ZONING ORDINANCE

TOWN OF CLEAR SPRING

Washington County, Maryland

PREFACE

At the request of the Town of Clear Spring, the Maryland Office of Planning updated the Town's Zoning Ordinance. The preparation of this document was financed in part through a Consolidated Technical Assistance Grant from the Appalachian Regional Commission as administered by the Maryland Office of Planning.

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An Ordinance adopted by the Mayor and Council of Clear Spring, Washington County, Maryland on the 3rd day of DECEMBER, 1996, regulating and restricting the height and size of buildings and other structures; establishing building lines, minimum frontages, depths and areas of structures; establishing building lines, minimum frontages, depths and areas of lots, the percentage of lots which may be occupied, 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, recreation, public activities and other purposes within the Town of Clear Spring; dividing the town into districts for regulating the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and providing for the administration and enforcement thereof.

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

100 Short Title

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

101 Purpose

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

A. Giving reasonable consideration, among other things, to the character of districts and their suitability for particular uses.

B. Encouraging orderly development and the most appropriate use of lands.

C. Conserving the value of land and buildings.

D. Promoting the conservation of natural resources.

E. Preventing environmental pollution.

F. Promoting health and the general welfare.

G. Protect sensitive areas.

H. Providing for adequate light and air.

I. Securing safety from fire, panic and other dangers.

J. Lessening congestion in the roads and streets.

K. Facilitating the adequate provision of transportation, parking, water, sewerage, parks and other public facilities.

L. Giving effect to the policies and proposals of the Comprehensive Development Plan for the Town of Clear Spring , Maryland.

102 Interpretation

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

103 Applicability

A. All departments, officials and Public employees of the Town of Clear Spring vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

B. Previous ordinances, resolutions, rules and regulations adopted by the Mayor and Town Council of Clear Spring are hereby repealed to the extent that they conflict with or impose less restrictive standards than the provisions of this Ordinance.

104 Separability

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

A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the provision expressly stated in the court's decision, and all other provisions of this Ordinance shall continue to be separately and fully effective, the Mayor and Town Council hereby declaring that they would have adopted the remaining provisions without the word, phrase, clause, items, sentence, paragraph or section, or the application thereof, so declared invalid.

B. If a court of competent jurisdiction finds the application of any provision of this ordinance to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the court's decision, and the application of any such provision to other persons, properties or situations shall not be affected thereby.

ARTICLE 2: DEFINITIONS

200 General Provisions

A. The following rules of construction shall apply in interpreting this Ordinance.

1. Words used in the present tense include the future.

2. The singular number includes the plural, and the plural the singular.

3. The word "shall" is always mandatory; the word "may" is permissive.

4. The word "used" or "occupied", as applied to any land or building, includes the words "arranged or designed or intended to be used or occupied ."

B. Unless otherwise expressly stated, the definitions of words and terms contained in this Article shall be used in interpreting this Ordinance. Words not herein defined are used with a meaning of standard usage.

201 Accessory Use or Building

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

202 Agriculture

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

203 Alley

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

204 Alterations

As applied to a building or structure, a change or re-arrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

205 Area

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

205.2 Lot Area: The area contained within the property lines of a record lot, including the area within all easements, but excluding the area within all street rights-of-way.

206 Automobile Service Station

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

207 Bed and Breakfast Use

An establishment that only serves transient visitors to the area with sleeping rooms and at least one meal per day, and that is within a setting reflecting a residential rather than a commercial character.

208 Building

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

209 Building Coverage

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

210 Building Height

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

211 Building Setback Lines

The rear lines of the minimum front yards, as herein designated for each district, measured from the street line.

212 Convenience Store

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

213 Child Care Center

A facility licensed by the State of Maryland where care is given to children under age 18, or persons with physical handicaps, or persons who need oversite because of old age or mental retardation, and which routinely involves care and housing for less than 18 hours per day per person.

214 Clubs and Lodges

A building or area of land that: a) is routinely used by a recreational, civic, social, fraternal, religious, political, labor union or similar organization for meetings, socializing and recreation; b) is limited to use by bona fide members and their occasional guest, except for persons specifically invited for special celebrations; c) which is not open to the general public and; d) which is not operated for-profit business. Any use such as a tavern, restaurant or retail sales shall only be permitted if all of the requirements for such use are also met.

215 Drive-in Restaurant

A restaurant designed and intended exclusively or primarily for the sale of "take-out" food to be consumed by the customers in their motor vehicles or off the premises.

216 Dwelling

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

A. Dwelling Unit: A dwelling or portion thereof providing complete living facilities for one (1) family; provided, however, that this term shall not be deemed to include rooming, boarding or lodging houses, or hotels, motels,

tourist homes or other similar places offering overnight accommodations for transients.

B. Single-Family Detached Dwelling: A building, commonly known as a single family house, designed for and occupied exclusively as a residence having one dwelling unit from ground to roof and open space on all sides; where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof.

C. Two-Family Detached ("Duplex") Dwelling. A single building containing two welling units separated by a party-wall, and intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.

D. Single-Family Attached ("Townhouse") Dwelling: A portion of a building designed for and occupied exclusively as a residence for only one family and having (i) only one dwelling unit from ground to roof, (ii) two points of independent outside access, (iii) at least two other dwellings built in conjunction therewith with (iv) any portion of one or two walls in common with an adjoining dwelling.

E. Multi-Family ("Apartment") Dwelling. A building containing one dwelling unit above another dwelling unit or à building containing three or more dwelling units and designed to be occupied by three or more families living independently of one another.

217 Essential Utility Equipment

Underground or overhead electrical, gas, communications, water or sewage systems, including poles, towers, rights-of-way, wires, lines mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone booths, police call boxes, traffic signals, hydrants, regulating and measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith; provided, however, that this term shall not be deemed to 2nclude buildings, yards or areas for the storage, repair or processing of equipment or material; nor does it include sewage treatment plants, lagoons, settling basins and the like conducted as a principal use; nor does it include yards, areas or substations for the above-ground generation, transforming or switching of electricity.

218 Family

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

219 Group Home For The Handicapped

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

220 Highway Service Plaza

A business occupying not less than ten (10) acres of land at or near an interchange of a limited access highway and intended primarily to provide services for travelers, which may include food, lodging and incidental servicing of motor vehicles and trucks.

221 Home, Professional Office, Home Occupation

An office or business conducted in a dwelling or accessory building, or in both, the activity being clearly incidental and secondary to the use of the premises for residential purposes.

222 Hotel, Motel or Motor Hotel

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

223 Lot

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

A. Lot, Corner: A lot abutting two or more streets at their intersections, where the interior angle of the intersection does not exceed one-hundred thirty-five degrees (135).

B. Lot, Width: The width of a lot measured at the building setback line.

C. Lot, Depth: The depth of a lot as measured by the average horizontal distance between the front lot line and the rear lotline.

224 Lot Line

Any boundary line of a lot.

A. Lot Line, Front: The street line, which shall be the same as the legal right-of-way line, provided that along streets for which a future right-of-way width is designated and legally adopted, pursuant to Article 66B of the Annotated Code, the front lot line shall be the future right-of-way line thus established.

B. Lot Line, Rear: Any lot line which is parallel to or within forty-five degrees (45) of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

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

225 Mayor and Council

The elected Mayor and Town Council of the Town of Clear Spring.

226 Mobile Home

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

227 Motor Vehicle Repair Garage

A building or premises intended or operated for the major repair of motor vehicles including body-work, painting, spraying, welding or the storage of vehicles not in operating condition.

228 Nonconforming Structure or Lot

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

229 Nonconforming Use

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

230 Person

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

231 Planning Commission

The legally-constituted Planning Commission of the Town of Clear Spring

232 Rooming, Boarding or Lodging House

A building or part of a building (other than an institutional building), occupied or intended to be rented and occupied by three or more roomers, boarders or lodgers.

233 Sectional ["double-wide") Dwelling

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

234 Sewage Disposal System

A. Centralized Sewage Disposal System: A utility system serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State health regulations.

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

235 Sign

Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, work, insignia, flag, or representation used as, or which is the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye, or bring the subject to the attention of the public. Flags of any governmental unit or any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a wall or a building are not deemed signs within purposes of this Ordinance.

A. On-Premises Sign: A sign which directs attention to a business, profession, product, home occupation, service or activity conducted or sold on the same lot.

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

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

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

236 Special Exception Use

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

237 Street

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

238 Street Line

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

239 Structure

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

240 Travel Trailer

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

241 Use

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

242 Video Store

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

243 Water Supply System

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

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

244 Yard

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

A. Yard, Front: A yard adjoining and extending parallel to a street line.

B. Yard, Side: A yard adjoining and extending parallel to a side lot line and lying between a front yard and a rear yard.

C. Yard, Rear: A yard adjoining and extending parallel to a rear lot line.

ARTICLE 3 : ZONING DISTRICTS AND USE REGULATIONS

300 Zoning Districts and Map

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

SR - Suburban Residential District
TR - Town Residential District
TC - Town Center District
NC - Neighborhood Commercial

B. For the purposes of this Ordinance, the zoning districts established by sub-section A. shall be of the number, size, shape and location shown on the Town "Zoning Map" adopted and included in its entirety as a part of this Ordinance.

C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map, which shall be maintained at town hall in the office of the Town Clerk, shall be the final authority as to the current zoning status of land, buildings and other structures.

301 Interpretation of District Boundaries

A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:

1. Boundaries drawn approximately along the center-lines of streams, drainageways, streets, roads, alleys, or railroads or other rights-of-way shall be construed to follow such center-lines.

2. Boundaries drawn approximately parallel to the centerlines of streams, drainageways, streets, roads, alleys or railroad or other rights-of-way, or parallel to property lines shall be construed to lie parallel to such centerlines or property lines at the distance therefrom noted upon the zoning map.

3. Boundaries drawn approximately along platted lot lines or other property lines shall be construed to follow such lines.

4. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.

B. Where a zoning district boundary line as shown on the zoning map divides a lot or property which was in single ownership and of record at the effective date of this Ordinance, the uses permitted thereon and the other district requirements applying, to the least restricted portion of such lot shall be considered as extending over the entire lot or for a distance of fifty (50) feet from the district boundary line into the more-restricted portion of the lot, whichever distance is less.

302 Uses Permitted in Zoning Districts

A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted, as specified in this Article, in the zoning district within which the land or building or structure is located.

B. No use shall be permitted except in compliance with the laws of the State and the regulations of the Washington County Health Department regarding water supply and waste disposal, as evidenced by the written approval of the Washington County Health Department.

C. A use listed in Section 305 of this Ordinance is permitted by right in any zoning district under which it is denoted by the letter "P", provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance. Such uses permitted by right shall be principal uses within the meaning of this Ordinance, unless otherwise specified.

D. A use listed in Section 305 of this Ordinance is permitted as accessory use, as defined in Article 2, in any zoning district under which it is denoted by the letter "A", provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance.

E. A use listed in Section 305 shall not be permitted in any zoning district under which it is denoted by the letter "N". Such uses lawfully existing at the effective date of this Ordinance shall be construed as nonconforming uses subject to the provisions of Article 8.

F. A use listed in Section 305 may be permitted as a special exception in any zoning district under which it is denoted by the letters "SE" provided that approval for said use has been granted by the Board of Appeals pursuant

to Article 10, and further provided that said use shall be subject to the conditions and requirements specified in Article 305 and elsewhere in this Ordinance and to such further requirements as the Board of Appeals may establish in granting the special exception.

G. Any use lawfully existing on the effective date of this Ordinance which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of operations or structure existing on the effective date of this Ordinance shall require a special exception granted by the Board of Appeals pursuant to Article 10.

303 Newly Annexed Areas

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

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

304 Legislative Intent and Purposes for Zoning Districts

A. As an aid in interpreting the provisions of Section 305, the Mayor and Town Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Town Comprehensive Plan:

1. Suburban Residential District - This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require this type of development. Development is thus permitted at moderate density consistent with State health standards, and the residential areas are protected from the intrusion of incompatible non-residential uses.

2. Town Residential District - This district provides for somewhat higher densities than the Suburban Residential District, where centralized sewerage facilities exist and where future development of this type can safely proceed. The Town Residential District is intended to recognize existing town development and its logical extension; it accommodates a variety of residential uses, plus limited "convenience" retail commercial uses desirable to serve only residential areas.

3. Town Center Districts - This district provides for the continuation of the Town's core area which generally contains a mixture of residential, commercial and public service uses.

4. Neighborhood Commercial District - This district provides for the establishment of uses intended primarily to serve the daily and convenience shopping and personal service needs of residents in sub-sections of the Town.

305 Table of Use Regulations	ZONING DISTRICTS SR	TR	TC	NC
A. RESIDENTIAL USES				
1. Single family detached dwellings, including pre-fabricated ("sectional") dwellings	P	P	P	N
2. Two-family detached ("duplex") dwellings.	SE	P	P	N
3. Single-family attached ("townhouse") dwellings.	SE	P	P	N
4. Multi-family ("apartments") dwellings.	N	SE	SE	N
5. Bed and Breakfast.	N	N	P	N
6. Dwelling unit in conjunction with a principal non-residential use.	N	SE	P	P
7. Conversion of a single-family dwelling or other building into not more than two dwelling-units, provided that the lot area per dwelling-unit and yard, building and other requirements for dwellings in the zoning district shall not be reduced thereby, and further provided that no structural alteration of the building's exterior shall be made except as necessary for safety.	SE	P	P	N
8. Conversion of a dwelling or other structure into an apartment containing more than two dwelling-units.	N	SE	P	N

		ZONING DISTRICTS			
		SR	TR	TC	NC
9.	Rooming, boarding or lodging houses.	N	SE	P	N
10.	Cluster Residential Development, subject to the provisions of Section 503.	P	P	P	N
11.	Child Care.	SE	SE	P	P
12.	Customary home occupations and home professional offices, provided that:	SE	SE	P	SE
	a. Such occupation or office shall be conducted only by members of the immediate family residing on the premises, plus not more than two (2) non-resident employees; and				
	b. Such occupation or office shall not occupy an area greater than 26 percent (25%) of the ground floor area of the proposed residential buildings; and				
	c. No display of goods or storage of materials or advertising, except identification signs as provided in sub-section 707.8 shall be visible from any street or adjoining property.				
13.	Non-commercial parking garage or parking area intended to fulfill the off-street parking requirements specified in Article 6, provided that such garage or area shall be exclusively for use by residents of nearby dwellings.	P	P	P	P
B.	PUBLIC OR PRIVATE RECREATIONAL USE				
1.	Parks designed or intended for passive recreational or open space.	P	P	P	P

		ZONING DISTRICTS			
		SR	TR	TC	NC
2.	Areas designed, equipped or intended for non-commercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.	SE	SE	P	SE
3.	Private or membership clubs or lodges not operated commercially, or conducted primarily as a business enterprise.	SE	SE	P	SE
4.	Indoor recreation facilities, including but not limited to bowling alleys, theaters, skating rinks, tennis courts and the like.	N	N	P	SE
C.	INSTITUTIONAL, EDUCATIONAL AND UTILITY USES				
1.	Churches and other places of worship.	SE	SE	P	P
2.	Medical or dental offices or clinics for out-patient treatment; including accessory laboratory facilities.	N	SE	P	P
3.	Essential utility equipment, as defined in Article 2, provided that before construction begins on any overhead electric power line of 34.5 KV or greater capacity, on any telephone trunk line including microwave facilities, or on any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.	SE	SE	SE	SE

		ZONING DISTRICTS			
		SR	TR	TC	NC
4.	Civic buildings, including community centers, museums, post offices, libraries, fire stations and public office buildings erected or used by Federal, State, County or municipal governments or agencies thereof, except educational buildings and uses.	SE	SE	SE	SE
5.	Public or private elementary or middle schools.	SE	P	P	SE
D.	RETAIL AND COMMERCIAL SERVICES USES				
1.	Automobile service stations, except highway service plaza, as defined in Article 2.	N	N	N	SE
2.	Business services, including: banks, credit unions, savings and loan and similar financial institutions; business and professional offices, real estate and insurance agencies; telephone central offices and switchboards.	N	N	P	SE
3.	Convenience Store.	N	N	SE	SE
4.	Clubs/Lodges.	N	N	SE	N
5.	Funeral homes, mortuaries and the like.	N	N	P	SE
6.	Greenhouses and nurseries, including sales facilities.	N	SE	P	P

		ZONING DISTRICTS			
		SR	TR	TC	NC
14.	Taverns and the like, subject to the requirements of the Board of License Commissioners of Washington County pursuant to Article 2B of the Annotated Code of Maryland.	N	N	SE	SE
15.	Video Store.	N	N	P	P
E.	MISCELLANEOUS AND ACCESSORY USES				
1.	Agriculture, as defined in Article 2.	P	P	P	P
2.	Signs, subject to the provisions of Article 7, including:				
a.	On-premises identification signs subject to Section 707.B.	A	A	A	A
b.	On-premises advertising signs subject to Section 707.C.	N	A	A	A
c.	Off-premises directional signs subject to Section 708.B.	SE	SE	P	P
d.	Off-premises business advertising signs subject to Section 708.C.1.	N	N	N	SE
e.	Off-premises commercial advertising signs subject to Section 708.C.2.	N	N	N	N
f.	Temporary signs subject to Sections 707.D and 708.D.	P	P	P	P
3.	Junkyards.	N	N	N	N
4.	Sanitary Landfills.	N	N	N	N

		ZONING DISTRICTS			
		SR	TR	TC	NC
7.	Hotels, motels, and the like.	N	N	P	SE
8.	Printing, photographic processing, blueprinting and similar reproduction services.	N	N	P	SE
9.	Parking lot or garage as a commercial enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least three (3) feet high or by dense evergreen plantings of equal height.	N	N	SE	SE
10.	Personal service businesses, including: barber shops, beauty salons, cold storage lockers, photography studios, repair shops for appliances, bicycles, electronic equipment guns, locks, shoes, or watches, self-service dry cleaning or Laundromats, tailoring or dressmaking.	N	N	P	P
11.	Restaurants and the like, except drive-in restaurants as defined in Article 2.	N	N	P	P
12.	Drive-in restaurants.	N	N	N	SE
13.	Retail businesses intended primarily for neighborhood convenience shopping, including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or product stands, meat markets, and pharmacies.	N	SE	P	P

		ZONING DISTRICTS			
		SR	TR	TC	NC
5.	Other uses substantially similar in character and impact to uses ordinarily permitted by this Ordinance by right or by special exception within the same Zoning District.	SE	SE	SE	SE
6.	Accessory uses, including:				
a.	Accessory uses as defined in Article 2.	A	A	A	A
b.	Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas required by this Ordinance.	A	A	A	A
c.	Temporary buildings accessory to a construction project.	A	A	A	A
d.	Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in Section 406.	A	A	A	A
e.	Off-street parking, subject to the provisions of Article 6.	A	A	A	A

ARTICLE 4: LOT AREA & YARD REGULATIONS

400 General Dimensional Requirements

A. The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in Section 401, Table of Dimensional Requirements for Principal Uses, subject to any further applicable dimensional requirements or exemptions specified elsewhere in this Ordinance.

B. The minimum lot area specified in Section 401 are based upon the availability of a centralized water supply system and a centralized sewage disposal system.

C. Measurements of minimum land area and yards pursuant to Section 401 shall not include any land within the right-of-way of any existing or proposed street.

D. The uses listed in Section 401 shall only be permitted in any Zoning District in accordance with the provisions of Section 305.

402 Exceptions to Minimum Lot Sizes

A building may be constructed, provided the yard requirements in Section 404 are observed, on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed; provided, however, that this exception shall not apply to any two or more contiguous lots in a single ownership at or subsequent to the effective date of this Ordinance, in any case where a re-parceling or replotting could create one or more lots which would conform to the above provisions.

403 Lot Area or Yard Required

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

401 Table of Dimensional Requirements for Principal Uses (with centralized water supply and centralized sewage disposal systems)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit	Minimum lot width (feet)	Minimum yard width (feet)		
					Front	Side	Rear
A. Residential Uses							
1. Single-family detached dwellings	SR	18,000	18,000	100	20	15	25
	TR	10,000	10,000	80	15	10	20
	TC	5,000	5,000	60	10	8	20
2. Two-family detached ("duplex") dwellings	SR	20,000	10,000	100	20	15	25
	TR	18,000	9,000	100	15	10	20
	TC	10,000	5,000	60	10	5	15
3. Single-family attached ("townhouse") dwellings	TR	5,000	1,600	20	15	15b	15
	TC	12,000	3,000c	20	10	8b	15
4. Multi-family ("apartment") dwellings	TR	22,000	3,600c	200	15	15	15
	TC	10,000	3,000d	180	10	10	15
5. Bed and Breakfast	TC	5,000	5,000	50	10	8	15
6. Dwelling unit in conjunction with a principal non-residential use	Any District	na	5,000	50	8	3	10

401 Table of Dimensional Requirements for Principal Uses (with centralized water supply and centralized sewage disposal systems)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit	Minimum lot width (feet)	Minimum yard width (feet)		
					Front	Side	Rear
7. Conversion of a building to two dwelling units, pursuant to Section 305.A.8	Any District	10,000	5,000	60	10	5	10
8. Conversion of a building to more than two dwelling units, pursuant to Section 305.A.9	TR,TC	20,000	3,600	180	10	10	10
9. Planned (Cluster) Residential Development	----------	See Section 503	----------				
10. Child Care	TC, NC	10,000		60	10	8	20
B. Recreational and Institutional Uses							
1. Commercial swimming pool or other commercial outdoor recreation use	Any District	87,120	-------	200	100	50	50
2. Private Clubs (See Section 305.B.2)	Any District	43,560	-------	150	40		50

401 Table of Dimensional Requirements for Principal Uses (with centralized water supply and centralized sewage disposal systems)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit	Minimum lot width (feet)	Minimum yard width (feet)		
					Front	Side	Rear
D. Other Uses							
1. Uses Permitted Pursuant to Sections 305.D, and 305.E	Any District	20,000	-------	100	20	15	25

Notes:

a. Required side-yard dimension applies to each side of the lot; except that no side-yard shall be required adjoining any lot line that coincides with a party-wall in an attached dwelling or other use.

b. Gross density shall not exceed six (6) dwelling units per acre.

c. Gross density shall not exceed eight (8) dwelling units per acre.

d. Gross density shall not exceed ten (10) dwelling units per acre.

401 Table Dimensional Requirements for Principal Uses (with centrali water supply and centralized sewage disposal systems)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit	Minimum lot width (feet)	Minimum yard width (feet)		
					Front	Side	Rear
3. Day Care Centers or Nursery Schools	SR	130,680	-------	300	50	50	50
	TR	43,560	-------	150	40	30	50
	TC, NC	20,000	-------	100	20	15	25
4. Other Recreational and Institutional Uses (See Sections 305.B and 305.C)	Any District	20,000	-------	100	20	15	25
C. Retail and Commercial Services Uses							
1. Convenience Store	TC, NC	20,000	-------	100	20	15	25
2. Clubs/Lodges	TC	20,000	-------	100	20	15	25
3. Funeral Homes (305.D.3), hotels (305.D.5)	Any District	43,560	-------	150	40	30	50
4. Other Commercial Uses (see Section 305.D)	TC	5,000	-------	-------	5	---	25
	Any Other District	20,000	-------	100	20	15	25
5. Video Store	TC	10,000	-------	50	15	10	20

404 Front, Rear and Side Yard Reduction

When there is an existing building on each of the lots adjoining the lot on which a building is proposed to be erected, and where each such existing building lies within one hundred (100) feet of such proposed building and lies nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when each such existing building is within 100 feet of the proposed building, then 1) the average of the existing front yard depths of such adjoining lots shall be the minimum required front yard depth for the lot on which the proposed building is to be erected. or 2) the building may be erected to align with one of the existing buildings front, rear and side yard depths that adjoin the lot.

405 Permitted Projections Into Required Yards

A. Subject to Section 406, the provisions of Section 401 shall not apply to fences or walls which are less than six (6) feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor level of the ground story.

B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and ladders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.

C. The yard requirements of Section 401 shall not apply to off-street parking areas or to accessory signs, except as expressly provided in Articles 6 and 7, and except as provided in Section 406.

406 Traffic Visibility at Corners

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

407 Accessory Buildings in Side and Rear Yards

Completely detached accessory buildings may occupy required side and rear yards but shall not be located closer than five (5) feet to any side or rear property line.

408 Yards on Corner Lots

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

409 Height Regulations

No principal building or structure shall exceed thirty-five (35) feet or three stories in height, and no accessory building or structure shall exceed twenty (20) feet in height; provided, however, that said height limitations shall not apply to barns, windmills, silos, or other accessory farm structures, or to belfries, steeples, spires, electric, broadcasting or utility-poles, equipment or towers, water towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses or roof structures for housing stairways, or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building.

ARTICLE 5: SENSITIVE AREAS

500 Flood Plain

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

B. Administration: The Zoning Administrator shall only issue permits approval when an application has met all criteria set forth in the 'Town of Clear Spring' Flood Plain Management Ordinance as amended.

501 Stream Buffers

A. Setback: No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:

1) Within 50 feet of the centerline of a perennial waterway, and
2) Within 25 feet of the centerline of an intermittent waterway.

B. Existing Vegetation: Within the areas specified in section 502 a, existing natural vegetation shall be preserved to the maximum extent possible. An application for a permit for activity within such area shall: a) specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation, and b) be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full.

502 Steep Slopes

A. Over 15 Percent Slope: Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 15 percent shall require special exception approval by the Board of Appeals. When special exception approval is required, the applicant shall:

1. Show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and

other vegetation, while avoiding excessive coverage by impervious surfaces;

2. Submit a plan showing that stormwater runoff will be properly controlled;

3. Submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the town or its designee, and;

4. Submit a detailed grading plan.

B. Slopes On Proposed Lots:

1. This Section 503 B shall only apply to a lot submitted for subdivision approval after the adoption of this Ordinance, and which includes over 500 square feet of natural slopes of over 15 percent.

2. As part of the subdivision plan, the applicant shall designate a "buildable area." the buildable area shall be the proposed maximum extent of portions of the lot where construction of a principal building shall be permitted. The applicant may voluntarily propose a smaller buildable area than is permitted by this Ordinance.

3. If the subdivision plan shows a buildable area that includes natural slopes over 15 percent, then the minimum lot area for that lot shall be increased to twice the size that would otherwise be required.

503 Habitat of Threatened and Endangered Species

The Town of Clear Spring will submit any development proposal, which could impact on a habitat, to the Department of Natural Resources, natural heritage program.

504 Forest Conservation

The Town of Clear Spring assigned its obligation to have a Forest Conservation Ordinance to Washington County, Maryland. The Zoning Administrator shall only issue permit approval when an application has met all criteria set forth in the Washington County Forest Conservation Ordinance, as amended.

505 General Performance Standards

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

A. Performance Standard Procedure -- With the exception of residential uses as listed in Section 305.B, the applicant for a zoning permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards specified herein and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards. Where there is reason to believe that the nature of the proposed use would make it difficult to comply with the applicable standards, the Zoning Administrator may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this Section, provided, however, that no applicant shall be required to reveal the secret details of industrial or trade data and may specify that the plans or other information submitted pursuant to this section shall be treated as confidential matter.

B. Standards Applicable to Other Uses -- Regardless of whether or not a use is required to comply with the procedure specified in sub-section A, above, every use shall comply with the performance standards themselves.

C. Standards for Noise and Vibration Control -- All uses shall comply with COMAR 26.02.03, "Control of Noise Pollution", as adopted by the Secretary of the Environment pursuant to 3-401 of the Environment Article, Annotated Code of Maryland.

D. Standards for Air Quality Control -- All uses shall comply with COMAR 26.11, "Air Quality", as adopted by the Secretary of the Environment pursuant to Title 2 and Title 4, of the Environment Article, Annotated Code of Maryland.

E. Standards for Water Supply, Sewerage, Storm Water and Refuse Disposal All uses shall comply with COMAR 26.04.01 "Quality of Drinking Water in Maryland"; COMAR 26.04.02, Sewage Disposal and Certain Water Systems for Homes and Certain Establishments Where Public Sewage

Systems is Not Available"; COMAR 26.04.04, Water Supply and Sewerage System in the Subdivision of Land in Maryland"; COMAR 26.04.04 "Well Construction"; COMAR 26.04.05, "Shared Facilities", COMAR 26.03.02, "Submission of Plans for Approval and Record of Systems of Water Supply, Sewerage, Stormwater and Refuse Disposal", as adopted by the Secretary of the Environment pursuant to Title 9 of the Environment Article, Annotated Code of Maryland.

F. Standards for Fire and Explosion Hazards -- All uses involving flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in the use and storage of such materials and with adequate fire-fighting and fire-suppression equipment acceptable to the State Fire Marshall.

G. Standards for Water Quality -- All uses shall comply with COMAR 26.08.02, "Water Quality"; COMAR 26.08.03, "Discharge Limitations"; COMAR 26.08.04, "Permits"; and COMAR 26.08.08 "Pretreatment Requirements to Control Industrial Users of Publicly Owned Treatment Works", as adopted by the Secretary of the Environment pursuant to Title 9 of the Environment Article, Annotated Code of Maryland

506 Planned Residential (Cluster) Development (PRD)

The plans and other required supplementary data for a proposed Planned Residential Development shall be designed, prepared and submitted for review and approval in accordance with the requirements and procedures specified in the Town's Land Subdivision Ordinance.

ARTICLE 6, OFF-STREET PARKING AND LOADING

600 Required Off-Street Parking Space

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

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each
A. RESIDENTIAL USES		
1. Single family, two-family and multi-family dwellings	0.5 dwelling unit (2 spaces per unit)	- - - -
2. Conversions, rooming houses	1 dwelling unit	- - - -
3. Home occupations, home professional offices	Non-resident employee	100 sq. ft. of floor space used for the occupation or office
B. PUBLIC OR PRIVATE RECREATIONAL USES		
1. Private or membership clubs or lodges	6 members or 6 persons of total capacity	Full-time employee
2. Bowling alleys	0.25 lanes (4 spaces per lane)	Full-time employee

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
3.. Theaters, auditoriums, libraries, skating rinks, stadiums	6 seats (bench capacity computed at 1 seat for each 20 inches)	Two full-time employees
C. INSTITUTIONAL AND EDUCATIONAL USES		
1. Churches or other places of worship	4 seats	100 sq, ft. of meeting room area plus one space for each two full-time employees
2. Medical or dental offices, clinics	0.25 practitioner (4 spaces per practitioner	Full-time employee
3. Schools, as listed in Section 305.C.	0.8 faculty and other full-time employees (1. 25 spaces per employee	Two students aged 16 years or older; see Section 601
D. RETAIL AND COMMERCIAL SERVICES USES		
1. Automobile servicing and repair	1/3 service bay (3 spaces per day)	Full-time employee
2. Business services such as banks, credit unions	100 sq. ft. of floor area used for serving customers	Full-time employee
3. Professional offices such as real estate, insurance, consultants	200 sq. ft. of gross floor area	Full-time employee

4. Retail stores and business	100 sq. ft. of area used for serving customers	Two full-time employees
5. Funeral homes	4 seats for patron use or 50 sq. ft. of gross floor area Rental room or suite	Full-time non-resident employee
6. Hotels, motels	Rental room or suite	Full-time employee
7. Personal service businesses such as barber shops, photo shops, appliance repair	100 sq. ft. of floor area used for serving customers	Two full-time employees
8. Restaurants, taverns	3 seats for customers	Two full-time employees
9. Drive-in restaurants	100 sq. ft. of gross floor area	Table or booth, plus one space for each two counter stools, plus one space for
10. Self-service laundromats	Washing or dry-cleaning machine	Two full-time employees
11. Shopping centers and neighborhood convenience centers	167 sq. ft. of retail sales area (6 spaces per 1,000 sq. ft.)	- - - - -

601 General Regulations Applying to Required Off-Street Parking Facilities

A. Existing Parking -- Structures and uses in existence at the effective date this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirement.

B. Changes in Use -- Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 600,

for an increase of ten percent (10%) or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.

C. Conflict with Other Uses -- No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

D. Continuing Character of Obligation -- All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

E. Joint Use

1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in sub-section E.(2), as follows.

2. Up to fifty percent (50%).of the parking spaces required for (a) theaters, auditoriums, bowling alleys, or private clubs, and up to one hundred percent (1006) of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the County Attorney, and filed with the application for the zoning permit.

F. Mixed Uses -- Where a permitted use contains or includes more than one of the types of uses identified in Section 600, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.

G. Location of Parking Spaces -- Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet walking distance of the principal use.

H. Fractional Spaces -- Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

602 Design Standards

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

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

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

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

C. The width of entrance and exit drives shall be:

(1) a minimum of twelve (12) feet for one-way use only;

(2) a minimum of twenty (20) feet for two-way use;

(3) a maximum of forty (40) feet at the street line.

D. No parking areas shall be designed to require or encourage parked vehicles to back into public street in order to leave the lot.

E. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.

F. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

G. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall be not less than ten (10) foot in depth. This ten (10) foot planting strip shall be parallel to the street line and shall be measured from the future right-of-way.

603 Off-Street Loading Areas

A. Off-street truck-loading berths shall be provided as an accessory to any use specified on the following page:

1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, school, professional, governmental, or business offices, or laboratory establishments, with a gross floor area between ten thousand (10,000) and twenty-five thousand (25,000) square feet, one (1) additional berth for each additional twenty-five (25,000) square feet, or fraction thereof.

2. For buildings with offices and retail sales and service establishments, with a gross floor area between eight thousand (8,000) and twenty-five thousand (25,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty-five thousand (25,000) square feet or fraction thereof.

3. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, with a

gross floor area between five thousand (5,000) and ten thousand (10,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty thousand (20,000) square feet or fraction thereof.

B. Each required off-street truck-loading berth shall be at least fifty-five (55) feet long, measured perpendicular to the loading dock, shall be at least fourteen (14) feet wide, and shall provide a minimum overhead clearance of sixteen (16) feet.

C. Each required off-street truck-loading berth shall have unobstructed access to a public street. Such access may be combined with access to an off-street parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-street parking spaces or intrude into any street right-of-way. No off-street loading berth shall be located in any required front yard.

D. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except that berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of berths in such joint facilities shall not be less than the total required separately for all such establishments.

ARTICLE 7: SIGN REGULATIONS

700 Purpose

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

701 Applicability and Exemptions

A. No sign shall be erected, hung, placed or painted in any district except as provided in this Ordinance.

B. For the purpose of this Ordinance, any of the following words relating to signs are intended to include any tense or to read with the prefix "re-": affix, alter, attach, display, erect, hang, move, paint, paper, paste, place, post , repair .

C. No sign erected before the enactment of these regulations shall be altered in any respect or moved, except in compliance with the provisions of this Ordinance, and except that any sign may be removed completely.

D. Nothing in this Ordinance shall prevent the proper erection and maintenance of official signs by federal, state, county or municipal agencies for traffic control, directional or informational purposes, or by a private person or agency solely for the protection of the public health, safety and welfare.

E. Where the flag, name, emblem, or insignia of a nation, governmental unit, non-profit educational, charitable, or religious group is used as a sign within the meaning of this Ordinance, such use shall comply with the provisions hereof, except that no fee shall be charged for issuing a permit for such use.

702 Permit Requirements

A. No on-premises sign over six square feet in area and no off-premises sign (except governmental sign) of any size shall be erected, affixed, painted, hung, or otherwise displayed, altered or repaired, unless a permit therefor has been issued.

B. All signs of any size must comply with all the regulations contained herein, regardless of whether a permit is required.

C. No permit shall be required for the repainting or re-papering of a sign which conforms to the provisions of this Ordinance. Signs on theaters advertising changes in program shall not require permits except for the initial installation thereof.

703 Measuring Sign Area

A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.

B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

D. In computing square-foot area of a double-faced sign, only one side shall be considered, provided both faces are identical.

704 General Sign Regulations

A. No sign shall project more than three feet above the roof nor more than 14 inches out from the wall to which it is attached. Signs not exceeding four square feet in area may be placed perpendicular to a building face it attached to and below a canopy projection from said building.

B. Signs shall not exceed the height limit permitted for structures in the zoning district in which they are located, except that the Board of Appeals may authorize a special exception to such use provided that:

1. The exception shall be granted only for on-premises signs accessory to retail commercial uses such as gasoline service stations, restaurants, motels and the like offering services intended primarily or substantially for highway travelers and other transient users ; and

2. Said uses are or will be located at or near an interchange of a limited access highway; and

3. Such special exception sign shall contain only the name or the name and symbol or emblem of the use to which it is accessory; and

4. The area of such special exception sign shall not exceed one hundred (100) square feet; and

5. Not more than one [1) structure for such sign shall be permitted on a single property, but said structure may be authorized to contain the sign of more than one permitted use if such use is on the same or contiguous property.

C. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or the public safety, in the opinion of the Zoning Administrator, he shall order that such sign be made safe or removed. Such order shall be complied with within five days of receipt thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.

D. Lighting devices shall be shielded so that they do not create a nuisance by shining directly into a public street or highway or into a residential district. No flashing or rotating flashing illumination of a sign shall be permitted except for official traffic signs.

E. Except for official traffic signs, no sign with an area larger than six (6) square feet shall be placed nearer than twenty (20) feet from the right-of-way line of a street of fifty (50) feet from the center-line of said street; whichever distance is greater.

705 Prohibited Features

A. No sign shall constitute a public safety or traffic hazard, such as by obstructing traffic signals, traffic signs, road warning signs, street name signs, or the full view of the traffic in all directions at driveways,

entranceways or any other public road intersection.

B. No signs except official traffic signs shall be located within the right-of-way of any street or road or on any slope or drainage easement for a street or road.

C. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal.

D. Tacking, painting, posting or otherwise affixing of signs or posters on the walls of buildings, barns, sheds, trees, posts, poles, fences, walls or other structures is prohibited except as hereinafter provided.

E. Signs shall not obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress for any building or structure.

706 Nonconforming Signs

A. Nonconforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the general wording or content of the sign.

B. Every sign, billboard and other outdoor advertising medium erected in the Town prior to the adoption of the Ordinance may continue to be maintained despite lack of conformity with all of the provisions of this Ordinance, for a period of seven years after the adoption thereof, after which the owner of every such sign, at his own expense, shall cause the same to be brought into strict conformity with all the requirements of this ordinance, or shall remove the same; provided, however, that the Board of Appeals may grant permission as a special exception upon application by said owner for the continued use and maintenance of such sign without conforming to the requirements of this ordinance where to require cessation of use would in the documented opinion of the Board impair the property rights of any person to such an extent as to be an unconstitutional taking of property. The work of bringing such sign into conformity with such requirements shall constitute either repair, alteration or relocation, and therefore, shall require the owner of such sign to obtain a permit.

707 Permitted Signs Accessory to On-Premises Uses

A. Signs as specified hereinafter shall be permitted, as authorized in Article 3, as an accessory use in conjunction with a permitted principal use when

located on the same premises as the permitted use.

B. Identification Signs

1. A sign indicating the name or number of the building or premises or the accessory use of a dwelling for a home occupation, provided that such sign shall not exceed two square feet in area, and provided that not more than one such sign shall be erected on a property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such sign, if illuminated shall be of an enclosed lamp design.

2. A sign indicating the name of an active farm, provided that such sign shall not exceed ten (10) square feet in area, and provided that not more than one such sign shall be erected along any road adjoining the farm.

3. Bulletin or announcement board or identification signs for schools, churches, hospitals, and other principal uses and buildings other than dwellings, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be placed on a property fronts on more than one street, in which case one such sign may be erected on each street frontage.

4. Non-governmental traffic control and directional signs not exceeding two square feet in area. Such signs shall not be illuminated, but may be of the beaded reflector type. No advertising matter whatsoever shall be contained on signs of this type.

5. Any signs used upon a property warning the public against hunting, fishing or trespassing thereon or indicating the private nature of a road, driveway or premises, provided that no individual such sign shall exceed two (2) square feet in area.

C. Advertising Signs

1. A sign advertising the sale of agricultural products grown or produced on the premises, provided that the area of any such sign shall not exceed 20 square feet and not more than one such sign shall be placed on a property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

2. Accessory signs identifying permitted non-residential uses, which

signs may include business advertising signs as defined in Article 2, provided that:

(a) The aggregate area of all signs attached to or painted on a building shall not exceed ten (10) percent of the area of the building face to which they are attached or painted, or one hundred (100) square feet, whichever is less.

(b) Free-standing signs identifying a single building or a shopping center or other principal use shall be permitted in accordance with the following schedule:

Total Street Frontage	No. Signs Permitted
1 to 1,000 feet	1
Each full additional 1,000 ft.	1

(c) The area of any free-standing accessory sign shall not exceed one (1) square foot for each lineal foot of street frontage of the property occupied by the principal use, and in no case shall the area of a sign exceed two hundred (200) square feet.

D. Temporary Signs

1. A temporary sign advertising sale or lease of the land or building upon which such sign is displayed, provided that the area of any such sign shall not exceed six square feet and not more than one such sign shall be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement or renting of the property.

2. A temporary sign advertising the development of the property upon which it stands or the opening of a [now] NEW subdivision, provided that the area of any such sign shall not exceed 100 square feet, that not more than one such sign may be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be

removed immediately upon completion of the development.

3. Temporary contractors', architects' or builders' signs, provided that the area of any such sign shall not exceed 12 square feet. Such signs shall be removed immediately upon completion of the work or 18 months after erection of the signs, whichever shall occur first.

4. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, education, or religious organization. Such signs shall not exceed 12 square feet in area and shall be removed not more than five days after the event.

708 Permitted Signs Relating to Off-Premises Uses

A. Signs directing attention to a person, business, profession, product, home occupation, service or activity not conducted or sold on the same property, herein designated "off-premises" signs, shall be permitted as authorized in Article 3, and as specified hereinafter.

B. Directional Signs

1. Signs for directing patrons, member, or audience to service clubs, churches, or other non-profit organizations, provided signs shall indicate only the name, emblem, meeting hours, address and direction of the facility, and shall not exceed four square feet in area.

2. Directional signs relating to a place, which includes without being limited to commercial and industrial establishments, intended to direct or point the way at street intersections toward said place which obviously could not easily be located without such sign or device, provided that such signs shall contain only the name, symbol or emblem of said place, and provided that no such sign shall be larger than two (2) square feet in area.

C. Advertising Signs

1. Off-premises business advertising signs as defined in Article 2, subject to the following restrictions:

(a) No such sign shall be placed nearer than two hundred (200) feet to any residence, or nearer than twenty-five (25) feet to any street right-of-way line or nearer than fifty [50) feet to any other property line.

(b) No such sign shall be placed closer than three hundred (300) feet to any intersection on a dual highway or closer than one hundred (100) feet to the intersection of any other streets, except that such signs may be placed on a building at such intersections in such a manner as not to cause any greater obstruction of vision that caused by the building itself.

(c) No such sign shall have an area larger than four hundred (400) square feet.

(d) No such sign shall obstruct the view from state highways or county primary roads to areas or structures of scenic or historic interest.

(e) No more than two [2] such off-premises signs shall be permitted for a single business or commercial industrial use.

2. Commercial advertising signs as defined in Article 2 subject to the restrictions contained above in sub-paragraphs 1-a through 1-e inclusive, and the restrictions contained in Articles 3 and 4.

D. Temporary Signs

1. Temporary signs for political campaigns, or directing patrons, members or audience to exhibits, shows, or events, subject to the following requirements:

(a) No such sign shall exceed 12 square feet in area.

(b) Signs shall be removed within five days after the date of the election, exhibit, show or event; otherwise, the Town may cause such sign to be removed with the cost of said removal to be borne by the person or organization responsible for posting the temporary signs.

(c) No such sign shall be posted earlier than six (6) weeks before the occurrence of the event to which it relates.

2. Temporary directional signs relating to a land subdivision or to a construction project, intended to direct or point the way at street intersections toward such subdivision or project, subject to the

following requirements:

(a) No such directional sign shall be larger than two (2) square feet in area.

(b) Such directional signs shall be removed within five (5) days after the completion of such subdivision or project.

ARTICLE 8: NONCONFORMITIES

800 Continuation

Except as otherwise provided in this Article and in Section 702, the lawful use of an structure or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, and becomes a nonconforming use as defined in Article 2.

801 Alteration or Extension

A. Structural alterations of a building or structure, or the use of a structure, building, parcel, lot, or tract of land which does not conform to the provisions of this Ordinance shall be allowed only if the building or structure to be altered or the structure, building, parcel, lot, or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.

B. Upon application, the Board of Appeals may approve the structural alteration of a building or structure, or the extension of use of a structure, building, parcel, lot or tract of land which is not in conformance with the provisions of the Ordinance provided.

1. The alteration or extension of structure or use shall be restricted to an additional area not exceeding thirty-five (35) percent of those existing buildings, structures, parcels, lots, or tracts of land devoted to the nonconforming structure or use .

2. The alteration or extension shall not be in violation of the setback, yard and height regulations in the district in which the structure or use is located.

802 Restoration

A. Structures damaged by fire or other causes to the extent of more than seventy-five (75) percent of the market value of the structure shall not be repaired, reconstructed or used for the same nonconforming use without the approval of the Board of Appeals granted as a special exception pursuant to Article 10.

B. Structures damaged to the extent of seventy-five (75) percent or less of the market value may be reconstructed, repaired or used for the same .nonconforming use without action by the Board of Appeals

C. Any such reconstruction or repair shall be subject to the following provisions:

1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure.

2. Reconstruction shall begin within one (1) year from the date of damage and shall be carried on without interruption.

803 Abandonment

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

804 Changes

A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

B. The Board of Appeals may grant, as a special exception pursuant to Article 10, permission to change a nonconforming use to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use in regard to:

1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic; and

2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration; and

3. Storage and waste disposal; and

4. Appearance.

805 Nonconforming Use Certificate

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

ARTICLE 9: ADMINISTRATION

900 Zoning Administrator – Duties and Powers

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

A. Receive and examine all applications for zoning permits .

B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals.

C. Receive applications for special exceptions, promptly submit these applications to the Planning Commission for their comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.

D. Following refusal of a permit, to receive applications for interpretation, appeals, and variances and promptly forward these applications to the Board of Appeals for action thereon.

E. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.

F. Issue stop, cease and desist orders and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or be certified mail upon persons, firms or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance.

G. With the approval of the Mayor and Town Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

H. Revoke by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance.

I. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.

J. Maintain a map or maps showing the current zoning classification of all land in the Town.

K. Maintain a map of all nonconforming uses and special exception uses in the Town and a file on each such use.

L. Upon the request of the Mayor and Town Council, the Planning Commission or the Board of Appeals, present to such bodies, facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.

901 Zoning Permits

A. Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.

B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of completion of the project.

902 Application Requirements for Zoning Permits

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

903 Fees

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

904 Life of a Permit

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

ARTICLE 10: BOARD OF APPEALS

1000 Establishment of Board

To provide for the competent interpretation and the full and equitable achievement of the purposes of this Ordinance, there is hereby established a Board of Appeals.

1001 Membership, Terms of Office

The Board shall consist of three members. The terms of office of the member shall be three years. Members shall be appointed by the Mayor and Town Council, and shall be removable for cause upon written charges and after public hearing. The Mayor and Town Council shall designate one alternate member for the Board who shall be empowered to sit on the Board in the absence of any regular member of the Board.

1002 Procedures, Meetings, Records and Decisions

A. Procedures -- The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this Ordinance and of Article 66B of the Annotated Code of Maryland.

B. Meetings -- Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Two members present shall constitute a quorum.

C. Records and Decisions -- The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent of failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record, All actions or decisions of the Board shall be taken by resolution in which two members, present during the proceedings, must concur. Each resolution shall contain a statement of the grounds and any findings forming the basis of such action or decision.

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

1003 Who May Appeal to the Board

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decisions of the Zoning Administrator.

1004 Powers and Duties - Interpretation

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

A. Where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Administrator in the enforcement of this Ordinance, or

B. Involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

1005 Powers and Duties - Variances

A. Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions whereby such strict applications would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.

B. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.

C. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied.

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

1. That the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be insurious to the neighborhood or otherwise detrimental to the public welfare.

2. That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.

3. That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship. If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the ordinance.

4. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provisions to which variance applies.

1006 Powers and Duties - Special Exceptions

A. The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions and for no other use or purpose. The Board shall not grant a special exception except in conformance with the conditions and standards of this Ordinance.

B. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall grant a

special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:

1. In accord with the Town's Comprehensive Development Plan and consistent with the spirit, purposes, and intent of this Ordinance.

2. Suitable for the property in question, and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

3. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

C. The Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance. The Board shall consider recommendations of the Planning Commission, if any, prior to rendering a decision.

1007 Rules for Filing Appeals and Applications

A. General Rules

1. Any appeal shall be made by filing the same with the Zoning Administrator within 30 days after the date of the Zoning Administrator's decision.

2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.

3. All appeals and applications shall list names and addresses of all adjoining owners including those across the streets from the subject property.

B. Interpretation Appeals

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

C. Variance Appeals

Appeals for variance from the strict application of this Ordinance shall include the zoning permit application denied by the Zoning Administrator together with a statement with any supporting data regarding the requirements listed in Section 1005.

D. Special Exception Applications

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

1008 Notice of Hearings

Upon transmittal to the Board of an application filed with the Zoning Administrator for a special exception, variance or appeal from alleged error of the Zoning Administrator, the Board shall fix a reasonable time (not less than 30 days nor more than 45 days) from the transmittal date for a public hearing thereon and give notice as follows:

A. At least 15 days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time, and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal, in at least one newspaper of general circulation within the Town.

B. Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in A. above, such posting to take place at least 15 days prior to the date fixed for the public haring.

C. Give written notice of the time and place of such hearing sent by registered mail to the applicant or appellant and to the owners of record of property contiguous to or opposite the property affected.

1009 Review by the Planning Commission on Applications for Special Exceptions, Variances and Interpretations

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

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

1010 Decisions by the Board

A. Decisions by the Board on special exception, variances and interpretation appeals shall be rendered within 10 calendar days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with lay and the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

C. In making its decisions pursuant to the authority conferred by this Ordinance, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board may give consideration, among other things, to the following:

1. The orderly growth of a community, as expressed in the Comprehensive Development Plan or otherwise.

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

3. Traffic conditions and facilities.

4. The effects of such use upon the peaceful enjoyment of people in their homes.

5. The conservation of property values.

6. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

7. The most appropriate use of land and structure.

8. Decision of the courts.

9. The purpose of these regulations as set forth herein.

10. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

1011 Time Limitations on Board Approvals

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

1012 Appeal to Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer of the Town or any officer, department, board or bureau of the Town may appeal the same to the Circuit Court of Washington County.

ARTICLE 11: AMENDMENTS , REMEDIES AND PENALTIES

1100 Power of Amendment

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

1101 Who May Initiate

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

A. Proposals Originated by the Mayor and Town Council - The Mayor and Town Council shall refer every proposed amendment to the Planning Commission. Within thirty (30) days of the referral of said proposal, the Planning Commission shall submit to the Mayor and Town Council a report containing the Commission's recommendations, which may include any additions or modifications to the original proposal.

B. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Mayor and Town Council any proposal for amending this Ordinance.

C. Proposals Originated by a Citizen's Petition

1. Each petition by one or more owners of property to be affected by a proposed amendment shall be submitted to the Zoning Administrator on forms provided therefor. The Zoning Administrator shall transmit such petitions to the Mayor and Town Council, and a copy thereof to the Planning Commission.

2. The Planning Commission may, at its discretion, notify the Mayor and Town Council of their intention to conduct promptly a public hearing on such petition. Within thirty (30) days following receipt of such petition, or, if a public hearing is held, within thirty (30) days following such hearing, the Planning Commission shall transmit to the

Mayor and Town Council a report containing their recommendations thereon, which may include additions or modifications to the original proposal.

3. The Mayor and Town Council shall then proceed in accordance with Section 1103 below.

1102 Fees

To assist the Town in meeting the administrative costs of amendments, all applicants petitioning for zoning amendments shall, at the time of making application, pay to the Zoning Administrator for the use of the Town, a fee in accordance with a fee scheduled adopted by resolution of the Mayor and Town Council upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Town Council.

1103 Public Hearing and Notice

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

A. At least fifteen (15) days prior to the date fixed for public hearing, a notice containing the name of the applicant, if any, the date, time and place of the hearing; and the general nature of the hearing shall be published in at least one (I) newspaper of general circulation in the Town.

B. When such hearing concerns a zoning map change, a notice of pending action containing the same information as in sub-section A, above, shall be posted in a conspicuous place on the property involved, such posting to be done at least fifteen (15) days prior to the date fixed for public hearing.

C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing, shall be sent by registered mail to the applicant, if any and to the owners of property contiguous to or opposite the property affected, and to the owner of the property.

D. At the discretion of the Mayor and Town Council, written notices of hearing may be sent to other interested persons, organizations or agencies.

1104 Facts to be Considered by the Mayor and Town Council

Before enacting an amendment, modification, repeal, or reclassification has herein

provided, the Mayor and Town Council shall make finding of facts in each specific case including, but not necessarily limited to, the following matters:

A. The report and recommendations of the Planning Commission.

B. Population change in the area of the proposed change.

C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.

D. Present and future transportation patterns in the area.

E. Compatibility with existing and proposed development of the area.

F. The relationship of the proposed change to the adopted Plan for the Town.

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

1105 Action by the Mayor and Town Council

A. The Mayor and Town Council may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept.

B. The Mayor and Town Council upon the zoning or rezoning of any land pursuant to the provisions of this Article, may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations, and changes to be made on the subject land to assure conformity with the intent and purpose of the Ordinance.

1106 Enforcement and Remedies

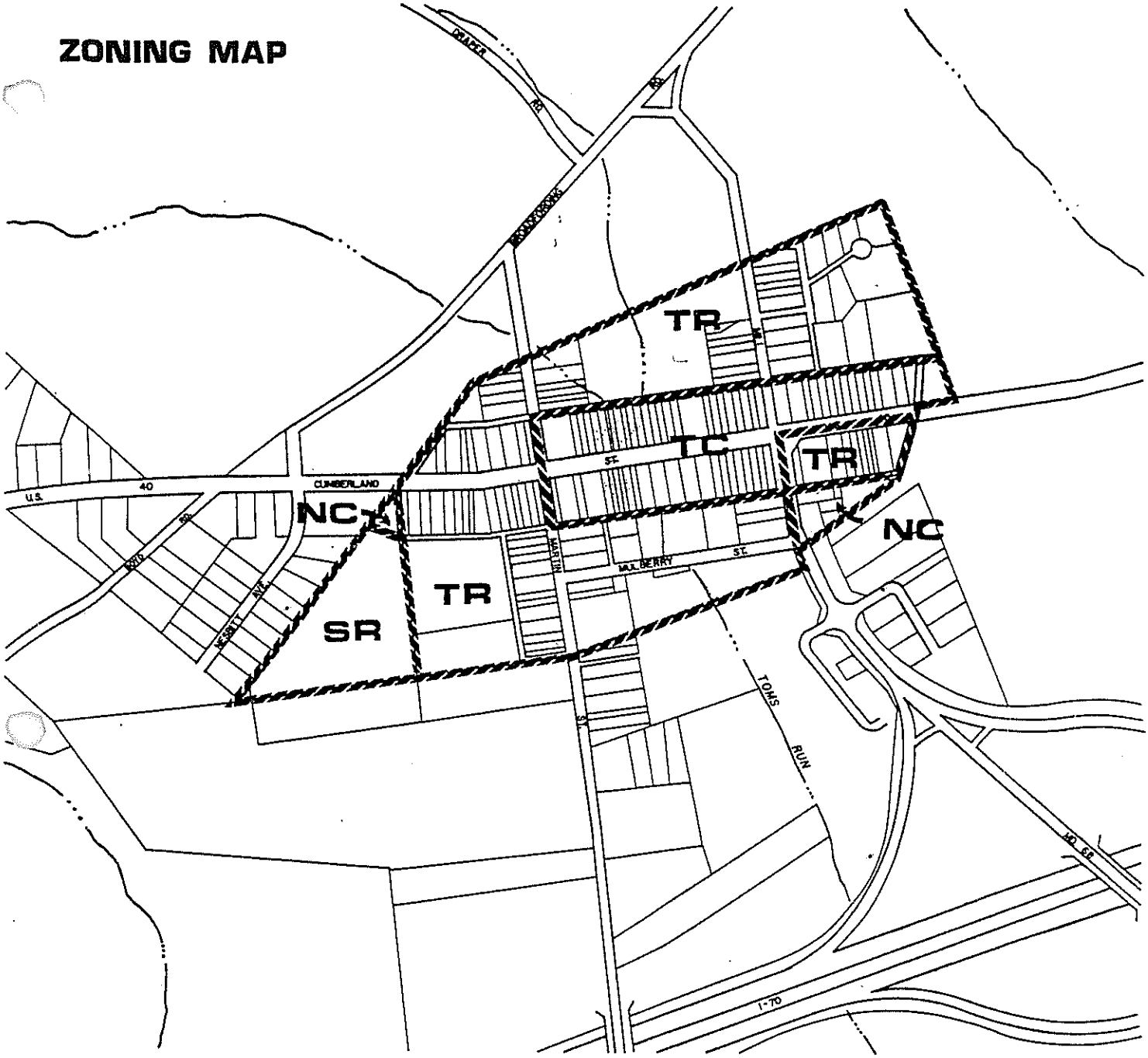
A. As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, 1970 Edition, a violation of this Ordinance is declared to be a misdemeanor.

B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who commits, takes part, or assists in any such violation or who maintains or uses any building or premises in which any such violation shall exist, shall be, on conviction thereof, guilty of a misdemeanor and liable to a fine or penalty not to exceed one hundred ($100) dollars.

C. Whenever any such person specified in paragraph B. above shall have been notified in writing by the Zoning Administrator that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days notice and correct all violations within thirty (30) days thereafter. If corrections are not commenced within five (5) days and are not either completed within thirty (30) days or being pursued in good faith to completion, each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use or other violation continues shall be deemed a separate offense punishable by the like fine.

D. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, sign or land is used in violation of this Ordinance, the appropriate authorities of the Town, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

ZONING MAP



CLEAR SPRING

maryland

NORTH

3 0 3 6 9

hundreds of feet

Zoning Districts
SR - Suburban Residential
TR - Town Residential
TC - Town Center
NC - Neighborhood Commercial

Adopted by the Mayor & Council

December 3, 1996