed or utilized on any property which also has guest rooms.**
- 4) Mobile residences or mobile offices may not be used as accessory structures on any lot.**

SECTION III: MINIMUM DEVELOPMENT STANDARDS

a) Site Plan Approval

Prior to the development, utilization or change in use of any lot or parcel within this district, a Comprehensive Site Plan shall be submitted to, and approved by, the Town.

b) Area Requirements

1) Each principal use together with all accessory uses with a private on-site septic system and well, shall be located on a lot having a land area as determined by the Wicomico County Health Department, but in no event shall any lot hereinafter created in this district, be less than _____ square feet.

2) Any existing lot legally recorded by deed or plat of record at the time of enactment of this ordinance, shall be considered a minimum lot under the terms of this ordinance.

c) Setback Requirements

The following minimum setback requirements for front, rear and side yards shall apply to all buildings or structures in this zoning district:

1) **Front Yard Requirements:** Thirty (30) feet from the front property line, or Seventy-five (75) feet from the center line of Street, whichever is greater.

2) **Rear Yard Requirements:** Twenty-five (25) feet from the rear property line.

3) **Side Yard Requirements (Interior Lots):** A total of two (2) side yards of ten (10) feet each.

4) **Corner Lot Requirements:** The front yard setback distance shall be maintained from all public streets (as defined in this ordinance). Setbacks from private lanes or roads shall be a minimum of ten (10) feet.

d) Lot Requirements and Restrictions

1) All interior lots hereinafter established in this district by subdivision of existing lots shall have a minimum width of Seventy-five (75) feet measured along the front setback line. All corner lots shall have a minimum width of one hundred (100) feet measured along the setback line.

2) At least two (2) off-street parking spaces shall be provided for each residence; plus at least one (1) off-street parking space per apartment or guest room in this district. Parking requirements for other uses shall conform to Section ____ of this ordinance.

3) The height limitations on all buildings and structures shall not exceed thirty-five (35) feet.

4) Service drives and loading/unloading areas shall be located so that in the process of loading and unloading, no vehicle will block the passage of other vehicles on the service drive nor extend into any public street or private way.

5) Lighting

- a) **Lighting shall be designed so as not to interfere with the use of surrounding properties.**
- b) **Flashing or blinking lights, and flashing signs (as defined in this ordinance) are prohibited.**
- c) **Light poles shall not exceed twenty (20) feet in height.**
- d) **Lighting for all free standing signs in this district shall be designed to shine directly on to the face of the sign from an external light source. (indirect illumination)**
- e) **Nothing in this ordinance shall interfere with lighting used temporarily for recreational or sports events, nor for lighting at temporary carnivals or similar activities, providing however that such lighting is extinguished no later than _____ pm.**

6) Signs

- a) **The total amount of advertising signage on any lot shall be limited to fifty (50) square feet.**
- b) **All signs shall be compatible with the residential character of the building and neighborhood (as determined by the Town).**
- c) **One (1) ground mounted sign may be permitted no larger than twenty-five (25) square feet with no dimension greater than six (6) feet in length or width; setback a minimum ten (10) feet from the front property line and extending no higher than nine (9) feet above the ground. Providing that said sign does not limit visibility in such a manner as to be a safety hazard (as determined by the Town).**
- d) **Only indirect illumination of signs is permitted in this district.**
- e) **Permits shall be obtained for any sign greater than four (4) square feet in area, as required by Article VII of this ordinance.**

7) Landscaping & Screening

- a) **All areas not devoted to building or required parking areas shall be landscaped in grass, trees or shrubbery or as may be approved by the Town.**
- b) **Any commercial use of a lot, building or structure which abuts a residence on another lot shall require a landscaped screening area, in accordance with a plan approved by the Town, at least ten (10) feet in width along the abutted property line; or if a ten (10) foot strip of land is not available due to the dimensions of the lot(s), then a suitable architecturally solid fence of not less than eight (8) feet in height may be allowed by the Town.**
- c) **All landscaped and parking areas shall be maintained in a suitable manner.**

8) Storage

a) All storage whether a part of a permitted use, a use allowed by Special Exception, or allowed as an accessory use shall be entirely enclosed within a building or structure.

9) Exterior Design Standards

a) The residential appearance of all existing buildings and structures shall be retained.

b) All new structures shall be designed in residential style, or in a style compatible with the adjacent (as defined in this ordinance) buildings and structures, as approved by the Town.

c) Minor maintenance and alterations may occur without the necessity of a plan approval by the Town, provided that the residential appearance of the structure is not altered.

**ARTICLE V
HIGHWAY COMMERCIAL DISTRICT**

SECTION I: PURPOSE

The purpose of this district is to provide lands for primarily economic activities, the exchange of goods and the provision of services to the residents of the Town and the near by communities; in locations which benefit from highway traffic while limiting the need for traffic into the residential areas of the Town.

SECTION II: USES

No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged except for one (1) or more of the following uses:

a) Uses Permitted Inherently:

- 1) Automotive Service Stations :** with or without garage facilities, and with or without mini-mart facilities; but not including car washes.
- 2) Bakeries**
- 3) Banks**
- 4) Barber & Beauty Shops**
- 5) Business & Professional Offices**
- 6) Community Uses :** as defined in this ordinance
- 7) Retail Sales**
- 8) Farm Equipment Sales & Service**

9) Farm Supplies, Feed & Grain

10) Motels

11) Lawn and Garden Centers

12) Restaurants

13) Small Engine Repair

14) Shopping Centers, Neighborhood

15) Wayside Stands

b) Uses Permitted By Special Exception:

1) Art / Photography Studio

2) Amusement Centers: including Billiard Parlors, Bowling Alleys, Arcades, etc.

3) Clubs or Lodges, Private

4) Catering Establishments

5) Circuses & Carnivals

6) Light Industrial Uses: limited to assembly of finished products within a building not to exceed 10,000 square feet in size.

7) Funeral Homes

8) Medical / Dental Offices or Clinics

9) Saw Mills

c) Uses Specifically Prohibited

In order to conserve and protect the water supply for the Town, certain uses which consume large quantities of water and or generate significant quantities of sewage for disposal through ground leaching fields, are specifically prohibited. These uses include:

1) Car Washes, Vehicle Washing Establishments

2) Laundries, Laundromats

3) Dry Cleaning Establishments

4) Water Slides and related recreational facilities

5) Travel Trailer Dumping Stations

6) Other uses may be prohibited based upon water consumption or sewage generation.

d) Accessory Uses and Buildings

1) Accessory uses, buildings and structures incidental to and associated with uses permitted inherently or by special exception are allowed provided that all such buildings, structures and uses are on the same lot as the principal use.

2) Mobile offices may be permitted by special exception as accessory uses in this district.

SECTION III: MINIMUM DEVELOPMENT STANDARDS

a) Site Plan Approval

Prior to the development, utilization, or change in use of land, buildings or structures in this district, a Comprehensive Site Plan shall be submitted to, and approved by, the Town.

b) Area Requirements

1) Each principal use, together with all accessory buildings and uses, with a private on-site septic system and well shall be located on a lot of land having minimum area as determined by the Wicomico County Health Department; but in no event shall any lot, hereafter created in this district, have an area of less than _____ square feet.

2) Any existing lot, legally recorded by deed or plat of record at the time of enactment or subsequent amendment of this ordinance, shall be considered a minimum lot under the terms of this ordinance.

c) Setback Requirements

The following minimum setback requirements for front, rear and side yards shall apply to all buildings or structures in the zoning district:

1) **Front Yard Requirements:** Fifty (50) feet from the front property line, or Seventy-five (75) feet from the center line of the Street, whichever is greater.

2) **Rear Yard Requirements:** Thirty (30) feet from the rear property line.

3) **Side Yard Requirements (Interior Lot):** A total of two (2) side yards of ten (10) feet each.

4) **Corner Lot Requirements:** The Front Yard setback distance shall be maintained from all public streets. Setbacks from private lanes or roads shall be a minimum of fifteen (15) feet.

d) Lot Requirements and Restrictions

1) All interior lots hereinafter established in this district by subdivision of existing lots shall have a minimum width of one hundred (100) feet at the Front Setback line. All corner lots shall have a minimum width of one hundred fifty (150) feet measured along the front setback lines.

2) **Parking requirements** for this district shall conform to Article _____ of this ordinance.

3) **The height limitations** on all buildings and structures shall not exceed thirty-five (35) feet, except for HVAC rooftop units, antennas or chimneys.

4) Service drives and loading/unloading areas shall be located so that in the process of loading and unloading, no vehicle will block the passage of other vehicles on the service drive nor extend into any public street or private way.

5) Lighting

a) Lighting shall be designed so as not to interfere with the use of surrounding properties.

b) Flashing or blinking lights, and flashing signs (as defined in this ordinance) are prohibited.

c) Light poles shall not exceed thirty (30) feet in height.

d) Lighting for all free standing signs in this district shall be designed to shine directly on to the face of the sign from an external light source. (indirect illumination). Except as may be allowed by variance by the Town.

e) Nothing in this ordinance shall interfere with lighting used temporarily for recreational or sports events, nor for lighting at temporary carnivals or similar activities, providing however that such lighting is extinguished no later than 11 pm.

6) Signs

a) The total amount of advertising signage on any lot shall be limited to one hundred (100) square feet.

b) All signs shall be compatible with the character of the building and neighborhood (as determined by the Town).

c) Permitted sizes and locations of signs shall be in accordance with Article VII of this ordinance.

d) Only indirect illumination of signs is permitted in this district, except by variance granted by the Town.

7) Landscaping & Screening

a) All areas not devoted to building or required parking areas shall be landscaped in grass, trees or shrubbery or as may be approved by the Town.

b) Any commercial use of a lot, building or structure which abuts a residence on another lot shall require a landscaped screening area, in accordance with a plan approved by the Town, at least ten (10) feet in width along the abutted property line; or if a ten (10) foot strip of land is not available due to the dimensions of the lot(s), then a suitable architecturally solid fence of not less than eight (8) feet in height may be allowed by the Town.

c) All landscaped and parking areas shall be maintained in a suitable manner.

8) Storage

a) All storage whether a part of a permitted use, a use allowed

by special Exception, or allowed as an accessory use shall be entirely enclosed within a building or structure.

ARTICLE VI OFF - STREET PARKING AND LOADING

SECTION I: PURPOSE

a) In order to facilitate the movement of police, fire and rescue vehicles, to prevent congestion in the streets, to prevent obstructing of traffic and to lessen risks of accidents to the residents of and visitors to the Town, the following regulations are established.

SECTION II: GENERAL OFF-STREET PARKING REQUIREMENTS

a) After the effective date of this ordinance, no land shall be used or occupied, no structure shall be erected or expanded, used or occupied, and no use shall be operated, unless the off-street parking space herein required is provided.

1) No off-street parking space greater than exists at the effective date of this ordinance need be provided nor maintained for land, structures or uses actually used, occupied and/or operated on the effective date of this ordinance.

2) Any change in the existing use of a lot, building or structure after the effective date of this ordinance, including activating of a previous use which had been discontinued for a period of one hundred eighty (180) days or more, shall require conformance to the off-street parking requirements herein.

3) Any expansion of the building or land area of a use existing at the effective date of this ordinance, shall require conformance to the off-street parking requirements herein.

b) Any building, structure or use not specifically mentioned in this ordinance shall provide off-street parking according to requirements determined by the Town based on regulations for similar type uses.

c) Whenever a building permit has been granted, and the plans so approved contain off-street parking space provisions, the subsequent use of such property shall be deemed conditional upon the unqualified continuance and availability of the parking space provisions contained in such plans. Any use of the property shall be a violation of this ordinance.

d) The off-street parking facilities required for the uses mentioned in this ordinance, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve. Except that:

1) Cooperatively established and operated facilities may satisfy the requirements of this ordinance, after approval by the Town, provided that the number of spaces designated is not less than the sum of individual requirements and that the other requirements in regard to off-street parking are met.

2) Off-street parking facilities may be provided, with the specific approval of the Board of Zoning Appeals, on a lot or parcel of land other than that on which the

structure is located; provided that said use as a parking facility is recorded in the Land Records of Wicomico County as an easement on the parcel so used.

- e) All off-street parking areas that are located so that vehicles may back out directly into a public street are prohibited, except for single family residences.
- f) No required off-street parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- g) All off-street parking areas for more than two (2) vehicles shall be paved with permanent, all-weather materials such as : tar-and-chip, asphalt, concrete, etc.. And they shall be graded to drain so as to prevent damage to abutting properties.
 - 1) The Zoning Board of Appeals may allow exceptions to this paving requirement when a less permanent surface material, such as stone or shells, is more in keeping with the character of the site.
- h) The number of off-street parking spaces shall not be reduced except upon approval of the Board of Zoning Appeals.
- i) Each off-street automobile parking space shall be a minimum of one hundred seventy (170) square feet, of appropriate dimensions for an automobile. Said area is exclusive of access drives, entrances, exits, etc.
- j) No parking area or access drive for parking facilities or areas for more than five (5) cars shall be located closer than ten(10) feet to any adjacent property line.

SECTION III: MINIMUM DIMENSIONS FOR MANEUVERING SPACES

Minimum dimensions for off-street parking and maneuvering shall be:

- a) Ninety - Degree Angle Parking: Each parking space shall be not less than nine (9) feet wide nor less than nineteen(19) feet in length. Maneuvering space or driveways thereto shall be not less than twenty -four (24) feet wide when measured perpendicular to the center line of said driveway.
- b) Sixty - Degree Angle Parking: Each parking space shall be not less than nine(9) feet wide, measured perpendicular to the sides of the space, nor less than twenty-one (21) feet in length when measured along the center line of the space. Maneuvering space or driveways thereto shall not be less than sixteen (16) feet wide when measured perpendicular to the centerline of said driveway.
- c) Forty-five Degree Angle Parking: Each parking space shall be a minimum of nine (9) feet wide perpendicular to the sides of the space, and a minimum of twenty (20) feet in length when measured along the center line of the space. Maneuvering space or driveways thereto shall be not less than fifteen (15) feet wide when measured perpendicular to the center line of said driveway.

SECTION IV: NUMBER OF SPACES REQUIRED

Requirements for specific uses are as follows:

- a) Automobile Filling Stations: one (1) space per gasoline pump, plus two (2) other spaces, plus one (1) per on-duty employee.

- b) Auto or Truck Repair Garage: one (1) parking space per every two hundred (200) square feet of gross floor area, plus one (1) space for each employee.
- c) Private lodges, clubs, library, museum : one (1) space for every two (200) square feet of gross floor area, plus one space for each employee.
- d) Retail Sales Stores: one (1) parking space for every two (200) square feet of gross floor area, plus one (1) space for every two (2) employees.
- e) Motel, Tourist Home, Guest House : one (1) parking space for every room, plus one (1) space for every employee.
- f) Funeral Home : Thirty-five (35) spaces for each viewing room, plus one (1) space for each business vehicle and one (1) space for each employee.
- g) Office Building, Professional Offices: one (1) parking space for every two hundred (200) square feet of gross floor area.
- h) Recreational establishment, Arcade, Bowling Alley : Twenty-five (25) spaces for patrons, plus one (1) for each employee; plus (for bowling alleys) one additional space for each bowling lane.
- i) Restaurant: One (1) parking space for every one hundred (100) square feet of gross floor area, plus one (1) space per employee.
- j) Schools of Special Instruction: One (1) parking space for every one hundred fifty (150) square feet of gross floor area, plus one (1) space for every two(2) employee.
- k) Theater, Church, Stadium: One (1) parking space for every three (3) seats of the maximum seating capacity.
- l) Light Industrial Buildings : One (1) parking space for every two employees on the main shift.
- m) Medical / Dental Office or Clinic: Four (4) parking spaces per doctor, plus one (1) additional space for every two (2) employees.
- n) Nursing Home, Convalescent Home: One (1) parking space for every five (5) rooms, plus one space for each employee.
- o) Nursery School, Child Day Care : Six (6) parking spaces , plus one (1) space for every two (2) employees, plus one (1) off-street loading and unloading area.
- p) Uses not listed shall provide parking spaces as per permit from the Town.
- q) Conflict between requirements of this section and any other section of this ordinance shall be resolved by the Board of Zoning Appeals.

ARTICLE VII SIGNS

SECTION I: PURPOSE

- a) The following regulations and restrictions are designed to ensure that signs by their nature, size, structure, design ,colors, lighting or location will not have an adverse effect on surrounding properties or on the community as a whole.

SECTION II: COMMERCIAL and ON SITE ADVERTISING

The following signs on the premises of the business advertised may not be erected without a permit from the Town, and shall conform to the following location, area and other requirements.

a) **Pedestal Signs:** Signs supported by not more than two(2) posts or poles. Said posts or poles shall not be larger than 18 inches square or 18 inches in diameter. Post or Poles may be located within the building setback lie, but no closer than two (2) feet from the front property line and five (5) feet from all other property lines. Pedestal signs shall not be higher than twenty-five (25) feet to the highest point, nor lower than ten (10) feet to the lowest point. Pedestal signs shall not be greater than one hundred (100) square feet in area per face.

b) **Ground Signs:** Signs that are self-supporting. Any sign other than a pedestal sign, or other sign specifically defined herein, which extends from the ground independent of any other structure shall be considered a ground sign These signs may not located closer than fifteen (15) feet to the front property line, or ten (10) feet to an existing side walk or side walk reservation, whichever is greater. Ground signs are limited to a maximum height of twenty-five (25) feet to the highest point, and a maximum surface area of one hundred (100) square feet per face.

c) **Combinations of pedestal and ground signs on the same site shall be permitted,** provided that the total combined sign surface (one side only) shall not exceed two hundred (200) square feet area

d) **Wall Signs** placed against the exterior of buildings may not be located beyond the tops or ends of the wall on which they are located. Nor may they extend more than fifteen(15) inches away from said wall.

e) **Projecting Signs** may not extend from the face of a building more than eight (8) feet, and shall be located at least ten (10) feet above the ground. But in no case shall such signs project beyond a line projected vertically from a point two (2) feet inside the curb line or pavement line. Projecting signs shall be limited in area to a maximum of forty (40) square feet per face

f) **Rooftop Signs** located or supported on top of a building shall be limited in surface area to a maximum of one hundred (100) square feet, and they shall not exceed a height of ten (10) feet above the roof on which they are erected, nor the maximum structure height allow in the zoning district.

g) **Residential district signs** Unless permitted by variance, no sign in any residential area may exceed four (4) square feet in area, nor be located within two (2) feet of a property line, or as may otherwise be restricted in size and location by the requirements of a specific zoning district.

h) **Wayside Stand Signs** shall be setback a minimum distance of fifteen (15) feet from the edge of pavement or curb line, and at least thirty (30) feet from the intersection of two or more pavement lines or streets. Wayside stands shall have no more than one (1) large sign not exceeding thirty-two (32) square feet per face, plus two (2) small signs not exceeding sixteen (16) square feet per face per site. Wayside stand signs shall all be located within one (100) feet of the stand, or they shall not be considered wayside stand signs. Wayside stand signs shall be removed from the site when the stand is closed for the season.

SECTION III: OTHER SIGNS

- a) Real Estate Signs advertising the sale or lease of property shall not require a permit, provided said sign conform to the size and location requirements of this ordinance.
- b) Sign Permits are not required for signs less than four (4) square feet, provided that said sign is located on the lot or structure which it is identifying or advertising.
- c) Outdoor Advertising Structures ,or billboards, are not allowed in any zoning district within the Town.
- d) Mobile Signs, or signs mounted on trailers, wagons or other vehicles, whether or not the vehicle is registered and tagged by the Maryland Department of Motor Vehicles, are not allowed in any zoning district in the Town if the primary use of said trailer, wagon or vehicle is the support or display of a sign or signs.
- e) Airborne Signs, lighter than air signs, balloons, and similar devises are not permitted within any zoning district in the Town.
- f) Village Center District sign regulations supersede regulations of Article VII.

ARTICLE VIII NON-CONFORMING USES

SECTION I: APPLICABLE PROVISIONS

The following provisions shall apply to non-conforming uses:

- a) Any use of land or building which now legally exists may continue.
- b) A building which is a non-conforming use may be repaired, restored or strengthened for the same use.
- c) A lawful non-conforming use may not be expanded by enlarging the size or area of the land, and the structure or structures thereon may not be changed or enlarged, except with the permission of the Zoning Board of Appeals.
 - 1) Such permission may be granted by the Board of Zoning Appeals only upon a finding, from a preponderance of the evidence produced at a public hearing, that all of the following conditions exist:
 - a) The proposed change or enlargement will not adversely affect the health, safety, and general welfare of the residents or workers in the area;
 - b) The proposed change or enlargement will not be detrimental to the use or development of adjacent properties or the general neighborhood.;
 - c) The proposed change or enlargement has been designed so as to minimize possible adverse effects on adjacent properties or on the immediately surrounding areas;
 - d) The proposed change or enlargement will not adversely affect the transportation network or unduly burden water, sewer, schools, parks~stormwater management areas, including streams or other existing facilities and natural features;

- e) The proposed change or enlargement will not adversely affect the environment or historical assets of particular interest to the community.
- 2) When granting permission to make any such change or enlargement, the Board of Zoning Appeals may impose such conditions and restrictions as deemed necessary to mitigate any potential adverse impact upon properties or the general area.
- 3) A non-conforming use which has remained idle and/or unused for a continuous period of six (6) months, whether or not fixtures and equipment are removed, shall be considered abandoned as a non-conforming. Thereafter said building or land shall only be used for a conforming use.
- 4) A non-conforming use may not be changed to another non-conforming use.
- 5) A non-conforming use which is wholly or partially destroyed by fire, act of God or other casualty beyond the control of the owner, may be reconstructed within one (1) year thereafter; provided, however, that this period for reconstruction may be extended by the Board of Zoning Appeals, upon suitable application within the one year period, and a finding by the Board that extending said reconstruction period will not be contrary to the public interest.
- 6) The Zoning Board of Appeals under the Provisions of Paragraph 7 of Article 66B of the Annotated Code of Public General Laws of Maryland shall be the authority to resolve disputes concerning the application of this ordinance to non-conforming uses in the Town.

ARTICLE IX ADMINISTRATION & ENFORCEMENT

SECTION I: ZONING ENFORCEMENT

a) There is hereby established the position of Zoning Administrator within the Town. The Zoning Administrator shall be appointed by the Town Commissioners for a term of office at the convenience of the Town. The duties and powers of said Zoning Administrator shall include among other items:

- 1) The right and duty to review and approve or deny applications for Zoning Authorization prior to Town Commissioners' action on applications for building permits.
- 2) The right and duty to inspect properties in order to insure compliance with provisions of this ordinance. The Town shall authorize the Zoning Administrator to enter upon any land or building at any reasonable time in order to perform such inspection, and shall indemnify said Zoning Administrator from any claims or actions resulting from the performance of said authorized inspection(s).

(b) If the Zoning Administrator shall find that any of the provisions of this ordinance are being, or have been, violated; he shall:

- 1) Notify the owner of the property or the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- 2) Order discontinuance of any illegal use of land, buildings or structures; removal of illegal buildings or structures or additions, alterations or structural

changes thereto; discontinuance of illegal work being done to buildings or structures; or any other action authorized by this ordinance to insure compliance with or to its provisions.

c) The Zoning Administrator shall review applications for building permits to ensure that they are in compliance with this ordinance, and may request addition information ,if necessary, before approving said application.

d) No building or other structure shall be constructed, moved, added to or structurally altered; and no land used or changed, without a zoning authorization being issued. The Town Commission shall not approve any applications for building permits until the Zoning Administrator has issued a zoning authorization.

e) No zoning authorization shall be issued which is not in conformity with the provisions of this ordinance, except after written order from the Zoning Board of Appeals.

f) Any person or persons aggrieved by any decision of the Zoning Administrator granting or denying a Zoning Authorization, may appeal said decision to the Mardela Springs Zoning Board of Appeals. A written notice of appeal shall be submitted to the Zoning Administrator within thirty (30) days from the Administrator's decision.

g) An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Zoning Appeals that a stay would, in his opinion, cause immanent peril to life or irreparable harm to the land or buildings in question. In such a case, proceedings shall not be stayed otherwise than by an order which may be granted by the Zoning Board of Appeals in due cause shown.

h) Costs of an appeal shall be established by the Zoning Board of Appeals at its discretion, and may be changed form time to time as appropriate.

SECTION II: ZONING BOARD OF APPEALS

a) Composition of Zoning Board of Appeals

1) There is hereby created a Zoning Board of Appeals consisting of five (5) members appointed by the Town Commission for terms as may be decided by aid Commission.

2) The town Commissioners shall designate one (1) member of the Zoning Board of Appeals as the Chairperson.

3) All matters authorized to be heard by the Board pursuant to this ordinance, shall be heard by a panel of not less than three(3) members. Decisions of the Board shall be by concurrence of a majority of that panel

4) A Secretary of the Zoning Board of Appeals shall schedule all matters to be heard by the Board.

5) Any member of the Zoning Board of Appeals may be removed by the Town Commissioners, when the best interest of the Town would be served thereby.

b) Duties of the Zoning Board of Appeals

1) The Zoning Board of Appeals, herein after referred to as the "Board", shall adopt rules necessary for the carrying out of the provisions of this ordinance.

Meetings of the Board shall be held at least once each month or at the call of the Chairperson. The Chairperson of a panel shall administer, or cause to be administered, oaths and may compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating the same. The Board shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Secretary of the Board. Once an application has been submitted, all information shall be public record and open to inspection upon request to the Zoning Administrator or Board Secretary. Copies of the minutes or other public information relative to the application shall be made available to interested parties at estimated cost.

2) All actions or decisions by the Board shall be taken by motion as approved by at least a majority of the Board panel hearing any matter authorized by this ordinance. A tie vote by any panel shall indicate that the request as submitted by the applicant has received no action by the Board and the application shall be deemed withdrawn. Such applications must be resubmitted, readvertised and reheard at a subsequent meeting of the Board, as if they were original applications. The Chairperson, or Acting Chairperson of any panel may vote on any matter to come before it. Each motion to approve or deny an application shall contain a statement of the grounds and findings the basis of the action or decision. The full text of said motion and record of member's votes shall be incorporated in the minutes of the Board. The Board may request the Secretary to prepare written findings of fact, for Board approval. The Board shall conduct all hearings as a quasi-judicial body, showing impartiality to all parties presenting evidence, and admitting only evidence pertinent to the land, building or structures involved. The Board members shall make their decisions on matters before the Board based on the evidence presented concerning the land or structure, and not on ownership of the land, hearsay knowledge, or other factors not pertinent to land use regulations. Board members shall neither assist nor obstruct applicants in preparing nor presenting evidence.

3) No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of one (1) year following the date of the motion to deny the initial appeal. This provision does not apply to an appeal deemed withdrawn due to a tie vote as set forth above.

4) The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other Town official(s) in the administration of this ordinance.

SECTION III: VARIANCES

a) The Board may authorize, upon appeal from decisions of the Zoning Administrator or other Town official(s) in the enforcement of this ordinance, such variances from the terms of the ordinance as will not be contrary to the public interest, and where owing to the uniqueness of the property, topographical or special conditions; and specifically not as a result of any action by the owner by the owner of the property; the strict enforcement of the provisions of this ordinance Will result in practical difficulty or unreasonable hardship. No variance shall exceed the minimum adjustment necessary to relieve the particle difficulty or unreasonable hardship. Greater profitability for the owner(s) of a property or lack of knowledge of zoning restrictions shall not be sufficient grounds for granting a variance. In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure as it may deem necessary, consistent with the spirit and intent of the zoning regulations.

2) The Board shall hear and decide applications for special exceptions or any matter pertaining to a non-conforming use under this ordinance and further to determine unclassified uses as required by other Article of this ordinance.

3) The Board shall hear and decide appeals or variances from the "Critical Area Resource Protection" ordinance for the Town. All such appeals and variances shall be in accordance with the guidelines for such actions established in Chapter 125, Subtitle 18 of the Natural Resource Article of the Annotated Code of Maryland, or the Critical Area criteria as may be adopted from time to time.

SECTION IV: SPECIAL EXCEPTIONS

a) It is the purpose of this section to establish the procedures and criteria for evaluating special exceptions authorized by the terms of this ordinance. A special exception is a land use activity authorized only after a public hearing held before the Board pursuant to provisions of this ordinance. All such uses have been legislatively predetermined to be compatible with inherently permitted uses in a particular zoning district providing that each use meets the specific standards of approval as required and that the proposed site and location are appropriate for the type of use proposed.

b) It is the duty of the Zoning Board of Appeals to evaluate all such special exceptions herein authorized and to decide in each case under the standards set forth below whether or not each special exception does, in fact, meet the Town Commission's presumed compatibility for the specific location, and area in which it is located. The following special exceptions are authorized by this ordinance:

1) All those appeals for special exceptions specifically listed in each zoning district listed in this ordinance shall be heard, and may be approved if said appeal meets the criteria for approval of this section.

2) Where a zoning district boundary line crosses a lot or parcel of record in existence at the time of the enactment or amendment of this ordinance, a use of either classification may be permitted on the entire lot by the Board.

3) The Board may grant a special exception only when it finds from a preponderance of the evidence produced at a public hearing that all of the following conditions exist:

a) The proposed use is consistent with the Town's Comprehensive Community Plan.

b) The proposed use will not adversely effect the health, safety or general welfare of the residents in the area.

c) The proposed use is compatible with and will not be a detriment to the use or development of adjacent properties or the general neighborhood.

d) The proposed use meets all of the standards set forth for each particular use for which a special exception may be granted.

e) The proposed use has been designed so as to minimize possible adverse effects on adjacent properties or the immediately surrounding neighborhood.

f) The proposed use will not adversely effect the transportation network or unduly overburden the water supply, sewage disposal, storm water management, etc.

- g) The proposed use will not adversely affect the environmental or historical assets of particular interest to the community.

SECTION IV: CONDITIONS OF APPROVAL

- a) When granting any special exception, the Board may impose conditions and restrictions upon the site design, architectural character, location, type of construction, type of screening, ingress and egress, times of operation or other criteria as deemed necessary to mitigate any potential adverse impacts upon adjacent properties or the general area, and to ensure compliance with the standards, criteria, or other specific requirements for a special exception.
- b) Once granted, a special exception shall remain in full force and effect provided that the use continues in continuous operation consistent with any conditions or restrictions imposed.
- c) Failure to comply with such conditions or restrictions as established shall render the special exception null and void and subject to the provisions of Section X of this ordinance.
- d) A special exception which remains idle and or unused for a continuous period of six (6) months, whether or not fixtures or equipment are removed, shall be considered null and void.
- e) The applicant for a special exception shall have the entire burden of proof that the proposed use meets the criteria for approval per this ordinance. The applicant shall present evidence and bear the burden of persuasion on all question of fact which are to be determined by the Board. Members of the Board shall remain impartial in hearing evidence, and they shall neither assist not obstruct the applicant in preparing or presenting evidence.

SECTION II: APPLICATION FOR ZONING AUTHORIZATION

- a) Applications for zoning authorization shall be accompanied by plans or a description of the proposed use, where applicable.
- b) Such plans shall be drawn to approximate scale and show the actual dimensions and shape of the lot to be built upon, the exact size and location of proposed buildings or structures, other improvements or alterations, plus any buildings within fifty (50) feet of all property lines of the site in question.
- c) The application for Zoning Authorization shall include such information as lawfully may be requested by the Zoning Administrator, including: uses of the building of lot, number of families or employees, conditions existing on the site, leases or deeds, etc.
- d) If the application for Zoning Authorization and the accompanying documents does not comply in all respects with the regulations of this ordinance, it shall be returned by the Zoning Administrator, and the applicant notified in writing.
- e) If the application, together with the plans and specifications, conforms in all respects with the zoning requirements of this Ordinance, the Zoning Administrator shall, within a reasonable time, process the zoning application and forward same to the Town Commissioners along with the application for a building permit.

- f) Zoning Authorization and Building Permits issued on the basis of approved site plans and approved applications for Zoning Authorization, shall only be valid for the specific use, arrangement and construction as set forth in such approved documents. No other use, arrangement or construction shall be permitted.

SECTION III: EXPIRATION OF ZONING AUTHORIZATION

- a) If the work described in any approved Zoning Authorization is not started within one (1) year of said approval, said approval shall expire and become null and void
- b) Once the authority granted in the Zoning Authorization has been exercised, it shall continue in effect as long as the permitted use remains active.

SECTION IV: SPECIAL EXCEPTIONS and VARIANCES

a) "Special Exception", means a grant of a specific use that would not be appropriate generally or without restriction; and shall be based only upon a finding that certain conditions governing special exceptions as detailed in the zoning ordinance exist, that the proposed use conforms to the Comprehensive Community Plan, and that the use is compatible with the existing neighborhood.

b) "Variance" means a modification only of the density, area or dimensional requirements in the zoning ordinance where such modification will not be contrary to the public interest; and where due to conditions peculiar to the specific property (and not due to any action taken by the applicant or property owner), a literal enforcement of the zoning ordinance would result in unnecessary hardship.

c) It is the purpose of this section to establish the procedures and criteria for evaluating special exceptions authorized by the terms of this ordinance. A special exception is a land use activity authorized only after a public hearing held before the Board of Zoning Appeals pursuant to the provisions of this ordinance. All such uses have been legislatively predetermined to be compatible with inherently permitted uses in a particular zoning district, provided that each use meets specific standards of approval as required and that the proposed location and sit are appropriate for the type of use proposed.

d) Special Exceptions Permitted. It is the duty of the Zoning Board of Appeals to evaluate all such special exceptions herein authorized and to decide in each case under the standards set forth below, whether or not each proposed special exception does, in fact, meet the Town's presumed compatibility for the location and area in which the site is situated. The following Special Exceptions may be granted by the Zoning Board of Appeals:

1) All those special exceptions specifically listed in this ordinance for a particular zoning district.

2) Unclassified uses: In the event that an applicant wishes to use property for a use which is not specifically identified under inherent uses, special exception uses or other use allowed by Town ordinance, and where said unclassified use is not specifically prohibited by this ordinance, the following provisions shall apply.

- a) The Zoning Administrator shall submit to the Zoning Board of Appeals written request for a determination of the unclassified use.

- b) The Board shall review the request as submitted and determine if the proposed use is appropriate for the district in which the use is proposed.
- c) If the Board determines that the use is appropriate and meets the intent of inherent uses in the district in which the use is proposed, then the Board shall instruct the Zoning Administrator to issue a Zoning Authorization.
- d) If the Board determines that the proposed use is not consistent with the character of inherently permitted uses in the district, but is consistent with uses allowed by special exception, then the Zoning Administrator shall be instructed to inform the applicant that he/she must apply for a special exception in the normal manner.
- e) If the Board determines that the proposed use is not compatible with the district, or is actually prohibited by this or other Town ordinance, the Zoning Administrator shall be instructed to deny issuance of a Zoning Authorization to the applicant.
- f) Once a use has been allowed or disallowed by the Board, it shall then be considered classified under the appropriate category in the district.

SECTION V: APPEAL FROM DECISION OF THE ZONING BOARD OF REVIEW

- a) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board, upon written authority of the Town, may present to the Circuit Court of Wicomico County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after filing of the decision in the office of the Zoning Board of Appeals.
- b) In the event of an appeal to the Circuit Court, the appellants shall bear the cost of preparing the necessary documents as required by the Court. These charges shall include, but not be limited to, the cost of transcribing, preparing and submitting a transcript from the minutes of the Board plus other costs as incurred for materials and time. The statement of these expenses shall be itemized and submitted to the attorney representing the appellant for payment, or the appellant. No permits shall be issued by the Zoning Administrator or Town Commissioners unless the Board has been reimbursed for its costs.
- c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that a stay would, in his opinion, cause immanent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may be granted by the Board or a Court of record on application and notice to the officer from whom the appeal is taken and on due cause shown.

ARTICLE X VIOLATIONS and PENALTIES

- a) Any person who shall erect, construct, reconstruct, extend, alter, repair, change, convert, use or maintain any building or structure, or use any land, or change the use of any land or building in violation of this ordinance shall be of a municipal infraction and shall be subject to a fine not to exceed dollars per violation. Each day the violation continues shall constitute a separate violation.

b) The Zoning Administrator shall serve a "cease and desist" order on the person or persons alleged to be committing, or causing to be committed, the civil zoning violation as stated above. Said order shall inform the recipient(s) of the nature of the Zoning violation, the right to appeal to the Zoning Board of Review, and the amount of the fine levied if the civil zoning violation is not stopped as of a date identified in said order.

c) Should a civil zoning violation continue after service of the "cease and desist" order, the Zoning Administrator may request an injunction from the District Court or take other action as authorized by the Town Commission.

d) Fines levied for civil zoning violations shall be due and payable within thirty (30) days of the notification of said fine.

e) If a person who has received a notification of a fine refuses to pay same by the date due, and does not file a notification of intent to stand trial on the civil zoning violation, then the Town shall file a lien on the property in question for the amount of the lien plus expenses.

**ARTICLE XI
EFFECTIVE DATE**

- a) The ordinance shall be effective from and after its date of final passage.

The above Ordinance having been read at the meeting of the Commissioners of Mardela Springs on September, 1998, after Notice of Public hearing thereon was duly published in the Daily Times, a daily newspaper published in Wicomico County, Maryland as prescribed by law, this 20th day of October, 1998, said Commissioners finally adopted and approved said ordinance.

ATTEST: Commissioners of Mardela Springs

Fenda Whitelock
Fenda Whitelock, Clerk

By: Wallace I Catlin
Wallace Catlin, President