



**TOWN OF FRIENDSVILLE  
DRAFT ZONING ORDINANCE  
APRIL 20<sup>TH</sup>, 2026**

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**ARTICLE 1. GENERAL PROVISIONS****1.01 TITLE**

This Ordinance shall be known and may be cited as the “**Town of Friendsville Zoning Ordinance.**”

**1.02 AUTHORITY AND SCOPE**

- (A) This Ordinance is adopted pursuant to the authority granted to municipalities under Title 4 of the Land Use Article of the Annotated Code of Maryland, as amended.
- (B) This Ordinance regulates, within the corporate limits of the Town of Friendsville:
  - (1) Land uses and the location, height, bulk, scale, and size of buildings and structures;
  - (2) Lot standards, including minimum areas, widths, setbacks, and maximum impervious coverage;
  - (3) The size and design of yards, open spaces, and buffers;
  - (4) Population density and arrangement;
  - (5) Temporary uses and structures;
  - (6) Zoning district boundaries, as shown on the Official Zoning Map adopted as part of this Ordinance;
  - (7) Permitted, accessory, and special exception uses within each zoning district;
  - (8) The administration, interpretation, and enforcement of this Ordinance, including permits and associated fees;
  - (9) The protection and regulation of sensitive areas, including floodplains, streams, steep slopes, wetlands, and forest resources, in accordance with State law.

**1.03 PURPOSES**

- (A) The purposes of this Ordinance are to promote public health, safety, convenience, and general welfare of the community by:
  - (1) Encouraging the orderly and compatible use and development of land;
  - (2) Preventing overcrowding and promoting appropriate density and scale;
  - (3) Conserving and protecting the value and integrity of land, buildings, neighborhoods, and community character;
  - (4) Improving traffic safety, access, and congestion management;
  - (5) Providing for light, air, privacy, and access to open space;
  - (6) Securing safety from fire, flood, panic, and other dangers;
  - (7) Ensuring the efficient provision of transportation, water, sewer service, stormwater management, and other public facilities;
  - (8) Supporting land use patterns that reflect the unique character and development goals of Friendsville;
  - (9) Implementing the Town of Friendsville Comprehensive Plan and future amendments; and

- (10) Advancing the State of Maryland Planning Visions contained in the Land Use Article §1–201, as amended, including efficient growth, environmental protection, resource conservation, community character, and sustainable development.

#### **1.04 INTERPRETATION AND CONFLICT**

- (A) The provisions of this Ordinance are minimum standards and shall be interpreted and applied as such. This Ordinance shall not repeal or annul any private easements, covenants, or agreements; however:
  - (1) Where this Ordinance imposes more restrictive standards, it shall prevail.
  - (2) Where another applicable law, regulation, or permit is more restrictive, that provision shall control.
- (B) Approval or issuance of a zoning permit, special exception, or other zoning approval under this Ordinance does not authorize construction or occupancy unless and until all required building permits and other applicable County, State, and Federal permits and approvals have been obtained. Compliance with building, fire, property maintenance, and related codes is required in addition to compliance with this Ordinance.

#### **1.05 REPEALER**

- (A) The “Zoning Ordinance for Friendsville, Maryland (2018),” as amended, is hereby repealed in its entirety. Any prior ordinance or resolution that conflicts with the provisions of this Ordinance is repealed to the extent of such conflict.

#### **1.06 SEVERABILITY**

- (A) If any section, subsection, paragraph, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such decision shall apply only to that specific provision.
- (B) The remaining provisions shall remain in full force and effect, and the application of any invalid provision to persons or circumstances other than those expressly involved in the decision shall not be affected.

**ARTICLE 2. DEFINITIONS****2.01 GENERAL RULES OF INTERPRETATION**

- (A) For the purposes of this Ordinance, words and terms shall be interpreted as follows:
- (B) Words in the present tense include the future tense.
- (1) The singular includes the plural and the plural includes the singular.
  - (2) Person includes an individual, firm, association, partnership, institution, trust, corporation, limited liability company, and any other legal entity.
  - (3) Lot includes parcel and plot.
  - (4) Shall is mandatory; may is permissive.
  - (5) Used or occupied includes arranged or designed to be used or occupied.
  - (6) Council or Town Council means the Mayor and Town Council of Friendsville, Maryland.
  - (7) Commission or Planning Commission means the Friendsville Planning Commission.
  - (8) Board means the Friendsville Board of Zoning Appeals.
  - (9) Town means the Town of Friendsville, Maryland.
  - (10) Words not defined herein shall have their customary dictionary meaning and be interpreted consistent with the context and purposes of this Ordinance.

**2.02 DEFINITIONS**

- (A) Unless a contrary intention clearly appears, the following words and phrases have the meanings set forth below.
- (1) **Accessory Dwelling Unit (ADU).** A secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. “Accessory dwelling unit” includes a structure that is separate from the primary single-family detached dwelling unit or attached as an addition to the primary single-family detached dwelling unit.
  - (2) **Accessory Structure.** A subordinate structure located on the same lot as a principal use and customarily incidental to such use, including but not limited to: non-commercial greenhouses, gardens, tool sheds, residential garages (including residential parking garages), swimming pools, parking areas, and boat storage structures. An accessory structure shall not be used for commercial purposes unless specifically permitted in the zoning district. Accessory structures shall not be used for human habitation unless authorized under this Ordinance.
  - (3) **Accessory Use.** A use customarily incidental and subordinate to, and on the same lot as, the principal use/building.
  - (4) **Adult Uses.** Uses involving adult bookstores, adult theaters, adult live entertainment, or massage parlors providing adult materials/services as defined below.
    - i. **Adult Bookstore.** A use with a significant portion of the market value of items for sale/rent being adult materials, or with more than 15 sq ft of floor area occupied by adult materials. “Adult materials” include books, films, videos (including coin/token-operated),

- magazines or paraphernalia with a clear emphasis on depiction/display/description of uncovered genitals.
- ii. **Adult Live Entertainment Use.** A commercial use or club where performers expose ‘specified anatomical areas’ or engage in ‘specified sexual activities,’ as defined by law.
  - iii. **Adult Theater.** A use displaying “adult materials” on film/video to three or more persons at a time for compensation.
  - iv. **Massage Parlor.** A use providing manipulative exercises on exposed skin in private/semi-private rooms for compensation. Excludes: (1) massages by State-licensed massage therapists or health professionals; (2) massages among related persons; (3) massages within a licensed hospital or nursing home; (4) hand/face/feet massages; (5) therapeutic massages clearly incidental to a permitted exercise club or municipal/college/high-school athletic program.
- (5) **Agricultural Activities.** The production and management of crops, vegetation, orchards, groves, vineyards, greenhouses, nurseries, livestock, and soil. Agricultural activities include, but are not limited to, tillage, planting, fertilization, irrigation, pest and weed control, harvesting, storage, processing, and marketing of agricultural products, as well as animal husbandry practices, including the keeping, raising, breeding, feeding, and housing of animals, livestock, poultry, reptiles, fish, or birds, and the handling of animal by-products. Agricultural activities do not include small household gardens or personal gardening conducted as an accessory use to a residential dwelling.
  - (6) **Alley.** A minor way primarily for vehicular access to the rear/side of properties otherwise abutting a street.
  - (7) **Alteration (Building).** A change or rearrangement of structural parts; an enlargement by extending a side or increasing height; or moving a structure to another location.
  - (8) **Animal Hospital.** A building or part thereof used by a licensed veterinarian for the practice of veterinary medicine.
  - (9) **Animal Kennel.** Commercial facility boarding, breeding, or keeping animals (typically more than two adult animals or more than five adult animals, as applicable) for a fee; may or may not be associated with a veterinarian.
  - (10) **Auto Parts & Accessories Store / Sale of Automotive Supplies.** Retail sale of new vehicle parts, tools, and accessories; installation limited to minor services (e.g., wiper/battery replacement).
  - (11) **Bank / Financial Institution.** Establishment primarily engaged in the receipt, disbursement, or exchange of funds (e.g., banks, credit unions, savings and loans).
  - (12) **Banquet Hall.** Facility available for lease to host receptions, parties, and similar gatherings; catering/food preparation may be accessory.
  - (13) **Bed-and-Breakfast.** An owner-occupied, single-family detached dwelling unit in which a guestroom or guestrooms are provided, for compensation, as overnight accommodations for transient visitors, and in which breakfast is customarily included in the charge for the room. A bed and breakfast establishment is subordinate to the use of the dwelling unit as a residence, and it is not a hotel, motel, rooming, lodging house or other use defined or regulated elsewhere in this Ordinance.

- (14) **Boutique Hotel.** A small resort destination that provides a unique setting with upscale accommodations. The hotel can be housed in a single building or group of on-site buildings. A Boutique Hotel will provide an alternative to traditional hotels that may enhance the historic and cultural foundation of the Friendsville community. Boutique Hotels have become increasingly popular in communities that are working to attract tourists with varied interests and may conduct indoor and outdoor special functions.
- (15) **Brewery or Distillery.** A facility engaged in brewing, fermenting, or distilling beverages for distribution, which may include tastings and on-site retail in accordance with MD State licensing.
- (16) **Building.** A structure with roof and walls for shelter of persons, animals, or materials. The word “*building*” includes any part thereof.
- (17) **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.
- (18) **Building Coverage.** The percentage of lot area covered by Building Area.
- (19) **Building Height.** The vertical distance from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the highest roof over any part of the building.
- (20) **Business, Professional, or Government Office.** A place where business or professional services are conducted, including administrative offices. This term does not include retail sales unless otherwise permitted.
- (21) **Bus Station.** A terminal facility for the boarding and departure of intercity, commuter, or local buses. May include waiting areas, ticket counters, restrooms, retail kiosks, and bus parking or maintenance areas.
- (22) **Cannabis Cultivation and Processing Facility.** MD State-licensed facility for cultivating, manufacturing, processing, packaging, and/or labeling cannabis for distribution to licensed entities; excludes retail sales to the general public.
- (23) **Cannabis Dispensary.** An entity licensed by the Maryland Cannabis Administration to distribute cannabis products to qualifying patients, caregivers, or adult-use purchasers consistent with Maryland law.
- (24) **Child Care Center.** A facility licensed by the Maryland Department of Human Services as a "Child Care Center" and that, for part or all of a day, or on a 24 hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage. Such a center may include but is not limited to a non-public nursery school.
- (25) **Community Center.** A facility operated by an educational, philanthropic, or religious institution that provides space for meetings, classes, training, or similar activities serving the community. Such uses may include instructional programs, cultural or recreational activities, and related accessory functions, but do not include residential, medical, or commercial uses.
- (26) **Contractor Offices and Shops.** Facility used by a contractor for administration, storage, equipment maintenance, and staging of construction operations; may include offices, garages, outdoor storage, and workshops.
- (27) **Corner Lot.** A lot abutting two or more streets at their intersection where the interior angle does not exceed 135 degrees.

- (28) **Dwelling.** A building or portion thereof designed for one or more dwelling units.
- i. **Dwelling Unit.** A single unit providing complete living facilities for at least one individual, including, at a minimum, provisions for sanitation, cooking, eating, and sleeping.
  - ii. **Mobile/Manufactured Home.** A home built on a permanent chassis in a factory to federal standards enforced by the Department of Housing and Urban Development (HUD); transportable in one or more sections; and designed to be used as a dwelling with or without a permanent foundation structure. This definition does not include travel trailers.
  - iii. **Modular (Industrialized/Modular) Home.** A Single Family Detached Dwelling built in a factory to Maryland State standards; transported and delivered in one or more sections; and designed to be used as a dwelling with a permanent foundation.
  - iv. **Multi-Family Dwelling.** A building containing three or more dwelling units other than townhouses.
  - v. **Single-Family Detached.** A detached building containing one dwelling unit with yards on all sides.
  - vi. **Townhouse / Rowhouse.** One dwelling unit from ground to roof sharing one or two common walls with adjoining units within a multi-unit building.
  - vii. **Twin (Duplex).** A single building with two dwelling units separated by a vertical party wall, each dwelling on its own lot or capable of separate ownership.
  - viii. **Two-Family Detached.** One building with two dwelling units that does not meet the definition of a twin.
- (29) **Dwelling Unit in Combination with a Permitted Commercial Use.** One dwelling unit located within the same building as a permitted commercial use, clearly separated by floor area or design, and secondary in scale to the principal commercial use.
- (30) **Emergency Service Station.** A facility operated by a public agency or nonprofit organization housing fire, emergency medical, police, or rescue services, including offices, vehicle bays, equipment storage, and related training or support spaces. Accessory uses customarily incidental to emergency services, such as meeting rooms or living quarters for personnel, may also be included.
- (31) **Essential Utility Equipment.** Facilities necessary to provide essential services (e.g., electricity, gas, water, sewer, telecom), including poles, wires, mains, drains, sewers, pipes, conduits, hydrants, transformers, switching equipment, pumping stations, and similar; excludes administrative buildings, storage yards, and maintenance depots.
- (32) **Family Day Care Home.** A residential facility registered with the Maryland Department of Human Services as a Family Child Care Home, in which care is provided for children under thirteen (13) years of age, or for developmentally disabled individuals under twenty-one (21) years of age, in place of parental care, for less than twenty-four (24) hours per day, within a dwelling unit other than the residence of the child or individual receiving care, and for which the provider receives compensation, whether monetary or in kind.
- (33) **Fences and Walls.** A structure designed for the purpose of enclosing space or separating parcels of land.

- (34) **Forestry.** Management, cultivation, and harvesting of forested land for commercial, conservation, or recreational purposes, including logging, reforestation, thinning, and access roads.
- (35) **Funeral Home.** Facility for funeral services, preparation, viewing, and related offices/storage; may include embalming areas.
- (36) **Gasoline Service Station.** Facility selling motor fuels and/or EV charging; may include a convenience store and accessory one-bay car wash or minor vehicle services.
- (37) **Golf Course.** Land used for the game of golf, including fairways, greens, and associated clubhouse and maintenance facilities.
- (38) **Golf Driving Range.** A facility for practicing golf shots by hitting balls toward targets.
- (39) **Group Home.** A lawful dwelling unit occupied by persons who, due to age, disability, or other qualifying condition, reside together as a single housekeeping unit with supervision/care as needed; excludes Treatment Centers and facilities housing persons who pose a threat to others.
- (40) **Hemp Cultivation and Processing Facility.** A facility or property used for the growing, propagation, cultivation, harvesting, drying, storage, processing, or packaging of hemp or hemp-derived products, as defined by federal and Maryland law (containing no more than 0.3% delta-9 THC on a dry-weight basis). Activities may include field or greenhouse cultivation; fiber, grain, or seed production; drying and curing; extraction of non-intoxicating cannabinoids (e.g., CBD); and the processing or preparation of raw or finished hemp goods for wholesale or distribution. This use includes both agricultural cultivation and industrial processing components. This use does not include any cannabis or marijuana grower, processor, or dispensary licensed under Maryland's medical or adult-use cannabis programs, which are regulated separately under this Ordinance.
- (41) **Home Occupation.** A customary, incidental, and secondary nonresidential use conducted wholly within a dwelling unit or a permitted accessory structure, which is clearly subordinate to and compatible with the residential use of the property, and which is carried on by one or more residents of the dwelling in accordance with the standards set forth in Article 4 and Article 5 of this Ordinance.
- (42) **Hotel or Motel.** A building or group of buildings containing guest rooms for short-term lodging.
- (43) **Household.** One (1) person living alone, or two (2) or more persons living together in a dwelling unit as a single housekeeping unit, with common access to and shared use of living, cooking, and dining areas.
- (44) **Keeping of Chickens/Fowl.** The keeping, housing, breeding, raising, or maintaining of domesticated poultry or fowl on any property, including but not limited to chickens, hens, roosters, ducks, geese, turkeys, guinea fowl, quail, peafowl, and similar birds, whether within a coop, run, enclosure, or through free-ranging.
- (45) **Indoor Entertainment or Recreational Facility.** Enclosed entertainment/recreation uses (e.g., theaters, bowling, skating, arcades, indoor courts/fields, health clubs); excludes Adult Uses and primary instructional schools unless otherwise allowed.

- (46) **Junk.** Discarded, unusable, scrap or abandoned man-made/processed materials or articles, such as metal, appliances, abandoned motor vehicles, vehicle parts, machinery, and building materials. Excludes: solid waste temporarily stored for imminent disposal in appropriate containers; waste within a permitted solid-waste facility; vehicles currently being restored.
- (47) **Junkyard.** Land or premises used for the outdoor storage, accumulation, or abandonment of five (5) or more motor vehicles that do not display a current State of Maryland vehicle registration (excluding vehicles not required to be registered for operation on a public street), one (1) or more mobile or manufactured homes that are not in habitable condition, and/or junk, scrap, or discarded materials—including scrap metal, dismantled or inoperable vehicles or vehicle parts, appliances, machinery, equipment, tires, and similar materials—covering one thousand (1,000) square feet or more of land area.
- (48) **Library or Museum.** A building or portion thereof operated by a governmental, educational, or nonprofit organization for the purpose of housing and displaying books, works of art, artifacts, or similar materials for public use, study, or viewing.
- (49) **Licensed Hospital.** Building(s) providing inpatient medical or surgical care with related facilities incidental and subordinate to hospital operations.
- (50) **Light Manufacturing.** Small-scale processing, fabrication, assembly, or repair of finished products conducted entirely within an enclosed building and without detectable impacts at the lot line (e.g., noise, odor, smoke).
- (51) **Lot.** A parcel under single ownership, not divided by a street, available as the site for one or more buildings and accessory buildings; excludes land within street rights-of-way.
- (52) **Lot Lines.** Boundaries of a lot, including:
- i. **Front Lot Line.** The street right-of-way line; on multiple frontages, the “front” is as established by prevailing block pattern or as designated by the Zoning Administrator.
  - ii. **Rear Lot Line.** A lot line parallel or within 45° of parallel to the front lot line; if no street frontage exists, the line farthest from the street shall be the rear lot line. Each lot shall have one rear lot line. In the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not front lines is to be considered a rear lot line.
  - iii. **Side Lot Line.** Any lot line that is not a front or rear lot line.
- (53) **Medical or Dental Office.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians, dentists or other licensed health practitioners.
- (54) **Microbrewery, Microwinery, Microdistillery.** A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption and which possesses the appropriate license from the State of Maryland. Tasting rooms for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises.
- (55) **Mobile/Manufactured Home Parks.** A lot under single ownership which includes two or more mobile/manufactured homes intended for non-transient use.
- (56) **Nursing Home.** A facility, licensed by the State of Maryland, that provides lodging, meals, and continuous nursing care under medical supervision for two or more residents who are not related to the operator. Nursing homes are distinct from hospitals in that they provide long-term skilled nursing and personal care rather than acute medical treatment. Accessory uses may include staff offices, therapy areas, and common spaces customarily incidental to resident care.

- (57) **Nonconformity.** A lot, structure, or use that lawfully existed prior to adoption or amendment of this Ordinance and no longer conforms to current requirements.
- (58) **Off-Street Parking.** Parking spaces and drive aisles located outside the public right-of-way.
- (59) **Outdoor Entertainment or Recreational Facility.** A privately owned and operated outdoor facility providing space, land, or equipment for leisure, sports, fitness, entertainment, or cultural activities, available to members or the general public for a fee or other compensation. This use includes, but is not limited to, golf courses, driving ranges, athletic fields, outdoor swimming pools, tennis courts, skating areas, and similar outdoor recreational or entertainment facilities operated for profit and open to the public or membership-based users. This definition does not include indoor recreational or entertainment facilities, nor publicly owned parks or recreational facilities operated by a governmental entity.
- (60) **Parking Garage.** A structure, building, or portion thereof used for the parking or storage of motor vehicles as a principal use, available to the general public for compensation.
- (61) **Personal Care Home/Assisted Living Facility.** A residential facility licensed by the State of Maryland that provides housing, meals, and personal care or supervision for three or more ambulatory adults who are not related to the operator and who may require assistance with activities of daily living, including dressing, bathing, diet, or medication self-administration, but who do not require hospitalization or skilled nursing care. Does not include nursing homes or group homes licensed under other provisions
- (62) **Pharmacy.** A commercial establishment primarily engaged in the retail dispensing of prescription medications, over-the-counter drugs, medical supplies, and related health products. A pharmacy may include ancillary services such as immunizations, health screenings, and consultation areas. The use may also include the sale of convenience items customarily found in pharmacies.
- (63) **Place of Worship or Religious Assembly.** A building where people assemble for religious services and related community activities.
- (64) **Printing and Publishing Establishment.** A facility engaged in the printing, publishing, binding, or distribution of newspapers, periodicals, books, or other printed materials, including related offices, storage, and incidental sales. This use includes newspaper printing as well as other forms of commercial printing and publishing.
- (65) **Private Club or Lodge.** An organization, civic or fraternal, operating on a membership basis, where alcoholic beverages may be allowed under state license, and where facilities are provided for social, recreational, or educational activities of members only.
- (66) **Private or Public Primary or Secondary Schools.** Institutions offering instruction at the elementary or secondary level and meeting state educational requirements, including related athletic and cultural facilities.
- (67) **Production, Processing, Cleaning, Testing, and Distribution of Materials.** Industrial activities involving the manufacture, assembly, packaging, treatment, or distribution of products, excluding heavy industry with significant emissions, vibration, or hazards.
- (68) **Public Building.** A structure owned, leased, or operated by a governmental agency for public purposes, including administrative offices, post offices, or public safety facilities, but excluding utilities and schools separately defined.

- (69) **Recreational Facility (Owned by Local Government).** Parkland, playgrounds, athletic fields, trails, or indoor recreation centers owned, leased, or operated by a municipality or other public agency for community use.
- (70) **Repair Garage.** A building where mechanical work, bodywork, painting, or similar repair services are performed on motor vehicles, exclusive of junkyards and automobile sales.
- (71) **Restaurant.** An establishment preparing and serving food for consumption on the premises.
- i. **Restaurant, Drive-Through.** A restaurant providing service to customers in vehicles.
- (72) **Retail Store.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, excluding adult-oriented businesses and motor-vehicle sales.
- (73) **Rooming / Boarding / Lodging House.** A building housing three or more individuals who pay compensation for living accommodations without individual kitchen facilities.
- (74) **Sale or Rental of Motor Vehicles, Farm Equipment, and Miscellaneous Vehicles.** A facility or lot for the display, sale, lease, or rental of new or used motor vehicles, farm equipment, trailers, recreational vehicles, or similar large vehicles or machinery. Such uses may include incidental maintenance or service work performed on-site, but do not include dismantling, salvage, or the storage of inoperable vehicles except as customarily incidental to sales or rentals.
- (75) **Self-Storage Units (Mini-Warehouse).** A facility designed and used primarily for the rental of individual, secured storage spaces to tenants for storing personal, household, or business goods. Such facilities typically consist of multiple enclosed units that are accessed directly from the exterior or interior, and may include climate-controlled units. Self-storage units do not permit residential occupancy or the active conduct of business (e.g., operating a workshop, retail sales, or office use) within the leased units.
- (76) **Service Business.** Establishments providing personal or business services to the general public, barber or beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, custom printing or photocopying, health club, travel agency, tailor, repair shop for watches, guns, bicycles, locks, excluding repair garages and professional offices separately defined.
- (77) **Sewage System.** A facility for collection and treatment of wastewater.
- i. **Central Sewage System.** Serves more than one property.
- ii. **Private Sewage System.** Serves a single property.
- (78) **Sign.** A device or structure that communicates information to the public.
- i. **On-Premises Sign.** Identifies activities on the same lot.
- ii. **Off-Premises Sign.** Identifies activities not located on the same lot.
- (79) **Solar Energy System (Large).** A facility where solar panels or other solar energy devices are used to generate electricity primarily for off-site consumption or sale to the power grid. Such facilities are generally ground-mounted, may cover multiple acres, and include accessory equipment such as inverters, transformers, substations, access roads, and fencing. This use is distinct from accessory solar energy systems intended for on-site consumption.
- (80) **Solar Energy System (Small).** A solar collection system, typically rooftop or ground-mounted, designed and sized to supply power primarily for on-site use by the principal structure or use on

a lot. Excess power may be transferred back to the grid in compliance with state regulations, but the system's primary purpose is to serve the property where it is located.

- (81) **Special Exception Use.** A use permitted in a zoning district only after review and approval by the Board of Zoning Appeals. Any change to the character or extent of a Special Exception Use shall also require review and approval by the Board of Zoning Appeals
- (82) **Specifically Prohibited Use.** A use that is not permitted in the zoning district and shall not be allowed under any circumstances, whether by right, special exception, conditional approval, or other zoning approval.
- (83) **Storage Facility.** A building or group of buildings used primarily for the storage of goods, merchandise, equipment, or materials, typically serving as a distribution or logistics hub for commercial or industrial operations. Access is restricted to employees or authorized personnel; this use does not include self-service units open to the general public.
- (84) **Street.** A public or private vehicle travelway serving three or more lots.
- (85) **Street Line.** The boundary between a street right-of-way and a lot.
- (86) **Structure.** A constructed object having a fixed location on the ground.
- (87) **Tavern.** An establishment where alcoholic beverage sales exceed food sales.
- (88) **Trade or Professional School.** An educational or vocational institution offering specialized instruction in trades, arts, or professions, including business colleges, cosmetology schools, truck-driving schools, and similar training facilities.
- (89) **Transient Vacation Rental Unit.** A single-family dwelling that provides complete living facilities for one household and is rented to guests for periods of fourteen (14) consecutive days or fewer. This use does not include hotels, motels, or bed-and-breakfast establishments.
- (90) **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be drivable or towed by a motor vehicle and used as a temporary dwelling for travel, recreational, or vacation purposes. A travel trailer may contain cooking, sleeping, and sanitary facilities but is not designed for permanent residential occupancy. This term includes campers and similar towable recreational vehicles, but does not include manufactured or mobile homes.
- (91) **Variance.** Authorization by the Board of Zoning Appeals to modify dimensional zoning requirements when strict enforcement would create unnecessary hardship or practical difficulty.
- (92) **Water Supply System.** A system that provides potable water.
  - i. **Central Water System.** Serves more than one property.
  - ii. **Private Water Supply.** Serves one property.
- (93) **Wind Energy System (Large).** A facility consisting of multiple wind turbines and associated equipment used to generate electricity primarily for off-site consumption or sale to the power grid. Such facilities may include substations, transmission lines, meteorological towers, operation/maintenance facilities, and access roads. Wind energy farms are distinct from accessory wind energy systems intended to serve on-site buildings or uses.

- (94) **Wind Energy System (Small).** A single wind turbine or small group of turbines designed primarily to provide power for on-site use by the principal structure or use on a lot. Excess energy may be transferred back to the power grid in compliance with state regulations, but the system's primary purpose is to serve the property where it is located. Accessory systems are typically limited in height, capacity, and number of turbines as established by ordinance.
- (95) **Wholesale Business and Storage.** Establishments engaged in bulk sale, distribution, or warehousing of goods to retailers, contractors, or other wholesalers, and which may include indoor storage and limited accessory offices, but not retail sale to the general public.
- (96) **Yard, Front.** The required open space, the full width of the lot, measured from the street line and which limits the closest location of any building on the lot, exclusive of overhanging eaves, gutters, or cornices.
- (97) **Yard, Side.** The required open space measured from a side lot line of a lot, and which limits the closest location of any building on the lot, and which extends from the front yard to the rear yard.
- (98) **Yard, Rear.** The required open space, the full width of the lot, measured from the rear property line of the lot, and which limits the closest location of any building on the lot, exclusive of overhanging eaves, gutters, or cornices
- (99) **Zoning Administrator.** The person designated by the Town Council to administer this Ordinance and work with Garrett County staff to enforce its provisions.
- (100) **Zoning Ordinance.** This Ordinance, as amended.

**ARTICLE 3. ZONING DISTRICTS AND USE REGULATIONS**

**3.01 ESTABLISHMENT OF ZONING DISTRICTS**

(A) The Town of Friendsville is hereby divided into the following zoning districts:

<b>Abbreviation</b>	<b>District Name</b>
<b>RD</b>	Rural Development District
<b>SR</b>	Suburban Residential District
<b>TR</b>	Town Residential District
<b>TC</b>	Town Center District
<b>GC</b>	General Commercial District

(B) All land, structures, and uses within the Town shall be regulated according to the standards applicable to the zoning district in which they are located, unless otherwise expressly stated in this Ordinance.

**3.02 PURPOSE OF ZONING DISTRICTS**

(A) **Rural Development (RD) District:** It is the intent of the Rural Development District to conserve agricultural lands, protect scenic and natural resources, and maintain the rural character of the Town. This district is further intended to accommodate limited residential and other compatible uses in a manner that preserves open space and supports the continuation of agricultural operations.

(B) **Suburban Residential (SR) District:** It is the intent of the Suburban Residential District to provide for stable residential neighborhoods in a suburban environment. Development within this district shall be designed to promote compatibility with existing residences, protect open space, and support a high quality of life for residents.

(C) **Town Residential (TR) District:** It is the intent of the Town Residential District to provide opportunities for a variety of housing types in a cohesive neighborhood setting. This district is intended to encourage residential development in locations with convenient access to the Town Center and community services while maintaining an orderly and attractive streetscape.

(D) **Town Center (TC) District:** It is the intent of the Town Center District to serve as the social, cultural, and commercial heart of the community. This district is intended to promote a vibrant, pedestrian-oriented environment with a compatible mix of residential, retail, office, civic, and cultural uses that contribute to a lively and sustainable downtown core.

(E) **General Commercial (GC) District:** It is the intent of the General Commercial District to accommodate a broad range of retail, service, and commercial activities that meet the needs of residents and the regional market. This district is intended for locations that can support vehicular access, larger-scale development, and businesses that may not be suitable for the Town Center.

**3.03 ZONING MAP**

(A) The location and boundaries of zoning districts shall be as shown on the Official Zoning Map of the Town of Friendsville, Maryland, which is hereby adopted as part of this Ordinance.

(B) The Zoning Map, including all notations and references thereon, shall have the same force and effect as if fully set forth in this Ordinance. Amendments to the Zoning Map shall be made in accordance with the procedures for zoning map amendments.

**3.04 INTERPRETATION OF DISTRICT BOUNDARIES**

(A) All zoning district boundaries shown on the Official Zoning Map follow parcel lines as recorded in the Garrett County land records. Where uncertainty exists in determining the location of a zoning district boundary, the following rules shall apply:

- (1) **Parcel Lines** — District boundaries follow the legal parcel boundaries as shown on the most current parcel map or deed of record.
- (2) **Streets and Rights-of-Way** — Where a boundary follows a street or right-of-way, it shall be construed to follow the centerline of that street or right-of-way unless otherwise indicated.
- (3) **Easements or Natural Features** — Where a boundary follows a river, stream, or easement, it shall coincide with the centerline or edge of that feature as shown on the Zoning Map.
- (4) **Annexed Areas** — When parcels are annexed into the Town, zoning district boundaries shall be extended along parcel lines of the annexed area.
- (5) **Discrepancies** — In the event of a discrepancy between the zoning map and parcel records, the parcel boundary of record shall govern unless corrected by formal map amendment.
- (6) **Split Parcels** — Zoning district boundaries shall not divide parcels. Where a prior boundary division exists, the Town Council shall amend the zoning map to align with parcel boundaries.

### **3.05 NEWLY ANNEXED AREAS**

- (A) Areas annexed into the Town shall receive an initial zoning classification consistent with the Town's adopted Comprehensive Plan. Where no classification is assigned at the time of annexation, such lands shall be temporarily classified RD until permanent zoning is applied by legislative action following a public hearing.

### **3.06 PERMITTED USES AND USE CLASSIFICATION SYSTEM**

- (A) All land uses in the Town shall be permitted, permitted with conditions, allowed by special exception, or prohibited as shown in the Use Table (Table 3-1).
- (B) How to Read the Use Table.
  - (1) **Permitted Uses (P):** Uses allowed by right subject to all applicable standards.
  - (2) **Special Exception Uses (SE):** Uses allowed only upon approval by the Board of Zoning Appeals pursuant to Article 10 with conditions or supplemental standards (see Article 4).
  - (3) **Not Permitted Uses (N):** Uses that are not permitted.
  - (4) **Specifically Prohibited (SP):** Uses that are prohibited in Town limits.
- (C) Unlisted Uses.
  - (1) If a proposed use is not listed in the Use Table, the Zoning Administrator may determine whether it is:
    - i. Similar to a listed use; or
    - ii. Requires Special Exception review.

### **3.07 USES SUBJECT TO OTHER REGULATIONS**

- (A) All uses are subject to:
  - (1) Dimensional standards (Article 5)
  - (2) Parking (Article 6)
  - (3) Signs (Article 7)
  - (4) Nonconformities (Article 8)
  - (5) Administration/Board of Zoning Appeals (Articles 9 & 10)

**3.08 PRE-EXISTING SPECIAL EXCEPTION USES**

- (A) Any legally existing use requiring a special exception under this Ordinance is deemed to have been granted such special exception, provided the use does not expand or change in character without Board approval.

**3.09 TEMPORARY USES AND STRUCTURES**

- (A) The Zoning Administrator may grant a temporary permit for a nonconforming temporary structure or use incidental to a construction project when such structure or use is reasonably required for such a project.
- (B) The Board of Zoning Appeals may grant a temporary permit for routine and customary temporary structures and uses, other than as provided in the above subsection "A."
- (C) A Temporary Permit shall be granted for an initial period of not more than one year and may be renewed for a period not exceeding one additional year.

**Table 3-1. [Permitted Land Use Table](#)**

Land Uses	RD	SR	TR	TC	GC	Supplemental Regulations
<b>Residential Uses</b>						
Accessory Dwelling Units	P	P	P	P	N	4.03 (C)
Dwelling Unit in Combination with a Permitted Commercial Use	N	N	P	P	N	
Group Home	P	P	P	P	N	
Mobile/Manufactured Home Parks	N	SE	N	N	N	4.03 (T)
Mobile/Manufactured Homes	P	P	P	P	N	
Modular Homes	P	P	P	P	N	
Multi-family Dwellings	N	N	P	P	N	
Rooming/Boarding/Lodging Houses	N	N	P	P	N	
Single Family Detached Dwelling	P	P	P	P	N	
Townhouse/Rowhouse	N	N	P	P	N	
Transient Vacation Rental Unit	P	P	P	P	N	
Twin Dwelling (Duplex)	N	N	P	P	N	
Two Family Detached Dwelling	N	N	P	P	N	

Land Uses	RD	SR	TR	TC	GC	Supplemental Regulations
<b>Commercial Uses</b>						
Adult uses	SP	SP	SP	SP	SP	
Animal Hospital	N	P	P	P	P	
Animal Kennel	SE	N	N	N	P	4.03 (E)
Bank / Financial Institution	N	N	N	P	P	
Banquet Hall	SE	SE	SE	SE	N	4.03 (F)
Bed and Breakfast	SE	SE	SE	P	N	4.03 (G)
Boutique Hotel	P	N	N	P	SE	4.03 (H)
Bus Station	N	N	N	P	P	
Business, Professional, or Governmental Offices	N	N	N	P	P	
Cannabis Dispensary	N	N	N	P	P	4.03 (I)
Gasoline Service Station	N	N	N	P	P	
Funeral Home	N	N	N	SE	N	4.03 (N)
Indoor Entertainment or Recreational Facilities	SE	N	SE	SE	P	4.03 (P)
Medical/Dental Office	N	N	N	P	P	
Motel/Hotel	N	N	N	P	P	
Microbrewery, Microwinery, Microdistillery	N	N	N	P	P	
Outdoor Entertainment or Recreational Facilities	SE	N	N	SE	SE	4.03 (V)
Pharmacy	N	N	N	SE	SE	
Private Club or Lodge	N	N	N	P	P	
Restaurant (Drive through)	N	N	N	SE	P	4.03 (Z)
Restaurant (No drive through)	N	N	N	P	P	
Retail Stores	N	N	N	P	P	
Sale or Rental of Motor Vehicles, Farm Equipment, and Miscellaneous Vehicles	N	N	N	SE	N	4.03 (AA)

Land Uses	RD	SR	TR	TC	GC	Supplemental Regulations
<b>Commercial Uses</b>						
Self-Storage Units (Mini-Warehouse)	N	N	N	N	P	
Parking Garage (Commercial)	N	N	N	SE	SE	4.03 (X)
Service Business	N	N	N	P	P	
Tavern	N	N	N	P	P	
<b>Institutional Uses</b>						
Child Care Center	SE	SE	SE	SE	SE	4.03 (K)
Community Center	P	N	N	P	N	
Emergency Service Station	SE	SE	SE	SE	SE	4.03 (M)
Library or Museum	N	N	N	P	N	
Licensed Hospital	N	N	N	SE	P	4.03 (R)
Nursing Home	N	N	N	SE	P	4.03 (U)
Personal Care Home / Assisted Living Facility	SE	SE	SE	SE	P	4.03 (W)
Place of Worship or Religious Assembly	P	P	P	P	P	
Private or Public Primary or Secondary Schools	N	N	N	P	N	
Public Building	P	P	P	P	P	
Recreational Facility (Owned by Local Government)	P	P	P	P	P	
Trade or professional school	N	N	N	SE	SE	4.03 (CC)
<b>Industrial Uses</b>						
Brewery or Distillery	N	N	N	N	P	
Cannabis Cultivation and Processing Facility	SE	N	N	N	N	4.03 (J)
Contractor offices and shops	N	N	N	N	P	
Hemp Cultivation and Processing Facility	SE	N	N	N	N	4.03 (J)
Junkyard	SP	SP	SP	SP	SP	

Land Uses	RD	SR	TR	TC	GC	Supplemental Regulations
<b>Industrial Uses</b>						
Light Manufacturing	N	N	N	P	N	
Printing and Publishing Establishment	N	N	N	P	P	
Production, Processing, Cleaning, Testing, And Distribution of Materials	N	N	N	SE	P	4.03 (S)
Solar Energy System (Large)	P	P	P	P	P	4.03 (AA)
Storage Facility	N	N	N	N	P	
Repair Garage	N	N	N	N	SE	4.03 (X)
Wholesale Business and Storage	N	N	N	N	P	
Wind Energy System (Large)	SE	SE	SE	SE	SE	4.03 (DD)
<b>Miscellaneous Uses</b>						
Agricultural Activities	P	N	N	N	P	
Forestry	P	P	P	P	P	
<b>Accessory Uses</b>						
Family Day Care Home	P	P	P	P	N	
Fences and Walls	P	P	P	P	P	
Home Occupation	SE	SE	SE	P	N	4.03 (O)
Keeping of Chickens/Fowl	P	P	P	P	P	4.03 (Q)
Accessory Structures	P	P	P	P	P	
Signs	P	P	P	P	P	
Essential Utility Equipment	SE	SE	SE	SE	SE	4.03 (K)
Solar Energy System (Small)	P	P	P	P	P	4.03 (BB)
Travel Trailer	P	P	P	P	N	
Wind Energy System (Small)	P	P	P	P	P	

**ARTICLE 4. SUPPLEMENTAL REGULATIONS****4.01 PURPOSE AND APPLICABILITY**

- (A) The standards in this Article provide additional regulations that apply to certain uses, buildings, and development activities. These provisions are intended to:
- (1) Protect public health, safety, and welfare;
  - (2) Ensure compatibility between neighboring properties;
  - (3) Address unique impacts that do not apply to all uses; and
  - (4) Provide clear performance expectations for applicants, staff, and the public.
- (B) Where a conflict exists between this Article and any other part of this Ordinance, the more restrictive standard shall apply.

**4.02 GENERAL STANDARDS****(A) Compliance with Other Ordinance Provisions**

- (1) All uses shall comply with:
  - i. Article 3 – Zoning Districts and Permitted Uses
  - ii. Article 5 – Dimensional Requirements
  - iii. Article 6 – Off-Street Parking and Loading
  - iv. Article 7 – Sign Regulations
  - v. Article 8 – Nonconformities
- (2) Approval of a use under this Article does not relieve an applicant of meeting all other applicable regulations.

**(B) Public Services and Utilities**

- (1) Development shall occur only where adequate roads, utilities, emergency services, water, and sewage disposal are available, or will be provided in accordance with State, County, and Town requirements.

**(C) Access and Circulation**

- (1) All development shall provide safe vehicular, bicycle, and pedestrian access, including adequate sight distance, internal circulation, and loading areas that do not block public streets or sidewalks.

**(D) Screening, Landscaping, Buffers, and Lighting**

- (1) Where activities may produce noise, glare, light spillover, or visual impacts, the Town may require landscaping, fencing, berming, or other screening measures to protect adjacent properties.
- (2) Outdoor lighting shall be downward-directed, shielded, and designed to prevent glare beyond property lines or into residential areas.

**(E) Environmental Protection**

- (1) Development shall comply with:
- (2) Floodplain and wetland regulations;
- (3) Stream buffers; and
- (4) Rare, threatened, and endangered species protections

#### 4.03 SUPPLEMENTAL REGULATIONS BY USE

- (A) The standards in this section apply to the uses identified in the “Supplemental Regulations” column of Table 3-1. Where a use is subject to supplemental standards, those standards apply in addition to all other applicable provisions of this Ordinance.
- (B) Each use subject to supplemental standards shall comply with the applicable subsection below.
- (C) **Accessory Dwelling Units (ADUs).**
- (1) **Purpose.** This section is adopted pursuant to Maryland law to promote and encourage the development of accessory dwelling units (ADUs) on lots with existing single-family detached dwellings, to help address housing needs within the Town.
  - (2) **Applicability.** One ADU is permitted by right on any lot with an existing single-family detached dwelling, subject to the standards below.
  - (3) **Development Standards.** ADUs may be created by:
    - i. Converting existing space (basement, attic, or living area);
    - ii. Adding to an existing structure;
    - iii. Repurposing an existing accessory structure (e.g., garage);
    - iv. Building a new detached structure.
  - (4) **Size.** An ADU shall not exceed 75% of the primary dwelling’s living area or 1,000 sq ft, whichever is less.
  - (5) **Setbacks.** ADUs must comply with the accessory setbacks found in section 5.07(B).
  - (6) **Parking.** One off-street space is required only if no on-street parking is available or if the ADU is constructed with a new principal dwelling.
    - i. No additional parking is required where on-street parking is permitted and adequate.
  - (7) **Design.** ADUs shall remain subordinate in appearance and function to the primary dwelling and not alter the residential character of the lot.
  - (8) ADUs shall not count toward residential density limits or growth controls.
- (D) **Agricultural Activities**
- (1) **Structures and Setbacks.** Any structure or enclosure routinely used for:
    - i. The keeping, breeding, or sheltering of livestock or poultry (including barns, stables, or animal sheds), or
    - ii. The storage, composting, or processing of manure or animal waste, shall be set back a minimum of 200 feet from all property lines.

This 200-foot setback may be reduced if the owner(s) of the adjoining property provide written consent waiving this setback requirement, which shall be recorded with the Zoning Administrator prior to permit issuance.
  - (2) **Odor and Waste Management.** All livestock operations must employ best practices for waste management to minimize odor, pest attraction, and runoff. Manure storage areas shall be:
    - i. Covered or otherwise protected from rainfall where practical, and
    - ii. Managed in accordance with state nutrient management regulations, where applicable.

- (3) **Animal Welfare and Containment.** All animals must be securely enclosed or fenced to prevent escape or trespass onto neighboring properties or public ways. Outdoor enclosures must be maintained in a sanitary condition and provide adequate shelter, food, and water.
  - (4) **Noise and Operational Impacts.** Agricultural operations involving frequent animal noise (e.g., roosters, cattle) shall not operate in a manner that creates a persistent nuisance to neighboring residential uses. Mechanical equipment (e.g., milking machines, feed grinders) used near residential areas should be operated during typical daytime hours to the extent practicable.
  - (5) **Lighting.** Any outdoor lighting associated with agricultural operations shall be full cutoff and shielded to minimize glare onto neighboring properties.
- (E) **Animal Kennels.**
- (1) **Minimum Lot Area.** The facility shall be located on a lot of not less than one (1) acre.
  - (2) **Setbacks.** No portion of any building, outdoor run, kennel enclosure, or exercise area shall be located:
    - i. Less than 150 feet from any existing dwelling not owned or occupied by the kennel operator;
    - ii. Less than 50 feet from any street right-of-way or property line.
  - (3) Where all animals are kept entirely within a soundproofed, climate-controlled building between 8:00 PM and 8:00 AM, the property line setback may be reduced to 30 feet, but the 150-foot separation from neighboring dwellings shall still apply.
  - (4) **Building Standards and Noise Control.** All buildings used for overnight animal housing shall be:
    - i. Insulated and sound-attenuated to minimize external noise;
    - ii. Ventilated and climate-controlled to maintain indoor air quality;
    - iii. Compliant with the following noise thresholds at any receiving property line:
      - a)  $\leq 60$  dBA between 8:00 PM and 8:00 AM
      - b)  $\leq 70$  dBA between 8:00 AM and 8:00 PM
  - (5) **Outdoor Activity Areas.** Outdoor play, exercise, or training areas shall:
    - i. Be fully enclosed with fencing at least six (6) feet in height;
    - ii. Be screened from adjacent residential properties using fencing, landscaping, berms, or combinations thereof;
    - iii. Limit activities to between 7:00 AM and 9:00 PM, unless otherwise approved by the Board of Zoning Appeals.
  - (6) **Waste Management and Sanitation.** Animal waste shall be:
    - i. Collected daily and disposed of per county and state regulations;
    - ii. Managed to prevent odor, groundwater contamination, and runoff to neighboring parcels or waterways;
    - iii. Accompanied by stormwater controls to prevent discharge onto adjacent properties.

- (7) **Operations and Management Plan.** The applicant shall submit a management plan that includes:
- i. Hours of operation
  - ii. Maximum number of animals housed or boarded
  - iii. Detailed waste management procedures
  - iv. Noise and odor mitigation strategies
  - v. Emergency protocols for animal care
- (8) **Lighting.** All exterior lighting shall:
- i. Be full cut-off fixtures (fully shielded);
  - ii. Be directed downward and away from adjacent residential properties;
- (F) **Banquet Halls.**
- (1) **Minimum Lot Area & Location.** Shall be located on a lot of at least one (1) acre, unless in a commercial zoning district with public water and sewer, in which case the district minimum applies.
- i. Outdoor event areas shall not be located:
    - a) Within 50 feet of any street right-of-way;
    - b) Within 100 feet of any residentially zoned or used property.
- (2) **Parking.** Off-street parking shall be provided at a minimum ratio of 1 space per 3 fixed seats. Parking areas must be paved or constructed of an all-weather surface.
- (3) **Passenger Drop-Off / Pick-Up.** A clearly marked drop-off/pick-up area must be provided and must not block travel lanes, driveways, or streets.
- (4) **Loading & Service Areas.** A separate, screened loading/service area is required for catering, deliveries, refuse, and equipment. It shall be located to the rear or side of the building and not face public streets. Screening must be a minimum 6 feet using fencing, walls, evergreens, or combination thereof.
- (5) **Noise & Outdoor Events.** Outdoor amplified sound (music, PA systems, bands/DJs) permitted only between 10:00 AM and 10:00 PM, unless extended by a temporary event permit. Noise shall not exceed 65 dBA at any property line. Indoor amplified sound must be controlled to prevent audibility beyond property lines after 11:00 PM.
- (6) **Lighting.** All lighting must be fully shielded and downward-directed to prevent off-site glare. Parking lot lighting must be reduced to security level within 1 hour after event conclusion.
- (7) **Traffic & Circulation.** Site circulation must accommodate passenger, service, and emergency vehicles. Traffic Impact Study may be required for large venues at the Zoning Officer or Board's discretion.
- (8) **Outdoor Event Areas.** Outdoor areas (e.g. patios, lawns, gardens) shall include:
- i. Defined walkways to/from parking;
  - ii. Screening where adjacent to residential properties;
  - iii. Stable, accessible surfacing (e.g. hard surface or stabilized ground).

(9) **Event & Operations Plan.** An applicant must submit a plan addressing:

- i. Maximum occupancy
- ii. Typical staffing
- iii. Hours of operation and event schedule
- iv. Parking and traffic management
- v. Noise mitigation
- vi. Oversight for outdoor events

**(G) Bed and Breakfast**

(1) **Standards.** Bed and Breakfast establishments shall comply with the following:

- i. Guest Capacity and Layout.
  - a) Maximum of eight (8) guestrooms.
  - b) Only designated rooms may be used for sleeping.
  - c) Maximum two (2) beds per guestroom.
  - d) No more than four (4) adult guests per room.
  - e) No cooking facilities allowed in guestrooms.
  - f) No additional entrance permitted on front façade if converting a residence.
  - g) Guests may not stay more than thirty (30) consecutive nights.
- ii. Bathroom Facilities.
  - a) Minimum of one full bathroom) per two guestrooms, plus one for the owner.
- iii. Parking
  - a) One (1) off-street parking space per guestroom.
  - b) A sidewalk connection must be provided between parking area and main building.
- iv. Employees
  - a) No more than two (2) nonresident employees permitted on site.

(2) **Limitations on Use.** The Bed and Breakfast shall not operate as a gathering place, meeting hall, or public dining facility.

**(H) Boutique Hotels.**

(1) All Boutique Hotels will be subject to the following requirements:

- i. No Boutique Hotel shall have less than five (5) guest rooms and no more than twenty-five (25) twenty-five guest rooms. This is in a single building or combination of buildings On-Site for a maximum of twenty-five (25) guest rooms in all.
- ii. Only designated guest rooms shall be used for sleeping.
- iii. No guest shall be permitted in the Boutique Hotel for more than (30) consecutive nights.

(2) Special functions of the Boutique Hotel include, but are not limited to boutique weddings, receptions, showers, parties, art, music and cultural events.

- (3) A Boutique Hotel must comply with all applicable town development regulations for the zoning district in which it is located. Compliance will be demonstrated through an engineered site plan submitted to the Friendsville Planning Commission and approved by the Friendsville Planning Commission.

**(I) Cannabis Retail Dispensary.**

- (1) **Licensing.** The facility shall obtain and maintain a valid State of Maryland cannabis license, and shall remain in full compliance with all applicable state laws and regulations.
- (2) **Location Restrictions.** No dispensary shall be located:
  - i. Within 500 feet of any:
    - a) Public or private school serving students under age 18
    - b) Licensed childcare center or registered family childcare home
    - c) Playground, recreation center, or public park
    - d) Public library
    - e) Place of worship
    - f) Within 0.5 miles of another licensed cannabis dispensary
    - g) Within 100 feet of any residentially-zoned property
- (3) **On-Site Consumption.** On-site consumption of cannabis or cannabis products is strictly prohibited.
- (4) **Site and Operational Requirements.** Dispensaries shall comply with all applicable State of Maryland regulations related to:
  - i. Hours of operation
  - ii. Security systems and surveillance
  - iii. Exterior lighting
  - iv. Signage standards
  - v. Waste handling and disposal
- (5) No odors, fumes, vibration, or noise shall be detectable at or beyond the property line.
- (6) All cannabis products shall be stored indoors within a secure, enclosed building.
- (7) Drive-thru service is prohibited, unless:
  - i. Permitted by State law and
  - ii. Approved by the Town through a Special Exception process.

**(J) Cannabis and Hemp Cultivation & Processing Facilities**

- (1) **Licensing and Compliance.** Cannabis operators shall maintain a valid license from the Maryland Cannabis Administration (MCA); Hemp operators shall hold valid registrations or licenses from the Maryland Department of Agriculture (MDA) and/or U.S. Department of Agriculture (USDA).
- (2) Suspension or revocation of required licenses automatically suspends zoning approval.
- (3) Applicants shall submit all State-required site, security, and operational plans with their Special Exception application.

- (4) **Location and Separation.** Cannabis facilities must be at least 500 feet from any:
  - i. School (public or private),
  - ii. Childcare center,
  - iii. Park/playground,
  - iv. Place of worship.
- (5) Hemp facilities must maintain a 50-foot setback for any outdoor cultivation from all property lines. A minimum 0.5-mile separation is required between cannabis dispensaries. Distance is measured property line to property line. The Board of Appeals may require additional separation based on site conditions.
- (6) **Building and Site Design.** All processing, extraction, drying, and storage must occur within a fully enclosed, secure building.
- (7) Outdoor cultivation:
  - i. Cannabis: Prohibited unless specifically authorized by MCA and the Board.
  - ii. Hemp: Permitted per State agricultural regulations and subject to Board review.
- (8) Access drives must support farm or delivery vehicles and not block public roads.
- (9) **Odor, Air Quality, and Emissions.** Odor mitigation systems (e.g., carbon filters, negative pressure, sealed HVAC) are required; no odor shall be detectable at the property line. Hemp operators must certify compliance with MDE air quality standards. Cannabis applicants shall submit certification from a qualified mechanical engineer confirming system performance.
- (10) **Security and Surveillance.** Cannabis facilities shall comply with MCA security regulations, including:
  - i. Video surveillance,
  - ii. Controlled access,
  - iii. Intrusion detection.
  - iv. Hemp storage areas must be secure and inaccessible to the public.
  - v. Outdoor cultivation areas (if approved) must be fenced or secured.
- (11) **Waste and Hazardous Materials.** Cannabis waste must be rendered unusable before disposal. All chemical, solvent, or flammable waste must follow State and Federal hazardous waste regulations. Outdoor storage of waste is prohibited.
- (12) **Hazardous Extraction (Cannabis Only).** If volatile methods (e.g., butane extraction) are used:
  - i. A certified, closed-loop system is required.
  - ii. Compliance with fire/building codes and approved fire suppression and emergency ventilation plans is mandatory.
- (13) **Traffic, Parking, and Loading.** Applicants must show that surrounding roads can safely accommodate operational traffic. Loading areas must be located to the side or rear, screened from public view and residential areas. Parking must meet at least 1 space per employee plus adequate space for delivery/agricultural vehicles.
- (14) **Operational Limits.** Cultivation/processing may operate 24/7, but deliveries, shipping, and waste removal must occur between 7:00 AM – 7:00 PM, unless otherwise approved. On-site

consumption, retail sales, dispensary functions, and drive-throughs are prohibited under this use. Hemp operations shall not include cannabis cultivation or dispensing.

- (15) **Compatibility and Screening.** Where adjacent to residential districts, facilities must provide:
- i. A minimum 25-foot landscaped buffer, and
  - ii. Screening (fence and/or dense evergreens).
  - iii. Noise, glare, vibration, and other impacts must be mitigated.
  - iv. Exterior lighting must be fully shielded and cut-off to prevent glare.

**(K) Child Care Centers.**

- (1) **State Licensing.** The operator shall obtain and maintain a valid MSDE Child Care Center license. A copy of the current license shall be submitted to Garrett County and kept on file. Any change in licensing status shall be reported to the Town immediately.
- (2) **Building Design and Location.** In Town Residential (TR) and Rural Development (RD) Districts, the facility shall be located in:
  - i. A building originally constructed for residential use, or
  - ii. A newly constructed building designed with residential scale, character, and roof form.
  - iii. In commercial districts, centers may occupy non-residential buildings.
- (3) **Maximum Enrollment.** On a 20,000 sq. ft. lot: maximum 10 children. One (1) additional child is permitted per 1,000 sq. ft. of lot area beyond 20,000 sq. ft. Total enrollment must comply with State licensing requirements for indoor space, outdoor space, and staff-to-child ratios.
- (4) **Outdoor Play Areas.** Must be located in the rear or side yard, at least 10 feet from any property line. Must be fully enclosed with a minimum 4-foot high fence with self-latching gates. Noise and privacy screening may include solid fencing, evergreen plantings, or a combination of both.
- (5) **Parking, Drop-Off, and Traffic Circulation.** A safe, on-site drop-off and pick-up area shall be provided to prevent vehicles from queuing onto public streets. Parking shall comply with Article 6 and be located to the side or rear of the building where feasible. Clearly marked, safe pedestrian access routes shall be provided from parking to the building entrance.

**(L) Essential Utility Equipment.**

- (1) **Location and Setbacks.** Equipment shall meet the minimum district setbacks, unless increased by the Board of Appeals due to proximity to residential uses. A minimum 25-foot setback is required from any lot line abutting a residential use or district. No minimum lot size required unless otherwise stated in the district regulations.
- (2) **Screening and Enclosure.** Outdoor equipment (e.g., transformers, pumps, switching gear) shall be screened from streets and neighboring properties using:
  - i. Fencing,
  - ii. Evergreen plantings,
  - iii. Masonry walls, or
  - iv. A combination of the above.

Screening shall be at least 6 feet in height, dense year-round, and maintained. Security fencing or measures shall prevent unauthorized access to outdoor equipment.

- (3) **Noise and Operations.** Noise shall comply with Town limits at all property lines. Equipment producing noise (generators, blowers, etc.) shall be enclosed or acoustically shielded. Routine maintenance shall avoid nighttime hours.
- (4) **Lighting.** Lighting is limited to what is necessary for safety and security. Fixtures shall be full cut-off, downcast, and designed to prevent glare onto adjacent properties or ROWs. Motion-activated lighting is encouraged where feasible.
- (5) **Access and Traffic.** Access routes must accommodate emergency and maintenance vehicles without obstructing public roads. Service vehicle storage on-site is prohibited unless specifically authorized.
- (6) **Environmental Compliance.** Facilities must comply with applicable Federal, State, and local regulations for:
  - i. Stormwater,
  - ii. Erosion control,
  - iii. Hazardous materials,
  - iv. Utility standards.

Odor control is required for applicable facilities like pump stations.

- (7) **Neighborhood Compatibility.** Equipment must be scaled, placed, and screened to be compatible with adjacent uses—especially in residential areas. Equipment shall be designed or colored to reduce visual impacts.
- (8) **Prohibited Associated Uses.** The following uses are not permitted as part of Essential Utility Equipment:
  - i. Administrative or office buildings
  - ii. Storage or laydown yards
  - iii. Fleet vehicle depots
  - iv. Equipment repair shops
  - v. General maintenance facilities
- (9) **Emergency Backup Equipment.** Backup generators or similar systems are allowed if:
  - i. Located at the side or rear of the property,
  - ii. Include noise and vibration mitigation, and
  - iii. Comply with State emissions and testing requirements.

**(M) Emergency Services Station.**

- (1) **Purpose and Location Criteria.** The applicant must demonstrate that the location meets the public safety needs of the area served. The location and design must support efficient response times, direct access to major roads, and land use compatibility.
- (2) **Building Design and Compatibility.** Building scale and character shall be compatible with nearby development, particularly in residential zones. Apparatus bay doors shall be oriented to minimize headlight glare and noise on adjacent properties where feasible.
- (3) **Lot Area and Setbacks.** The minimum lot size shall meet base zoning standards, unless greater area is needed for:

- i. Training or drill areas,
- ii. On-site circulation,
- iii. Expanded parking.

Equipment bays and outdoor storage areas shall be set back a minimum of 25 feet from all rear and side lot lines.

- (4) **Vehicle Circulation and Access.** Sites must provide safe, direct access to a public road suited to emergency vehicles. Driveways shall be designed to avoid queuing into public streets and ensure unobstructed emergency egress.
- (5) **Noise and Sirens.** Routine siren testing is limited to 8:00 AM – 8:00 PM, unless emergency conditions require otherwise. The Board of Appeals may impose additional noise mitigation when adjacent to residential uses.
- (6) **Lighting.** Exterior lighting shall be:
  - i. Shielded and downcast, and
  - ii. Designed to prevent glare onto neighboring properties or roads.

Security lighting may remain on overnight but must be low-intensity and safety-focused.

- (7) **Parking and Outdoor Storage.** Off-street parking is required for all expected users (staff, volunteers, trainees, etc.), consistent with Article 6. Parking should be located to the side or rear of the building where practical. Outdoor equipment or materials must be screened from public view.
- (8) **On-Site Training Activities.** Training and drills are permitted but may be subject to conditions on:
  - i. Hours of operation,
  - ii. Frequency of use,
  - iii. Use of sirens or simulated lights,
  - iv. to reduce neighborhood impacts.

**(N) Funeral Homes.**

- (1) **Permitted Use and Activities.** The use shall not create a nuisance due to traffic, noise, lighting, or public activity. Allowed activities include:
  - i. Transport of human remains to/from the premises;
  - ii. Embalming and cosmetic preparation within an enclosed building;
  - iii. Viewing, visitation, and funeral services;
  - iv. Storage and delivery of caskets, including display.

Cremation is prohibited unless expressly permitted in the Use Table and separately approved.

- (2) **Utilities.** Must be served by public water and sewer where available. If unavailable, facilities must comply with Garrett County Health Department requirements.
- (3) **Site Appearance.** Grounds, buildings, parking, and signage must be well-maintained and consistent with community standards. No outdoor storage is permitted.

- (4) **Landscaping, Screening, and Lighting.** When adjoining residential uses:
- i. Provide a landscaped buffer.
  - ii. Use shielded, downward lighting to avoid glare.

The Board may impose additional screening, lighting, or setbacks to enhance compatibility.

- (5) **Waste Handling.** All medical, chemical, or biological waste must be handled and disposed of in compliance with Town, County, State, and Federal regulations.

**(O) Home Occupation.**

- (1) **Location and Enclosure.** Must be conducted entirely indoors, either:
- i. Within the principal dwelling, or
  - ii. In a permitted accessory building on the same lot.

Outdoor operations are prohibited.

- (2) **Residential Character.** No exterior changes shall alter the residential appearance of the property. No outside display, merchandise, or visible advertising. Signage is limited to one small home occupation sign, per Article 7.

- (3) **Storage.** Outdoor storage is prohibited unless:

- i. Fully screened from streets and adjoining properties.
- ii. Storage of hazardous or combustible materials beyond normal household amounts is not permitted.

- (4) **Employees.** Operated primarily by resident(s) of the home. Maximum of one (1) non-resident employee on-site at any time.

- (5) **Floor Area Limit.** The home occupation may occupy no more than:

- i. 25% of the principal dwelling's ground floor, or
- ii. 250 sq. ft., whichever is less.

- (6) **Traffic, Parking, and Deliveries.** Shall not generate traffic or parking beyond typical residential levels. Delivery limited to standard parcel carriers (USPS, UPS, FedEx). No commercial vehicles over 10,000 lbs. GVW stored on-site.

- (7) **Nuisance and Compatibility.** Must not produce noise, odor, glare, vibration, or other disturbances detectable off-site. Prohibited activities include:

- i. Auto repair, welding, machining
- ii. Equipment rental or warehousing
- iii. Frequent on-site retail sales

- (8) **Customer or Client Visits.** Allowed only if:

- i. ≤ 5 trips per day
- ii. Occur between 8:00 AM and 7:00 PM

- (9) **Prohibited Home Occupations.** The following are strictly prohibited:

- i. Automotive repair or service garages
- ii. Contractor's yards

- iii. Medical or dental clinics
- iv. Walk-in retail stores
- v. Animal grooming, boarding, or kennels
- vi. Food trucks, restaurants, or commercial food prep

**(P) Indoor Entertainment & Recreation Facilities.**

- (1) **General Use.** Must be conducted entirely indoors. Includes facilities such as:
  - i. Movie theaters, bowling alleys, skating rinks, arcades, sports courts/fields, billiard halls, fitness centers, etc.
  - ii. Adult entertainment uses are excluded and regulated separately.
- (2) **Compatibility with Surroundings.** Buildings and sites must be designed to:
  - i. Minimize noise, lighting, and traffic impacts, especially near residential uses.
  - ii. Entrances, loading areas, and service doors should be oriented away from residences where feasible.
- (3) **Hours of Operation.** When adjacent to residential zoning or uses:
  - i. Hours shall be limited to 7:00 AM – 10:00 PM, unless extended by the Board of Appeals.
- (4) **Parking.** Off-street parking shall meet Article 6 requirements. Shared parking may be approved if peak usage does not overlap.
- (5) **Noise Control.** Maximum noise at property lines:
  - i. 65 dBA between 10:00 PM – 7:00 AM.
  - ii. Outdoor sound systems (e.g., PA, speakers) are prohibited unless specifically approved.
- (6) **Lighting.** All exterior lighting shall be:
  - i. Downward-directed and shielded to avoid glare.
  - ii. Reduced to security levels one hour after closing.
- (7) **Traffic Circulation.** Must provide safe access for vehicles and pedestrians. No adverse impacts on adjoining public streets.

**(Q) Keeping of Chickens/Fowl**

**(1) General Standards.**

- i. Permitted Birds: Only female chickens (hens or pullets) are allowed. Roosters are prohibited.
- ii. Maximum Number: Up to four (4) hens may be kept on any residential lot of at least 3,000 square feet.
- iii. Permitted Locations:
  - a) Allowed only on properties with single-family detached homes or duplexes.
  - b) Prohibited on mobile homes, mobile home parks, or multifamily properties.
- i) Ownership: Chickens may only be kept by property owners or tenants with written permission from the property owner.

- (2) **Licensing.** A Town Chicken License is required prior to acquiring chickens. Residents must register with the Maryland Department of Agriculture, unless exempt. The license fee is \$10.00 per year, renewable annually by April 1st.
- (3) **Use Limitations.** Chickens may only be kept for personal use. Commercial uses (egg sales, breeding, compost sales) are prohibited. Chickens must have access to clean water and feed at all times.
- (4) **Coop and Outdoor Enclosure Requirements.** Coop Standards:
  - i. Must be a fully enclosed structure with roof, walls, and adequate ventilation.
  - ii. Minimum indoor area: 2 square feet per chicken.
  - iii. Must be predator- and weather-resistant.
  - iv. Must be located outside of residential buildings (no use of basements, garages, etc.).
  - v. Chickens must be kept in coops from dusk to dawn.
- (5) **Enclosure Standards:**
  - i. Outdoor run must provide access to sun and shade.
  - ii. Minimum outdoor space: 10 square feet per chicken.
  - iii. Minimum height 4 feet, or fully enclosed with mesh/netting.
  - iv. Coops/enclosures prohibited in front yards.
- (6) **Setbacks:**
  - i. 15 feet from side lot lines.
  - ii. 20 feet from rear lot lines.
  - iii. On corner lots, no closer to the street than the primary residence.
- (7) **Waste Management and Sanitation.** Manure storage must be stored in a sealed container or compost bin. Maximum on-site storage is one 20-gallon container. Excess manure must be removed regularly. Coops and enclosures must be maintained free of excessive droppings. Dead chickens must be promptly and properly disposed of.
- (8) **Neighborhood Compatibility.** Chickens must not create odors, noise, or unsanitary conditions detectable beyond property lines. Owners must take measures to prevent rodent/predator attraction and parasite/insect infestations.
- (9) **Enforcement and Violations.** Treated as Municipal Infractions:
  - i. \$100 for first offense.
  - ii. \$200 for subsequent offenses.

Two (2) violations within a 12-month period may result in license revocation. Licensee must remove chickens upon revocation; refusal may result in legal action and recovery of court costs and attorney fees. Ineligible for a new license for five (5) years following revocation.
- (10) **Applicant Acknowledgements.** The applicant is solely responsible for:
  - i. Verifying chicken keeping is allowed under private covenants.
  - ii. Compliance with all State, local, and federal laws.
  - iii. Truthful information on the license application.

**(R) Licensed Hospitals.**

- (1) **Licensing Requirements.** The facility shall maintain a valid Maryland Department of Health license as a hospital or health care facility. A copy of the current license must be submitted to Garrett County and kept on file. The Town must be notified of any change in licensure status.
- (2) **Building and Site Design.** Architecture and scale must be compatible with surrounding land uses, especially adjacent residential zones. Outdoor activity areas, service/loading bays, and equipment must be screened and located to reduce impacts on neighboring properties. Mechanical systems (e.g., HVAC, generators, rooftop units) must be screened via parapets, enclosures, or landscaping. Site layout must mitigate:
  - i. Light spillover
  - ii. Noise
  - iii. Traffic circulation conflicts
  - iv. Visual massing and bulk appearance
- (3) **Parking and Access.** Off-street parking must comply with Article 6 of the Zoning Ordinance. The site must ensure unobstructed access for emergency vehicles. Driveways and internal circulation shall prevent queuing onto public roads.
- (4) **Loading and Support Services.** Loading and delivery areas must be:
  - i. Located to the side or rear
  - ii. Screened from view of streets and adjacent residential lots
  - iii. Emergency generators may only be tested between 8:00 AM and 8:00 PM, except in emergency conditions.
- (5) **Lighting and Noise.** All exterior lighting must be:
  - i. Shielded
  - ii. Downward-directed
  - iii. Designed to prevent glare onto neighboring properties

Siren use should be minimized when exiting the site for non-emergency calls, if consistent with emergency protocol.
- (6) **Outdoor Patient Spaces.** Any outdoor courtyards, seating areas, or therapy gardens must be:
  - i. Screened from adjacent properties
  - ii. Located to protect patient privacy

**(S) Light Manufacturing, Processing, and Production**

- (1) **Purpose.** To allow for low- and moderate-intensity fabrication, assembly, processing, and related activities that are compatible with the Town Center's pedestrian-oriented, mixed-use environment.
- (2) **Enclosed Operations.** All activities—manufacturing, fabrication, testing, cleaning, processing, assembly, packaging, and storage—must occur entirely within a fully enclosed building. Outdoor storage is prohibited unless:
  - i. Approved by the Board
  - ii. Fully screened by a solid fence or dense landscaping (minimum 5 feet height)

- (3) **Noise, Odor, Emissions, and Environmental Controls.** Uses shall not produce noise, vibration, dust, odor, glare, or fumes detectable beyond the property line. Noise limits not to exceed 55 dBA at residential lot lines between 9:00 PM and 7:00 AM. All equipment must be screened and acoustically shielded. Spray finishing, sanding, or similar processes must use approved ventilation and filtration systems per MDE standards. No perceptible heat or glare beyond lot lines. Wastewater or effluent must comply with all MDE discharge regulations.
  - (4) **Hazardous Materials.** Any use of solvents, industrial cleaners, adhesives, or chemicals must submit a Safety and Handling Plan. Storage and disposal must comply with OSHA, NFPA, and MDE standards.
  - (5) **Design Compatibility.** Operations must be low-impact and consistent with artisan shops, small fabrication, or craftsman uses. High-intensity industrial activities (e.g., chemical processing, large-scale heat treatment, metal fabrication) are prohibited. Building and site design must complement pedestrian-oriented development in TC.
  - (6) **Loading, Access, and Deliveries.** Loading areas and docks shall be located to the side or rear and not face primary streets. Oversized delivery vehicles (e.g., tractor-trailers) may be prohibited unless access is demonstrated. Delivery operations must be scheduled to avoid pedestrian conflict and reduce impacts on neighboring residential areas.
  - (7) **Parking and Traffic.** Parking shall comply with Article 6. Shared parking is encouraged where feasible. Applicant must demonstrate that truck and employee traffic will not adversely affect Town Center walkability or adjacent uses.
  - (8) **Lighting.** All exterior lighting shall be:
    - i. Fully shielded
    - ii. Downward-directed
    - iii. Designed to eliminate glare onto adjacent properties and rights-of-way
  - (9) **Waste and Refuse.** All refuse, recyclables, and process waste shall be stored indoors or in enclosed, screened facilities located to the side or rear. Waste storage areas must not be visible from public streets or pedestrian corridors.
  - (10) **Hours of Operation.** The Board may restrict hours to maintain compatibility with surrounding uses. Special consideration shall be given to early-morning and late-evening production, delivery, and truck movements.
- (T) Mobile/Manufactured Home Parks**
- (1) Where permitted, all Manufactured Home Parks shall comply with the following standards, along with applicable provisions of this Ordinance and relevant state and federal regulations, including HUD Construction and Installation Standards (24 CFR 3280 & 3285).
  - (2) **Home Type Restriction.**
    - i. Only single-wide Mobile/Manufactured Homes—defined as units manufactured in one complete section—shall be permitted within a Mobile/Manufactured Home Park.
    - ii. Double-wide homes (manufactured in more than one section) shall not be permitted in such parks.
  - (3) **Space and Density Requirements.**

Minimum Home Space:

- i. Each home site: 10,800 sq. ft., minimum 90 ft. lot width at setback line (excluding easements).

**(4) Maximum Density:**

- i. Total lot area minus:
  - a) 10% for required open space.
  - b) Floodplain, slopes >25%, overhead utility easements.
- ii. Divide remainder by 10,800 sq. ft.

**(5) Setbacks.**

Perimeter Setbacks:

- i. 75 ft from any exterior public street ROW.
- ii. 100 ft from any exterior property line.

Internal Setbacks:

- iii. 25 ft from internal streets, parking, or recreation areas.
- iv. 20 ft between homes or between homes and any principal buildings.

**(6) Installation Standards.** Homes must be:

- i. Anchored on a concrete pad or
- ii. Installed per HUD standards (24 CFR 3285) or Town-approved methods

**(7) Access and Circulation.** Parks with 10+ homes must have two access points, spaced at least 150 ft apart. No individual driveway may access a public street directly. Internal streets must:

- i. Be paved.
- ii. Not exceed a 12% grade.

**(8) Street Design.** Internal streets must have:

- i. 40 ft ROW minimum.
- ii. 20 ft cartway for two-way travel or 14 ft for one-way.
- iii. 8 ft parking lane if on-street parking is allowed.

Road base: 6-inch stone, 3-inch asphalt unless otherwise approved.

**(9) Parking.** Off-street parking as per Article 6. At least 1 space adjacent to each home. All required spaces must be within 300 ft of the homes they serve

**(10) Landscaping and Buffering.** A 10 ft wide landscaped buffer is required along all perimeters. Buffer may include:

- i. Trees, shrubs, evergreens.
- ii. Berms or fencing.
- iii. Combinations ensuring visual screening.

**(11) Open Space and Recreation.** Parks with 5+ homes must reserve 10% of the total area for usable open space. Open space must be:

- i. Centrally located

- ii. Accessible.
  - iii. Free of hazards, steep slopes, or stormwater basins.
- (12) **Additions and Enclosures.** Additions/enclosures:
- i. May not exceed 100% of home floor area
  - ii. Require a building permit
  - iii. Pedestrian walkways (min. 4 ft wide) shall connect:
    - a) Homes
    - b) Recreation areas
    - c) Parking areas
    - d) External sidewalks/trails

**(U) Nursing Home.**

- (1) **State Licensing.** Must maintain a valid Maryland license for the level of care provided. A current license must be filed with Garrett County. The Town must be notified of any changes to license status or care classification.
- (2) **Setbacks.** Outdoor gathering areas shall be:
  - i. Screened for privacy and noise.
  - ii. Oriented away from neighboring properties where feasible.
- (3) **Building and Site Design.** In TR and RD zones, the building must either:
  - i. Be originally built for residential use, or
  - ii. Be designed to reflect residential character, including:
    - a) Scale and height
    - b) Roof pitch and materials
    - c) Window and façade proportions
    - d) Mechanical and service equipment must be screened from adjacent lots.
- (4) **Parking and Circulation.** Parking per Article 6; locate to side or rear when feasible. Provide a designated drop-off/loading zone for medical or paratransit vehicles. Ensure clear emergency access at all times.
- (5) **Outdoor Lighting.** Shielded and downward-directed to prevent glare. Overnight lighting should be low-intensity for safety
- (6) **Operations and Noise.** Schedule routine deliveries and transport to avoid residential disruption. Generator testing allowed only 8:00 AM to 8:00 PM, unless for emergency use.

**(V) Outdoor Entertainment or Recreational Facilities.**

- (1) **Applicability & General Use.** Outdoor recreation/entertainment for public use with a fee (e.g., golf courses, fields, pools, climbing/adventure parks, etc.). This excludes campgrounds, motorized tracks, amusement parks, adult entertainment.

(2) **Lot & Setback Requirements.** Minimum Lot Size:

- i. General Uses: 2 acres.
- ii. Golf Courses: 25 acres.

Minimum Setbacks:

- iii. General Activities:
  - a) 50 ft from any property line
  - b) 100 ft from any adjacent dwelling
- iv. Golf Courses:
  - a) Buildings, greens, and tees: 75 ft from property lines
  - b) Maintenance buildings/chemical storage: 100 ft from residential property

(3) **Noise & Sound.**

Amplified Sound:

- i. Allowed between 8:00 AM – 10:00 PM (unless otherwise approved)
- ii. Loudspeakers/music prohibited on driving ranges, unless approved

(4) **Noise Limit:**

- i. Max 65 dBA at any property line

(5) **Lighting.** Fully shielded and downward-directed.

- i. Driving ranges: Lights off by 10:00 PM unless approved
- ii. No glare onto roads or neighboring lots

(6) **Parking & Access.** Must comply with Article 6. Screened from residential areas via fencing, berms, or landscaping. Safe driveway design required. A Traffic/Parking Plan may be required for events.

(7) **Restrooms & Waste.**

- i. Provide adequate restrooms
- ii. All refuse and equipment storage must be screened from public view

(8) **Golf Courses – Additional Requirements.**

Environmental Protections:

- i. Fertilizers and chemicals per Maryland Department of the Environment (MDE) BMPs
- ii. 25-ft vegetated buffer along streams, ponds, wetlands

Storage & Maintenance Areas:

- iii. At least 100 ft from residential property.
- iv. Fully screened.

(9) **Driving Ranges – Additional Requirements.**

- i. Safety Netting: Prevent golf balls from crossing property lines
- ii. Noise & Lighting:

- a) No unapproved loudspeakers
- iii. Lights off by 10:00 PM

**(10) Outdoor Swimming Pools (Commercial / Public).**

- i. Must meet Maryland and Garrett County public pool regulations
- ii. Enclosed by 6-ft secure fencing with self-latching gate
- iii. Hours limited to 7:00 AM – 9:00 PM, unless approved

**(W) Parking Garage (Commercial).**

- (1) **Location & Site Design.** Must be located on a site with adequate street capacity for expected traffic. Vehicular access points shall be designed to avoid conflicts with:

- i. Pedestrian walkways
- ii. Adjacent driveways

When adjoining a residential property/district, the garage shall provide:

- iii. A minimum 10-ft landscaped buffer, or
- iv. A solid fence at least 6 ft high, or
- v. A combination of both.

- (2) **Building Design & Screening.** Structure design must be compatible with surrounding buildings in:

- i. Scale
- ii. Roofline
- iii. Materials
- iv. Façade treatment

Residential-facing open façades must include:

- v. Screening panels or architectural treatments to block headlight glare
- vi. Stairwells, elevator towers, and mechanical units must be screened or enclosed

- (3) **Lighting.** All lighting (indoor and exterior) must be:

- i. Shielded and downward-directed
- ii. Designed to prevent glare onto adjacent properties or roads

Rooftop lighting:

- iii. Max height: 16 ft
- iv. Must include cutoff shields
- v. Lighting must be reduced to security levels one hour after closing

- (4) **Noise & Operations.** Noise from vehicle idling, alarms, or loudspeakers may not exceed 65 dBA at any property line. Trash collection, cleaning, loading, and deliveries must occur between 7:00 AM and 9:00 PM, unless otherwise approved.

- (5) **Pedestrian & Bicycle Access.** Provide safe, marked pedestrian routes connecting:
- i. Parking areas → sidewalks
  - ii. Parking areas → building entrances
  - iii. Bicycle parking required per Article 6 or as determined by the Board of Zoning Appeals.
- (6) **Signage.** All signage must comply with Article 7. The following are prohibited unless explicitly approved:
- i. Internally illuminated box signs
  - ii. Flashing signs
  - iii. LED message boards
- (X) Personal Care Home / Assisted Living Facility**
- (1) **State Licensing.** Facility must be licensed or registered by the Maryland Department of Health under the applicable Assisted Living / Level of Care classification. A copy of the current license must be:
- i. Provided to Garrett County
  - ii. Kept on file
- The Town must be immediately notified of any:
- iii. Change in license status
  - iv. Change in care level classification
  - v. Enforcement or compliance action
- (2) **Building and Site Design.** The facility must:
- i. Be located in a building originally constructed for residential occupancy, or
  - ii. Be a new building designed to match residential scale, materials, and roof forms
  - iii. The appearance must maintain neighborhood character and not resemble an institutional building
  - iv. Mechanical equipment and refuse areas must be fully screened from public view and adjoining properties
- (3) **Maximum Number of Residents.** Limit: 8 residents, unless a higher number is specifically approved by the Board of Zoning Appeals. Any increase must comply with:
- i. State occupancy limits
  - ii. Lot size and parking standards
  - iii. Applicable fire and life safety codes
- (4) **Parking and Access.** Off-street parking must meet Article 6 standards (includes staff and visitor spaces). Parking must be placed to the side or rear of the structure where feasible. The site must include a safe loading/unloading area separate from through-traffic.

(5) **Lighting and Noise.** Exterior lighting must be:

- i. Shielded and downward-directed
- ii. Designed to avoid glare onto adjacent properties

Deliveries, trash service, and care-related visits must occur between:

- iii. 7:00 AM and 9:00 PM, unless required for resident health or safety.

(Y) **Repair Garage**

(1) **Enclosed Operations.** All repair activities including mechanical work, diagnostics, welding, sanding, or painting must occur entirely within a fully enclosed building. Any painting, refinishing, or bodywork must be conducted in a code-compliant spray booth with proper ventilation and filtration systems.

(2) **Outdoor Storage and Screening.** No more than five (5) inoperable vehicles may be stored outside at any time, unless approved by the Board. Outdoor storage areas must:

- i. Be located to the side or rear of the building
- ii. Be fully screened with fencing or landscaping at least 6 feet high
- iii. Not be visible from public streets or residential properties

Storage of dismantled vehicles, parts, or scrap is prohibited; such activity is considered a junkyard, which is not permitted.

(3) **Noise, Odor, and Emission Controls.** Equipment, tool, and vehicle operation noise must comply with Town noise standards at the property line. Exhaust and ventilation systems must eliminate odors or fumes beyond the lot boundary. No outdoor engine testing, revving, or tuning is allowed between 9:00 PM and 7:00 AM.

(4) **Hazardous Materials and Waste Handling.** All automotive fluids (oil, antifreeze, solvents, etc.) must be stored and disposed of per MDE and Federal (EPA/OSHA) standards. Facilities must provide a:

- i. Waste-oil collection system
- ii. Spill-containment plan
- iii. Tires, batteries, and parts must be stored indoors or in enclosed accessory structures.

(5) **Access, Circulation, and Parking.** Customer and employee parking must comply with the Ordinance and remain clear of service bays. Drive aisles must allow safe vehicle movement without backing into public streets. Drop-off/pick-up areas must not block sidewalks or public rights-of-way.

(6) **Loading and Service Areas.** Overhead and bay doors should be located to the side or rear when feasible. Bay doors must remain closed during repair activities, except for:

- i. Vehicle entry/exit
- ii. Ventilation purposes

(7) **Lighting.** All exterior lighting must be:

- i. Full cut-off and downward-directed
- ii. Designed to prevent glare onto adjacent properties
- iii. Security lighting should be motion-activated or otherwise minimized near residential areas.

- (8) **Hours of Operation.** The Board may establish operational hours to protect nearby residential uses. Outdoor vehicle-related activity (towing, drop-offs, movement) may be limited to designated hours.

**(Z) Restaurant with Drive-Through**

- (1) **Site Design and Circulation.** The site must be designed to:

- i. Prevent queuing onto public streets;
- ii. Avoid conflicts between vehicles and pedestrian areas; and
- iii. Separate drive-through lanes from internal parking circulation when feasible.

A minimum stacking space for at least 6 vehicles shall be provided between the order point and pick-up window, in addition to regular parking requirements.

Drive-through lanes must be clearly marked and physically separated from walkways and pedestrian entrances.

- (2) **Location and Compatibility.** Drive-through lanes, speakers, and pick-up windows shall be located away from residential lot lines and buffered with landscaping, walls, or fencing as needed to reduce impacts. Where adjacent to a residential district or dwelling, the approving authority may require:

- i. A minimum setback of 50 feet from the drive-through lane to the property line, and
- ii. Enhanced screening or noise-reducing measures.

- (3) **Hours of Operation.** Hours of operation may be limited by the Board to minimize noise and traffic impacts, especially near residential areas. No drive-through operation shall occur between 10:00 PM and 6:00 AM, unless otherwise approved through the Special Exception process.

- (4) **Noise Control.** Outdoor speaker systems shall not exceed 60 dBA at any property line. The volume and direction of speakers shall be controlled to minimize impacts on surrounding properties.

- (5) **Parking and Access.** Off-street parking shall be provided in accordance with Article 6, and must not interfere with drive-through lane operation. Shared access with adjacent uses is encouraged to reduce curb cuts and improve traffic safety.

- (6) **Pedestrian Access.** A safe and direct pedestrian route shall be provided between the parking area and building entrance, crossing the drive-through lane at clearly marked and elevated locations if necessary.

- (7) **Lighting.** All exterior lighting must be shielded and directed downward, and must not cause glare onto adjacent properties. Menu board lighting must be subdued and not visible from public streets or nearby residences.

**(AA) Sale or Rental of Motor Vehicles, Farm Equipment, and Miscellaneous Vehicles**

- (1) **Location and Character.** The use shall be located on a site that:

- i. Fronts a collector or arterial roadway, or
- ii. Demonstrates adequate capacity to handle anticipated traffic volume.

The layout, lighting, and site design shall be compatible with surrounding development, particularly where adjacent to residential properties or pedestrian-oriented areas.

- (2) **Display and Storage of Vehicles and Equipment.** No vehicle, trailer, or equipment shall be:
- i. Stored within 10 feet of a public sidewalk,
  - ii. Placed within the required front setback, or
  - iii. Displayed within a public right-of-way

Outdoor display areas must be:

- iv. Clearly designated and
- v. Surfaced with pavement, gravel, or other all-weather material.

The following are prohibited:

- vi. Stacked or elevated display platforms,
- vii. Rotating display devices,
- viii. "Pole displays" (vehicles mounted on tall poles or stands).

- (3) **Building and Service Areas.** All service-related activities, including:

- i. Repair,
- ii. Detailing,
- iii. Painting,
- iv. Mechanical work, shall be conducted entirely indoors.

Outdoor storage of the following is prohibited:

- v. Junk vehicles,
- vi. Salvage parts,
- vii. Tires or unmounted components.

- (4) **Screening and Buffering.** Where the use abuts a residential district or dwelling, a landscaped buffer of at least 10 feet must be provided. Screening shall consist of one or more of the following:

- i. Evergreen plantings,
- ii. Solid fencing, or
- iii. A combination providing year-round visual opacity.

- (5) **Parking and Circulation.** Off-street parking for customers and employees shall be provided per Article 6, and shall not overlap with inventory display areas. Internal circulation must allow for safe, two-way movement of vehicles without obstructing public rights-of-way or sidewalks.

- (6) **Lighting.** All lighting must be:

- i. Shielded,
- ii. Downward-directed, and
- iii. Designed to avoid glare on adjacent streets or properties.

- (7) **Signage.** All signage shall comply with Article 7. The following are prohibited:
- i. Inflatable displays,
  - ii. Animated or flashing signs,
  - iii. Pennant strings or attention-getting devices.
- (8) **Vehicle Transport and Deliveries.** Vehicle transport loading/unloading must avoid blocking public streets, sidewalks, driveways, or access points.

**(BB) Solar Energy Generating Systems**

- (1) **Accessory Solar Energy Systems.** Applicable to rooftop or ground-mounted systems installed for on-site energy use.
- i. **Setbacks & Height.** Ground-mounted systems must meet the setbacks of the primary structure. Maximum height:
    - a) 10 feet for ground-mounted systems (at max tilt),
    - b) 5 feet above a flat roof,
    - c) May not exceed peak height of sloped roofs.
  - ii. **Rooftop Screening.** Solar energy systems located on flat roofs of nonresidential buildings shall be screened from view using parapet walls or similar architectural features to the extent practicable.
  - iii. **Glare Control.** Systems must not produce glare constituting a nuisance to adjacent parcels or roadways.
  - iv. **Screening (Nonresidential Ground-Mounted Only).** Where necessary to mitigate impacts on surrounding properties, the Board of Zoning Appeals may require perimeter screening. A landscaping plan may be requested, showing the type, location, spacing of plantings, and the use of any existing vegetation.
- (2) **Community Solar Energy Systems.** Community solar energy systems up to five (5) megawatts shall be treated as permitted uses in accordance with the Maryland Renewable Energy Certainty Act (RECA).
- i. **Setbacks & Height.**
    - a) Minimum setback of one hundred (100) feet from all property lines;
    - b) Minimum setback of one hundred fifty (150) feet from the nearest wall of any existing residential dwelling.
    - c) Maximum height: 20 feet at maximum tilt.
  - ii. **System Size Limitations.** Community solar systems exceeding five (5) megawatts shall be prohibited within the corporate limits of the Town.

**(CC) Trade or Professional School**

- (1) **Traffic, Access, and Circulation.** Applicant must demonstrate that the existing street network can safely accommodate expected traffic from students, staff, and service vehicles. Primary access should be from an arterial or collector street, if feasible. On-site circulation must:
- i. Allow safe movement of passenger and training vehicles (e.g., CDL trucks),
  - ii. Avoid backing into or blocking public streets.
- (2) **Parking and Loading.** Minimum parking requirements:

- i. 1 space per instructor
- ii. 1 space per 2 students (based on maximum class size at any one time)
- iii. Outdoor training areas (e.g., driving or mechanical instruction) must be screened from residential properties.

Loading and service areas shall be placed at the side or rear of the building.

- (3) **Outdoor Instruction Areas.** Must be located at least 100 feet from any residential lot line. Must be fully screened using fencing, walls, or landscaping to mitigate:
  - i. Noise
  - ii. Light spillover
  - iii. Visual impact
- (4) **Noise, Odor, and Operations.** All activity must comply with Town and State noise regulations. Mechanical, welding, or industrial programs must take place indoors, unless otherwise approved. Use and storage of hazardous materials must comply with state and federal regulations.
- (5) **Hours of Operation.** The Board of Appeals may restrict hours especially for evening or weekend programs to protect nearby uses.
- (6) **Location-Sensitive Restrictions.** In Town Center (TC), or mixed-use areas:
  - i. Only classroom-based or low-impact programs (e.g., arts, business, cosmetology) are allowed.
  - ii. High-impact trades (involving outdoor storage or heavy equipment) are not permitted unless fully enclosed and impacts are mitigated.
- (7) **Environmental and Public Safety.** If the program involves hands-on trades (e.g., carpentry, plumbing, welding), the applicant must submit:
  - i. A waste management plan
  - ii. A spill-prevention plan (if applicable)
  - iii. Proof of compliance with Maryland environmental and fire safety codes
  - iv. Exterior lighting must be full cut-off and shielded to avoid glare.

**(DD) Wind Energy Systems**

- (1) **Applicability.** Applies to ground-mounted and tower-mounted wind turbines, whether for private use (accessory) or for commercial energy production (principal). Does not apply to temporary anemometer towers used solely for wind resource assessment (see separate temporary use provisions).
- (2) **Setbacks.** Wind turbines must be set back from all property lines by at least:
  - i. 1.1 times the total system height (including blades at maximum height), or
  - ii. A greater distance if required to meet fall zone clearance, as determined by manufacturer specifications.

Setbacks from:

- iii. Public roads: Minimum 1.5 times total height
- iv. Dwellings not on the same lot: Minimum 300 feet
- v. On-site buildings: Minimum height of tower

**(3) Height Limits.**

Accessory systems:

- i. Maximum 100 feet total height (tower plus blade) unless otherwise approved.

Principal systems (e.g., commercial wind farms):

- ii. Maximum height subject to Board of Appeals approval and FAA regulations.

**(4) Noise and Shadow Flicker.** Noise from operation shall not exceed 55 dBA at the property line. The applicant must demonstrate that shadow flicker on adjacent dwellings will be minimized and will not cause undue disturbance.

**(5) Safety and Design.** The turbine must have:

- i. Automatic overspeed controls
- ii. Brake system
- iii. No climbable structures within 15 feet of the base
- iv. No part of the turbine may display advertising or signage, other than required safety notices.
- v. Turbine color shall be neutral and non-reflective.

**(6) Lighting.** Lighting is prohibited unless required by the FAA. If required, lighting must be shielded, use motion-activation or low-glare, and avoid spillover onto neighboring properties.

**(7) Abandonment and Decommissioning.** A system is deemed abandoned if it does not generate electricity for 12 consecutive months. Abandoned systems must be removed within 180 days. Commercial systems must provide a decommissioning plan and financial surety (e.g., bond or escrow) for removal and site restoration.

**(8) Permit Requirements.** Requires building permit and zoning approval. Must include:

- i. Site plan
- ii. Manufacturer specifications
- iii. Structural engineering certification
- iv. Noise analysis and shadow flicker analysis (for larger systems)

**(9) Compliance with Federal and State Regulations.** All systems must comply with:

- i. Maryland Public Service Commission requirements
- ii. Federal Aviation Administration (FAA) regulations for towers over 200 feet or within proximity to airports
- iii. National Electrical Code (NEC)

**ARTICLE 5. DIMENSIONAL REQUIREMENTS**

**5.01 PURPOSE AND APPLICABILITY**

- (A) This Article establishes the dimensional requirements and related requirements applicable to development in all zoning districts, including lot area, lot width, yards, height, and similar standards.
- (B) Unless expressly modified by another provision, all new development, expansions, and use changes shall comply with this Article.

**5.02 DIMENSIONAL STANDARDS TABLE**

- (A) Dimensional standards for each zoning district, including minimum lot area, minimum lot width, minimum yards, maximum building height, and any use-specific miscellaneous standards, shall be as set forth in the Table of Dimensional Standards (Table 5-1).
- (B) Where a conflict exists between Table 5-1 and the text of this Article, the more restrictive standard shall apply unless the Ordinance expressly states otherwise. Where a dimensional standard is not listed in Table 5-1 for a particular zoning district or use, such standard shall not apply unless expressly stated elsewhere in this Ordinance.

**Table 5-1. Dimensional Standards**

Residential Land Uses	Zoning Districts	Minimum Lot Area	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width	Minimum Setbacks		
					Front	Rear	Side
Mobile/ Manufactured Home Park	SR	5 Acres	10,000 Sq Ft	See 4.03 (S)			
Multi-family Dwellings	TR	18,000 Sq Ft	4,000 Sq Ft	150 Ft	25 Ft	20 Ft	10 Ft
	TC	15,000 Sq Ft	2,500 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
Dwelling Unit + Commercial Use	TR	10,000 SqFt	10,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	TC	5,000 SqFt 4,000 SqFt Over 3 units	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
Single-family detached dwellings, mobile homes, group home, rooming and boarding housing, TVRU, and modular homes where permitted	RD	1 Acre	1 Acre	150 Ft	40 Ft	40 Ft	20 Ft
	SR	10,000 Sq Ft	10,000 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
	TR	5,000 Sq Ft	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	TC	5,000 Sq Ft	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
Townhouse/Rowhouse	TR	20,000 Sq Ft	3,000 Sq Ft	50 Ft	15 Ft	20 Ft	8 Ft
	TC	10,000 Sq Ft	2,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft

Twin Dwelling Duplex	TR	15,000 Sq Ft	7,500 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
	TC	12,000 Sq Ft	6,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
Two-Family Detached Dwelling	TR	15,000 Sq Ft	7,500 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
	TC	12,000 Sq Ft	6,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft

Commercial Land Uses	Zoning Districts	Minimum Lot Area	Minimum Lot Width	Minimum Setbacks		
				Front	Rear	Side
Animal Hospital	SR	10,000 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
	TR	10,000 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft
	TC	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	GC	5,000 Sq Ft	50 Ft	20 Ft	20 Ft	15 Ft
Animal Kennel	RD	2 Acres	150 Ft	40 Ft	40 Ft	30 Ft
	GC	1 Acre	100 Ft	30 Ft	20 Ft	20 Ft
Banquet Hall / Event Facility	RD	1 Acre	150 Ft	40 Ft	40 Ft	20 Ft
	SR / TR	1 Acre	150 Ft	30 Ft	40 Ft	15 Ft
	TC	20,000 Sq Ft	100 Ft	10 Ft	30 Ft	15 Ft
	GC	1 Acre	100 Ft	20 Ft	40 Ft	15 Ft
Bed and Breakfast Inn	RD	1 Acre	150 Ft	40 Ft	40 Ft	20 Ft
	SR	0.5 Acre	100 Ft	25 Ft	20 Ft	8 Ft
	TR	15,000 Sq Ft	100 Ft	25 Ft	20 Ft	8 Ft
	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
Boutique Hotel	RD	2 Acres	200 Ft	40 Ft	40 Ft	20 Ft
	TC	15,000 Sq Ft	100 Ft	10 Ft	20 Ft	10 Ft
	GC	1 Acre	150 Ft	20 Ft	20 Ft	15 Ft
Bus Station / Transit Terminal	TC	10,000 Sq Ft	75 Ft	15 Ft	20 Ft	8 Ft

	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft
Gasoline Service Station	TC	15,000 Sq Ft	100 Ft	15 Ft	20 Ft	10 Ft
	GC	30,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft
Funeral Home	TC	15,000 Sq Ft	100 Ft	10 Ft	20 Ft	8 Ft
Indoor Entertainment / Recreation	RD	1 Acre	200 Ft	40 Ft	20 Ft	25 Ft
	TR	1 Acre	150 Ft	30 Ft	20 Ft	15 Ft
	TC	10,000 Sq Ft	100 Ft	10 Ft	20 Ft	8 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft
Cannabis Dispensary	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
	GC	10,000 Sq Ft	75 Ft	20 Ft	20 Ft	15 Ft
Motel/Hotel	TC	20,000 Sq Ft	120 Ft	20 Ft	20 Ft	8 Ft
	GC	1 Acre	150 Ft	20 Ft	20 Ft	15 Ft
Micro-Brewery / Winery / Distillery	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
	GC	5,000 Sq Ft	50 Ft	20 Ft	20 Ft	15 Ft
Office & Retail Uses including Banks, Business Offices, Medical/Dental Clinic, Pharmacy, Tavern, Restaurant, Retail where permitted	TC	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	GC	5,000 Sq Ft	50 Ft	20 Ft	20 Ft	15 Ft
Outdoor Entertainment Facility (See 4.03 (U) for additional dimensional standards)	RD	2 Acre	200 Ft	40 Ft	40 Ft	25 Ft
	TR	1 Acre	150 Ft	30 Ft	30 Ft	20 Ft
	TC	1 Acre	150 Ft	20 Ft	30 Ft	15 Ft
	GC	1 Acre	150 Ft	20 Ft	20 Ft	20 Ft
Parking Garage (Commercial)	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft
Private Club or Lodge	TC	15,000 Sq Ft	100 Ft	10 Ft	20 Ft	8 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft
Vehicle / Equipment Sales Lot	TC	10,000 Sq Ft	100 Ft	15 Ft	20 Ft	8 Ft
	GC	30,000 Sq Ft	150 Ft	30 Ft	20 Ft	20 Ft

Institutional Land	Zoning	Minimum Lot		Minimum Setbacks
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Uses	Districts	Area	Minimum Lot Width	Front	Rear	Side
Child Care Center	RD	20,000 Sq Ft	125 Ft	30 Ft	30 Ft	20 Ft
	SR & TR	10,000 Sq Ft	75 Ft	15 Ft	20 Ft	10 Ft
	TC	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	GC	5,000 Sq Ft	50 Ft	20 Ft	20 Ft	15 Ft
Place of Worship / Religious Assembly	RD	1 Acre	200 Ft	40 Ft	40 Ft	20 Ft
	SR & TR	1 Acre	150 Ft	25 Ft	20 Ft	10 Ft
	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	30 Ft	15 Ft
Community Center	RD	1 Acre	200 Ft	40 Ft	20 Ft	20 Ft
	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
Emergency Services Station	RD	1 Acre	150 Ft	40 Ft	40 Ft	20 Ft
	SR & TR	15,000 Sq Ft	100 Ft	25 Ft	20 Ft	10 Ft
	TC & GC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	8 Ft
Library or Museum	TC	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
Hospital or Nursing Home	TC	1 Acre	200 Ft	25 Ft	30 Ft	20 Ft
	GC	3 Acre	300 Ft	30 Ft	40 Ft	30 Ft
Assisted Living Facility	RD	1 Acre	150 Ft	40 Ft	40 Ft	20 Ft
	SR & TR	20,000 Sq Ft	100 Ft	25 Ft	30 Ft	15 Ft
	TC	10,000 Sq Ft	75 Ft	20 Ft	20 Ft	15 Ft
	GC	30,000 Sq Ft	150 Ft	20 Ft	30 FT	15 Ft
Primary / Secondary School	TC	1 Acre	150 Ft	20 Ft	40 Ft	20 Ft
Public Building	RD	20,000 Sq Ft	125 Ft	40 Ft	40 Ft	25 Ft
	SR & TR	10,000 Sq Ft	75 Ft	20 Ft	20 Ft	10 Ft
	TC & GC	5,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
Trade or Professional School	TC	20,000 Sq Ft	100 Ft	10 Ft	20 Ft	15 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	15 Ft

Industrial Land Uses	Zoning Districts	Minimum Lot Area	Minimum Lot Width	Minimum Setbacks		
				Front	Rear	Side
Brewery / Distillery	GC	1 Acre	150 Ft	30 Ft	30 Ft	20 Ft
Cannabis or Hemp Cultivation / Processing	RD	5 Acre	300 Ft	50 Ft	50 Ft	50 Ft
Contractor’s Office / Shop	GC	20,000 Sq Ft	100 Ft	30 Ft	20 Ft	20 Ft
Light Manufacturing	TC	10,000 Sq Ft	75 Ft	10 Ft	20 Ft	10 Ft
	GC	20,000 Sq Ft	100 Ft	20 Ft	20 Ft	20 Ft
Printing / Publishing Facility	TC	10,000 Sq Ft	50 Ft	10 Ft	20 Ft	8 Ft
	GC	10,000 Sq Ft	75 Ft	30 Ft	20 Ft	20 Ft
Production, Processing, Cleaning, Testing, and Distribution of Materials	TC	20,000 Sq Ft	100 Ft	10 Ft	20 Ft	15 Ft
	GC	2 Acre	150 Ft	30 Ft	30 Ft	20 Ft
Energy System, Solar (Large)	All Districts	2 Acre	See 4.03 (AA)			
Energy System, Wind (Large)	All Districts	5 Acre	See 4.03 (CC)			
Storage / Distribution Facility	GC	1 Acre	150 Ft	30 Ft	30 Ft	20 Ft
Vehicle Repair Garage	GC	20,000 Sq Ft	100 Ft	30 Ft	20 Ft	20 Ft
Wholesale Business / Warehouse	GC	1 Acre	150 Ft	30 Ft	30 Ft	20 Ft

**5.03 MEASUREMENT AND LOT AREA RULES**

**(A)** Lot area and yard areas counted once.

- (1) Required lot area and required yard areas for any use or structure shall not include any portion of a lot that is required to satisfy the dimensional requirements for any other principal building or use.

**(B)** Transfer of lot area.

- (1) No lot shall be reduced in area or width, and no yard shall be reduced, so as to create or increase a violation of this Ordinance.

**(C)** Unless otherwise stated, all lot area, lot width, yard setbacks, and building height shall be measured in accordance with the definitions and measurement standards set forth in Article 2 (Definitions).

**5.04 LOTS OF RECORD AND MERGER****(A) Merger of contiguous substandard lots.**

- (1) If two or more contiguous lots of record are held in single ownership at any time after the effective date of this Ordinance and, when combined, can form one or more lots that comply with the minimum lot area and lot width standards, such lots shall be treated as merged for purposes of minimum lot area and lot width and shall be used in compliance with this Ordinance.

**(B) Construction on a lawful lot of record in residential districts.**

- (1) In any zoning district where single-family detached dwellings are permitted, and subject to the provisions of 5.04 (A), a single-family detached dwelling may be constructed on a lawful lot of record that does not meet the minimum lot area and/or lot width requirements of this Ordinance, provided that:
  - i. The lot complies with all other applicable standards (including yards and height); and
  - ii. The lot (or contiguous lots under common ownership) has a minimum width of 50 feet or meets the minimum lot width required in the applicable zoning district, whichever is less.

**(C) No Exemption from Other Regulations**

- (1) Nothing in this section shall be construed to exempt any lot, structure, or development from compliance with other applicable Town, County, State, or Federal laws, regulations, or permits, including but not limited to floodplain regulations, stormwater management requirements, water and sewer regulations, critical area or environmental requirements, building and fire codes, or permits administered by Garrett County, the State of Maryland, or applicable federal agencies.

**5.05 YARD MODIFICATIONS AND ENCROACHMENTS****(A) Front yard averaging (reduction).**

- (1) Where there is an existing principal building on each of the two adjacent lots and both buildings are located closer to the street than the minimum required front yard, the minimum front yard for a new principal building on the intervening lot may be reduced to the average of the front yards of the two adjacent buildings, provided:
  - i. Both adjacent buildings are within 100 feet of the proposed building; and
  - ii. This provision shall not apply to special exception uses unless expressly authorized by the Board.

**(B) Projections into required yards.**

- (1) The following may encroach into required yards, subject to sight-distance requirements and any other applicable standards:
  - i. Uncovered steps, stoops, patios, terraces, uncovered decks, porches and similar features not exceeding three (3) feet above the ground-story floor elevation;
  - ii. Fences and walls not exceeding six (6) feet in height above natural grade (except where otherwise regulated);
  - iii. Accessory signs and off-street parking spaces, where permitted elsewhere in this Ordinance.

**5.06 CLEAR SIGHT TRIANGLE****(A) Sight triangle required.**

- (1) On any corner lot, no structure, fence, wall, hedge, or vegetation shall be erected, placed, or maintained within the required clear sight triangle so as to obstruct visibility for motorists.

**(B) Dimensions.**

- (1) The sight triangle shall be formed by the street cartway lines and a straight line connecting points 25 feet from the intersection of the cartway lines. Within this area, visual obstructions shall not exceed two (2) feet in height above the street centerline grade (except street trees with limbed-up canopies, as approved).
- (2) Where the lot abuts a State highway, sight distance requirements of the Maryland State Highway Administration shall apply.

**5.07 ACCESSORY STRUCTURES AND ACCESSORY USES****(A) General.**

- (1) Accessory structures and accessory uses shall be permitted only in association with a lawful principal use and shall comply with all applicable district standards and this Article.

**(B) Location/Requirements.**

- (1) Accessory structures shall not be located in a required front yard unless expressly authorized.
- (2) Minimum setbacks for accessory structures shall be five (5) feet from side and rear lot lines and alley rights-of-way, except:
  - i. In the RD district: 30 feet, and in the SR district: 15 feet, for accessory structures exceeding 100 square feet in floor area;
  - ii. No setback is required along a lot line where attached principal buildings share a common wall line (e.g., townhouses);
  - iii. Animal shelters shall meet principal building setbacks unless a more restrictive provision applies.
  - iv. Fire-rated construction. Any accessory structure located within five (5) feet of a property line shall comply with applicable building/fire code requirements for fire-rated construction.
- (3) Maximum Height. Detached accessory structures shall not exceed twenty (20) feet in height unless otherwise permitted by the Table of Dimensional Standards.

**(C) Corner lots.**

- (1) On a corner lot, an accessory structure shall meet the principal building side yard requirement along the street side yard.

**(D) Satellite dishes.**

- (1) Freestanding satellite dish antennas with a dish diameter of one (1) foot or greater shall not be located in a required front yard.

**(E)** RVs and watercraft storage (residential districts).

- (1) In the RD, SR, TR, and TC districts, outdoor storage of not more than one (1) recreational vehicle, one (1) recreational trailer, or one (1) watercraft per dwelling unit is permitted as an accessory use, provided:
  - i. Stored only in side or rear yards;
  - ii. Set back at least six (6) feet from all property lines;
  - iii. Not occupied while stored; and
  - iv. This subsection does not apply to:
    - a) Items stored within a fully enclosed building;
    - b) Items less than 16 feet in length; or
    - c) Items being actively prepared for imminent use.

**(F)** Pools, spas, and hot tubs.

- (1) The water surface of a private swimming pool shall be set back at least six (6) feet from the lot line of any abutting dwelling.

**(G)** Accessory structures/use timing.

- (1) No accessory structure or accessory use shall be established on a lot unless a principal structure/use exists, or construction of a principal structure has begun and is diligently pursued. Accessory structures shall not be used as a dwelling unless expressly permitted as an Accessory Dwelling Unit.

## **5.08 MAXIMUM HEIGHT**

**(A)** Height limits.

- (1) Maximum building height shall be 35 feet.
- (2) Building height shall be measured from the average finished grade at the building foundation, unless otherwise specified in this Ordinance.

**(B)** Exemptions.

- (1) Chimneys, spires, water towers, antennas, and similar appurtenances not intended for human occupancy may exceed maximum height, subject to applicable safety codes.

## **5.09 STEEP SLOPES**

- (A)** Where natural slopes exceeding thirty percent (30%) are present on a proposed lot, the applicant shall submit a site plan identifying the maximum area proposed for construction of a principal building. Applicants are encouraged to limit development to less steep portions of the lot to avoid triggering additional requirements of this section.

- (B)** Where a site plan proposes construction of a principal building on land with slopes exceeding thirty percent (30%), the following standards shall apply:
  - (1) A minimum lot area of three (3) acres shall be required; and
  - (2) A maximum of five percent (5%) of the total lot area may be covered by buildings, paving, or stone surfaces.
  - (3) These provisions shall not apply where the footprint of a proposed principal building affects less than two hundred (200) square feet of land with slopes exceeding thirty percent (30%).
  - (4) This section shall not apply within the TR or TC zoning districts.
- (C)** Any construction of a new principal building or new off-street parking area on land containing an existing natural slope exceeding thirty percent (30%) shall require approval of a Special Exception from the Board of Zoning Appeals. The applicant shall demonstrate
- (D)** compliance with the following:
  - (1) Existing trees and vegetation shall be preserved to the maximum extent practicable or replaced with new vegetation, while avoiding excessive impervious surface coverage;
  - (2) A grading plan prepared by a qualified professional shall be submitted demonstrating that grading is minimized to the greatest extent practicable.

#### **5.10 STREAM BUFFERS**

- (A)** Required Setbacks.
  - (1) No new principal building, off-street parking area, loading area, or commercial or industrial outdoor storage area shall be located:
    - i. Within fifty (50) feet of the top of the primary bank of the Youghiogheny River or Bear Creek, outside the TC and TR Districts;
    - ii. Within twenty-five (25) feet of the top of the primary bank of the Youghiogheny River or Bear Creek within the TC and TR Districts; or
    - iii. Within twenty-five (25) feet of the top of the primary bank of any other perennial waterway.
  - (2) Required buffer distances shall be measured horizontally from the top of the primary bank which is the uppermost limit of the channel as determined by field observation or as shown on applicable County or State mapping.
- (B)** Permitted Encroachments.
  - (1) No new or expanded paving or stone surface shall be permitted within the required buffer, except for:
    - i. Non-motorized trails;
    - ii. Necessary road or driveway crossings oriented approximately perpendicular to the waterway; or
    - iii. Temporary construction-related crossings approved by applicable State agencies.

(C) Vegetation Management

- (1) Property owners are strongly encouraged, but not required, to maintain stream buffers in natural vegetation and to plant native trees where vegetation is sparse. Subdividers are encouraged to establish deed restrictions limiting tree removal within required buffers.

**5.11 FLOODPLAIN, WETLANDS, AND SENSITIVE SPECIES**

- (A) All development activity shall comply with the Garrett County Floodplain Ordinance, as amended.
- (B) Where development or land disturbance is proposed in areas suspected to contain wetlands, the applicant shall provide documentation demonstrating compliance with all applicable State of Maryland wetland regulations.
- (C) The Zoning Administrator shall notify appropriate Federal agencies if a development application may affect a site identified as habitat for a federally designated Rare, Threatened, or Endangered Species.
- (D) If proposed development activity would have a potential impact on the habitat of a rare, threatened, or endangered species officially designated by the State of Maryland, the Zoning Administrator shall make the applicant aware of the potential impact and refer the applicant to the appropriate division of the Maryland Department of Natural Resources.

**ARTICLE 6. OFF-STREET PARKING**

**6.01 PURPOSE**

- (A) The purpose of this Article is to:
  - (1) Ensure adequate parking and loading to serve development;
  - (2) Prevent congestion on public streets;
  - (3) Support pedestrian-oriented development in the Town Center (TC) District;
  - (4) Avoid excessive paving and unnecessary impervious surface; and
  - (5) Provide flexibility for adaptive reuse and mixed-use development.

**6.02 REQUIRED NUMBER OF PARKING SPACES**

- (A) Off-street parking spaces shall be provided and maintained for each building erected, enlarged, or changed in use after the effective date of this Ordinance, in accordance with the following standards:

**Table 6-1. Parking Requirements**

Land Uses	Requirements
<b>Residential Uses</b>	
Accessory Dwelling Unit (ADU)	One (1) additional space.
Dwelling Unit in Combination with Commercial Use	One (1) space per dwelling unit in addition to commercial parking
Group Home	One (1) space per three (3) residents, plus one (1) space per employee on peak shift.
Home Occupation	One (1) space per non-resident employee.
Mobile/Manufactured Home Park	Two (2) spaces per dwelling unit
Multi-Family Dwellings	1.5 spaces per dwelling unit.
Rooming / Boarding / Lodging House	One (1) space per two (2) sleeping rooms.
Single-Family, Two-Family, Townhouse, Duplex	Two (2) spaces per dwelling unit.
<b>Institutional Uses</b>	
Child Care Center	1 space per employee, plus 1 space per 8 children enrolled
Community Center	1 space per 4 seats
Emergency Service Station	1 space per employee on peak shift, plus adequate space for all emergency vehicles housed on site.
Library or Museum	1 space per 300 square feet of gross floor area

Land Uses	Requirements
Licensed Hospital, Nursing Home, Personal Care Home / Assisted Living	1 space per 3 beds, plus 1 space per employee on peak shift.
Place of Worship or Religious Assembly	1 space per 4 fixed seats
Private or Public Primary School	1 space per 3 employees, plus 1 space per 8 students
Public Building	1 space per employee plus 1 space per 300 square feet
Recreational Facility (Owned by Local Government)	1 space per 3 participants at maximum capacity.
Trade or Professional School	1 space per 3 students, plus 1 space per employee
<b>Commercial Uses</b>	
Animal Hospital	1 space per 300 square feet of gross floor area
Animal Kennel	1 space per 3 animals of licensed capacity, plus 1 per employee
Bank / Financial Institution	1 space per 300 square feet of gross floor area
Banquet Hall	1 space per 3 seats
Boutique Hotel, Motel/Hotel, Bed and Breakfast	1 spaces per guest room.
Bus Station	1 space per 3 seats in waiting area
Business, Professional, Governmental Office, Medical and Dental Office, Retail Stores, Cannabis Dispensary, and Pharmacy	1 space per 300 square feet of gross floor area
Gasoline Service Station	2 spaces per pump, plus 1 per employee
Funeral Home	1 space per 5 seats in rooms used for services
Indoor Entertainment or Recreational Facilities	1 space per 4 seats
Microbrewery / Microwinery / Microdistillery, Bar/Tavern, Restaurant	1 space per 4 seats
Outdoor Entertainment / Recreation	1 space per 3 patrons at maximum capacity
Private Club or Lodge	1 space per 4 seats
Sale or Rental of Motor Vehicles	1 space per 500 square feet of showroom area
Service Business	1 space per 300 square feet of gross floor area

Land Uses	Requirements
<b>Industrial Uses</b>	
Brewery or Distillery	1 space per 1.5 employees on peak shift plus 1 space per 200 square feet of public/customer area
Cannabis and Hemp Cultivation and Processing Facility	One (1) space per employee on peak shift, plus space for company vehicles as needed.
Contractor Offices and Shops	1 space per employee on peak shift
Light Manufacturing	1 space per employee on peak shift
Printing and Publishing Establishment	1 space per 2 employees on peak shift
Production, Processing, Cleaning, Testing, and Distribution	1 space per 2 employees on peak shift
Storage Facility	1 space per employee on peak shift
Repair Garage	3 spaces per service bay plus 1 space per employee
Wholesale Business and Storage	1 space per employee on peak shift

**6.03 GENERAL REQUIREMENTS**

**(A) Existing Parking.**

- (1) Structures and uses existing at the effective date of this Ordinance shall not be required to provide additional parking unless the use changes or is expanded in a manner that increases required parking.
- (2) Existing required parking shall not be reduced below required amounts.

**(B) Changes in Use or Expansion.**

- (1) Where a structure is enlarged or a use is changed and parking requirements increase, only the additional parking attributable to the expansion or change shall be required.

**(C) Use of Parking Areas.**

- (1) Required parking spaces shall not be used for storage, display, sales, or any other use that interferes with their intended purpose.

**(D) Continuing Obligation.**

- (1) Required parking shall be maintained and remain accessible for the duration of the use served.

**(E) Joint Use / Shared Parking.**

- (1) Two or more uses may share parking spaces provided that:
  - i. The total number of spaces meets combined peak demand; and
  - ii. Where separate ownership exists, a shared parking agreement is recorded.

**(F) Fractional Spaces.**

- (1) Fractions of 0.5 or greater shall be rounded up.
- (2) Fractions less than 0.5 shall be rounded down.

**(G) Location of Parking.**

- (1) Required parking shall be located:
  - i. On the same lot as the use served; or
  - ii. Within 400 feet of the principal entrance of the use served.
- (2) Off-site parking shall be within the same zoning district unless otherwise approved.

**(H) Maximum Parking**

- (1) No development shall exceed 125% of minimum parking required without Planning Commission approval.

**6.04 PARKING DESIGN STANDARDS**

**(A) Stall Dimensions.**

- (1) Minimum stall width – 9 feet
- (2) Minimum stall depth – 18 feet (angled)
- (3) Minimum parallel stall depth – 22 feet

**(B) Aisle Width.**

Angle	One-Way	Two-Way
Parallel	12 ft	24 ft
30°	11 ft	24 ft
45°	13 ft	24 ft
60°	18 ft	24 ft

**(C) Access Drives.**

- (1) 12 feet minimum (one-way)
- (2) 20 feet minimum (two-way)
- (3) 30 feet maximum at street line

**(D) Backing into Street Prohibited.**

- (1) Parking areas serving three (3) or more vehicles shall not require vehicles to back into a public street.

**(E) Surfacing and Drainage.**

- (1) Parking areas serving three (3) or more vehicles shall be graded, surfaced, and drained to prevent erosion or runoff onto public streets or adjoining property.

(F) Lighting.

- (1) Lighting shall be shielded and arranged to prevent glare onto adjoining properties.

**6.05 ACCESSIBLE PARKING**

(A) Accessible parking shall comply with the Americans with Disabilities Act (ADA) and applicable Maryland Accessibility Code standards.

(B) Accessible spaces shall:

- (1) Be located along the shortest accessible route to the entrance;
- (2) Include required access aisles;
- (3) Be properly marked and signed;
- (4) Be located on surfaces with a maximum slope permitted by ADA standards.

**6.06 BICYCLE PARKING**

(A) Any development required to provide ten (10) or more vehicle parking spaces shall provide bicycle parking sufficient to allow secure locking of bicycles.

(B) Bicycle parking shall not obstruct accessible routes or required exits.

**6.07 OFF-STREET LOADING**

(A) Uses requiring regular loading shall provide adequate off-street loading so vehicles do not obstruct public streets.

(B) Minimum loading space for medium trucks:

- (1) 30 feet long
- (2) 12 feet wide
- (3) 14 feet vertical clearance

(C) The applicant shall demonstrate that the number of loading spaces is sufficient for operational needs.

(D) Loading spaces shall not count toward required parking.

**6.08 COMMERCIAL VEHICLE PARKING**

(A) No tractor-trailer or semitrailer shall be parked or stored in any district except the GC District unless actively loading or unloading.

(B) Commercial vehicles exceeding ten thousand (10,000) pounds gross vehicle weight shall not be parked in residential districts except within enclosed structures.

**6.09 TOWN CENTER (TC) PARKING FLEXIBILITY****(A) Change of Use in Existing Buildings.**

- (1) Within the TC District, no additional parking shall be required for a change of use within an existing building footprint unless the change increases required parking by more than 50%.

**(B) On-Street Parking Credit.**

- (1) On-street public parking spaces located within 300 feet of the principal entrance may be credited toward required off-street parking at a rate of one (1) space per 25 linear feet of lot frontage.

**(C) Maximum Parking.**

- (1) Parking in the TC District shall not exceed 110% of the required minimum without Planning Commission approval.

**(D) No Off-Street Parking Required.**

- (1) Notwithstanding any other provision of this Article, off-street parking shall not be required for uses within the Town Center (TC) District where the applicant demonstrates that:
  - i. The use does not require overnight parking of vehicles; and
  - ii. The use can reasonably rely on on-street parking, shared parking, or nearby public parking resources.
- (2) The Zoning Administrator may approve a reduction up to and including one hundred percent (100%) of required off-street parking under this subsection.
- (3) Uses that require overnight parking, vehicle storage, fleet operations, or similar activities shall not be eligible for full parking reductions under this subsection.

**ARTICLE 7. SIGNS****7.01 SIGN DEFINITIONS**

- (A) For the purposes of this Article, the following words and phrases shall have the meanings indicated. Words not defined herein shall have their customary dictionary meaning or the meaning assigned elsewhere in this Ordinance.
- (1) **Sign** - Any object, device, display, structure, or part thereof that is used to attract attention or convey information by means of words, letters, figures, symbols, images, or illumination and that is visible from a public street, sidewalk, or adjoining property.
  - (2) **Sign, On-Premises** - A sign that advertises, identifies, or directs attention to a business, service, product, activity, or use that is located on the same lot as the sign.
  - (3) **Sign, Off-Premises** - A sign that advertises, identifies, or directs attention to a business, service, product, activity, or use that is not located on the same lot as the sign.
  - (4) **Accessory Sign** - A sign that is customarily incidental and subordinate to the principal use of the lot or structure on which it is located.
  - (5) **Building-Mounted Sign** - A sign attached to, painted on, or otherwise affixed to the wall, façade, canopy, awning, or roof of a building.
  - (6) **Wall Sign** - A building-mounted sign attached parallel to the face of a wall or building façade.
  - (7) **Projecting Sign** - A building-mounted sign that projects outward from a wall or building façade and is mounted approximately perpendicular to the wall.
  - (8) **Freestanding Sign** - A sign that is supported by one or more posts, columns, or other structures placed in the ground and is not attached to a building.
  - (9) **Monument Sign** - A freestanding sign that is supported by a solid base or integrated into a low wall or landscape feature, typically shorter and wider than a pole sign.
  - (10) **Temporary Sign** - A sign intended for display for a limited period of time and not permanently attached to a structure or the ground, including real estate signs, event signs, contractor signs, and campaign signs.
  - (11) **Portable Sign** - A sign that is not permanently affixed to a structure or the ground and is designed to be moved easily, including sandwich-board or A-frame signs.
  - (12) **Directional Sign** - A sign that provides information for traffic circulation, wayfinding, or access (e.g., “Entrance,” “Exit,” or arrows), and that does not advertise a product or service.
  - (13) **Identification Sign** - A sign that identifies the name of a building, residence, institution, or property without advertising commercial activity.
  - (14) **Nameplate Sign** - A small identification sign identifying the occupant of a dwelling or a permitted home occupation.
  - (15) **Real Estate Sign** - A temporary sign advertising the sale, lease, or rental of the property on which the sign is located.
  - (16) **Development Sign** - A temporary sign identifying a subdivision, development, or construction project and related parties (e.g., developer, builder), placed on the site of the development.
  - (17) **Contractor Sign** - A temporary sign identifying contractors, architects, engineers, or similar professionals engaged in construction on the premises.

- (18) **Bulletin Board** - A sign used by an institutional, civic, or non-residential use to display announcements or information related to activities occurring on the premises.
- (19) **Official Sign** - A sign erected by or on behalf of a federal, state, county, or municipal government agency for traffic control, public safety, legal notice, or informational purposes.
- (20) **Nonconforming Sign** - A sign that was lawfully erected prior to the effective date of this Ordinance but does not comply with one or more provisions of this Article.
- (21) **Sign Area** - The total area within the smallest geometric shape that fully encloses all elements of the sign, including text, symbols, logos, and background, but excluding structural supports that are incidental to the sign.
- (22) **Double-Faced Sign** - A sign with two faces oriented in opposite directions and mounted on the same structure. Where both faces are identical and back-to-back, only one face shall be counted for sign area.
- (23) **Illuminated Sign** - A sign that uses artificial light, including internal or external lighting, to make the sign visible at night or in low-light conditions.
- (24) **Internally Illuminated Sign** - A sign illuminated by a light source contained within the sign structure itself.
- (25) **Flashing or Animated Sign** - A sign that uses intermittent, rotating, moving, or flashing lights or mechanical movement to attract attention.
- (26) **Art / Artwork** - A display or installation that is primarily intended for artistic, cultural, or public expression purposes and not for commercial advertising, and that is not internally illuminated. Artwork is not regulated as a sign when approved as such by the Zoning Administrator.

## 7.02 GENERAL PROVISIONS

- (A) **Applicability:** No sign or outdoor advertisement shall be erected, hung, placed, or painted in any zoning district except as permitted by these regulations. Posting or affixing signs on trees, utility poles, fences, or walls (except as specifically allowed by this Ordinance) is prohibited.
- (B) **Nonconforming Signs:** Existing lawful signs that do not conform to these regulations may remain, but any replacement sign must not increase the nonconformity. In no case shall a replacement sign exceed 200 square feet in area per face. Any sign lawfully in place before the effective date of this Ordinance may not be expanded or relocated unless it is brought into compliance with all provisions of this Ordinance.
- (C) **Exempt Displays:** The flag, emblem, or insignia of any nation or governmental unit (or of non-profit educational, charitable, or religious organizations) is not regulated as a “sign” under this Article. In addition, if an applicant demonstrates to the Zoning Administrator that a proposed display is artwork (primarily intended as art or public expression, with no commercial purpose and no internal illumination), then it shall be exempt from these sign regulations.
- (D) **Interpretation:** For purposes of these regulations, terms like affix, attach, display, erect, hang, place, post, alter, move, or paint (including any act to re-affix, re-hang, re-paint, etc.) in reference to a sign shall all be subject to these rules. In other words, altering or re-installing a sign is treated the same as installing a new sign under this Ordinance.
- (E) **Computation of Sign Area:** The measured area of a sign includes all lettering, wording, and designs or symbols, plus any background (whether open or enclosed) on which they are displayed. Supporting framework or bracing is not counted as part of the sign area if it is incidental to the display. For a sign painted on or applied directly to a building or window, the area is the smallest rectangle (or geometric shape) that can encompass all the letters and symbols. If a sign has two

identical faces back-to-back (double-sided), only one face is counted toward area. If the two faces are not identical or are not back-to-back, then each face's area is counted.

- (F) **Sign Height and Projection:** No sign shall extend higher than the maximum building height for the zoning district in which it is located, nor more than 3 feet above the roofline of the structure to which it is attached. No wall-mounted sign shall project more than 3 feet outward from the building wall. Signs may be printed on or attached to an awning or canopy, provided the awning does not project more than 3 feet from the wall. Any sign mounted perpendicular to a building façade (projecting sign) shall not exceed 6 square feet in area and must have a minimum clearance of 8 feet above ground level.
- (G) **Placement and Safety:** No sign shall be placed within or overhanging any public street right-of-way, except for official government signs and certain non-commercial civic banners or directional signs approved by the Town Council. Signs must not obstruct or cover any building window, door, fire escape, stairway, or any opening necessary for light, ventilation, ingress or egress. No sign may interfere with traffic safety by obstructing a driver's clear view of traffic signals, road signs, or street intersections. Lighting for signs must be shielded or directed to avoid shining into drivers' eyes or toward any residential property.
- (H) **Construction and Maintenance:** All signs (other than short-term temporary signs) shall be constructed of durable materials and kept in good repair. Any sign deemed unsafe or structurally unsound by the Zoning Administrator must be promptly repaired or removed upon notice. If such a sign is not made safe within 5 days of notice, the Town may remove the sign at the owner's expense. Additionally, no newly installed sign may feature flashing lights or moving/mechanical parts.
- (I) **Permit Requirements:** A zoning permit is required for the installation, alteration, or relocation of most signs, except those specifically exempted by this Article. Permanent on-premises signs larger than 10 square feet, and any off-premises signs (except official government signs), shall require a sign permit from the Town. Temporary signs and small on-premises signs as described in Sections 7.03 and 7.04 below do not require a permit, provided they comply with all applicable regulations. Changing the face or copy of an existing lawful sign, or performing routine maintenance like repainting, does not require a new permit so long as the sign's size and structure are not changed. All signs, whether requiring a permit or not, must comply with the standards of this Article and the building code.

### 7.03 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS (RD, SR, TR)

- (A) **On-Premises Signs (Residential Zones):** Each property in the RD, SR, or TR residential districts is allowed certain on-premises signs accessory to the principal use, subject to the following limitations:
  - (1) **On-Premises Sign (General Residential Allowance):** One sign is allowed on each residential lot, for purposes such as identification, property sale or lease, home occupation, construction project, farm produce sales, or any other lawful message. The sign shall not exceed 10 square feet in area. Only one such sign is permitted per lot (except that a corner lot or through lot with frontage on two streets may have one sign facing each street). On-premises signs in residential districts shall not be internally illuminated. Any temporary sign allowed under this provision must be removed once its purpose is fulfilled.
  - (2) **Incidental Signs (Directional or Safety):** Small on-site signs that provide directions or information (such as "Entrance," "Exit," "Parking") or convey warnings/notice (such as "No Trespassing" or "Private Drive") are permitted as needed for safety and navigation. Each such sign shall not exceed 2 square feet in area. These incidental signs shall contain no commercial advertising, and shall not be illuminated.

- (3) **Temporary Event Signs:** A temporary sign announcing a special event or yard sale, or a fundraiser/drive by a civic, educational, or religious organization, is permitted on private property with the owner's consent. Only one event sign is allowed per property. The sign may be up to 10 square feet in area. It may be displayed for no more than 30 days before an event and must be taken down within 5 days after the event concludes. No permit is required for temporary event signs, provided they comply with these size and time limits.
- (B) **Off-Premises Signs (Residential Zones):** In general, off-premises outdoor advertising signs are not permitted in residential districts. The only off-premises signs allowed in these zones are temporary directional signs for short-term events, as described below:
- (1) **Directional Signs to Temporary Events:** Temporary signs giving directions to an event such as an open house, festival, auction, or community gathering are allowed under these conditions:
- i. **Size:** No such sign may exceed 10 square feet in area.
  - ii. **Display Period:** A directional event sign may be posted up to 30 days before the event it advertises. The sign must be removed within 5 days after the event ends. If the sign is not removed within 5 days after the event, the Town may remove it.
  - iii. **Permit:** No sign permit is required for a temporary off-premises event directional sign, provided it complies with these standards.
  - iv. **Location and Consent:** These signs shall be placed only with the permission of the property owner on whose land they are located. No off-premises event sign may be placed in any public right-of-way or in a location that would hinder traffic visibility or safety.
- (2) **Official Signs:** Official traffic control or public safety signs, and other government-authorized signs, may be placed off-premises by the appropriate authorities.
- (C) **Special Exception Uses in TR District:** In the Town Residential (TR) district, certain non-residential uses may be allowed by special exception. In cases where a property in TR is approved for a non-residential principal use, the signage for that use may follow the standards for on-premises signs in the Town Center (TC) District (see §7.04(B) below), if so determined in the special exception approval. All other signs in TR must follow the residential district standards listed above.

#### 7.04 SIGNS PERMITTED IN TOWN CENTER DISTRICT (TC)

- (A) The Town Center (TC) district is a mixed-use zone allowing both commercial and residential uses. Signage in the TC district must balance visibility for businesses with protection of community character and adjacent residential uses. The following sign regulations apply in the TC district.
- (B) **On-Premises Signs (Town Center):**
- (1) **Residential Uses in TC:** Any purely residential use in the TC zone (such as a single-family home, apartment, etc.) is allowed the same types of signs as listed for residential districts (RD/SR), subject to the same size limits and restrictions outlined in §7.03 above.
  - (2) **On-Premises Signs (Commercial or Mixed-Use Properties in TC):** For any non-residential or mixed-use property in TC (such as shops, offices, restaurants, or buildings with commercial on the ground floor and dwellings above), the following on-premises signs are permitted:
    - i. **Building-Mounted Signs:** Signs attached to the building (including wall signs, awning or canopy signs, projecting signs, and window signs) are allowed for each business. The total area of all building-mounted signs on a façade facing a given street shall not exceed 10% of the area of that building façade, or 100 square feet, whichever is less. This total sign area may be divided among multiple signs (for instance, a primary wall sign and secondary window or awning signs), but the combined area on that façade must remain within the

allowable maximum. Window signs (signs displayed on or behind windows) count toward the building-mounted sign area limit; in no case should window signs cover more than 10% of the building's façade area. Building-mounted signs may be externally or internally illuminated (internal illumination is allowed for commercial uses in TC, but not for residential nameplate signs). Flashing, blinking, or scrolling digital signs are prohibited.

ii. **Freestanding Signs:** In addition to building-mounted signs, a business property in TC may have a freestanding sign (for example, a pole or monument sign) on its lot, subject to these limits:

- a) **Number:** One freestanding sign is permitted per property. If a property has frontage on more than one public street (e.g., a corner lot or through lot), one freestanding sign may be allowed facing each street frontage.
- b) **Size:** The area of a freestanding sign in the TC district shall not exceed 1 square foot of sign area per linear foot of the property's street frontage along the street that the sign faces, up to a maximum of 100 square feet for any one sign.
- c) **Height and Setback:** Freestanding signs in TC shall not exceed the height limit for principal structures in the district, and in no case shall a sign (or its support structure) extend more than 3 feet above the roofline of any building on the property. Freestanding signs should be positioned so as not to obstruct drivers' sight lines at driveways or intersections (it is recommended that signs be set back at least 10 feet from any street curb or pavement edge). A freestanding sign may be double-faced (back-to-back), with the two faces identical; only one side's area counts toward the size limit.

iii. **Portable or Sidewalk Signs:** Where pedestrian traffic is present, businesses in TC may use one portable A-frame or sandwich-board sign on the sidewalk immediately in front of their establishment. The sign shall be no more than approximately 3 feet tall and 2 feet wide. At least 4 feet of clear walkway width must remain for pedestrians. The portable sign may be displayed only during business hours and must be brought indoors or removed when the business is closed each day.

(C) **Off-Premises Signs (Town Center):** Off-premises signs in the TC district are generally not allowed, except for certain small informational signs:

- (1) **Temporary Event Directional Signs:** Temporary off-premises signs directing people to short-term events are permitted in the TC district under the same conditions outlined for residential districts in §7.03(B)(1). These signs shall be no larger than 10 sq. ft., may be posted up to 30 days before the event, and must be removed within 5 days after. No permit is required, but placement on private property must have the owner's permission.
- (2) **Service Club / Institutional Directional Signs:** Small off-premises signs for the purpose of guiding residents or visitors to the meetings or facilities of local nonprofit organizations are permitted at designated locations. Each such sign shall not exceed 6 square feet in area. Typically, multiple small directional signs of this nature may be mounted together. The placement of any such sign or sign board must be approved by the Town, and the signs must be located so as not to create visual clutter or traffic hazards. These signs may include the name or emblem of the organization and directional information (an arrow, address, or distance) but shall not contain commercial advertising.
- (3) Apart from the above, no other off-premises commercial advertising signs are allowed in the Town Center. In particular, billboards or general off-site advertising signs are not permitted in the TC district.

## 7.05 SIGNS PERMITTED IN GENERAL COMMERCIAL DISTRICT (GC)

- (A) The General Commercial (GC) district is intended for highway-oriented and larger-scale commercial uses. This district allows the greatest range of signage, while still maintaining safety and aesthetic standards. Unless otherwise stated, all signs in GC require a sign permit and must adhere to the following regulations:
- (B) **On-Premises Signs (General Commercial):**
- (1) **Building-Mounted and Freestanding Signs:** All types of on-premises signs that are permitted in the Town Center (TC) zone are also permitted in the GC zone, under similar standards. This includes building-mounted signs (wall, awning, projecting, and window signs) up to a total of 10% of the building façade area (maximum 100 sq. ft. per façade), and freestanding signs up to 1 sq. ft. of area per linear foot of frontage (maximum 100 sq. ft. per sign face). The same 10% façade limitation applies to all building-mounted signage in GC, including any window signs. One freestanding sign is allowed per street frontage and one additional freestanding sign may be permitted for each additional 1,000 feet of frontage beyond the first 1,000 feet. All size and height limitations from the TC zone apply equally in GC, unless otherwise noted.
  - (2) **Multiple Tenant Centers:** In a shopping center or multi-tenant commercial property, shared freestanding signs (directory signs listing several businesses) are permitted. Such a sign is subject to the same maximum area (100 sq. ft.) as other freestanding signs. If the development has more than one major entrance or fronts on more than one highway, the Zoning Administrator may allow a second freestanding directory sign, provided each sign is located at a separate entrance or road frontage. Wall sign area for individual businesses in a multi-tenant building is still limited by the 10% of that tenant's façade; the property owner or manager is responsible for allocating signage space among the tenants so that the overall building limits are not exceeded.
  - (3) **Additional On-Premises Signs:** In GC, the Town may allow certain additional on-premises signs that are customary for highway businesses, such as:
    - i. **Canopy and Marquee Signs:** For businesses such as gas stations or theaters, signage on canopies or marquees is permitted and counts toward the total building-mounted sign area.
    - ii. **On-site Directional Signs:** Large commercial sites may use small directional signs (e.g., "Drive-Thru," "Exit," "Service Entrance") on the property as needed for traffic flow. These signs should generally be no more than 6 sq. ft. each and may be up to 4 feet in height. They shall be used only for guiding traffic or pedestrians and carry no advertising aside from perhaps a logo. Directional signs in GC do not count toward the business's total sign area, but a permit may be required for permanent installations.
    - iii. **Drive-Through Menu Boards:** Businesses with drive-through facilities are allowed menu board signs as accessory structures. The size and location of menu boards will be reviewed during site plan or permitting. Menu boards should not face the road or be visually intrusive off-site.
    - iv. **Temporary Displays:** Promotional banners, flags, or inflatable displays intended for short-term use (e.g., grand openings or sales events) are allowed in GC for limited durations, subject to temporary sign rules (see §7.05(C) below for off-premises and temporary sign provisions).
  - (4) All such signs, however, require permits and are subject to review to ensure they meet safety and design standards.

**(C) Off-Premises Signs (General Commercial):**

- (1) **Temporary Event Signs:** As in other districts, temporary off-premises signs directing people to short-term events (fairs, festivals, auctions, etc.) are allowed in GC under the same conditions outlined in §7.03(B)(1). Such signs may be up to 10 sq. ft. in area, posted no more than 30 days before the event, and removed within 5 days after. No permit is required for these temporary event signs (the Town may remove signs that remain up beyond the allowed period).
- (2) **Community Directional Signs:** Small off-premises directional signs for community institutions (as described for the TC district in §7.04(C)(2)) are permitted in the GC district as well. Each sign shall be no larger than 6 square feet and placement must be approved by the Town to avoid any hazard or clutter.
- (3) **Billboards:** New off-premises outdoor advertising signs or billboards are prohibited in the GC district (as they are in all other zoning districts). Existing billboards that pre-date this Ordinance are considered nonconforming and may remain, but no new billboards may be erected.

**ARTICLE 8. NONCONFORMING PROVISIONS****8.01 DEFINITIONS**

- (A) **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 signs, off-street parking, off-street loading, or accessory buildings, but which structure or lot was in existence at the effective date of this Ordinance and was lawful at the time it was established. This includes nonconformities related to minimum lot size, setbacks, height, or other bulk standards.
- (B) **Nonconforming Use.** A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established. Owners of nonconforming uses are strongly encouraged to obtain a certificate under Section 808.

**8.02 CONTINUATION OF NONCONFORMITIES**

- (A) The lawful use of any structure or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provision of this Ordinance except as otherwise provided in this Article.

**8.03 EXPANSION OF NONCONFORMITIES**

- (A) An existing use of land or a structure which is not listed as permitted by right or by special exception in the applicable district according to the regulations shall not be expanded unless a zoning permit is issued and the following standards are met:
- (1) Such expansion shall not increase the total land area devoted to the nonconforming use by more than 25% of the area existing at the time this Ordinance was adopted.
  - (2) Such expansion shall comply with all other requirements of this Ordinance, including setbacks.
  - (3) No new nonconformity shall be created as a result of the expansion.
- (B) A nonconforming structure which does not conform to the regulations of this Ordinance may be altered, reconstructed or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, and provided that all other provisions of this Ordinance are met, including other provisions of Article 8.
- (C) See Section 806 for changes in use.
- (D) Improvements for safety, energy efficiency, or accessibility (e.g., ADA compliance) may be permitted, provided such improvements do not increase the degree of nonconformity or its external impact.

**8.04 RESTORATION OF NONCONFORMITIES**

- (A) Structures damaged by fire or other causes to the extent of more than 75 percent of the market value of the structure shall not be repaired, reconstructed, or used for the same nonconforming use unless granted Special Exception approval by the Board of Zoning Appeals. Such approval is termed a "Special Exception".
- (B) Structures with damage to the extent of 75 percent or less of the market value may be reconstructed, repaired, or used for the same nonconforming use without Board of Zoning Appeals approval.
- (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 year from the date of damage and shall be carried on without interruption.

#### **8.05 ABANDONMENT OF NONCONFORMITIES**

- (A) Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.
- (B) If the discontinuation is caused by circumstances beyond the property owner's control (e.g., natural disaster or court order), the owner may seek relief from the Board of Zoning Appeals to extend the one-year window.

#### **8.06 CHANGES TO NONCONFORMITIES**

- (A) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use by Special Exception, provided the proposed use is determined to be less intense or objectionable than the existing use based on:
  - (1) Traffic generation and congestion, particularly involving truck traffic;
  - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration;
  - (3) Storage and waste disposal;
  - (4) Appearance.
- (B) Such a change is termed a "Special Exception" requiring the approval of the Board of Zoning Appeals.

#### **8.07 DISPLACEMENT**

- (A) No nonconforming use shall be extended to displace a conforming use.

#### **8.08 DISTRICT CHANGES**

- (A) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

#### **8.09 NONCONFORMING USE CERTIFICATE**

- (A) Nonconforming use certificates shall be issued by the Zoning Administrator if an applicant provides evidence that a nonconformity exists and was lawful when it was first established.
- (B) Acceptable documentation may include utility records, permits, business licenses, tax records, or sworn affidavits.
- (C) The Zoning Administrator shall maintain a record of all nonconforming use certificates for enforcement purposes.

#### **8.10 NONCONFORMING LOTS OF RECORD**

- (A) A lot that does not meet minimum lot area or width may still be developed for a permitted use if it meets other requirements of this Ordinance and is granted any necessary approval under Section 502.

**ARTICLE 9. ADMINISTRATION****9.01 ZONING ADMINISTRATOR - DUTIES AND POWERS**

- (A) The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Mayor and confirmed by the Town Council. One or more Deputy Zoning Administrators may also be appointed to serve in the same manner as the Zoning Administrator.
- (B) The Zoning Administrator shall have the authority and duty to:
  - (1) Receive and examine all applications for zoning permits.
  - (2) Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Zoning Appeals.
  - (3) Receive applications for special exceptions, submit these applications to the Planning Commission for their comments, and then forward the applications along with the Planning Commission's recommendation to the Board of Zoning Appeals for action thereon.
  - (4) Following refusal of a permit, receive applications for interpretation appeals and variances and forward these to the Board of Zoning Appeals.
  - (5) Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
  - (6) Issue stop, cease, and desist orders, and written correction orders for all conditions found to be in violation of this Ordinance. Such orders shall be served personally or by certified mail upon the parties deemed in violation. It shall be a violation of this Ordinance to fail to comply with a lawful order of the Zoning Administrator.
  - (7) With approval of or at the direction of the Town Council, institute legal action to prevent or remedy unlawful construction, occupancy, or use.
  - (8) Revoke, by written order, any zoning permit issued based on a misstatement of fact, error, or misrepresentation, or issued contrary to law or this Ordinance.
  - (9) Record and file all zoning permit applications with accompanying plans and documents. These shall be public records.
  - (10) Maintain a zoning map or maps showing the current zoning classification of all land in the Town.
  - (11) Maintain a map and file of all nonconforming uses and special exceptions in the Town.
  - (12) Present requested information to the Mayor, Town Council, Planning Commission, or Board of Zoning Appeals to assist with decisions.

**9.02 ZONING PERMITS**

- (A) No structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, or moved; no land or building used or changed in use, until a zoning permit has been secured from the Zoning Administrator.
- (B) Upon completion of work, the applicant shall notify the Zoning Administrator. Final approval shall be indicated by notation on the permit that the work or use is in compliance, to the best of the Administrator's knowledge.
- (C) Issuance of a permit does not waive the need for compliance with other applicable local, state, or federal regulations.

**9.03 APPLICATION REQUIREMENTS FOR ZONING PERMITS**

- (A) Applications must be made in writing on a Town-supplied form by the property owner or authorized agent and include:
- (1) Statement of proposed use.
  - (2) Site layout drawn to scale, showing location, dimensions, and height of proposed and existing structures.
  - (3) Lot dimensions, lot/block numbers, and subdivision name.
  - (4) Layout of open space, yards, and screening if required.
  - (5) Parking layout and design, if applicable.
  - (6) Sign location, dimensions, and illumination method, if applicable.
  - (7) Additional documents such as a surveyed site plan, etc required for interpretations, variances, or special exceptions.
  - (8) Any other information deemed necessary by the Zoning Administrator to determine compliance, such as floodplain status, easements, or prior approvals.

**9.04 FEES**

- (A) Applicants shall pay a fee set by resolution of the Town Council at the time of application. The Town may require reimbursement for direct costs of review by third-party professionals when applicable.

**9.05 TIME LIMIT ON A PERMIT**

- (A) Construction or changes in use authorized by a zoning permit must commence within one year of issuance. Otherwise, the permit becomes void.
- (B) One extension of up to one additional year may be granted in writing upon a showing of good cause.
- (C) If a permit lapses and no extension is granted, a new application and fee will be required.

**ARTICLE 10. BOARD OF ZONING APPEALS****10.01 ESTABLISHMENT OF BOARD**

- (A) In order that the objectives of this Ordinance may be more fully and equitably achieved and a means for competent interpretation of this Ordinance provided, there is hereby established a Board of Zoning Appeals.

**10.02 MEMBERSHIP AND TERMS OF OFFICE**

- (A) The Board shall consist of three (3) members. Terms shall be three (3) years, staggered to ensure continuity. Members shall be appointed by the Mayor, confirmed by the Town Council, and may be removed for cause upon written charges and after public hearing.
- (B) The Mayor shall designate one alternate member, who may serve in the absence of a regular member.
- (C) Members must be residents of the Town. Vacancies shall be filled for the unexpired term in the same manner as appointments.

**10.03 PROCEDURES, MEETINGS, RECORDS AND DECISIONS**

- (A) **Procedures.** The Board shall elect a Chair from among its members, appoint a Secretary, and adopt rules consistent with the Land Use Article of the Annotated Code of Maryland and this Ordinance.
- (B) **Meetings.** Shall be held at the call of the Chair or as the Board determines. The Chair or Acting Chair may administer oaths and compel the attendance of witnesses. All meetings shall comply with Maryland Open Meetings Act. Two (2) members shall constitute a quorum.
- (C) **Records and Decisions.**
- (1) Actions of the Board must be by resolution. A minimum of two (2) concurring votes is required. Each resolution shall include findings and the basis of the decision.
  - (2) The Board shall notify the Mayor, Town Council, Planning Commission, and Zoning Administrator of all actions and resolutions.
  - (3) All records, minutes, and decisions shall be filed at Town Hall and made available to the public.

**10.04 NOTICE OF HEARINGS**

- (A) The Board shall schedule a public hearing between 14–45 days after an application is filed and provide notice as follows:
- (1) Publish legal notice in a newspaper of general circulation once each week for two (2) consecutive weeks, including application name, date, time, and location of hearing, and summary of the request.
  - (2) Post notice on the property at least 14 days prior to the hearing.
  - (3) Mail or deliver written notice to the applicant and adjacent property owners, including those across the street.
  - (4) May notify other agencies or organizations at its discretion.

**10.05 INTERPRETATION BY THE BOARD**

- (A) The Board may interpret provisions of this Ordinance and decide appeals from administrative decisions, including:
  - (1) Interpretation of zoning district boundaries.
  - (2) Alleged errors in orders, requirements, or decisions of the Zoning Administrator, including cease and desist orders.

**10.06 ZONING VARIANCES**

- (A) The Board may grant variances from strict application of this Ordinance upon appeal.
- (B) Variances are to be granted sparingly, only under exceptional circumstances.
- (C) Standards. The applicant must demonstrate:
  - (1) Not contrary to public interest.
  - (2) Literal enforcement would cause practical difficulty and unnecessary hardship.
  - (3) The variance is consistent with the intent of this Ordinance and does not harm neighborhood character.
  - (4) The use remains permitted in the district.
  - (5) The property has unique physical conditions (e.g., narrow lot, slope).
  - (6) The variance is the minimum necessary for reasonable use.
  - (7) The condition is not self-created.
- (D) Conditions. The Board may impose reasonable safeguards to protect public health, safety, and neighboring properties.

**10.07 SPECIAL EXCEPTIONS**

- (A) The Board may approve special exceptions as expressly authorized in this Ordinance.
- (B) Findings must be consistent with the Ordinance.
- (C) Standards. The use must:
  - (1) Align with the Comprehensive Plan and purpose of the Ordinance.
  - (2) Be suitable and compatible with surrounding area.
  - (3) Have safe and adequate access, without undue traffic or congestion.
  - (4) Avoid significant nuisance, health, or safety concerns.
- (D) Conditions. The Board may impose reasonable performance, design, or layout conditions.
- (E) Persons with Disabilities. The Board shall grant modifications to provide reasonable accommodation under the ADA or Fair Housing Act, upon adequate proof.

**10.08 EXERCISING POWERS CONCERNING APPEALS**

- (A) The Board may reverse, affirm, or modify the decision being appealed and has all the powers of the Zoning Administrator for purposes of that decision.

**10.09 TIME LIMIT ON BOARD APPROVAL**

- (A) A zoning permit must be obtained and construction started within one (1) year of the Board's decision, or the approval expires. One (1) extension for good cause may be granted.

**10.10 WHO MAY APPEAL TO THE BOARD**

- (A) Any person aggrieved, or any Town agency affected by a decision of the Zoning Administrator, may file an appeal.

**10.11 FILING FOR DECISION BY THE BOARD**

- (A) General Requirements:

- (1) File appeals within 30 days of the decision.
- (2) Use standard Board forms.
- (3) Cite relevant ordinance provisions.
- (4) Include names and addresses of all adjacent property owners.

- (B) Interpretation Appeals. Must clearly state the section at issue and the proposed interpretation.

- (C) Variance Appeals. Must include denied zoning permit and supporting justification per Section 10.06.

- (D) Special Exceptions. Must include zoning permit application and evidence that the proposal meets all applicable criteria.

**10.12 PLANNING COMMISSION REVIEW**

- (A) The Planning Commission shall provide advisory comments on all special exceptions and variances, which become part of the public record.
- (B) Planning Commission comments are not binding, and a lack of response shall not delay Board action.

## **ARTICLE 11. AMENDMENTS AND ENFORCEMENT**

### **11.01 AMENDMENT OF THIS ORDINANCE**

- (A) The Town Council may from time to time amend, supplement, change, modify, or repeal the text of this Ordinance or the Zoning Map. Any such amendment shall follow the procedures in this Article and conform to applicable State law.

### **11.02 WHO MAY INITIATE**

- (A) Amendments may be proposed by:
  - (1) The Town Council, on its own initiative. Any such proposal shall be referred to the Planning Commission, which shall provide a report and recommendation within thirty (30) days.
  - (2) The Planning Commission, which may transmit proposals to the Town Council at any time.
  - (3) Property owners, by written petition submitted to the Town Clerk. The Town Clerk shall promptly transmit the petition to the Planning Commission, which shall issue a recommendation within thirty (30) days.
- (B) The Town Council may defer action until receiving and reviewing the Planning Commission's recommendation.

### **11.03 PUBLIC HEARING AND NOTICE**

- (A) No zoning text or map amendment shall be adopted until the Town Council holds a public hearing, with the opportunity for public comment. Notice shall be provided as follows:
  - (1) At least fourteen (14) days prior to the hearing, notice shall be published once per week for two (2) successive weeks in a newspaper of general circulation, stating:
    - i. Applicant name
    - ii. Date, time, and location of hearing
    - iii. Nature of proposed amendment
  - (2) For map amendments, the property shall be posted with a notice containing the same information, at least fourteen (14) days prior to the hearing.
  - (3) For map amendments, written notice of the hearing shall be delivered or mailed to:
    - i. The applicant
    - ii. All property owners contiguous to or directly across from the subject property
- (B) Required: Notice of the hearing shall be provided to the Garrett County Office of Planning and Zoning.

### **11.04 FEES FOR AN AMENDMENT**

- (A) All applicants shall pay a fee in accordance with the fee schedule adopted by Town Council.
- (B) At a minimum, the applicant shall reimburse the Town for:
  - (1) All legal advertisement costs
  - (2) Other direct administrative costs

### 11.05 CONDITIONS FOR A ZONING AMENDMENT

- (A) When a zoning map amendment is proposed, the Town Council shall make findings of fact consistent with Maryland Land Use Article §4-204.05, including but not limited to:
- (1) Population change
  - (2) Availability of public facilities
  - (3) Present and future transportation patterns
  - (4) Compatibility with surrounding development
  - (5) Recommendations of the Planning Commission
  - (6) Relationship to the Town's Comprehensive Plan
- (B) The Town Council may approve the map amendment if it finds either:
- (1) A substantial change in the character of the neighborhood since the last zoning, or
  - (2) A mistake in the original zoning classification

### 11.06 REMEDIES

- (A) In the event of any violation of this Ordinance, including unlawful construction, land use, or signage, the Town may take enforcement action including:
- (1) Injunction
  - (2) Mandamus
  - (3) Abatement
  - (4) Other lawful proceedings to restrain or correct the violation
- (B) These remedies are cumulative and do not limit other legal or equitable remedies available to the Town.

### 11.07 ENFORCEMENT

- (A) **Municipal Infractions.** Violations of this Ordinance constitute municipal infractions, enforceable under the Town's Enforcement Ordinance. Penalties and fines shall be set by the Resolution of Fines for Municipal Infractions, and may be amended by the Mayor and Town Council following public notice consistent with Town policy.
- (B) **Abatement and Assessment.** Upon receiving an order from the District Court of Maryland, the Town may:
- (1) Enter the property
  - (2) Remove the violation
  - (3) Assess the costs to the property owner
  - (4) These costs shall be collectible as a lien, in the same manner as other lawful Town charges or assessments.