

THE TOWN OF SECRETARY

ZONING ORDINANCE



EFFECTIVE

APRIL 10, 2006

SECRETARY ZONING ORDINANCE
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SECTION 1

PURPOSE

1.01 - This zoning ordinance, as herein established, has been prepared in accordance with Secretary's Comprehensive Plan and with reasonable consideration, among other things, to the character of the land and its suitability for particular uses and with a view to conserving the value of property and encouraging the orderly development and most appropriate use of land throughout the Town.

1.02 - The purpose of this ordinance is to promote and protect the health, safety, morals, and general welfare of the community; to prevent congestion in the streets; to secure the public safety; to promote the conservation of natural resources; to prevent environmental pollution; to affect the concentration, but avoid the congestion of population; to preserve the Town's cultural heritage; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements.

SECTION 2

SEPARABILITY

2.01 - 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 so declared to be unconstitutional or invalid.

SECTION 3

PROVISIONS CONSIDERED MINIMUM

3.01 - In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the highest standard shall govern. However, it shall not be the responsibility of the Town to enforce any requirements except those contained within this ordinance.

SECTION 4

TERRITORY AFFECTED

4.01 - This ordinance shall apply to all lands, structures, and buildings within the corporate limits of Secretary, Maryland, including any submerged lands or water areas.

SECTION 5

TERRITORY NOT AFFECTED

5.01 - This ordinance shall not apply to land, structures, and buildings, including any submerged lands or water areas, owned or leased by the Commissioners of Secretary, or under contract with the Commissioners of Secretary.

SECTION 6

PROVISION FOR OFFICIAL ZONING MAPS

6.01 - Official Zoning Maps - The incorporated areas of the Town are hereby divided into zones, as shown on the Official Zoning Maps which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Maps shall be identified by the signature of the Commissioners of Secretary, attested by the Town Clerk, and bearing the seal of the Town on each separate map under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 6 of the Zoning Ordinance of the Town of Secretary, Maryland," together with the date of the adoption of this ordinance.

No changes of any nature shall be made in the Official Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 17 of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Town Clerk, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the Town.

6.02 - Replacement of Official Zoning Map- In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Commissioners of Secretary may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning district or ordinance, or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Commissioners of Secretary. The new Official Zoning Map shall be identified by the signatures of the Commissioners of Secretary, attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and

replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of Secretary, Maryland."

SECTION 7

INTERPRETATION OF DISTRICT REGULATIONS

7.01 - Rules for Interpretation - Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following town limits shall be construed as following town limits;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, creeks, lakes, or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and,
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the zone boundaries.

7.02 - Parcels Divided by District Boundary Lines - Where a district boundary line divides a parcel which was in existence at the time the property was zoned that particular zoning classification, the Board of Appeals may grant, as a special exception, an extension of the district regulations for either portion, provided such extension does not exceed 100 feet and is contained entirely within the divided parcel.

SECTION 8

APPLICATION OF DISTRICT REGULATIONS

8.01 - Conformance Required - Except as hereinafter specified, no land, building, structure, or premises shall hereafter be occupied or used, and no building, other structure, or part thereof shall be located, erected, reconstructed, extended, moved, enlarged, converted, or altered except in conformity with the district regulations hereinafter provided.

8.02 - Yard, Open Space, Parking and Loading Requirements - No part of a yard or other open space or off-street parking or loading space which is required for any building or use under the provisions of this ordinance shall be included as a part of the yard, open space, off-street parking or loading space which is required for any other building or use.

8.03 - Lot Requirements - No lot existing as of the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this ordinance.

8.04 - Permit Requirements

1. Building Permit - It shall be unlawful to locate or begin the excavation, erection, construction, reconstruction, extension, conversion, or structural alteration of any building, structure, shore erosion control structure, or water-dependent facility without first obtaining a building permit from the Town in accordance with Section 18 of this ordinance. Ordinary repair and maintenance, which only restores or preserves a building or structure in its existing form and does not change the use or configuration, is hereby specifically exempt from the requirements of this section.
2. Zoning Occupancy Permit - It shall be unlawful to use, occupy, or change the use of any building, structure, or premises without first obtaining a Zoning Occupancy Permit. This permit shall be required for all buildings, structures, and premises intended for commercial use or habitable residential space, as well as a change of use, addition, conversion, or alteration of such buildings, structures, or premises.

SECTION 9

DEFINITIONS

9.01 - General Interpretations - For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word *person* includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
2. The present tense includes the future tense.
3. The singular number includes the plural and the plural number includes the singular.
4. The word *shall* is mandatory and the word *may* is permissive.
5. The words *used* or *occupied* include the words *intended*, *designed*, or *arranged to be used* or *occupied*.
6. The word *lot* includes the words plot or parcel.

9.02 - Definitions - For the purposes of this ordinance the following definitions shall apply. Terms identified with the initials (CA) pertain, where applicable, to lands in the Critical Area and may not be modified without the approval of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Accessory Structure - A structure containing an accessory use that is located on the same lot as the principal structure and is not attached by any common wall or by a common roof to the main structure.

Accessory Use - A use which is clearly incidental to and customarily found in connection with the principal use, is subordinate to and serves the principal use, and is located on the same lot as the principal use.

Afforestation (CA) - The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest or developed woodland cover.

Agriculture (CA) - The use of land, buildings, and structures for all methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry, and the handling of their by-products.

Agricultural Easement (CA) - A non-possessory interest in land that restricts the conversion of the use of the land, preventing non-agricultural uses.

Anadromous Fish (CA) - Fish that travel upstream, from their primary habitat in the ocean, to freshwater in order to spawn.

Apartment - A single structure containing no more than two dwelling units that are separated by both vertical and horizontal walls.

Aquaculture (CA) - The following shall be considered aquacultural activities, but excludes related activities such as wholesale and retail sales, processing, and product storage facilities:

- (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments;
- (b) Activities including hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; or,
- (c) Cultivation methods including, but not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas.

Automobile And Vehicle Service Center - An establishment for automobile repairs and maintenance, the sale of gasoline, or the sale of accessory items for all vehicles including cars, trucks, vans, and recreational vehicles.

Barren Land (CA) - Unmanaged land having sparse vegetation.

Bed And Breakfast Home - A single family dwelling occupied by the owner or operator that contains not more than four guest rooms, excluding resident quarters, offering overnight lodging accommodations and breakfast for transient guests only.

Best Management Practices (BMPs) (CA) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Billboard - A sign that directs attention to businesses, commodities, services, organizations, or entertainment that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Board - The Board Of Appeals of Secretary, Maryland.

Boarding Or Lodging House - A dwelling or part thereof in which lodging, with or without meals, is provided for non-transient persons for compensation.

Boathouse - A single-story structure limited to the storage of boats and/or boat equipment, constructed over the water.

Buffer (CA) - A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

Buffer Exemption Area (BEA) (CA) - Those areas officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Buffer Exemption Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

Bufferyard (CA) - An area, at least 25 feet wide, located between a development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for the purposes of wildlife habitat and water quality and shall not be maintained in a manner that conflicts with these purposes such as mowing or the application of herbicides, except as necessary for the removal of non-native and invasive species.

Building - Any structure that is designed, built, or occupied as a shelter for persons, animals, or property. The term building shall include, but is not limited to, houses, mobile homes, sheds, garages, stores, and offices, and shall also include any part thereof.

Building Material Sales - The selling of building materials to include the storage of materials, incidental millwork, concrete mixing, or the compounding of other building materials.

Care Home - A rest and/or nursing home, convalescent home, or boarding home for the aged established to render domiciliary care for up to four chronic or convalescent patients, excluding child care centers, family day care homes, group homes, or facilities predominantly for the care of developmentally disabled, epileptic, alcoholic, or drug-addicted patients.

Child Care Center - A private, public, or semi-public facility as defined and licensed by the Maryland Department of Human Resources Child Care Administration for the care of children. Excluded from this definition are Family Day Care Homes serving eight (8) or fewer children.

Churches And Temples - A building, and associated cemetery, used for religious services or worship by a group of people associated with a recognized, established faith.

Clearcutting (CA) - The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.

Cluster Development (CA) - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract, so as to provide natural habitat or other open space uses on the remainder of the tract.

Colonial Nesting Water Birds (CA) - Herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

Commercial - Any activity involving the sale of goods or services with the intent of realizing a profit.

Commercial Harvesting (CA) - A commercial operation that alters the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

Commission (CA) - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Commissioners - The Commissioners of Secretary, Maryland.

Community Piers (CA) - Boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment, and other multiple family dwelling units. Private piers are excluded from this definition.

Comprehensive Plan - A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present, and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities, and public facilities. The Secretary Comprehensive Plan was adopted by the Commissioners of Secretary on June 19, 1997, and includes any amendments thereto.

Conforming Lot - A parcel that has at least the minimum requirements of the district in which it is located.

Conforming Structure - A structure that meets the requirements of the district in which it is located.

Conforming Use - A use that is allowed in the district in which it is located. Uses existing at the effective date of this ordinance that are allowed as special exceptions shall be considered as conforming uses without further action.

Conservation Easement (CA) - A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to preserve natural resources for the future.

Contractor Yards - The use of an area for the storage of equipment and materials that will subsequently be used for the construction of buildings or structures at other locations. Offices, garages for storage or repair of the establishments, equipment, and storage sheds are included in this category. Also included is incidental millwork, concrete mixing, or the compounding of other building materials.

Cover Crop (CA) - The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat, or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

Critical Area (CA) - All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland to include:

- (a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
- (b) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and,
- (c) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Cul-De-Sac - The terminus of a public road or private road designed to allow the turning around of motor vehicles.

Density (CA) - The number of dwelling units per acre within a defined and measurable area.

Developed Woodlands (CA) - Those areas of one acre or more in size which predominantly contain trees and natural vegetation, and which also include residential, commercial, or industrial structures and uses.

Development (CA) - Any activity that materially affects the condition or use of dry land, land under water, or any building or structure.

Development Activity (CA) - The construction or substantial alteration of residential, commercial, industrial, institutional, recreational, or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas and other impervious surfaces, mining and related facilities, clearing, grading, and septic systems.

Developmental Disability - A severe, chronic disability of an individual that:

- (a) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;
- (b) Is manifested before the individual attains the age of 22;
- (c) Is likely to continue indefinitely;
- (d) Results in an inability to live independently without external support or continuing and regular assistance; and,
- (e) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

District - A geographical area identified on the zoning map in which certain structure, use, and lot requirements are allowed.

Dock - Any facility, including piers and boat slips, but excluding boathouses, for the mooring, berthing, wet storage, or securing of watercraft for the private non-commercial use of the property owner, his tenant, and their guests.

Documented Breeding Bird Areas (CA) - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

Drainage Structure - A structure composed of natural or man-made materials that is designed to improve drainage or reduce potential damages due to flooding. Due to the nature of drainage works, such structures shall not be required to meet any yard setback requirements.

Driveway - A road, path, lane, or similar way, wholly within a single lot, designed to provide access between various portions of the lot and the abutting public road or private road.

Duplex - A detached residential building containing two dwelling units separated by a continuous vertical wall, and designed for and occupied by not more than two families.

Dwelling, Multi-Family - A residential building designed for and occupied by three or more families.

Dwelling, Single-Family - A detached residential building designed for and occupied by only one family.

Dwelling Site - A lot or parcel of land of such dimensions and zoning classification as to permit the lawful construction and occupancy of a dwelling unit thereon.

Dwelling Unit - One room or rooms connected together constituting a separate independent housekeeping and living establishment for one family and containing independent kitchen, bathroom, and sleeping facilities.

Ecosystem (CA) - A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

Essential Services - Facilities such as wires, lines, cables, or pipes located in public ways, or in easements provided for this purpose, or on a customer's premises which are necessary for furnishing adequate water, sewer, gas, electric, telecommunication, or similar services on a particular site or to adjacent customers. Not included are cross county electric transmission lines, including microwave, telephone trunk lines, or transmission pipelines. Essential services shall be exempt from this ordinance, as well as from the requirements for permits under this ordinance.

Excess Stormwater Run-Off (CA) - All increases in stormwater resulting from:

- (a) An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;
- (b) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- (c) Alteration of drainageways, or regrading of slopes;
- (d) Destruction of forest; or,
- (e) Installation of collection systems to intercept street flows or to replace swales or other drainageways.

Family - An individual, or two or more persons related by blood or marriage, or a group of not more than four persons unrelated by blood or marriage living together as a single housekeeping group in a dwelling unit.

Family Day Care Home - A residence in which care is provided for less than 24 hours a day for up to eight children under the age of thirteen, which are not members of the caregiver's family, for which the day care provider is paid. This residence must be licensed/registered by the Maryland Department of Human Resources Child Care Administration and must meet their current regulations.

Farm - A lot or parcel where at least one-half of the land area is used for agricultural purposes as defined in this section.

Fence - A fixed structure designed to prevent escape or intrusion, or to define property.

Fisheries Activities (CA) - Commercial water-dependent fisheries facilities including structures for the parking, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations.

Forest (CA) - A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

Forest Interior Dwelling Birds (CA) - Species of birds which require relatively large forested tracts in order to breed successfully, such as various species of flycatchers, warblers, vireos, and woodpeckers.

Forest Management (CA) - The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, and wildlife habitat.

Forest Practice (CA) - The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Grandfathered Parcel/Lot (CA) - A parcel of land or a lot that was subdivided into a recorded, legally buildable lot or lots where the subdivision received final approval before December 1, 1985.

Gross Floor Area - The total floor area of all finished and habitable floors, or portions of floors which are finished and habitable, and measured from outside to outside of exterior walls.

Group Home - A private or public residence, or alternative living unit which is licensed by the State and provides residential services to four or fewer developmentally disabled persons, not including staff, and functions as a single household under staff supervision. This facility must meet all applicable State regulations.

Habitat Protection Area (CA) - A site or zone of special significance that provides a living environment for valuable plant or animal species. Such areas include the Buffer, non-tidal wetlands, habitat for species of concern, plant and wildlife habitat, and anadromous fish propagation waters.

Health Department - The Health Department of Dorchester County, Maryland.

Highly Erodible Soils (CA) - Those soils with a slope greater than 15 percent, or those soils with a K value greater than .35 and with slopes greater than 5 percent.

Historic Waterfowl Staging and Concentration Area (CA) - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas

are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

Home Occupation - An occupation or business conducted entirely within a single-family or duplex dwelling, or buildings accessory to the residential use, by a member or members of the immediate family residing therein provided that no article or commodity is offered for sale or is publicly displayed on the premises, and further provided that the home occupation shall be clearly incidental and subordinate to the residential use.

Hydric Soils (CA) - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition and/or growth of plants on such soils.

Hydrophytic Vegetation (CA) - Those plants typically found in water habitats that are cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) and are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Immediate Family - For purposes of this ordinance, immediate family shall be restricted to children, grand- and great-grandchildren, parents, grandparents, and great-grandparents, and their husbands, or wives, and children; and to brothers and sisters, and their husbands, wives, and children.

Junkyard And Salvage Yards - Any land or building used for the storage, keeping, collecting, salvage, sale, exchange, disassembling, wrecking, bailing, recycling or handling of paper, rags, wood, scrap metals, or other scrap or discarded materials, including automobiles or other vehicles and equipment not in operable condition.

K Value (CA) - The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

Land-Based Aquaculture (CA) - The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

Land Clearing (CA) - Any activity that removes the vegetative ground cover.

Landforms (CA) - Feature of the earth's surface created by natural causes.

Lot - A plot or parcel of land having at least the minimum area required by this ordinance for a lot in the district in which such lot is situated, and having its principal frontage on a public or private road. Parcels in single ownership separated by a road shall be considered as separate parcels.

Lot, Corner - A lot located at the intersection of two or more public roads and/or private roads.

Lot, Front Of - The side or sides of a lot that abut a private or public road.

Lot, Through - A lot, other than a corner lot, with frontage on more than one public or private road.

Lot Line, Front Of - The property line running along the front of the lot separating it from the public or private road.

Lot Line, Rear - The lot line or lines generally opposite or parallel to the front lot line, except that in a through lot there is no rear lot line. In the case of a corner lot where there are two front lot lines, the rear lot line shall be that line which is opposite or parallel to the main entrance of the house. If the rear lot line is less than 10 feet long or if the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 10 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved lot line, parallel to the chord of the arc of said curved front lot line.

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

Lot Of Record - A lot or parcel which existed at the effective date of this ordinance, which has been created by a new road, or which has been created by a subdivision of land in accordance with the requirements of this ordinance or any future regulation on subdivision.

Lumber Yard - The use of an area for the storage, selling, or milling of lumber materials.

Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under USC Title 42, Chapter 70; and except that such term shall not include any recreational trailer or self-propelled recreational vehicle.

Manufactured Home, Doublewide - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

Manufactured Home Park - A tract of real estate which has been planned, developed, and improved for the placement of three or more manufactured homes on a permanent or semi-permanent basis.

Manufactured Home, Singlewide – A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy the criteria necessary to qualify the home as a doublewide manufactured home.

Manufactured Home Space Or Pad – The area occupied by a manufactured home and its accessory uses and structures in a manufactured home park.

Manufactured Home Subdivision – A site, tract, or parcel of land designed for the sale of individual lots to accommodate manufactured homes and/or other single-family residences.

Marina (CA) - A facility for the mooring, berthing, storing, or securing of watercraft including such service and sales operations as are directly incidental to the mooring, berthing, storing, securing, or operation of watercraft. Community piers and other non-commercial boat docking and storage facilities are not included in this definition.

Mean High Water Line (MHWL) (CA) - The average level of high tides at a given location.

Mobile Home - A dwelling unit fabricated in an off-site facility for installation or assembly at a building site, which was manufactured prior to the effective date of the Manufactured Housing Construction and Safety Standards Act of 1974, as promulgated by the Department of Housing and Urban Development (HUD), and which meets the standards of the Maryland Department of Economic and Community Development in accordance with the Industrialized Building and Mobile Homes Act of 1971.

Modular Home - A dwelling unit comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected and joined together on site.

Natural Features (CA) - Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

Natural Forest Vegetation (CA) - Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements of this ordinance shall be designed to mimic the structure and species composition of natural forests.

Natural Heritage Area (CA) - Communities of plants or animals which are considered to be among the best Statewide examples of their kind, and are designated through regulation by the Secretary of the Department of Natural Resources.

- Natural Vegetation (CA) - Those plant communities that develop in the absence of human activities.

Nature-Dominated (CA) - A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

New Development (CA) - A development activity that takes place on a property having a pre-development impervious surface level of 15 percent or less of the lot or parcel size.

Non-Commercial - Any activity conducted for personal use or enjoyment without the intent of realizing a profit or recovering costs through the sale of goods or services.

Non-Conforming Lot - A parcel existing at the effective date of this ordinance that does not meet the lot requirements of the district in which said lot is located.

Non-Conforming Structure - A structure existing at the effective date of this ordinance that does not meet the height, area, bulk, yard, or setback requirements of the district in which it is located.

Non-Conforming Use - An activity conducted within a building, a structure, or on the land, or a combination of all three, which lawfully existed as of the effective date of this ordinance and does not comply with the uses allowed in the district in which it is located.

Non-Point Source Pollution (CA) - Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage, rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather by changes in land management practices.

Non-Renewable Resources (CA) - Resources that are not naturally regenerated or renewed.

Non-Tidal Wetlands (CA) - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a non-tidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands", published in 1989 and as may be amended. Non-tidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

Offsets (CA) - Structures or actions that compensate for undesirable impacts.

Open Space - Land intended for recreation or conservation of natural resource purposes and is free of residential, commercial, or industrial structures and uses.

Overburden (CA) - The strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.

Palustrine (CA) - All non-tidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens, and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

Parking Space, Offstreet - A space adequate for parking an automobile which is located in such a way that no parking or maneuvering incidental to parking shall be on any public street, road, sidewalk, or alley, and so that any automobile may be parked or unparked without moving another.

Permitted Principal Uses And Structures - Uses and structures for uses which are allowed in the districts on lots of record without prior approval of the Commissioners of Secretary, Planning Commission, or Board of Appeals. Such uses and structures must comply with the regulations within the appropriate district.

Personal Services - Those establishments that offer the performance of a task, skill, or talent for a fee with the intent of realizing a profit. Professional services are included.

Physiographic Features (CA) - The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Planning Commission - The Town of Secretary Planning Commission.

Port (CA) - A facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

Premises - A tract of land including the structures and buildings thereon.

Principal Building Or Structure - A building or structure in which the principal use of the lot is conducted.

Principal Use - The primary activity or structure for which a site is used. A principal use may be either a permitted principal use or a special exception.

Private - Any use or structure not owned and operated by a governmental or quasi-public organization.

Private Harvesting (CA) - The cutting and removal of trees for personal use.

Project Approvals (CA) - The approval of development in the Critical Area by the appropriate local approving authority, excluding development projects proposed by a State or local government. The term includes approval of subdivision plats and site plans; inclusion of areas

within floating zones; the issuance of variances, special exceptions, and conditional use permits; and the issuance of zoning occupancy and building permits.

Public - Owned and operated by a governmental jurisdiction or agency.

Public Water-Oriented Recreation (CA) - Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

Public Way - Any road, highway, or thoroughfare used or available for use by the general public, whether dedicated or not, and whether or not such way has been accepted for public maintenance. For the purpose of this ordinance, all public and private roads and all navigable waters of Dorchester County shall be considered public ways.

Quasi-Public - Owned and operated by a civic or non-profit organization for use or benefit of the general public.

Reclamation (CA) - The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

Reclassification - The changing of the zoning classification that applies to a particular area of land.

Recreational Center - An establishment that offers recreational activities such as dancing, skating, swimming, billiards, or game playing.

Recreational Vehicle - A vehicle built on a chassis and designed to be self-propelled, and used as a temporary dwelling for travel or recreational purposes.

Redevelopment (CA) - A development activity that takes place on a property having a pre-development impervious surface level greater than 15 percent of the lot or parcel size.

Reforestation (CA) - The establishment of a forest through artificial reproduction or natural regeneration.

Renewable Resource (CA) - A resource that can renew or replace itself, and therefore, with proper management, can be harvested indefinitely.

Restaurant - A commercial establishment offering the sale of prepared food for consumption either on or off the premises. A snack bar or refreshment stand at a public park or playground, or at a non-profit facility, which is operated solely for the convenience of its patrons, shall not be deemed to be a restaurant.

Retail Store - An establishment that offers items or products for sale to the general public with the intent of realizing a profit.

Riparian Habitat (CA) - A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

Road, Private - A privately owned right-of-way that provides the public a means of access to abutting property. The term shall include street, avenue, drive, circle, highway, lane, or similar term.

Road, Public - A publicly owned right-of-way that provides the public a means of access to abutting property. The term shall include street, avenue, drive, circle, highway, lane, or similar term.

Road, State - Any public road or portion thereof assigned a federal or state route number designation.

Road, County - Any public road not classified as a state road.

Road Line - The existing or proposed right-of-way line of any road.

Satellite Dish - A device or instrument designed or used for the reception of television or other electronic communications signal broadcast, or relayed from an earth satellite.

Seasonally Flooded Water Regime (CA) - A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

Selection (CA) - The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Setback Line, Front - A line parallel to the front lot line which establishes the minimum horizontal distance between the front lot line and a structure for a permitted principal use and/or special exception use. The distance shall be established by the minimum front yard depth described in the district regulations. (See Appendix A.)

Setback Line, Rear - A line parallel to the rear lot line that establishes the minimum horizontal distance between the rear lot line and a structure for a permitted principal use and/or special exception use. The distance shall be established by the minimum rear yard depth described in the district regulations. (See Appendix A.)

Setback Line, Side - A line parallel to the side lot line that establishes the minimum horizontal distance between the side lot line and a structure for a permitted principal use and/or special exception use. The distance shall be established by the minimum side yard depth described in the district regulations. (See Appendix A.)

Shore Erosion Control Structure - Structural methods or techniques for controlling the erosion of shoreline areas, such as bulkheads and revetments.

Shoreline - In the case where land abuts tidal waters, the boundary line between state and private wetlands as defined herein, and in the case where land abuts regularly flowing non-tidal waters, the boundary line between open water and wetlands or fastlands.

Sign - A structure designed to inform or attract attention.

Significantly Eroding Areas (CA) - Areas that erode two feet or more per year.

Soil Conservation And Water Quality Plans (CA) - Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- (a) How the landowner plans to treat a farm unit;
- (b) Which best management practices the landowner plans to install to treat undesirable conditions; and,
- (c) The schedule for applying those Best Management Practices.

Special Exception - A use allowed in districts on lots of record only if approved by the Board of Appeals. Such uses may be permitted as special exceptions only if specific provision for such use is made in the applicable district regulation. Such uses and structures must comply with the regulations within the appropriate district.

Species In Need Of Conservation (CA) - Those fish and wildlife whose continued existence as part of the State's resources are in question, and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

Spoil Pile (CA) - The overburden and reject materials as piled or deposited during surface mining.

Steep Slopes (CA) - Slopes of 15 percent or greater incline.

Structure - Anything constructed or erected at a fixed location on the ground, or attached to something having a fixed location on the ground. Included are buildings, fences, signs, and swimming pools.

Structural Alteration - A change or modification in the ground area covered by a structure or building, the modification of a non-living space to a habitable area, or the increase in the height or depth of a structure.

Swimming Pool - A structure intended for swimming or bathing purposes that is at least three feet in depth and intended to remain at a fixed location on a particular site. Outdoor private swimming pools, including in-ground, above-ground and on-ground pools, must be enclosed by a fence or wall at least four feet above finished ground level.

Thinning (CA) - A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

Topography (CA) - The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

Tourist Home - A single family dwelling occupied by the owner or operator that contains not more than four guest rooms, excluding resident quarters, offering only overnight lodging accommodations for transient guests.

Transitional Habitat (CA) - A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

Transportation Facilities (CA) - Anything that is built, installed, or established to provide a means of transport from one place to another.

Tributary Streams (CA) - Those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle maps (scale 1:24,000), or on more detailed maps or studies at the discretion of the local jurisdictions.

Use -

- (a) A permitted activity as defined in this ordinance.
- (b) If not covered by (a) above, as identified as a permitted activity in this ordinance and defined by general custom in Secretary, Maryland.
- (c) If not covered by (a) or (b) above, an activity which by general custom in Secretary, Maryland, is separate and may be purposefully conducted independently of other activities.

Utility- Any activity or use which provides and offers such services as water, sewerage, sewage treatment, electricity, gas, or telecommunication.

Utility Transmission Facilities (CA) - Fixed structures that convey or distribute resources, wastes, or both, including but not limited to, electrical lines, water conduits, and sewer lines.

Variance - Permission by the Board of Appeals to modify the density, bulk, or area requirements of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of any action taken by the applicant, a literal enforcement of this ordinance would result in unwarranted hardship or practical difficulty.

Wash Plant (CA) - A facility where sand and gravel is washed during processing.

Water-Based Aquaculture (CA) - The raising of fish and shellfish in any natural, open, free-flowing water body.

Water-Dependent Facility (CA) - A structure or works associated with industrial, maritime, recreational, educational, or fisheries activities that requires a location at or near the shoreline and within the Buffer. Such facilities may include, but are not limited to, ports, marinas, piers, docks, ramps, and beaches. Boathouses are specifically excluded from this definition.

Water-Use Industry (CA) - An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

Waterfowl (CA) - Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Wetlands -

- (a) Private Wetlands - All lands not considered state wetlands, bordering on or lying beneath tidal waters, which are subject to regular or periodic tidal action and which support aquatic growth. These include wetlands that have been transferred by the state by a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland to the extent of the interest so transferred.
- (b) State Wetlands - All land under the navigable waters of the state below the mean high tide, which is affected by the regular rise and fall of the tide. Such wetlands, which have been transferred by the state by a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, shall be considered private wetlands to the extent of the interest so transferred.

Wildlife Corridor (CA) - A strip of land having vegetation that provides habitat and safe passage for wildlife.

Yard, Front - All that land bounded by the front yard setback line, the front lot line, and the side lot lines (See Appendix A.)

Yard, Rear - All that land bounded by the rear lot line, the rear setback line, and the side lot lines. (See Appendix A.)

Yard, Side - All that land bounded by the front setback line, the rear setback line, the side lot line, and the side setback line (See Appendix A.)

SECTION 10

"R-1" RESIDENTIAL DISTRICT

10.01- Intent - It is the intent of this district to encourage residential units of a low density and to encourage new lots which are more suitably shaped for such development.

10.02 - Permitted Principal Uses and Structures - The following uses and structures are permitted in the "R-1" district:

1. Single-family dwellings.
2. Drainage structures or other flood control works.
3. Public parks.
4. Agriculture.
5. Group homes.
6. Shore erosion control structures.

10.03 - Special Exceptions - The following uses and structures may be permitted by special exception in the "R-1" district upon approval by the Board of Appeals:

1. Home occupations.
2. Churches and schools.
3. Duplexes.
4. Family day care homes.
5. Spoil piles.
6. Public and quasi-public uses, buildings, and structures determined by the Board to be of a public service, recreational, conservation, or cultural nature.

7. Any use or structure which is determined by the Board to be of the same general character as the above uses.
8. Utility structures other than essential services.

10.04 - Accessory Uses and Structures - The following accessory uses and structures are permitted in the "R-1" district:

1. Private garages, private parking areas, and other customary residential outbuildings.
2. Swimming pools.
3. Private docks, ramps, and piers.
4. Satellite dishes.
5. Temporary buildings and structures as regulated by Section 32.
6. Signs advertising a lawful use conducted on the premises, permanent directional or informational signs, temporary real estate, and temporary informational signs. All signs are subject to the provisions of Section 31.

10.05 - Lot, Yard, and Height Requirements - The following minimum requirements shall apply to all uses and structures in the "R-1" district. However, setbacks for accessory uses and structures are governed by Section 24 of this ordinance.

1.	Minimum lot size	40,000 square feet
2.	Minimum lot width	
	a. At road	100 feet
	b. At front setback line	100 feet
3.	Minimum front yard setback	100 feet
4.	Minimum side yard setback	20 feet
5.	Minimum rear yard setback	50 feet
6.	Maximum building height	35 feet

SECTION 11

"R-2" RESIDENTIAL DISTRICT

11.01 - Intent - It is the intent of this district to allow and encourage residential units of a medium density. Residential uses in this district will be on lots large enough to provide more open space between dwellings, yet small enough to efficiently utilize services available.

11.02 - Permitted Principal Uses and Structures - The following uses and structures are permitted in the "R-2" district:

1. Single-family dwellings.
2. Drainage structures or flood control works.
3. Public parks.
4. Agriculture.
5. Group homes.
6. Shore erosion control structures.

11.03 - Special Exceptions - The following uses and structures may be permitted by special exception in the "R-2" district upon approval by the Board of Appeals:

1. Home Occupations.
2. Churches and schools.
3. Bed and breakfasts.
4. Tourist homes.
5. Care homes.
6. Family day care homes.
7. Spoil piles.
8. Public and quasi-public uses, buildings, and structures determined by the Board to be of a public service, recreational, conservation, or cultural nature.

9. Any use or structure which is determined by the Board to be of the same general character as the above uses.
10. Utility structures other than essential services.

11.04 - Accessory Uses and Structures - The following accessory uses and structures are permitted in the "R-2" district:

1. Private garages, private parking areas, and other customary residential outbuildings.
2. Swimming pools.
3. Private docks, ramps, and piers.
4. Satellite dishes.
5. Temporary buildings and structures as regulated by Section 32.
6. Signs advertising a lawful use conducted on the premises, permanent directional or informational signs, temporary real estate, and temporary informational signs. All signs are subject to the provisions of Section 31.

11.05 - Lot, Yard, and Height Requirements - The following minimum requirements shall apply to all uses and structures in the "R-2" district. However, setbacks for accessory structures are governed by Section 24 of this ordinance.

1.	Minimum lot size	20,000 square feet
2.	Minimum lot width	
	a. At road	100 feet
	b. At front setback line	100 feet
3.	Minimum front yard setback	50 feet
4.	Minimum side setback	20 feet
5.	Minimum rear setback	25 feet
6.	Maximum building height	35 feet

SECTION 12

"R-3" RESIDENTIAL DISTRICT

12.01 - Intent - It is the intent of this district to encourage high-density residential development in those areas which have adequate public services.

12.02 - Permitted Principal Uses and Structures - The following uses and structures are permitted in the "R-3" district:

1. Single-family dwellings.
2. Apartments.
3. Drainage structures or other flood control works.
4. Public parks.
5. Agriculture.
6. Group homes.
7. Shore erosion control structures.

12.03 - Special Exceptions - The following uses and structures may be permitted by special exception in the "R-3" district upon approval by the Board of Appeals:

1. Multi-family dwellings including condominiums, subject to the provisions of Section 34.
2. Home Occupations.
3. Churches and schools.
4. Duplexes.
5. Bed and breakfasts.
6. Tourist homes.
7. Care homes.
8. Family day care homes.
9. Spoil piles.

10. Public and quasi-public uses, buildings, and structures determined by the Board to be of a public service, recreational, conservation, or cultural nature.
11. Any use or structure which is determined by the Board to be of the same character as the above uses.
12. Utility structures other than essential services.

12.04 - Accessory Uses and Structures - The following accessory uses and structures are permitted in the "R-3" district:

1. Private garages, private parking areas, and other customary residential buildings.
2. Swimming pools.
3. Private docks, ramps, and piers.
4. Satellite dishes.
5. Temporary buildings and structures as regulated by Section 32.
6. Signs advertising a lawful use conducted on the premises, permanent directional or informational signs, temporary real estate, and temporary informational signs. All signs are subject to the provisions of Section 31.

12.05 - Lot, Yard, and Height Requirements - The following minimum requirements shall apply to all uses and structures in the "R-3" district. However, setbacks for accessory uses and structures are governed by Section 24 of this ordinance.

- | | | |
|----|----------------------------|--------------------|
| 1. | Minimum lot size | 10,000 square feet |
| 2. | Minimum lot width | |
| | a. At road | 100 feet |
| | b. At front setback line | 100 feet |
| 3. | Minimum front yard setback | 25 feet |
| 4. | Minimum side yard setback | 15 feet |
| 5. | Minimum rear yard setback | 25 feet |
| 6. | Maximum height | 35 feet |

SECTION 13

"V-1" VILLAGE DISTRICT

13.01 - Intent - It is the intent of this district to provide areas along collector roads or intersections in residential neighborhoods for clustering of limited business and service uses. This zoning district recognizes the mixed uses that are often scattered throughout residential districts in established areas and allows for the continuance and reasonable expansion of those uses which are compatible with the surrounding area, recognizing that many of these uses are on smaller lots.

13.02 - Permitted Principal Uses and Structures - The following uses and structures are permitted in the "V-1" district:

1. Single-family dwellings.
2. Apartments.
3. Drainage structures or other flood control works.
4. Public parks.
5. Agriculture.
6. Group homes.
7. Shore erosion control structures.

13.03 - Special Exceptions - The following uses and structures may be permitted by special exception in the "V-1" district upon approval by the Board of Appeals:

1. Retail stores (excluding sale of alcoholic beverages).
2. Personal service businesses.
3. Restaurants and other eating establishments with on-premise sale of alcoholic beverages.
4. Automobile and vehicle service centers.
5. Offices.
6. Assemblage or light manufacture of items from previously prepared materials such as cloth, fiber, paper, plastic, metals, rubber, etc.

7. Duplexes.
8. Boarding or lodging homes.
9. Bed and breakfasts.
10. Tourist homes.
11. Care homes.
12. Child-care centers.
13. Family day care homes.
14. Banks.
15. Public and quasi-public uses, buildings, and structures determined by the Board to be of a public service, recreational, conservation, or cultural nature.
16. Public and private marinas, including commercial boat building, repair, and storage facilities.
17. Water-dependent facilities.
18. Churches and schools.
19. Utility structures other than essential services.
20. Commercial recreational centers, such as dance halls, pool halls, skating rinks, etc.
21. Warehousing and distribution of previously prepared materials not requiring further processing, but excluding the warehousing of hazardous materials.
22. Processing, collecting, sorting, packing, storing, and selling of agricultural food and seafood products.
23. Any use or structure which is determined by the Board to be of the same general character as the above uses.

13.04 - Accessory Uses and Structures - The following accessory uses and structures are permitted in the "V-1" district:

1. Private garages, private parking areas, and other customary residential outbuildings.

2. Swimming pools.
3. Private docks, ramps, and piers.
4. Satellite dishes.
5. Temporary buildings and structures as regulated by Section 32.
6. Signs advertising a lawful use conducted on the premises, permanent directional or informational signs, temporary real estate, and temporary informational signs. All signs are subject to the permitted principal and special exception uses, as well as to the provisions of Section 31 of this ordinance.
7. Generally, uses and structures customarily associated with and directly incidental to the permitted principal and special exception uses.

13.05 - Lot, Yard, and Height Requirements - The following minimum requirements shall apply to all uses and structures in the "V-1" district. However, setbacks for accessory uses and structures are governed by Section 24 of this ordinance.

1.	Minimum lot size	7,500 square feet
2.	Minimum lot width	
	a. At road	100 feet
	b. At front setback line	100 feet
3.	Minimum front yard setback	20 feet
4.	Minimum rear yard setback	20 feet
5.	Minimum side yard setback	10 feet
6.	Maximum structure height	35 feet

SECTION 14

CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE

** RESERVED FOR CRITICAL AREA SECTION TO BE COMPLETED AT A LATER DATE

SECTION 15

NON-CONFORMING LOTS, USES, AND STRUCTURES

15.01 - Intent - Within the districts established by this ordinance and later amendments hereto, there exist non-conforming lots, uses, structures and combinations of all three which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this section to allow these non-conformities to exist, but once the non-conformity is discontinued, as specified below, then its replacement or re-establishment will not be encouraged. It is further the intent of this section that non-conformities shall not be enlarged upon, expanded, or extended except as hereinafter provided, nor be used for grounds for adding other structures or uses prohibited elsewhere in the same district.

15.02 - Non-Conforming Lots

1. No non-conforming lot shall be further reduced in area unless the lot is divided for the purpose of enlarging adjoining lots and all parts are attached to the adjoining properties, so that no portion of the non-conforming lot remains as a separate parcel. In such case, the non-conforming lot shall not afterwards be re-established.
2. Non-conforming lots may be combined with adjoining parcels in their entirety, but shall not afterwards be re-established as separate lots.
3. A lot reduced in area by reason of a realignment of a county or state road, or by reason of a condemnation proceeding which results in the creation of a non-conforming lot shall be permitted without need for a variance.

15.03 - Non-Conforming Uses

1. Any non-conforming use may be extended throughout any parts of an existing building which were arranged or designed for such use at the time of the adoption of this ordinance.
2. A non-conforming use shall not be expanded into a new building or addition, unless the Board of Appeals approves a special exception for the expansion or modification, provided that the Board finds that the use meets the standards for granting a special exception. In such cases, the Board may not grant an approval that expands the non-conforming use by more than 50% of the land area, gross floor area, or square footage in use at the time of the creation of the non-conforming situation.
3. Any non-conforming use which is discontinued or abandoned for twelve consecutive months, whether or not the fixtures or equipment have been removed, shall not be re-established except in conformity with the regulations of the district in which it is located,

unless the discontinuance is caused by a governmental action impeding the use. In such cases, the Board must first grant a special exception, upon determination that the use could not continue due to governmental action, before the non-conforming use can be re-established.

4. Any non-conforming use, which is superceded by a conforming use shall not be re-established.
5. A non-conforming use contained within a structure which is deteriorated, damaged, or destroyed by any means to an extent less than or equal to 50% of the structure's replacement cost may be reconstructed to the same size and footprint the structure existed at the time of destruction. The reconstruction must be substantially completed within one year thereafter, however, upon suitable application within that year, the reconstruction period may be extended by the Board of Appeals upon a showing to said Board that strict compliance with this one year period will cause unwarranted hardship or injustice to the owner, and that such reconstruction thereafter will not be contrary to the public interest. Should reconstruction not occur within the designated one-year, or such time period as extended by the Board of Appeals, the structure shall be required to conform to all provisions of this ordinance.
6. Should the structure be damaged to an extent greater than 50%, the use shall not be allowed to continue except in conformity with this ordinance, or unless authorized by the Board of Appeals as meeting the standards for a special exception. The Board may impose any terms or conditions in granting the special exception.
7. Any legally conducted use which exists at the effective date of this ordinance and which is a special exception in the district where it is located shall, without further action, be considered as a conforming special exception. Structures associated with such uses, which are deteriorated, damaged, or destroyed by any means may be replaced, restored, or re-constructed as it existed prior to such damage. However, any expansion, modification, or enlargement of the use or accompanying structures is subject to the provisions for special exceptions.

15.04 - Non-Conforming Structures

1. Any structure which is non-conforming shall not be made more non-conforming by an expansion, enlargement, or structural modification. A structure which is non-conforming due to yard setbacks may be expanded, enlarged, or structurally modified on any portion where the existing yard requirements can be met. Where the existing yard requirements cannot be met, expansions, enlargements, and structural modifications shall not extend further into the required yard setback unless the Board of Appeals approves a variance for the expansion, enlargement, or modification subject to its finding that the criteria for granting variances have been met.

2. Non-conforming structures which are deteriorated, damaged, or destroyed by any means to an extent less than or equal to 50% of its replacement cost at the time of destruction may be reconstructed or restored to the same degree of non-conformity, but shall not be restored to a greater degree. The reconstruction must be substantially completed within one year thereafter, however, upon suitable application within that year, the reconstruction period may be extended by the Board of Appeals upon a showing to said Board that strict compliance with this one year period will cause unwarranted hardship or injustice to the owner, and that such reconstruction thereafter will not be contrary to the public interest. Should reconstruction not occur within the designated one-year or such time period as extended by the Board of Appeals, the structure shall be required to conform to all provisions of this ordinance.
3. Any structure damaged or destroyed to an extent greater than 50% shall not be reconstructed or restored unless it conforms with the district regulations or unless the Board of Appeals authorizes the reconstruction or restoration upon determining that the criteria for granting a variance have been met. The Board may impose any terms or conditions in granting the variance.
4. Any non-conforming structure which is made conforming shall not be allowed to return to its non-conforming status.

15.05 - Determination of Extent of Damage

1. The Town or its appointed designee shall determine whether the extent of damage to the use or structure exceeds the 50% threshold.
2. If the Town or its appointed designee determines that the extent of damage is questionable, the Town may require an appraisal of damage and replacement cost. Appraisals shall be done by a licensed contractor or certified appraiser at the owner's expense and submitted to the Town for a determination as to the extent of damage. The Town may elect, at its cost, to retain the services of a second licensed contractor or certified appraiser.

SECTION 16

ADMINISTRATION AND ENFORCEMENT OF ORDINANCE BY THE ZONING INSPECTOR

16.01 - Creation of the Office of Zoning Inspector - There is hereby established the Office of Zoning Inspector for Secretary, Maryland. The Zoning Inspector shall be appointed by the Commissioners of Secretary. If the Inspector is not an employee of the Town of Secretary, then an agreement shall be prepared between the Inspector and the Commissioners of Secretary which indicates the relationship of the Inspector to the Commissioners of Secretary, compensation, if any, for the services of the Zoning Inspector, and the relationship between the Zoning Inspector

and any Town employee. The Zoning Inspector may be removed from office by the Commissioners of Secretary by written notification thirty (30) days prior to the date of removal from office. In the event the Office of the Zoning Inspector becomes vacant, an acting or temporary Zoning Inspector shall be designated by the Commissioners of Secretary until such time as the office vacancy is permanently filled.

16.02 - Responsibility of Zoning Inspector to Administer and Enforce the Ordinance - It shall be the duty of the Zoning Inspector to administer and cause the enforcement of the provisions of this ordinance. If the Zoning Inspector shall find that any of the provisions of this ordinance are being violated, he shall notify the person responsible for such violations by certified mail, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

If the person responsible for the violation takes no action to correct the violation within 15 days of the receipt of the notification, or if after 15 days the person does not continue reasonable actions, in the judgment of the Inspector, to correct the violation, then the Zoning Inspector shall take legal action to correct said violation. Legal action may include, but shall not be limited to, prosecution under criminal proceedings, filing an injunction against further use or construction of the violation, refusal to issue further permits required by this ordinance for the property on which the violation occurs, requesting other agencies or offices in the Town or any other governmental unit to withhold their permits for the subject property, and revoking permits issued for the property under this ordinance.

SECTION 17

VIOLATIONS

17.01 - Penalties - Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both. Each and every day such violation occurs shall be considered a separate offense.

The owner, tenant, or agent of any owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

To the maximum extent reasonable, the Courts may order the violation removed or corrected and shall issue such additional order as may be necessary and/or appropriate to safeguard against violation of this ordinance.

Nothing contained herein shall be construed to prevent the revocation of a permit, special exception, or variance previously granted by the Zoning Inspector or Board of Appeals, as appropriate, or the taking of such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

17.02 - Complaints - Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may report same, in writing, to Town Hall. The Town staff shall make a record of the complaint, including the complainant's name, and investigate the alleged violation within thirty (30) days from the date the written complaint is received.

SECTION 18

BUILDING PERMITS

18.01 - Building Permits Required Prior to Construction - It shall be unlawful to begin grading, or to locate or begin construction, reconstruction, extension, conversion, or structural alteration of any building or structure without first obtaining a building permit from Town Hall.

18.02 - Applications for Building Permits - All applications for building permits shall be accompanied by site plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Town, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. All applications shall be signed by the applicant and, if the applicant is not the owner of the lot, the owner must co-sign the application.

18.03 - Approval of Building Permits - Once the application is received, Town staff shall review the information to be sure all zoning requirements are met. If all zoning requirements are met, Town staff, when applicable, shall forward the application to any other reviewing agencies, however it is the applicant's responsibility to ensure that all necessary approvals are obtained prior to any construction related activities. If all zoning requirements are not met, Town staff shall notify the applicant. Applications involving water or sewerage improvements shall be signed by a representative of the Town to certify that the improvements are in compliance with requirements for the Town's water and/or sewerage systems and a copy shall be forwarded to the Dorchester County Health Department. Applications necessitating a new access onto a public road shall be signed by the appropriate State, County, or Town official to certify that such access is approved by them.

If all required agencies sign their approval on the application and if zoning requirements are met, then the permit is forwarded to the Commissioners of Secretary for consideration and approval or

disapproval. The applicant will be notified of the Commissioners' decision. Applications requiring variances or special exceptions will not be approved by the Town until the Board of Appeals approves the variance or special exception.

If the application is disapproved by any agency or by the Town, the applicant shall be notified, in writing, of the disapproval and the reason(s) why.

Before construction shall commence, all issued building permits shall be displayed on the property site in a predominate position easily accessible to Town staff for inspection.

18.04 - Expiration of Building Permits - If the work described in any building permit has not begun within twelve (12) months from the date of issuance thereof, said permit shall expire. If work has not been completed within two (2) years from the date of issuance, the permit expires unless an extension is granted by the Commissioners of Secretary.

18.05 - Verity of Information on Application - The applicant shall be responsible for the verity of all information supplied to Town staff on the building permit application. Any damages resulting from misinformation provided by the applicant shall be the applicant's responsibility.

Building permits which are approved by the Town authorize only the use, construction, and arrangement set forth on the approved application. Use, construction, or arrangement deviating from that authorized shall be deemed a violation of this ordinance and punishable under Sections 16 and 17.

18.06 - Failure to Obtain Building Permit - Failure to obtain a building permit required by this ordinance shall be a violation and punishable under Sections 16 and 17.

18.07 - Transfer of Annexed Lands - No building permit shall be issued until annexed property is transferred and recorded as a part of the corporate limit of the Town of Secretary. Upon transfer of such property, a permit may be duly issued upon payment of all applicable permit fees.

SECTION 19

ZONING OCCUPANCY PERMITS

19.01 - Zoning Occupancy Permits Required Prior to Occupation or Change of Use - It shall be unlawful to use, occupy, or permit the use of or occupancy of any structure or premises, or both, or part thereof hereafter created, constructed, changed, converted, altered, or enlarged until a zoning occupancy permit has been issued by the Town. It shall also be unlawful to use, occupy, or permit the use or occupancy of any structure or premises whose use has changed until a zoning occupancy permit has been issued by the Town indicating that the proposed use is in compliance with the district regulations.

19.02 - Zoning Occupancy Permit Application and Approval - If a building permit is required and has been issued by the Town, a separate application for the zoning occupancy permit is not required. When construction is completed, the applicant for the building permit shall notify the Town staff. Town staff shall, in turn, notify any other agencies which signed the building permit application. If all requirements have been met and if, after inspections of the property, the Town determines that construction has been completed according to the application, a zoning occupancy permit shall be issued at no cost to the applicant.

If a building permit is not required, or if there is a change of use of an existing structure or premises only, an application for a zoning occupancy permit shall be made and filed with the Town and a fee charged. If Town staff finds that the desired activity is in compliance with this ordinance, then a zoning occupancy permit shall be issued.

19.03 - Verity of Information on Application - The applicant shall be responsible for the verity of all information supplied on either the approved building permit or zoning occupancy permit application, whichever is used for the issuance of the zoning occupancy permit. Any damages resulting from misinformation provided by the applicant shall be the applicant's responsibility.

Zoning occupancy permits approved by the Town authorize only the use or occupancy of the premises or structure as indicated on the approved application. Use or occupancy deviating from that authorized shall be deemed a violation of this ordinance and punishable under Sections 16 and 17.

19.04 - Failure to Obtain Zoning Occupancy Permit - Failure to obtain a zoning occupancy permit required by this ordinance shall be deemed a violation and punishable under Sections 16 and 17.

SECTION 20

BOARD OF APPEALS

20.01 - Creation of the Board of Appeals - The Board of Appeals is hereby created. The Board shall consist of three (3) members appointed by the Commissioners of Secretary for staggered three-year terms. The Commissioners of Secretary shall also designate one alternate member to the Board of Appeals who shall be empowered to sit with the Board in the absence of any member of the Board. Such alternate member shall not be an elected official or a member of the Planning Commission. Board members may, after a public hearing, be removed from office by the Commissioners of Secretary for inefficiency, neglect of duty, or malfeasance in office. The Commissioners of Secretary shall file a written statement of the reasons for such removal. Vacancies, occurring otherwise than through the expiration of term, shall be filled through an appointment by the Commissioners of Secretary for the unexpired term. Members may serve with such compensation as the Commissioners of Secretary deem appropriate.

20.02 - Proceedings of the Board of Appeals - The Board of Appeals shall elect a chairperson from its membership. The Chairperson's term shall be one year, with eligibility for reelection. The Board shall have two members present and voting to conduct business. The Board of

Appeals shall adopt rules necessary to conduct its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine necessary. The Chairperson, or in his absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public, except when the Board adjourns to a closed session in accordance with the State Open Meetings Act. The Board of Appeals 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, testimony, resolutions, findings, determinations, and any other official actions, all of which shall be public record and on file in the Town Office.

20.03 – General Powers – The Board of Appeals shall have the following powers:

1. Administrative Review – To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or other Town staff, administrative official, or the Planning Commission in the enforcement of this ordinance.
 - a. Written applications for an appeal stating the alleged error shall be filed in the Town Office.
 - b. The applicant shall have the responsibility of providing evidence that an error was made. A copy of the relevant section(s) of the ordinance, the permit, or any other appropriate documents filed in the Town Office shall be made available to the applicant by the Town staff upon request.
 - c. The Board of Appeals has the right to uphold, reverse, affirm, wholly or partly, the action, which is alleged to be in error, or modify an order, or render the decision that ought to be made.
2. Interpretation – To interpret the district boundaries on the official zoning map consistent with the provisions contained in Section 7 of this ordinance.
3. Special Exceptions – To hear and decide only such special exceptions as it is specifically authorized to pass on, according to the provisions of this ordinance, and to decide such questions as are involved in determining whether special exceptions should be granted, or whether to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or whether to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Appeals unless and until:
 - a. A written application for a special exception is submitted to the Town indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
 - b. The Board of Appeals shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the

granting of the special exception will not adversely affect the public health, safety, security, morals, or general welfare, nor result in dangerous traffic conditions, nor jeopardize the lives or property of the people living in the neighborhood. In granting a special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance.

- c. A decision of the Board to grant a special exception shall be considered void two years from the date of approval unless the use is established or substantial construction has taken place in accordance with the terms of the decision. The Board may extend the two year time limit if the applicant requests an extension, in writing and prior to the expiration date of the special exception, detailing the steps that have been taken to establish the use or obtain a building permit, and the applicant certifies that a copy of the extension request has been sent to all adjoining property owners and to the addresses given in the official record of the Board of Appeals case for persons who testified on the original application. The Board shall provide an opportunity for oral argument if requested by any person receiving notice of the request for extension. The Board may deny the request for extension if it finds that changes have taken place in the circumstances that led to the original decision to grant the special exception.
- d. Unless otherwise stipulated by the Board, if the special exception is exercised within the time limit prescribed above, then the right of the special exception shall remain with the property specified, regardless of ownership, provided the use is maintained in conformance with the conditions imposed by the Board and the special exception remains in continuous use. If the use of the special exception is discontinued for more than twelve consecutive months, then the right of the special exception is terminated. Any request to re-establish the use on the property shall be treated as a new case before the Board.
- e. Any modification, enlargement, or extension of a special exception shall only be undertaken if approved by the Board in the same manner as for an original application.
- f. When requesting special exception, the applicant shall have the burden of proof and the burden of persuasion on all questions of fact, which are to be determined by the Board. The Board shall consider all pertinent facts and testimony in the case and render a decision in accordance with the following principles:
 1. The proposed use is consistent with the Secretary Comprehensive Plan;
 2. The proposed use conforms in all respects to minimum requirements of the district in which it is located, and meets the definitions and specific standards set forth elsewhere in this ordinance for such use;
 3. The proposed use will not adversely affect the health, safety, and general welfare of residents, workers, or visitors in the area;

4. The proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exception;
5. The proposed use will not create congestion in the streets or undue traffic hazards, will not be detrimental to pedestrian traffic, and does provide adequate egress and ingress;
6. The proposed use will not adversely affect the area and surrounding property due to adverse environmental impacts such as undue smoke, dust, fumes, odor, noise, vibration, glare, improper drainage, or physical activity;
7. The proposed use will not be detrimental to the use, established character, or peaceful enjoyment of surrounding properties or surrounding neighborhoods;
8. The proposed use will be in harmony with the general character of the neighborhood, considering population density, design, scale and bulk of proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;
9. In addition to the criteria set forth elsewhere herein, when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary, and uses customarily found near or in conjunction with one another;
10. When hearing any application for a special exception, the Board may consider the design of the proposal, site plans, feasibility studies, and/or construction drawings as an integral part of the application.
11. If a special exception site is used, developed, or maintained in violation of these regulations, the Town may initiate action to revoke the special exception, in addition to other enforcement procedures authorized by this ordinance. If the violation is not corrected within thirty days of the issuance of a violation notice by the Town, the Town may forward a copy of the violation notice to the Board of Appeals and request a revocation hearing. The Board shall schedule a public hearing to consider revoking the special exception. The hearing shall be advertised and at least fifteen days written notice of the hearing shall be issued by registered mail to the property owner and the special exception holder. The public hearing shall be limited to consideration of the issues relating only to the alleged violation. After the public hearing, the Board shall issue a written decision revoking or reaffirming the special exception. If the special exception is reaffirmed, the Board may amend, add to, or delete any of the existing conditions of approval. The Board may also reaffirm the special exception subject to a schedule for abatement of specified violations, with provisions for automatic revocation if the abatement schedule is not met.

4. Variances – To authorize, upon appeal, in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or practical difficulty. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until:
 - a. A written application for a variance is submitted demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 3. That the special conditions and circumstances do not result from the actions of the applicant; and
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
 5. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.
 - b. The Board of Appeals shall make findings that the applicant has met the variance requirements of this section.
 - c. The Board of Appeals shall make findings that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
 - d. The Board of Appeals shall further make findings that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - e. Under no circumstances shall the Board of Appeals 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.
 - f. The Board of Appeals shall prescribe a one-year time limit within which the variance must be started, or completed, or both. Failure to comply with this time

limit shall automatically void the variance, without any further action of the Board.

- g. If the variance is exercised within the time limit prescribed above, then the right of the variance shall remain with the property specified, regardless of ownership and provided the variance shall remain in continuous use. If the variance is discontinued for more than twelve consecutive months, then the right of the variance is terminated. Any request to re-establish the variance on the property shall be treated as a new case before the Board.

20.04 - Requirements for Public Hearings – All cases involving administrative review, special exceptions, or variances shall be heard in a public hearing. The Town shall give at least fifteen (15) days notice of the time and place of the hearing in a newspaper of general circulation in the community. The Town shall also notify the applicant or his designated agent, as well as adjoining property owners, of the hearing by certified mail. The property for which the hearing is held shall be posted with a sign in a conspicuous place, stating the general nature of the case, and the date, time, and place of the hearing. Notice shall also be posted in the Town Hall.

20.05 - Applications for Hearings Before the Board of Appeals – Appeals may be taken to the Board by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decisions of the Zoning Inspector or other Town Staff involving the enforcement of this ordinance. This includes cases involving administrative review, special exceptions, or variances.

Applications must be filed on forms provided by the Town. If the applicant is not the owner of the property in question, then the owner must co-sign the application. If more than one person owns the property, then all owners or a legal representative authorized to sign for all owners, must sign the application.

Before the application is processed, all necessary information must be provided and all fees for the case must be paid.

Within 45 days of the receipt of the completed application, the Board shall hold the public hearing unless both the Board and applicant mutually agree to extend this time limit.

20.06 - Decisions of the Board of Appeals – In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, or modify, wholly or partly, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector.

The concurring vote of the majority of the members of the Board shall be necessary to render any decision required by them under this ordinance.

If the Board does not approve an application or request, then the Board shall not accept another application for substantially the same proposal, on the same premises, until one (1) year has transpired from the date of such disapproval. If an appeal to the Board is filed, the public hearing

date set, and public notice given, and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same premises for one (1) year from date of withdrawal.

In rendering any decision, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms of the approval, shall be deemed a violation of this ordinance and punishable under Sections 16 and 17 of this ordinance. No change or addition may be made to these conditions and safeguards until an application for such change has been received by the Town and approved by the Board of Appeals. The application procedure is to be the same as for a new case before the Board.

Before rendering their decision, the Board of Appeals shall consider any recommendations that the Planning Commission may have presented to them.

20.07 - Stay of Proceedings - An appeal that is filed with the Board of Appeals stays all actions by the Town staff seeking enforcement of or compliance with the order or decision appealed from, unless the Town certifies to the Board of Appeals, that (because of facts stated in the certificate) in the Town's opinion, such stay will cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Appeals or a court order issued on application of the party seeking the stay, for due cause shown, after proper notice to the Town.

SECTION 21

PLANNING COMMISSION

21.01 - Composition, Terms, Removal, Vacancies, and Compensation - The Secretary Planning Commission shall consist of three members appointed by the Town Commissioners of Secretary for staggered five-year terms or until a successor takes office. One of the Planning Commission members may be a member of the Commissioners of Secretary, serving in an ex officio capacity concurrent with the member's official term. The Commissioners of Secretary may designate one alternate member of the Planning Commission who may sit on the Planning Commission in the absence of any member. When the alternate is absent, the Commissioners of Secretary may designate a temporary alternate to sit on the Planning Commission.

Members may, after a public hearing, be removed from office by the Commissioners of Secretary for inefficiency, neglect of duty, or malfeasance in office. The Commissioners of Secretary shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term, shall be filled for the unexpired term by appointment of the Commissioners of Secretary. Members may serve with such compensation as the Commissioners deem appropriate.

21.02 - Organization, Meetings, Rules, and Records - The Planning Commission shall elect a chairperson from its membership. The Chairperson's term shall be one year with eligibility for re-election. Should the chairperson be unable to attend a meeting, the members shall select an

interim chairperson. All members shall be entitled to vote for the selection of a chairperson and interim chairperson.

The Planning Commission shall meet monthly and may hold additional meetings, as necessary.

The Planning Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. The Planning Commission may appoint employees and staff as may be necessary for its work, and may contract with consultants for other services that may be required, provided it first obtains the advice and consent of the Commissioners of Secretary.

21.03 - Duties of the Planning Commission – The duties of the Planning Commission with reference to this ordinance include:

1. Making recommendations to the Commissioners of Secretary on amendments to this ordinance in conformance with Section 35.
2. Advising the Board of Appeals on applications for cases to be heard by the Board in accordance with Section 20.06.
3. Approving site plans on proposals either forwarded to them by the Board of Appeals, or required by this ordinance under Section 38.
4. Approving subdivision plats as prescribed in Chapter 20 (Section 100) of the Town Code.
5. All other powers, functions, and duties provided for in the Annotated Code of Maryland, Article 66B, §3.01 through §3.09.

SECTION 22

RELATIONSHIP OF ZONING INSPECTOR, BOARD OF APPEALS, AND COMMISSIONERS OF SECRETARY ON ENFORCEMENT AND APPEALS

22.01 – Interpretation and Enforcement – It is the intent of this ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall only be presented to the Board of Appeals on appeal from the decision of the Zoning Inspector. Any person allegedly aggrieved by a decision of the Board of Appeals may appeal the same to the Circuit Court of Dorchester County within 30 days of the written notification of the Board's decision.

22.02 – Duties of the Commissioners of Secretary – It is further the intent of this ordinance that the duties of the Commissioners of Secretary in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance, the Commissioners of Secretary shall have only the following duties and responsibilities:

1. Considering and adopting, or rejecting, proposed amendments to this ordinance, or the repeal of this ordinance, or portions thereof, as provided by law;
2. Establishing a schedule of fees and charges as provided for in Section 37 of this ordinance; and,
3. Making appointments to the Planning Commission and Board of Appeals.

SECTION 23

APPEAL TO COURTS

23.01 – Who May Appeal – Any person, board, or department of the Town allegedly aggrieved by any decision of the Board of Appeals, or by a reclassification by the Commissioners of Secretary, may appeal the same to the Circuit Court of Dorchester County within 30 days of the written notification of the decision to the applicant.

23.02 – Stay of Proceedings – The filing of an appeal does not stay an order or action of the Board of Appeals. Upon a motion and after a hearing, the court may grant a stay, unless prohibited by law, upon conditions to bond or other conditions that the court deems proper.

23.03 – Costs of Processing the Appeal – All costs incurred by the Town in transcribing records of meetings and hearings shall be borne by the appellant. All fees shall be paid to the Town before any record of the case is submitted to the appropriate court.

23.04 – Costs Against the Board of Appeals – Costs shall not be allowed against the Board of Appeals unless it shall appear to the Circuit Court that the Board acted with gross negligence, or in bad faith, or with malice in making the decision being appealed.

23.05 – Decision of Circuit Court, Appeal to Other Courts, and Costs – Upon its determination of the case, the Circuit Court shall file a formal order embodying its final decision. An appeal may be taken to the Court of Special Appeals of Maryland or the Court of Appeals of Maryland, during the period and in the manner prescribed by the rules of the Court of Appeals, from any decision of the Circuit Court. In such cases, the award of costs shall be subject to the discretion of the Court of Appeals.

SECTION 24

ACCESSORY STRUCTURES

24.01 Location – Accessory structures may be located subject to the following:

1. Accessory structures shall not be located in any required front yard.
2. Accessory structures may be located in one required side yard, but not both.

3. Accessory structures may be located in any required rear yard.
4. Accessory structures shall be at least 3 feet from any other building on the same lot or 5 feet from any public way or property lot line. These required setbacks shall be measured from any architectural features protruding from or attached to the accessory structure, including eaves, overhands, steps, chimneys, balconies, etc.
5. Accessory buildings may be erected as part of or attached to the principal building, but all setbacks of the principal building must be met.

24.02 Accessory Structures Not Allowed Before Principal Structure

No accessory structure shall be permitted on a lot, unless:

1. The principal use or structure is previously existing, or
2. Construction has begun on the principal structure.
3. Temporary equipment shelters are permitted in accordance with Section 32 on a temporary basis, but shall be removed when construction is completed.

SECTION 25

ESSENTIAL SERVICES

25.01 Essential Services Exemption – Essential services as defined under Section 9 are permitted as a matter of right in any district. They are exempt from this Ordinance and any permits pertaining to it. However, essential services within the Critical Area must be reviewed for compliance with the Town's Critical Area Ordinance.

SECTION 26

ACCESS ROADS

26.01 Access to Lots – Hereafter every building constructed, located, enlarged, converted, altered shall be on a lot which is accessed by a public road or private road as defined herein or by an easement or right-of-way to a public road or private road and all structures shall be so located as to provide safe and convenient access and egress for fire protection or other emergency equipment. Shared driveways are permitted subject to the review and approval of the Planning Commission.

26.02 Measurement of Front Yard from Public Roads – Where no legally defined right-of-way exists on public roads, the front lot line shall be considered to exist twenty five (25) feet from the centerline of the public road. The front setback line shall be established from this imaginary front lot line.

SECTION 27

OFFSTREET LOADING SPACES

27.01 Number of Spaces Required – In any zone in connection with any building or part thereof having a gross floor area of four thousand (4,000) square feet or more, which is designed for light manufacturing, warehousing, retail store, restaurant or other uses similarly requiring the receipt and distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building or use at least one (1) off-street loading space plus one (1) additional such loading space for each ten thousand (10,000) square feet of gross floor area or major fraction thereof.

27.02 Standards for Spaces – Each loading space shall be not less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height. Such space may occupy all or any part of any required yard, except a front yard. No such space shall be located closer than fifty (50) feet to any lot located in an “R” District, unless wholly within a completely enclosed building or unless enclosed on three sides by a wall of uniformly painted board fence or natural plantings. The height of all screening shall in no event be less than six (6) feet in height.

SECTION 28

OFFSTREET PARKING

28.01 In all districts, the minimum parking requirements shall be as follows:

<u>USE</u>	<u>MINIMUM PARKING EQUIREMENTS</u>
1. Residential uses: Single-family, duplex, multi-family	2 spaces per dwelling unit
2. Home Occupations	2 spaces, plus those required for residential units
3. Churches	1 space for each 4 seats or 8 linear feet of bench seating in the main assembly area or, if there are no fixed seats or benches, 1 space per 100 sq. ft. (gross floor area – gfa)
4. Schools	Elementary and middle: 1 space per 6 students plus 1 per teacher and 1 per employee Other institutions: 1 space per 3 students plus 1 per teacher and 1 per employee

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| 5. Retail Stores | 1 space per 200 sq. ft. of (gfa) |
| 6. Personal Service Businesses | 1 space per 300 sq. ft. (gfa) |
| 7. Auto Service Centers | 3 spaces, plus 4 spaces with car wash; plus 3 spaces per service bay; plus 1 space per 200 sq. ft. of retail area. |
| 8. Banks | 1 space per 200 sq. ft. (gfa) plus 5 waiting spaces per drive-through lane |
| 9. Offices | 1 space per 200 sq. ft. (gfa) |
| 10. Light manufacturing/assemblage | 1 space per employee on the major shift or 1 space per 500 sq. ft. (gfa) whichever is greater |
| 11. Collecting, sorting, packing, selling agricultural or seafood products | 1 space per employee on the major shift or 2 spaces per 1000 sq. ft. (gfa) whichever is greater |
| 12. Boarding or lodging homes | 1 space per sleeping room plus 1 per employee |
| 13. Restaurants and other eating establishments | 1 space per 100 sq. ft. (gfa) |
| 14. Commercial recreation centers | Swimming pool: 1 space per 4 persons allowed by design capacity
Billiards: 2 spaces per table |
| 15. Public and private marinas | 1 space per 2 boat slips |
| 16. Warehouses and distribution centers | 1 space per 500 sq. ft. (gfa) |
| 17. Group home | 1 space per sleeping room plus 1 space per employee |
| 18. Day care | 1 space per staff person plus 1 space per 5 occupants plus 2 required spaces for the homeowner |
| 19. Bed and breakfast | 1 space per guest room plus 2 required spaces for the homeowner plus 1 per staff person |

20. Tourist home

1 space per guest room plus 2 required spaces for the homeowner plus 1 per staff person

21. Care home

1 space per 3 beds plus 1 space per employee plus 1 off-street loading/unloading area

28.02 Unspecified Uses – Any use which is allowed in the district and not specifically mentioned in 28.01 shall meet the parking requirements of the most similar use mentioned as determined by the Planning Commission.

28.03 Size of Parking Space - Each required parking space shall measure not less than 10 feet in width and not less than 20 feet in length.

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SECTION 29

HOME OCCUPATIONS

29.01 Restriction: A home occupation shall be subject to the following restrictions:

1. No more than two persons shall be engaged in the business, at least one of whom must reside in the residence on the same lot.
2. The business shall be conducted entirely within the residence. The area of the residence devoted to a home occupation shall not exceed 50% of the gross floor area of the dwelling.
3. Only one non-illuminated sign shall be allowed for the home occupation. The sign shall not be larger than 4 square feet in area and may be either free-standing or mounted flush against a building.
4. Offstreet parking shall be provided in accordance with the provisions of Section 28.
5. The use of the premises for the business purposes shall be clearly subordinate to its use for residential purposes.
6. There shall be no visible change in the outside appearance of the building or premises except for one sign as provided in Section 31.
7. No more than one home occupation per residence shall be allowed.
8. No outside storage of materials, goods or supplies related to the operation of the home occupation shall be allowed.

SECTION 30

SATELLITE DISHES

30.01 Location: Satellite dishes may be located subject to the following:

1. Any satellite dish that is greater than 1 meter in diameter is not permitted in the front or side yard.

SECTION 31

SIGNS

31.01 Computing Area – In computing the area of a sign, only one face shall be considered in the calculation, even if there is advertising information on both sides. Supports to the signs shall not be included in the sign area unless they contain written or graphic information.

31.02 Sign Lighting – Signs may be lighted, provided they are lighted internally. Spotlights that are shielded and/or placed to prevent glare, hazards or nuisances may be permitted only for commercial and business enterprises in the Village District. Flashing, intermittent or rotating signs are prohibited.

31.03 Sign Setbacks – All freestanding signs shall be placed within 6 feet of the established curb line or property line, whichever is greater, except for a commercial or business enterprise where the setback is 20 feet.

31.04 Signs Not Requiring a Permit – The following signs are exempt from these regulations and do not require a permit. They may be placed in any district.

1. Political campaign signs;
2. Conservation signs for sanctuaries, no hunting areas, no trespassing, etc.;
3. Historic markers placed by the State, County, or Town of Secretary or quasi-public historical organization;
4. Construction site signs;
5. Real estate signs;
6. Entrance and exit signs for vehicular and pedestrian safety;
7. Highway regulatory or safety signs.

31.05 Signs Requiring Permits – None of the following signs shall be erected or placed without a permit.

1. Temporary Public Information or Event Signs: These signs are to advertise places or events of a public or quasi-public nature. They may be permitted in any district, provided the Commissioners of Secretary have given written permission on the nature, location, size, number and length of placement of the signs.
2. Permanent Directional or Information Signs: These are to advertise places for public or quasi-public uses of an education, recreational, cultural, conservational, religious or public service nature. They may be permitted in any district, provided the Commissioners of Secretary have given written permission on the nature, locations, size, and number of signs.
3. For residential uses, one sign not exceeding four square feet in area is allowed per lot.
4. On-Premises Signs for Business and Commercial Enterprises: The following sign sizes are allowed for signs for commercial and business enterprises:
 - a. Free Standing: Up to 50 square feet of total sign area per lot is allowed on no more than 2 free-standing signs. The sum of the total of all free standing signs shall not exceed 50 square feet. Signs indicating the price of items sold on premises containing less than 2 square feet in area shall not be included toward the number or total area of signs, however, signs exceeding 2 square feet shall be included.
 - b. Attached Building Signs: Signs attached to the wall or roofs of buildings are allowed to contain up to 2 square feet of area for each linear foot of building frontage on a road up to a maximum of 50 square feet per lot. However, if more than one use exists on the lot, then the 50 foot maximum may be increased to allow signage of up to 6 square feet for each additional use.

SECTION 32

TEMPORARY STRUCTURES

32.01 Temporary Construction Structures – Temporary buildings and structures, including mobile homes and recreational vehicles or trailers may be erected or placed in all districts if such buildings or structures are incidental to construction work on the premises. Such temporary buildings or structures shall be placed on a construction site only after the Town has issued a building permit for the on-site construction to be performed, if a building permit is required. Permits can be issued for up to twelve months for the temporary structures. Within 30 days after the construction is completed, these temporary buildings and structures shall be removed. If construction is not completed within twelve months, the applicant may request an extension of up to six additional months, which the Board of Appeals may grant. If construction is not completed by this time, the structures must be removed unless the Board of Appeals grants a variance on the time limit, in accordance with Section 20.03.4.

32.02 Emergency Housing – If an occupied single-family dwelling, in any district, shall burn, flood, or be otherwise damaged or destroyed by any cause, to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in this ordinance shall prohibit the placement of a mobile home or recreational vehicle or trailer if approved by the Town on the premises for the purpose of providing emergency housing for the displaced occupants, provided the unit shall be removed from the site when the damaged dwelling is restored, or within twelve months, whichever comes first. The Board of Appeals may grant an extension of up to six additional months.

SECTION 33

FENCES

33.01 Location – Fences and walls may be placed within any required yard and are not subject to setback requirements from other buildings on the same lot, from public ways, and from lines of adjoining lots. They are subject to the traffic visibility requirements, however, of Section 36.

33.02 Height:

1. Fences and walls not exceeding 3 feet in height above the elevation of the ground may be placed in any front yard in any district.
2. Fences and walls not exceeding 6 feet in height above the elevation of the ground may be placed in the side or rear yards in any district.
3. Any commercial or business enterprise must obtain a variance from the Board of Appeals to exceed the 6 foot height limitation in the side and rear yard.

33.03 Permits:

1. For fences and walls meeting the requirements in this section, a building permit will not be required.
2. For fences and walls requiring a variance from the Board of Appeals, a permit is required after the Board grants the variance.

SECTION 34

MULTI-FAMILY DEVELOPMENT

34.01 Intent – It is the intent of these standards to include all types of multi-family construction regardless of ownership, design, or different identifications; and standards shall include, but are not limited to: apartments, townhouses, condominiums, garden apartments, or the conversion of existing structures for multi-family dwelling units.

34.02 Board of Appeals Approval – The Board of Appeals may grant the use of a property for

multi-family development as a special exception. For the Board's hearing on the Special

Exception the applicant shall provide a sketch showing the proposed location of the site and all buildings, the number of dwellings and the location and number of parking spaces.

34.03 Planning Commission Site Plan Review – If the Board of Appeals approves the use of the site for multi-family development as a special exception, the applicant shall submit a Site Plan to the Planning Commission in accordance with the provisions of Section 38.

34.04 Additional Standards – Multi-family development shall meet the following additional standards:

1. All multi-family projects shall provide on-site open space areas at least equal to 25% of the total land area. Parking spaces shall not be included when computing open space areas. It is further provided that 25% of the above referenced open area shall be suitable for usable recreational space.
2. When more than one multi-family building is built, no building shall be closer than twenty-five (25) feet from any other multi-family building.
3. When more than one multi-family building is constructed, external walkways shall be paved and lighted.
4. Off-street parking shall be provided as required by Section 28.
5. All areas not utilized for building, or off-street parking, shall be landscaped and maintained.
6. All buildings within the multi-family project shall be of compatible architectural design.
7. Public water and sewerage systems must be available to serve the project.

SECTION 35

AMENDMENTS TO THE ORDINANCE

35.01 General – The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed by the Commissioners of Secretary.

35.02 Planning Commission Review – Any proposed amendment, supplement or change shall be referred by the Commissioners of Secretary to the Planning Commission for an investigation and recommendation. The Planning Commission shall cause such investigation to be made as it deems necessary and 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 recommendations to the Council within 45 days of the receipt of the referral from

the Commissioners of Secretary.

35.03 Public Hearing – After receiving the recommendations of the Planning Commission, the Commissioners of Secretary shall hold a public hearing in relation to the proposed amendment, at which parties in interest and citizens shall have an opportunity to be heard. The Commissioners of Secretary shall publish notice of the time and place of a public hearing, together with a summary of the proposed regulation restriction, or boundary, in at least one newspaper of general circulation in the jurisdiction once each week for two successive weeks. In the case of a change in classification of a particular piece of property, said property shall be posted and adjoining property owners shall be notified by mail.

35.04 Conditional Rezoning Authority – The Commissioners of Secretary, upon the zoning or rezoning of any land or lands, may (1) impose any additional restrictions, conditions, or limitations that they consider appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned, or the surrounding or adjacent lands and improvements; and (2) may retain or reserve the power to approve or disapprove the design of buildings construction, landscaping, or other improvements, alterations, and changes made or to be made on the land being zoned or rezoned to assure conformity with the intent and purpose of Article 66B of the State Annotated Code and of this ordinance.

Any changes or modification to original conditions must be advertised in accordance with the provisions of this ordinance. These provisions shall apply as long as the conditions of the rezoning are in effect.

The Town shall act as the enforcement officer for all proposed conditions. No zoning occupancy permit shall be granted until all conditions of the rezoning are fulfilled by the applicant. No other town permits shall be issued for final occupancy or use of the property until all conditions of the rezoning are met.

35.05 Basis for Approving Rezoning – Where the purpose and effect of the proposed amendment is to change the zoning classification, the Commissioners of Secretary shall make findings of fact in each specific case including but not limited to, the following matters:

1. The relationship of the proposed amendment to the Town's Comprehensive Development Plan.
2. The recommendation of the Planning Commission.
3. Population change.
4. Availability of public facilities.
5. Present and future transportation patterns.
6. Compatibility with existing and proposed development for the area.

The Commissioners of Secretary may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.

A complete record of the hearing and the votes of all members of the local legislative body shall be kept.

35.06 Time Limitation on Rehearing Applications – An application for a reclassification shall not be accepted for filing by the Commissioners of Secretary if the application is a reclassification of the whole or any part of land which had been denied by them within twelve (12) months from the date of the Commissioners' of Secretary original decision.

The provisions of Section 35.03 relative to public hearings and official notice shall apply equally to all rehearings.

SECTION 36

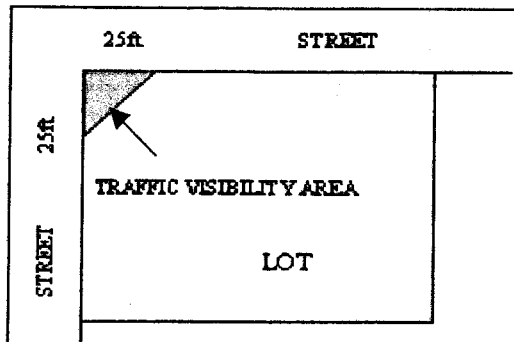
TRAFFIC VISIBILITY

36.01 Items Subject to Traffic Visibility Requirements – All structures, fences, trees, hedges, flowers, shrubbery or fixtures shall be prohibited from being constructed, placed, planted or allowed to grow over a height of 3 feet in the Traffic Visibility Restricted Area, which exists at the intersections of two or more roads.

36.02 Traffic Visibility Restricted Area Defined – The Traffic Visibility Restricted Area includes the area of a triangle formed on two sides by measuring 25 feet along lot lines bordering the two intersecting roads, measured from the point of intersection of the two lot lines along said intersection, and on the third side by connecting the ends of the 25 foot distances.

36.03 Measurement of Height – For purposes of determining whether a structure, fixture, or planting is of a height permitted in the traffic visibility area, the height of the 3 foot restricted area shall be measured from the centerline grades of the intersecting roads.

36.04 Diagram of Traffic Visibility Restricted Area



SECTION 37

SCHEDULE OF FEES, CHARGES AND EXPENSES

37.01 Establishment – The Commissioners of Secretary shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, zoning occupancy permits, appeals, variances, special exceptions, ordinances, amendments, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Town offices and may be altered or amended only by the Commissioners of Secretary, upon recommendation of the Planning Commission.

37.02 Issuance of Permits – No certificate, permit, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

SECTION 38

SITE PLAN REVIEW

38.01 Applicability – Any proposed multi-family development or business/commercial activity shall be constructed according to an approved site plan. No building permit shall be issued for any work in connection with the use or structure until the Planning Commission shall have reviewed and approved a site plan for said use or structure.

38.02 Site Plan Requirements – All site plans shall contain the following information:

1. **Drafting Standards.** The site plan and all supporting drawings shall be prepared on one (1) or more reproducible sheet with three (3) paper copies presented to the Planning Commission. The site plan may be prepared at any conventional scale provided that all information is clear and legible. The site plan shall contain sufficient detail, labeling and

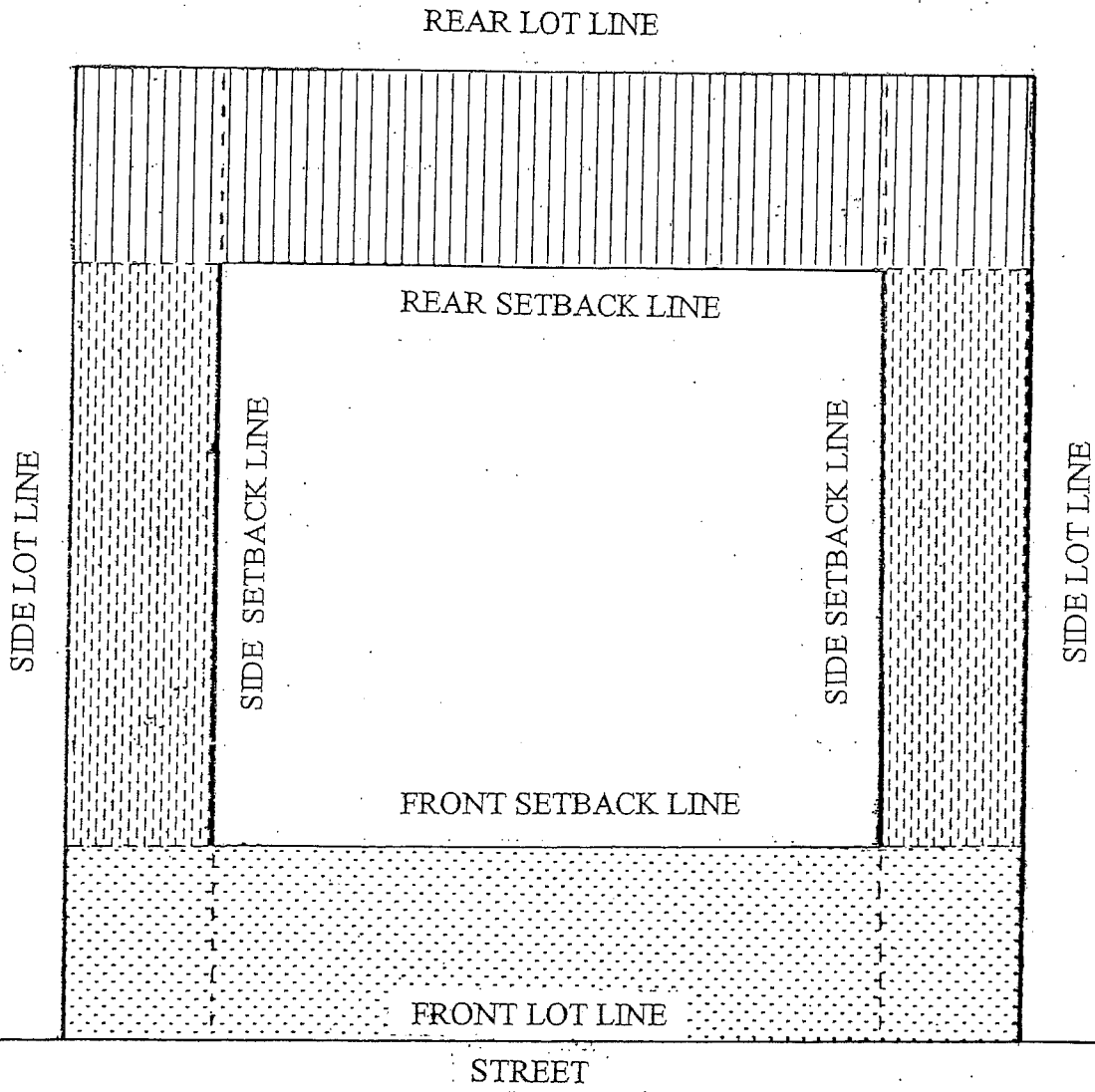
dimensions to be easily understood. All lot dimensions shall be based on actual measurements or deed descriptions.

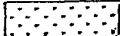


2. **General Data.** The plans shall identify the name and address of the property owner and/or applicant and the general location of the property by use of an insert vicinity map, north arrow, scale, date and zoning classification. The plan shall also bear the signatures of the applicant, the property owner or his or her attorney and the person who prepared the site plan.
3. **Layout.** The plan shall show all property lines, structures, building entrances, use areas, road access points, vehicular circulation, signs, yard setbacks, drainageways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
4. **Elevations.** The plan shall show typical schematic elevations of the major buildings or structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment.
5. **Relationship to Abutting Roads and Properties.** The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant physical features within one hundred (100) feet of the property line.
6. **General Description.** Accompanying the site plan shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven (8 ½ x 11) inches in size.
7. **Additional Data.** The Planning Commission may require such data, drawings or documentation, as it deems necessary, to adequately review the application for compliance with the intent and provisions of this section.
8. **Additional Requirements for Multi-Family Developments.** The following additional requirements apply to all multi-family developments:
 - a. Tabular summary showing the total area of the site, the total area devoted to buildings, parking and open spaces, the number of dwelling units and the number of parking spaces.
 - b. The architectural design of buildings shall be shown by front elevations, photographs or architectural renderings. When a variety of designs is proposed, each design shall be shown.
 - c. A copy of all proposed deed restriction covenants, by-laws or other instruments designed to provide for continuing maintenance and control of common areas shall be submitted along with the site plan.

9. Waiver. The Planning Commission may, at its discretion waive or modify any of these site plan requirements and / or bring in appropriate outside expertise to assist in the review of any site plan.

38.03 Site Plan Review and Approval – The Planning Commission shall review the site plan for compliance with Secretary’s Comprehensive Plan, this ordinance, and other applicable regulations. The Planning Commission shall have 30 days to review and act on a proposed site plan. The Planning Commission may require changes to the site plan or attach conditions or restrictions to ensure that the proposed development is compatible with surrounding properties or to improve the protection of the public’s health, safety, and general welfare. After approval of the site plan by the Planning Commission, the approved site plan will be forwarded to the Town for further action.

APPENDIX A



-  FRONT YARD
-  REAR YARD
-  SIDE YARD