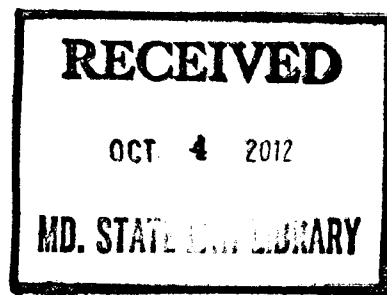


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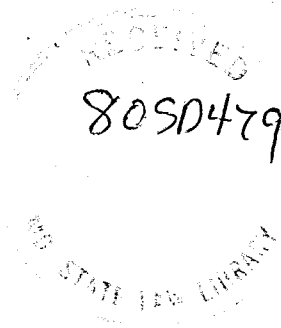


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COMPREHENSIVE ZONING ORDINANCE

TOWN OF PRINCESS ANNE, MARYLAND

Adopted October 4, 1967



The preparation of this document was financially aided through a Federal Grant from the Department of Housing and Urban Development under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

COMPREHENSIVE ZONING ORDINANCE

TOWN OF PRINCESS ANNE, MARYLAND

Adopted October 4, 1967

8050479

The preparation of this document was financially aided through a Federal Grant from the Department of Housing and Urban Development under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

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ASSOCIATES

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PRINCESS ANNE, MD, 21853

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May 12, 1980

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Somerset County

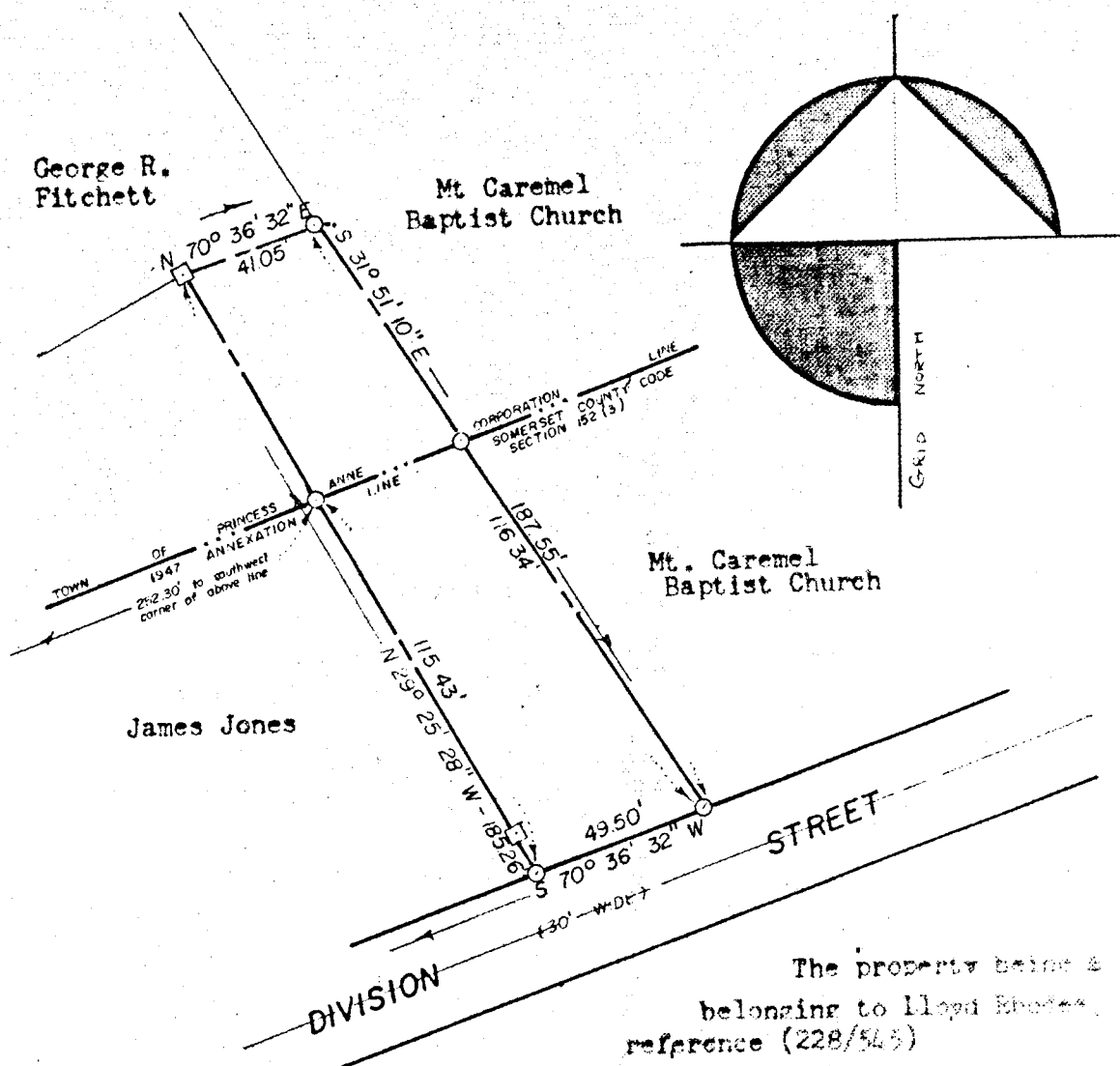
Gentlemen:

Pursuant to the Annotated code of Maryland please find enclosed a copy of a plat showing the new and the old municipal boundaries of the Town of Princess Anne as a result of recent annexation

Regards,


Edmund L. Widdowson Jr.

*Galtie
Reddin*



A lot survey for
THE TOWN OF PRINCESS ANNE, MARYLAND
(For the purposes of annexation)

July 26, 1979

Sam L. [Signature]

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COMPREHENSIVE ZONING ORDINANCE

Town of Princess Anne, Maryland

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF PRINCESS ANNE, MARYLAND, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B, ANNOTATED CODE OF MARYLAND, WITH AMENDMENTS THERETO, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith.

WHEREAS, the President and Commissioners of the Town of Princess Anne, Maryland, have appointed a Planning and Zoning Commission to recommend the boundaries of various original zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the President and Commissioners have given due public notice of a public hearing relating to zoning districts, regulations, and restrictions, and has held such public hearing; and

WHEREAS, all the requirements of Article 66B, Annotated Code of Maryland, with amendments thereto, have been met,

NOW, THEREFORE BE IT RESOLVED, that the President and Commissioners of Princess Anne do hereby adopt and ordain the following as the Zoning Ordinance of the Town of Princess Anne, Maryland.

ARTICLE ONE

Purpose

- 1.00 The purpose of this Ordinance is to promote public health, safety, and general welfare; to secure safety from fire, panic and other dangers; to lessen congestion in streets; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of property; and to facilitate adequate provision of schools, water, sewerage, circulation, and other public requirements.

ARTICLE TWO

Application - Effective Date, Territorial Limits

- 2.00 This Ordinance shall take effect immediately after adoption and shall apply to all incorporated territory of the Town of Princess Anne, Maryland.

ARTICLE THREE

Interpretation of Standards

- 3.00 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Wherever the requirements of this Ordinance are found to be in conflict with those imposed or required by other provisions of law or by other rules, regulations, or ordinances, or by private restrictions, the most restrictive or that imposing the highest standards shall govern.

ARTICLE FOUR

Definitions

- 4.00 Unless the context otherwise specifies, the following definitions shall be used in the interpretation and construction of this Ordinance and words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular.

- 4.01 Accessory Use or Structure. A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure.
- 4.02 Agricultural. The use of land for agricultural purposes, including farming, dairying, pasturing, cultivating, horticulture, floriculture, viticulture, fish culture, and animal and poultry husbandry, and the necessary accessory uses such as the packing, treating, and storing of the produce raised on the premises, but excluding fur farms, or the raising or keeping of such animals as rats, mice, monkeys, snakes and the like for use in display or in medical or other tests or experiments.
- 4.03 Alley. A public or private right-of-way affording secondary means of access to abutting property and not intended for use by general vehicular traffic.
- 4.04 Animal Boarding House. Any building used for the boarding, breeding, or care of dogs, cats, or other domestic animals for profit, but not to include those animals raised for agricultural purposes.
- 4.05 Apartment. Any building or portion thereof used for or containing three (3) or more rental dwelling units.
- 4.06 Automobile Filling Station. A building or lot containing pumps and storage tanks at which fuel, oils, or other accessories for the use of motor vehicles are offered for sale at retail; and where minor repair or service facilities may be included as accessory uses. Not to include the storage of junk or inoperative vehicles.
- 4.07 Automobile Repair Shop. Any building or lot containing facilities for major automobile repairs and body works, and automobile service and filling facilities may be included as accessory uses. Not to include the storage of junk or inoperative vehicles.

- 4.08 Automobile Sales Lot. A lot or a portion thereof used for the storage and display for sale of any motor vehicle, and where no major repair or body work is done except minor incidental repair and service of automobiles displayed or sold on the premises. Not to include the storage of junk or inoperative vehicles.
- 4.09 Billboard. Any structure or portion thereof exceeding the size of 2' x 4' on which lettered, figured, or portrayed information is displayed for advertising certain businesses, products or events not conducted or sold on the premises.
- 4.10 Board. Board of Appeals of the Town of Princess Anne.
- 4.11 Boarding House. A dwelling or part thereof in which, for compensation, lodging with or without meals is provided for non-transient persons.
- 4.12 Building. A structure, not including a tent or trailer, having a roof and supported by permanent columns or walls on the ground and used for the shelter or enclosures of persons, animals or property of any kind.
- 4.13 Building, Height of. The vertical distance from the average finished grade at the front building line to the highest point of its roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- 4.14 Building Line. An imaginary line separating the required front, rear, and side yards from the remainder of a lot within which buildings and other structures shall be confined.
- 4.15 Commission. The Planning and Zoning Commission of Princess Anne.
- 4.16 Council. The President and Commissioners of the Town of Princess Anne, Maryland.

- 4.17 District. A portion of the incorporated territory of the Town of Princess Anne within which certain zoning regulations and requirements or various combinations thereof shall apply under the Zoning Ordinance.
- 4.18 Dwelling. A building used principally for residential purposes.
- 4.19 Dwelling Unit. A group of rooms consisting of complete, self-sufficient living quarters for a family or household, including a kitchen and a bathroom for the exclusive use of the family or household therein.
- 4.20 Exceptional Use. A use which is basically incompatible with the nature of the permissible uses in a district but can be permitted with special exceptions or conditions in the district by authorization of the Board.
- 4.21 Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
- 4.22 Farm. A parcel of land or a portion thereof consisting of five (5) acres or more in size and at least fifty per cent (50%) of which is used for agricultural purposes as defined in sub-section 4.02.
- 4.23 Garage. A building or portion thereof used for the storage of motor vehicles.
- 4.24 Ground Area of Building. The square footage of horizontal surface covered by a building and its attached structures such as covered porches and carport.
- 4.25 Home Occupation. An occupation or business primarily offering services which is conducted only by members of the family residing on the premises and which is operated entirely within the dwelling, provided that no article or commodity is offered for sale or is publicly dis-

played on the premises; and provided further that the home occupation shall be clearly incidental and subordinate to the residential use, which use shall occupy at least two-thirds (2/3) of the entire dwelling.

4.26 Lot. A parcel of land, with or without buildings, recorded on the tax map as one unit of land, and having frontage on a road as defined in 4.42 of this Ordinance.

A. Lot, corner. The front and one side lot line of a lot abutting upon two (2) or more roads at their intersection or upon parts of the same road, and in either case forming an interior angle of less than one hundred and thirty five (135°) degrees.

B. Lot, double frontage. The front and rear lot lines of a lot on two (2) non-intersecting roads or portions of the same road as distinguished from a corner lot.

4.27 Lot Area. The gross area of a lot within all lot lines.

4.28 Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

4.29 Lot Line, Front. The line separating the lot from a road upon which it abuts. In a corner lot, the line separating the shorter side of the lot from a road upon which it abuts. In a double frontage lot, the line separating either side of the lot from a road upon which it abuts.

4.30 Lot Line, Rear. The lot line opposite and most distant from the front lot line.

4.31 Lot Line, Side. Any lot line other than a front or rear lot line.

4.32 Lot Width. The mean horizontal distance between opposite side lot lines of a lot.

4.33 Motel or Hotel or Motor Hotel. Any building other than a dwelling where, for compensation, a lodging with or without meals is provided for transients, and with parking facilities for guests.

- 4.34 Non-conforming Property. A building, structure, or parcel of land, or any combination thereof, which does not conform to the provisions of this Ordinance for the district in which the said property is located.
- 4.35 Non-conforming Use. A use other than a dwelling which does not conform to the provisions of this Ordinance for the district in which said use is located.
- 4.36 Non-profit Organization. Any non-profit organization engaging primarily in civic or community services, including Lions, Kiwanis, Rotary, Optimists, Civitans, and organizations of similar nature.
- 4.37 Occupancy Certificate. Written statement issued by the Council or its designated officer authorizing the occupancy of a property.
- 4.38 Parking Lot. A lot, or portion thereof, used for the parking of motor vehicles, but not including those lots used for the dismantling of, or for storage of wrecked or junked motor vehicles, or those lots used for sale of parts thereof.
- 4.39 Permanent Building or Structure. A building or structure which is erected on a concrete or otherwise permanently constructed foundation.
- 4.40 Property. A building, structure, or a parcel of land, or the combination of any of the above.
- 4.41 Riding Stable. Any building used for the boarding, breeding or care of horses used for recreational purposes, other than horses used for farming or agricultural purposes.
- 4.42 Road. Any public or private right-of-way thirty (30) or more feet in width. The term "road" shall include street, avenue, drive, circle, highway, or other similar terms, but not alleys.

- 4.43 Sign, On-site. Any structure or the surface of an exterior wall used to inform or advertise the business or activity conducted or product sold on the premises on which the sign is located, by means of lettering, figuration or other similar ways. On-site signs do not include billboards or similar devices erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
- 4.44 Sign, Off-site. A sign other than an on-site sign including billboards or other similar devices.
- 4.45 Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use can only be permitted as an exceptional use in a district by authorization of the Board.
- 4.46 Trailer. Any vehicle or similar structure constructed in such a manner as to be used for living quarters, or the conduct of any business, trade, or occupation, or as a selling or advertising device, and may be mounted on wheels and moved upon highways and streets, propelled or drawn by its own or other motor power. The term "trailer" shall include all automobile trailers, truck trailers, trailer coaches, trailer homes, mobile homes, and the bodies of junked buses, trucks or other vehicles.
- 4.47 Use. An activity for which a parcel of land or a building is utilized.

- 4.48 Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure, or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- 4.49 Wayside Stand. A temporary structure used for the display or sale of agricultural or other products grown or produced on the premises upon which such stand is located.
- 4.50 Yard, Front. An open space, unoccupied and unobstructed, extending the full width of the lot between any part of any building line and the front lot line.
- 4.51 Yard, Rear. An open space, unoccupied and unobstructed, extending the full width of the lot between any part of any building line and the rear lot line.
- 4.52 Yard, Side. An open space, unoccupied and unobstructed, extending from the front lot line to the rear lot line, between any part of any building line and the nearest side lot line.
- 4.53 Zoning Map. The official Zoning Map of the Town of Princess Anne adopted by the President and Commissioners, together with all amendments thereto.
- 4.54 Zoning Certificate. Written statement issued by the Council, or its designated officer, authorizing zoning sufficiency prior to the construction or alteration of buildings or structures.

4.55 Zoning Ordinance. The official Zoning Ordinance of Princess Anne, adopted by the Council, together with maps and all amendments thereto.

ARTICLE FIVE
Districts and Maps

5.00 Number of Districts. For the purpose of this Ordinance, the incorporated territory of the Town of Princess Anne is hereby divided into the following districts:

"R-1" - Residential District

"C-1" - Community Commercial District

"C-2" - General Commercial District

"I-1" - Industrial District

5.01 Zoning Map and District Boundaries.

- A. Boundaries of these districts are hereby established as shown on the Zoning Map, and which map is hereby made a part of this Ordinance. Said Zoning Map, properly attested, shall be and remain on file in the office of the President and Commissioners of the Town of Princess Anne, Maryland.
- B. Except where referenced on the Zoning Map to a designated line by dimensions shown on the map, the district boundary lines are intended to follow property lines, lot lines, or the center lines of railways, roads or alleys as they existed at the time of the adoption of this Ordinance.
- C. Whenever any road, alley or other public way is abandoned by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

ARTICLE SIX
General Provisions

- 6.00 Conformance Required. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure shall be in conformity with the provisions of this Ordinance.
- 6.01 Use of Existing Lots of Record. In any district, it shall be permissible to use any lot of official record as of the effective date of this Ordinance regardless of its area or width, or the width of the road on which it fronts; provided that permission shall be obtained from the Board of Appeals which shall specify appropriate and reasonable yard requirements, and provided that the proposed use shall be a permitted use in the district in which the lot in question is located.
- 6.02 Certificate of Zoning Compliance Required for Renewal, Change or Extension for Non-Conforming Properties. No non-conforming uses or non-conforming properties shall be renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Zoning Inspector. The certificate of zoning compliance shall state specifically wherein the non-conforming use or property differs from the provisions of this Ordinance.
- 6.03 Regulation of Non-Conforming Uses
- A. Termination
1. Any non-conforming use which is conducted primarily on open land and does not utilize any permanent building or structure shall be discontinued within two (2) years from the date of enactment of this Ordinance.
 2. All other non-conforming uses may be continued, except that all off-site signs including billboards shall be discontinued within two (2) years from the date of enactment of this Ordinance.

B. Restriction

No buildings or premises used by a non-conforming use shall be enlarged, extended, substituted, or structurally altered except as follows:

1. An addition or alteration required by a court order or an official notification by the County Health Department, the County Roads Commission, or the State Roads Commission.
2. An addition or alteration needed to convert the building or premises to a permitted use in the district.
3. Any building which was under construction or remodeling and was used or intended to be used by a non-conforming use at the time of the enactment of this Ordinance may be permitted to continue to its completion, provided that such work is carried on diligently.

C. Discontinuance

A non-conforming use which has been discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period shall not again be used for a non-conforming use.

D. Damaged Building

In the event that fifty (50%) per cent or less of the replacement value of a building used for a non-conforming use is damaged or destroyed or removed by fire, flood, explosion, war, riot, or Act of God, it may be restored or reconstructed within six (6) months after such happening and may be used for the original or a new conforming use.

B. Restriction

No buildings or premises used by a non-conforming use shall be enlarged, extended, substituted, or structurally altered except as follows:

1. An addition or alteration required by a court order or an official notification by the County Health Department, the County Roads Commission, or the State Roads Commission.
2. An addition or alteration needed to convert the building or premises to a permitted use in the district.
3. Any building which was under construction or remodeling and was used or intended to be used by a non-conforming use at the time of the enactment of this Ordinance may be permitted to continue to its completion, provided that such work is carried on diligently.

C. Discontinuance

A non-conforming use which has been discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period shall not again be used for a non-conforming use.

D. Damaged Building

In the event that fifty (50%) per cent or less of the replacement value of a building used for a non-conforming use is damaged or destroyed or removed by fire, flood, explosion, war, riot, or Act of God, it may be restored or reconstructed within six (6) months after such happening and may be used for the original or a new conforming use.

E. Substitution

A non-conforming use may be changed to a conforming use. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use; provided that the Board finds that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

F. Expansion

A non-conforming use occupying only a portion of a property at the time of adoption of this Ordinance shall not be permitted to make any expansion, except as provided in Section 6.03 B.

6.04 Regulation of Non-Conforming Property

A. Continuance of Use

A non-conforming property which existed and was in use prior to the enactment of this Ordinance shall be permitted to be occupied continuously for the same use or for a new conforming use.

B. Unimproved Property

A non-conforming property which was unimproved at the time of enactment of this Ordinance shall hereinafter only be used when permission is granted by the Board.

6.05 Unsafe Buildings. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by a proper authority.

6.06 Temporary Buildings. In any district, temporary buildings, including trailers not used as a permanent dwelling, may be used incidental to construction work complying with the requirements of the County Health Department; provided that such buildings shall be removed upon the

completion or abandonment of the construction work or at the end of one (1) year, whichever is sooner. A special extension of six (6) months may be granted by the Planning and Zoning Commission on the condition that written consent by the Health Department is furnished by the applicant.

- 6.07 Special Uses, including circus, carnival, or similar transient enterprises may be permitted in any district for a limited time; provided that permission is granted by the Board and provided that such activities are conducted on a lot of no less than three (3) acres and no structure nor use of land shall be less than one hundred (100) feet from any adjacent lot on which a dwelling is located.
- 6.08 Essential Services. Essential services are permitted in any district including the erection, construction, alteration or maintenance of all essential electrical, gas, communication, water supply or sewage disposal and similar facilities; provided that buildings, yards, or stations used for storage, repair, or processing of equipment or material, or substations for transforming, boosting, switching, or pumping purposes, shall be subject to approval with conditions by the Board. Essential service uses need not comply with the minimum lot requirements of this Ordinance.

ARTICLE SEVEN Administration and Enforcement

- 7.00 It shall be the duty of the Zoning Inspector to administer and cause the enforcement of the provisions of this Ordinance in accordance with this Article. A zoning or occupancy certificate shall not be issued for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

7.01 Zoning Certificate

- A. It shall be unlawful to begin the excavation, erection, construction, reconstruction, extension, conversion, or structural alteration of any building or use without first obtaining a Zoning Certificate therefor from the Zoning Inspector.
- B. The applicant for a Zoning Certificate shall file a written application with the Zoning Inspector and in addition shall submit a plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, and the exact location of any use, building, or structure to be erected or altered.
- C. In every case where an individual water supply or sewage disposal facility is used, the Inspector shall not issue the Zoning Certificate until the Health Office of Somerset County approves the proposed water supply and sewage disposal facilities and the size of the lot.
- D. A Zoning Certificate shall not be issued until the Zoning Inspector, County Roads Engineer, or the State Roads Commission District Engineer, as the case may be, approves the location and design of any driveway and drainage structures that are to connect with any public roads under their respective jurisdictions.
- E. A Zoning Certificate shall become void two (2) years after the date of issuance if the construction or use for which the Certificate was issued has not been started.

7.02 Occupancy Certificate. It shall be unlawful for any property owner to use or permit the use of his property without first obtaining an Occupancy Certificate from the Zoning Inspector. Such Certificate

shall show that the property and the proposed use thereof are in conformity with the provisions of this Ordinance.

7.04 Violations and Penalties. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation or provision of this Ordinance, or any amendment or supplement thereto; or fail to comply with any reasonable requirement or condition imposed by the Board. Any person, firm, or corporation violating any regulation or provision of this Ordinance or of any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred (\$100.00) Dollars for each day such violation continues.

7.05 Revocation of Certificates. All Zoning Certificates and Certificates of Occupancy shall be revocable, subject to continued compliance with all requirements and conditions.

7.06 Fees. A filing fee of Two (\$2.00) Dollars shall accompany each application for a Zoning Certificate and, in case no Zoning Certificate is required, for each application for an Occupancy Certificate.

ARTICLE EIGHT
"R-1" Residential District

8.00 Permitted Uses. The following uses shall be permitted in the "R-1" Residential Districts:

- A. All dwelling uses, including single-family, two-family, and apartments.
- B. Rest homes and nursing homes for convalescent patients.
- C. Kindergartens and day nurseries, public elementary and high schools, colleges, or other similar institutions.

- D. Churches and parish houses.
- E. The office of a physician, dentist, artist, architect, attorney, engineer, accountant, insurance agent or other similar professions; provided that such office is located within a single-family or two-family dwelling building, and provided further that the parking facilities, if any, serving such office use shall be adequately screened from any lot zoned residential.
- F. Public or semi-public parks or recreational grounds, country clubs and non-commercial golf courses, and such facilities incidental to a private club, including but not limited to tennis courts, and swimming pools.
- G. Non-commercial greenhouses and nurseries.
- H. Hospitals, sanitariums and charitable institutions for human care and the treatment of non-contagious disease; provided that any such establishment shall have a minimum lot area of five (5) acres; and provided further that no building or use shall be located within two hundred (200) feet of a lot on which a dwelling is located.
- I. Fraternities, sororities, lodges and meeting places for non-profit organizations; provided the parking and outdoor recreational facilities, if any, shall be located not less than twenty (20) feet from any lot line.

J. Public offices and buildings, including , but not limited to fire hall and police station.

8.01 Accessory Uses. The following uses shall be permitted as accessory uses.

- A. Private garages and off-street parking lots (subject to requirements in Article Twelve).
- B. Private swimming pools.
- C. Wayside stands.
- D. Tool sheds.
- E. Temporary real estate sign not more than four(4) square feet in area advertising for sale or rent the premises on which located.
- F. One bulletin board not exceeding twenty-four (24) square feet in area for churches or schools, or other public and semi-public institutions.
- G. Home occupations.
- H. On-site signs, to include the following:
 - 1. A sign not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names or profession of occupants of the premises or type of home occupation conducted on the premises, or other identification of the premises not having commercial connotations.
 - 2. Any sign used or located entirely within a building and not visible from the outside.
 - 3. Flags and insignias of any governmental agencies or public utility companies except when displayed in connection with commercial promotions.
 - 4. Legal notices; identification, information, or directional signs erected or required by governmental bodies.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Temporary signs announcing civic meetings or public affairs, but bearing no commercial advertising matter.
7. Signs directing attention to historical shrines, monuments, buildings or other features.
8. Lettering on windows.

8.02 Exceptional Uses. The following uses may be permitted by permission by the Board in accordance with the conditions indicated and such other conditions as may be imposed by the Board.

- A. Marinas, wharves, piers and docks.
- B. Tourist homes, boarding houses, or rooming houses.

Conditions - Parking area for four (4) or more automobiles shall be located not less than ten (10) feet from any lot line.

- C. Farms and farm offices, boarding houses for domesticated household pets, or veterinary clinics located on a farm.

Conditions - The location of any building for the housing and care of animals shall be not less than two hundred (200) feet from any adjacent property or road line.

- D. Cemeteries.
- E. Antique shops.

Conditions.- No article or commodity shall be placed on display or offered for sale on the outside of any building.

- F. Riding stables.

Conditions - No building or use shall be located within one hundred (100) feet of any lot line.

- G. Funeral homes.

H. An unlighted sign of not over eight (8) square feet in area and attached flat against the building shall be permitted in connection with all uses other than a dwelling use.

8.03 Lot Area, Lot Width, and Yard Requirements. The following minimum requirements shall apply in districts zoned residential ("R-1"):

A. Single-family dwellings or a single-family dwelling converted to two-family use:

<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
7,500 sq. ft.*	50 ft.	25 ft.	5 ft.	25 ft.

B. Two-family dwellings built after the effective date of this Ordinance:

<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
10,000 sq. ft.*	80 ft.	25 ft.	10 ft.	25 ft.

C. Apartment buildings.

1. For buildings containing not more than four (4) dwelling units and not more than three (3) stories in height:

<u>Land Area Per Building</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
15,000 sq. ft.*	100 ft.	30 ft.	15 ft.	50 ft.

2. For buildings, containing more than four (4) dwelling units, a land area of two thousand (2,000) square feet plus ten (10)

* With public water and sewerage connections. Lot areas shall be in conformance with the requirements set forth by the County Health Department if without connections to such public facilities.

feet in lot width plus three (3) feet in side yard width for each additional dwelling unit shall be required in addition to the minimum described in 8.03, C, 1.

3. For buildings exceeding three (3) stories in height, a land area of five thousand (5,000) square feet plus twenty (20) feet in lot width and five (5) feet in side yard width for each additional story shall be required, in addition to the minimum described in 8.03, C, 1.

D. The following minimum requirements shall apply to all non-residential buildings in "R-1" District, unless otherwise specified.

	<u>Land Area Per Principal Building</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>	<u>Rear Yard Depth</u>
Building not exceeding 3 stories in height	15,000 sq. ft.*	100 ft.	30 ft.	15 ft.	50 ft.
Additional requirements for each additional story	5,000 sq. ft.*	20 ft.	10 ft.	10 ft.	10 ft.

* With public water and sewerage connections. Lot areas shall be in conformance with the requirements set forth by the County Health Department if without connections to such public facilities.

ARTICLE NINE
"C-1" Community Commercial Districts

9.00 Permitted Uses. The following uses shall be permitted in "C-1"

Community Commercial Districts:

A. Any use permitted in a Residential District "R-1".

See Section 8.00.

B. Grocery and drug stores.

C. Restaurants, cafes, soda fountains or similar uses.

- D. Antique or gift shops.
- E. Retail stores, including but not limited to clothing stores, book or stationery stores, shoe stores, jewelry stores, appliance stores, bakery or candy stores, auto accessory stores.
- F. General service establishments, including but not limited to barber shops, beauty salons, clothes cleaning shops, electricians, TV or radio services.
- G. Funeral homes.
- H. Hotel, motel or motor hotel.
- I. Offices, banks, and public buildings.
- J. Bus depot or other mass-transit passenger depot.
- K. Sale of new automobiles and farm machineries.
- L. Theaters or similar recreational or cultural establishments.
- M. Newspaper offices and printing shops.
- N. Any other use which is determined by the Zoning Inspector to be of a nature similar to those listed above.

9.01 Accessory Uses. The following uses shall be permitted in "C-1" districts as accessory uses:

- A. Off-street parking lot or parking structure.
- B. Off-street loading facilities.
- C. A sign for each business establishment used for identifying or advertising shall be permitted for all non-dwelling uses; provided that no free-standing or overhanging sign shall be erected.

D. Temporary real estate signs.

E. Other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the permitted uses.

9.02 Exceptional Uses. The following uses may be permitted by the permission by the Board in accordance with the conditions indicated and such other conditions as may be imposed by the Board.

A. Automobile filling and service stations, automobile repair and service shops.

Conditions - 1. It shall be located on a lot abutting on a highway.

2. The entrance or exit of such establishments shall be at least fifty (50) feet from any lot zoned residential.

3. No fuel pump, oil draining pit, or other visible appliance for such purpose shall be located within fifteen (15) feet of the front lot line.

4. No structure or building shall be erected within thirty (30) feet of any dwelling.

B. Drive-in eating or refreshment establishments.

Conditions - 1. Buildings shall be located at least one hundred feet from any lot zoned residential.

2. Automobile parking areas shall be located at least twenty (20) feet from any lot zoned residential.

3. Entrances or exits for motor vehicles shall be located at least fifty (50) feet from any adjacent lot line.

- C. Bowling alleys, skating rinks, dance halls, and other similar recreational establishments.
- D. Bottling or distribution stations for beverages; wholesale and warehousing establishments; bakery, clothes cleaning, and rug cleaning plants.

ARTICLE TEN
"C-2" General Commercial Districts

10.00 Permitted Uses. The following uses shall be permitted in "C-2" General Commercial Districts:

- A. Any use permitted in the "R-1" and "C-1" Districts. See Sections 8.00 and 9.00.
- B. Automobile filling and service stations, automobile repair and service shops, subject to conditions indicated under 9.02-A.
- C. Bottling or distribution stations for beverages.
- D. Wholesale and warehousing establishments.
- E. Bakery, clothes cleaning and rug cleaning plants.
- F. Bowling alleys, skating rinks, dance halls and other similar recreational establishments.
- G. Drive-in eating or refreshment establishments, subject to conditions indicated under 9.02-B.
- H. Plumbing, heating or air conditioning services or contractors.

I. Lumber yards.

J. Sales and storage of paints, hardware, and agricultural products.

K. Any other use which is determined by the Zoning Inspector to be of a nature similar to those uses permitted under this Article.

10.01 Accessory Uses. The following shall be permitted in "C-2" Districts as accessory uses:

A. Off-street parking lot or parking structure.

B. Off-street loading facilities.

C. A sign for each business establishment used for identifying or advertising in conformance with Section 9.01-C.

D. Temporary real estate signs.

E. Other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the permitted uses.

ARTICLE ELEVEN
"I-1" Industrial District

11.00 The following uses shall be permitted uses in the "I-1" Industrial District:

A. The manufacturing, compounding, processing, packaging or treatment of foods and food products.

- B. The manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, including bone, cloth, cork, fiber, leather, paper, plastics, tobacco, wax, yarns, or wood (except where sawmills or planing mills are employed).
- C. Laboratories, including chemical, physical and biological.
- D. Printing and publishing plants.
- E. Bottling plants.
- F. Automobile filling stations, automobile repair shops.
- G. Processing, packaging and sale of poultry, fish, and farm products.
- H. Chicken hatcheries.
- I. Light assembly of products, including dress sewing plants, electronic parts, assembly plants, and similar uses.
- J. Radio or television stations.
- K. Bus depot or other passenger terminals.
- L. Bakery, clothes cleaning and rug cleaning plants.
- M. Ice manufacturing or cold storage plants.
- N. Foundries casting light-weight non-ferrous metals or electric foundries.
- O. Wholesaling and warehousing establishments.
- P. Automobile assembly plants.
- Q. Any other use which is determined by the Zoning Inspector to be of a nature similar to those listed above.

11.01 Accessory Uses. The following shall be permitted in "I-1" Districts as accessory uses:

- A. Off-street parking lot or parking structure.

- B. Off-street loading facilities.
- C. A sign for each business establishment used for identifying or advertising in conformance with Section 9.01-C.
- D. Temporary real estate signs.
- E. Any other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any permitted principal use.

11.02 Lot Coverage, Lot Width, Yard, and Height Requirements in

"C-1", "C-2", and "I-1" Districts. There shall be no front yard, side yard, rear yard, and lot width requirements, except that no building or use shall be located within a distance of twenty (20) feet of the nearest boundary line of any "R-1" District. There shall be no lot coverage requirements in any "C-1" and "C-2" District. In the "I-1" Districts, the following lot coverage provisions will govern:

- A. On any lot where a principal building is less than three (3) stories in height, the building shall not cover more than forty (40%) per cent of the total lot area.
- B. On any lot where a principal building is three (3) stories in height, the building shall not cover more than thirty (30%) per cent of the total lot area.

ARTICLE TWELVE
Height and Off-Street Parking and
Loading Requirements

12.00 Height Requirements.

- A. Except as listed in (B) below, no building shall exceed forty-five (45) feet or three (3) stories in height, whichever is greater; provided that a basement or a cellar shall not be considered as a story.
- B. The following shall be excluded from the height requirements:
 - 1. Penthouses or roof structures for housing stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings, fire or parapet walls, towers, steeples, flag poles, silos, smokestacks, masts, water tanks, monuments, or other superstructures that project into the air.
 - 2. Bulkheads, elevator penthouses, water tanks, towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other similar structures, where the manufacturing process requires a greater height; or essential services defined in 6.06; provided, however, that all such structures shall not occupy more than twenty-five (25%) per cent of the gross lot area and shall be located at least fifty (50) feet in all parts from any adjacent lot line or street line.
 - 3. Churches, schools, institutional buildings, elevator apartments, office buildings, and other similar buildings; provided that it conforms with the Lot Area and Yard Requirements as described in 8.03 and 11.02 above.

12.01 Off-Street Parking and Loading.

- A. One (1) off-street parking and loading space of two hundred (200) square feet in area and minimum width of ten (10) feet per dwelling unit is required for all single-family and two-family dwellings.
- B. Apartment buildings:
 - 1. One (1) parking space of three hundred (300) square feet in area and minimum width of ten (10) feet per dwelling unit is required.
- C. When off-street parking and loading areas are adjacent to residential uses, adequate fencing, landscaping, and screening shall be provided.

ARTICLE THIRTEEN
Board of Appeals

13.00 Appointment. In compliance with provisions of Section 22 of Article 66B of the Annotated Code of Maryland, the Board of Appeals of the Town of Princess Anne is hereby created. The membership of said Board, their terms of office, succession, removal, filling of vacancies, compensation if any, and their powers and duties shall be as provided in said Section 22.

13.01 Organization. The Board shall organize and adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall

be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board shall be by resolution.

13.02 The Board of Appeals Shall Have the Following Powers.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector under the provisions of this Ordinance.
- B. To hear and decide special exceptions to the terms of this Ordinance.
- C. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public safety, health and welfare, and will most nearly accomplish the purpose and intent of this Ordinance. Under no circumstances, however, shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- D. To grant permissions or permits as required by this Ordinance.

- 13.03 Applications for Variances or Exceptional Uses - When and By Whom Taken. An application for variances or exceptional uses may be made by any property owner, including a tenant, or by a governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Inspector or other authorized official who shall transmit same to the Board.
- 13.04 Appeals from Administrative Errors - When and By Whom Taken. An appeal to the Board may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Town affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 13.05 Fees. A filing fee of Fifteen (\$15.00) Dollars shall accompany each application or an appeal to the Board. Such fee shall be waived if the applicant or appellant is tax supported.
- 13.06 Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, shall give at least ten (10) days' notice in a newspaper of general circulation in the Town, of the time and place of such hearing, to the public and to the parties in interest, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by agent or attorney.
- 13.07 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certi-

fies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by the Circuit Court of Somerset County, on application after notice to the Zoning Inspector and on due cause shown.

- 13.08 Action of the Board of Appeals. In exercising its powers, the Board may, in conformity with the provisions of statute and of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- 13.09 Application Disapproved. If the application is disapproved by the Board of Appeals, thereafter the Board shall take no further action on another application for substantially the same proposal, on the same premises. If an appeal to the Board is perfected and the public hearing date set by the posting of the property and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same premises for six (6) months.
- 13.10 Appeals to the Court. Any party adversely affected by a decision of the Board may appeal to the Circuit Court of Somerset County in accordance with the "Maryland Rules".

ARTICLE FOURTEEN
District Changes and Other Amendments

14.00 General. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Council may by ordinance, after recommendation by the Planning and Zoning Commission and subject to the procedures set forth in this Article, amend, supplement or change the regulations, district boundaries, or classifications of property now or hereafter established by this Ordinance or amendments thereof. Such amendment, supplement, or change may be initiated by resolution of the Council, by motion of the Commission, or by petition of any property owner addressed to the Council.

14.01 Procedures for Change.

- A. Any proposed amendment, supplement, or change originating with or received by the Council shall first be referred to the Planning and Zoning Commission for investigation and ~~recommenda-~~tion. The Commission shall cause such investigation to be made as it deems necessary and for this purpose may require the submission of all pertinent data and information by any person concerned; may hold such public hearings as provided by its own rules; and shall submit its report and recommendation to the Council within sixty (60) days unless an extension of time is granted.
- B. After receiving the recommendation of the Commission on any proposed amendment, supplement or change, and before adopting such amendment, the Council shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15)

days' notice of the time and place of such hearing shall be published in a paper published in Princess Anne and having a general circulation in the Town.

- C. No change in, or departure, from the proposed amendment as recommended by the Planning and Zoning Commission shall be made unless such change or departure is re-submitted to said Commission for its further recommendations. No amendment, supplement, or change shall be adopted contrary to the recommendations of the Commission except by a two-thirds (2/3) vote of the Council.
- D. In case of a protest against any proposed amendment, supplement, or change as provided in Section 21(e) of Article 66B of the Annotated Code of Maryland, the provisions of said Section relative to the vote required for adoption shall govern.
- E. A filing fee of Twenty-Five (\$25.00) Dollars shall be charged for processing an application for a change in zoning. Such fee shall be waived if the applicant is tax supported.

14.02 Changes due to Annexation. In the case of annexation of any property by the Town of Princess Anne the annexed property shall immediately become a part of the "R-1" Residential District upon the effective date of the annexation, unless a different classification has been recommended by the Planning and Zoning Commission and adopted by the Council in concurrence with the annexation.

ARTICLE FIFTEEN
Separability Clause

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

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