

# SHARPTOWN ZONING ORDINANCE # 19

AN ORDINANCE to Repeal and Reenact Ordinance #19 establishing comprehensive zoning regulations for the Town of Sharptown, and providing for the administration, enforcement, and amendment thereof in accordance with the provisions of Article 66B of the Annotated Code of Maryland, as amended, and for the repeal of all ordinances in conflict therewith.

WHEREAS, Article 66B of the Annotated Code of Maryland, and the Town Charter empower the Town of Sharptown to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, The Town Commission deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town, to enact such an ordinance, and

WHEREAS, the Town Commission, pursuant to the provisions of Article 66B of the Annotated Code of Maryland, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the Town into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Planning Commission has made a preliminary report and held a public hearing thereon, and submitted its final report to the Town Commission, and

WHEREAS, the Planning Commission has made a preliminary report and held a hearing thereon, and submitted its final report to the Town Commission, and

WHEREAS, the Town Commission has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such a public hearing, and

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WHEREAS, all requirements of Article 66B, of the Annotated Code of Maryland, with regard to the preparation of the report of the Planning Commission and subsequent action of the Town Commission have been met;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF THE TOWN OF SHARPTOWN, MARYLAND, that the following Sections I through XIX be and they are hereby adopted as the Zoning Ordinance of the Town of Sharptown.

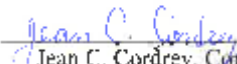
AND BE IT FURTHER RESOLVED, ENACTED AND ORDAINED BY THE COMMISSIONERS OF THE TOWN OF SHARPTOWN, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

The above Ordinance was introduced and read to the Commissioners of Sharptown at a meeting held on the 8<sup>th</sup> day of September, 2009, and finally passed at a meeting held on the 21<sup>st</sup> day of Sept , 2009, having been published as required by law in the meantime.

ATTEST:

  
\_\_\_\_\_  
Judy Schneider  
Town Clerk

  
\_\_\_\_\_  
P. Douglas Gosnell, President  
  
\_\_\_\_\_  
Timothy B. Shaver, Commissioner

  
\_\_\_\_\_  
Jean C. Cordrey, Commissioner

  
\_\_\_\_\_  
Edward A. Baker, Commissioner

  
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Michael M. Thompson, Commissioner

# SHARPTOWN ZONING ORDINANCE # 19

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## **DEFINITIONS:**

1. ACCESSORY USE: A use that is clearly incidental and subordinate to the principal use of a structure. (*deck, patio, etc.*)
2. APARTMENT: A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed and used as a residence by one or more individuals.
3. BED AND BREAKFAST: A building, other than a hotel, motel, rooming house or restaurant, containing a single dwelling unit, in which a limited number of guest rooms may be offered to the traveling public for temporary occupancy not exceeding 30 days at any one visit and where the breakfast meal is provided as a part of the room rental charge. All such operations shall have a resident family living on the premises and shall be approved for such by the Wicomico County Health Department and Fire Marshal.
4. BUFFER: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms, and /or fences, and designed to limit views and sounds from the development tract to adjacent properties and vice versa.
5. BUILDING: a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
6. BUILDING, ACCESSORY: A detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g. a shed or detached garage.
7. CAMPGROUNDS: Any area or tract of land owned by a single entity on which accommodations not for year round occupancy is located or may be placed, including cabins, tents, recreational vehicles and campers up to 45 feet in length which are primarily used for recreational purposes and retains an open air or natural character.
8. CEMETERY: a parcel of land used for burials or graves, burial plots, mausoleums, vaults, columbarium's, subject to the approval of the Maryland Department of the Environment.
9. COMMERCIAL BUSINESS: A type of activity where goods or services are sold or traded with the expectation of profit or gain.
10. COMMERCIAL VEHICLE: A vehicle of more than one-ton capacity, used for the transportation of persons or goods primarily for gain.

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11. **COMMUNITY FACILITIES:** Facilities and services required to serve a new development.
12. **CRITICAL AREA, CHESAPEAKE BAY:** All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland and Sharptown Critical Area Ordinance #51, as amended.
13. **DAY CARE CENTER:** Any building or structure licensed by the appropriate agency operating for the purpose of providing care for adults or children on a regular schedule.
14. **DWELLING:** A building or portion thereof, designed or used exclusively for residential single-family occupancy with required cooking and restroom facilities.
15. **DWELLING, DETACHED:** A building containing one (1) dwelling unit all on one (1) lot and physically separated from any other dwelling.
16. **DWELLING, MULTI-FAMILY:** A building containing no more than four dwelling units with shared or individual entrances and/or other facilities and services.
17. **DWELLING, TWO FAMILY/ DUPLEX:** A building containing two dwelling units with shared or individual entrances and/or other essential facilities and services.
18. **DWELLING, UNIT:** A group of rooms located within a building, not including manufactured homes or travel trailers, designed for a single-family unit containing living, sleeping, cooking, washing, and toilet facilities.
19. **EXTERIOR STORAGE:** Outdoor storage of fuel, raw materials, products, equipment and other materials accessory to the permitted non-residential use.
20. **FENCE:** A constructed barrier erected to enclose, screen, or separate areas. The finished side of the fence shall be determined by the Code Enforcement Officer.
21. **FLOOR AREA:** The aggregate area of all the floors, including the area of the outside walls, and measured to the exterior of such walls.
22. **FRONTAGE:** That dimension of a lot measured along and abutting and contiguous to the street line thereof or, if said street line is curved, along the chord of the arc.
23. **GARAGE, ACCESSORY:** An accessory building or part of a principal building used primarily for the storage of vehicles.
24. **GOVERNMENT OFFICES:** An office that will be occupied, by a local county, state, or federal government and/or agency.
25. **GREENS:** Small open spaces designed to serve a variety of area outdoor leisure and assembly needs for nearby community residents and to enhance the form and

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appearance of surrounding development.

26. **HEIGHT:** The vertical distance from the highest point of a structure, excepting chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.
27. **HOME BUSINESS:** Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.
28. **INDUSTRIAL USE:** Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is marketed off the premises or marketed to other than the ultimate consumer.
29. **LOADING SPACE:** Any off-street space available for the loading or unloading of goods and people.
30. **LOT:** Land occupied or to be occupied by a building and any building accessory thereto or by a building group and any building accessory thereto, together with the open spaces appurtenant to such buildings or group. A parcel of land shall be deemed to be a lot in accordance with this definition regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.
31. **LOT, CORNER:** A lot at the junction of and abutting on two or more intersecting streets, or a lot bounded on one and abutting to more than one side by the same street.
32. **LOT LINE:** Any boundary line of a lot on a legally recorded plat.
33. **LOT WIDTH:** The width of a lot along a line parallel to the frontage thereof and lying a distance there from equal to the required setback.
34. **MARINA, RECREATIONAL:** Any facility for the mooring or berthing of small boats and pleasure craft, of commercial vessels less than forty-five (45) feet in length.
35. **MINI-STORAGE:** A building or group of buildings in a controlled and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or stalls or lockers for the dead storage of a customer's goods or wares.(At least one toilet facility shall be available to customers). No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.
36. **MOBILE HOME:** A transportable structure built on a permanent chassis meaning the steel under-structure remains with the unit when placed on a site, with or without wheels utilized in transportation. The removal of the wheels or the anchoring of a

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mobile home to a permanent foundation shall not remove it from this definition.

37. MODULAR HOME: Must meet International Building Code or Comparable.
38. MOTOR VEHICLE FILLING STATION: Any building, structure or area of land used for the retail sale of automobile fuels, oils, and accessories and where repair service, if any, is incidental; and where no more than two (2) inoperable vehicles or other motor vehicles shall be stored on the premises. Motor vehicle filling stations may include the sale of propane or Kerosene as accessory uses.
39. NEW CONSTRUCTION: Structures for which the start of construction as herein defined commenced on or after the effective date of this chapter. This does not apply to any work on a structure existing prior to the effective date of these provisions.
40. OFF-SALE ALCOHOL: Any premises or business, which keeps for sale or sells alcohol in any quantity and delivers the same in a sealed package or container, which package or container is not to be opened nor its contents consumed on the premises where sold.
41. OFF STREET PARKING: Space provided for vehicular parking not on a public or private street.
42. PARKING AREA: Lot, or Structure, Off-Street: A structure, or off-street area for parking or loading and unloading, whether required or permitted, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.
43. PERMANENT CONSTRUCTION: Any structure occupying a site for more than 180 days per year.
44. PRINCIPAL STRUCTURE: The main building housing the principal use on the lot.
45. ROADSIDE STANDARDS: Temporary structures for seasonal sales of fruits, vegetables, or refreshments. Not to exceed one hundred and fifty (150) square feet in size.
46. SCREENING: A barrier of appropriate natural vegetation or appropriate fencing materials intended to provide a physical and/or visual buffer between uses as specified by ordinances and regulations of the Town of Sharptown.
47. SERVICE STATIONS: A building or establishment where the following activities may occur: general repair, engine rebuilding, reconditioning of motor vehicles, collision repair, painting, general maintenance, and where no more than two (2) inoperable vehicles shall be stored on the premises.
48. SETBACK LINE: A line drawn through the point of a building nearest to the street or lot line from which the setback line is measured and lying parallel thereto.

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49. **SHOPPING CENTER, NEIGHBORHOOD:** A group of commercial establishments providing for the sale of convenience goods or personal services. A neighborhood shopping center ranges in size from 5,000 square feet to 30,000 square feet.
50. **SIGN COMMERCIAL:** Any sign belonging to or controlled by the owner or occupant of a building or premises which is used to identify the building or premises or the products or services sold therein or thereon.
51. **SPECIAL EXCEPTION:** A special exception is a use, approved by the Board of Zoning Appeals that would not be appropriate generally or without restriction throughout the zone.
52. **STREET:** A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.
53. **SWIMMING POOL:** An artificial pool of water, either above or below ground, have a depth at any point of more than thirty (30) inches and a surface area of greater than one hundred (100) square feet, designed or intended to for the purpose of bathing or swimming and including all necessary equipment.
54. **TAVERNS/BARS:** An establishment where alcoholic beverages are sold and consumed on the premises.
55. **VARIANCE:** A modification of zoning regulations for height, frontage, area or size of structure, or size of yards and open spaces, 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 the regulations would result in unnecessary hardship.
56. **VETERINARY HOSPITAL:** A building for the treatment of animal illness including facilities for boarding animals receiving treatment.
57. **WELLHEAD AND SOURCE WATER ASSESSMENT PROTECTION:** Area defined on Wellhead Protection Map For Sharptown.
58. **YARD, FRONT:** A yard extending across the full width of the lot and lying between the front line of the lot and the building group. The street that the building faces shall be the front yard. The front is considered the front plain of the structure.
59. **YARD, REAR:** A yard extending across the full width of the lot and lying between the rear line of the lot and the building group.
60. **YARD, SIDE:** A yard between the side property line of the lot and the building or building group and extending from the front yard to the rear yard or in absence of either of such yards, to the front or rear lot line. The side yard start at the front plain of the structure.



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## **PRIME RESIDENTIAL R-1**

### A. USES PERMITTED INHERENTLY:

1. Dwellings, single family detached.

### B. EXCLUSIONS: The following uses/activities are not permitted in R-1. (Prime Residential)

1. Mobile homes.
2. Apartments.
3. Playgrounds.
4. Public buildings.
5. On-street parking.
6. Cemeteries.
7. Parking of commercial vehicles over ten thousand (10,000) lbs. (gross vehicle weight) except for delivery purposes.

### C. USES PERMITTED BY SPECIAL EXCEPTION:

1. Home businesses.
2. Marinas Public/Private
3. Bed and Breakfast
4. Sign Commercial

### D. MINIMUM DEVELOPMENT STANDARDS:

1. As provided in Sharptown Ordinance #51 CRITICAL AREA RESOURCE PROTECTION ORDINANCE.
2. Lot area: Each lot shall contain at least fifteen thousand (15,000) square feet.
3. Lot width: All lots shall have a minimum width of one hundred (100) feet at the building line with no less than thirty-five (35) feet of frontage on a public street.
4. Lot depth: All lots shall have a minimum depth of one hundred and twenty-five (125) feet.

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5. Percentage of lot coverage: Dwellings and accessory structures shall not cover more than twenty (25) percent of the lot area.
6. Front yard setback: Each lot shall have a front yard of forty (40) feet from the front property line to the front of the principal structure.
7. Side yard setback: All lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.
8. Side yards abutting upon a street shall be not less than twenty-five (25) feet in width.
9. Rear yard setback: Each lot shall have a rear yard of not less than thirty-five (35) feet.
10. All fences, walls, or shrubs must be erected so as not to encroach upon a public right-of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one half (2 ½) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent (50%) solid
11. Maximum fence height shall be four (4) foot front yard and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street and all entrances or gates shall open into the property.
12. Off street parking: Off street parking shall be provided for at least three (3) vehicles per unit.
13. Buildings or structures in drainage ways: No building shall be constructed within fifteen (15) feet of the center of any natural drainage way.
14. Building height: No residential building hereafter erected shall exceed Thirty-five (35) feet in height or two and one-half (2-½) stories to the eaves.
15. Pools: Any above ground pool or in-ground pool more than three (3) feet in depth and ten (10) feet in diameter, shall be placed only in a rear or side yard and no closer than ten (10) feet to any lot line and a pool must be at least forty (40) feet from the front property line.
16. Lighting Requirements: (See Supplemental Requirements #7)
17. New Construction to be in character with existing structures.

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### E. ACCESSORY USES:

1. Accessory structures shall be permitted when located on the same or adjoining lot UNDER THE SAME OWNERSHIP and not involving any business trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be a commercial vehicle, not to exceed gross vehicle weight of 10,000 lbs.
2. No garage or accessory structure shall contain more than nine hundred (900) square feet of floor area.
3. Where garages are attached to the principal building, the garage shall meet the front yard setback requirements.
4. Detached accessory structures and garages shall be no closer than ten (10) feet to any lot line or easement area and shall be in side or rear yards only.
5. A temporary permit may be issued for the parking in the rear yard of one (1) camper trailer or motor home for not more than thirty (30) days within any calendar year, when the occupants are provided with sanitary facilities by connection with the dwelling on said lot and when the visitors are relatives or non-paying guests. The Town of Sharptown will issue this permit.
6. Unoccupied recreational vehicles, small utility trailers, watercraft, and their trailers, shall be stored in rear and side yards only, and parked no less than five (5) feet from any property line.
7. The only advertising signs permitted are For Sale or Lease signs. Signs are not to exceed six (6) square feet in area. Signs are to be removed within fifteen (15) days of sale or lease of property.

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## **GENERAL RESIDENTIAL R-2**

### A. USES PERMITTED INHERENTLY:

1. Dwellings – Single family detached
2. Dwelling – Two family / Duplex.
3. Public Schools, Public Libraries, Public non-profit Recreational Buildings or Institutions.
4. Private Educational Institutions and Private non-profit Recreational Buildings or Institutions.
5. Churches and related structures on a minimum site of one and one half (1 ½) acres.
6. Community Facilities (See Supplemental Regulation # 4)
7. Non-Profit Civic, Country Clubs, Fraternal Lodges, and Social or Patriotic Clubs.
8. Gardening activities or the production of agricultural products through the direct tilling of the soil.
9. Day Care.
10. Funeral Home – On a minimum site of one (1) acre.
11. Roadside Stands.

### B. EXCLUSIONS: The following uses/activities are not permitted in R-2. (General Residential)

1. Mobile homes
2. Apartments.

### C. USES PERMITTED BY SPECIAL EXCEPTION:

1. Cemetery.
2. Commercial Businesses (except in wellhead protection area as established)
3. Home Businesses.
4. Bed And Breakfast.

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5. Transformer stations and substations with landscaping

### D. MINIMUM DEVELOPMENT STANDARDS:

1. As provided in Sharptown Ordinance No.51 - CRITICAL AREA RESOURCE PROTECTION RESOURCE ORDINANCE.
2. Lot area:
  - a. Single Family Dwelling - Each lot shall contain at least ten thousand (10,000) square feet.
  - b. Two Family Dwelling / Duplex – Each lot shall contain at least ten thousand (10,000) square feet with each unit containing no less than five thousand (5,000) square feet.
3. Lot width: All lots shall have a minimum width of seventy-five (75) feet at the building line with no less than thirty-five (35) feet of frontage on a public street.
4. Lot depth: All lots shall have a minimum depth of one hundred and twenty-five (125) feet.
5. Percentage of lot coverage: Dwellings and accessory structures shall not cover more than twenty-five (25) percent of the lot area.
6. Front yard setback: Each lot shall have a front yard of twenty-five (25) feet from the front property line to the front of the principle structure or the average of the front setback in the immediate area.
7. Side yard setback: All lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.
8. Side yards abutting upon a street shall be not less than twenty-five (25) feet in width.
9. Rear yard setback: Each lot shall have a rear yard of not less than thirty-five (35) feet.
10. All fences, walls, or shrubs must be erected so as not to encroach upon a public right-of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one half (2 ½) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent (50%) solid.
11. Maximum fence height shall be four (4) foot front yard and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street, and all entrances or gates shall open into the property.

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12. Off street parking: off street parking shall be provided for at least two (2) vehicles per unit.
13. Buildings or structures in drainage ways: No building shall be constructed within fifteen (15) feet of the center of any natural drainage way.
14. Building height: No residential building hereafter erected shall exceed thirty-five (35) feet in height or two and one-half (2-½) stories to the eaves.
15. Pools: Any above ground or in-ground pool more than three (3) feet in depth and ten (10) ft. in diameter shall be placed only in a rear or side yard and no closer than ten (10) ft. to any lot line, and a pool must be at least forty (40) ft. from the front property line.
16. Lighting Requirements: (See Supplemental Regulations #6).
17. New construction to be in character with existing structures.

### E. ACCESSORY USES:

1. Accessory structures shall be permitted when located on the same or adjoining lot UNDER THE SAME OWNERSHIP and not involving any business trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be a commercial vehicle, not to exceed gross vehicle weight of 25,000 lbs.
2. No garage or accessory structure shall contain more than nine hundred (900) square feet of floor area.
3. Where garages or accessory structures are attached to the principal building, the accessory structure or garage shall be located within the same setback as the principal structure.
4. Detached accessory structures and garages shall be no closer than ten (10) feet to any lot line or easement area and shall be in side or rear yards only.
5. A temporary permit may be issued for the parking in the rear yard of one (1) occupied camper trailer or motor home for not more than thirty (30) days within any calendar year, when the occupants are provided with sanitary facilities by connection with the dwelling on said lot and when the visitors are relatives or non-paying guests.  
The Town Of Sharptown will issue permit.
6. Unoccupied recreational vehicles, small utility trailers, watercraft, and their trailers, shall be stored in rear and side yards only and parked no less than five (5) feet from any property line.
7. Parking of a school bus or commercial vehicle without refrigeration motor in rear

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yard only, where vehicle is parked at least ten (10) feet from any lot line.

8. Parking of commercial vehicles under twenty-five thousand (25,000) lbs. – gross vehicle weight located inside or rear of property.
9. Advertising signs not to exceed six (6) square feet.

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## **TOWN CENTER R-3**

### A. USES PERMITTED INHERENTLY:

1. Dwelling - Single Family detached.
2. Dwelling – Two Family / Duplex.
3. Public Schools, Public Libraries, and Public non-profit Recreational Buildings or Institutions.
4. Private Educational Institutions and Private non-profit Recreational Buildings or Institutions.
5. Churches and related structures on a minimum site of one and one-half (1 ½) acres.
6. Community facilities (See Supplemental regulation #4).
7. Non-profit Civic, Country Clubs, Fraternal Lodges, and Social or Patriotic Clubs.
8. Gardening activities or the production of agricultural products through the direct tilling of the soil.
9. Day Care.
10. Food markets.
11. Banks and other financial institutions.
12. Retail sales.
13. Business and professional offices.
14. Pharmacies.
15. Restaurants without curb service, with or without cocktail lounges.
16. Service establishments with an office, showroom, or workshop combination.
17. Filling Stations.
18. Service Stations
19. Bed And Breakfast
20. Home Business



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21. Roadside Stands.

B. EXCLUSIONS: The following uses/activities are not permitted in (R-3) Town Center

1. Mobile homes.

C. USES PERMITTED BY SPECIAL EXCEPTION:

D. MINIMUM DEVELOPMENT STANDARDS:

1. As provided in Sharptown Ordinance No. 51 - CRITICAL AREA RESOURCE PROTECTION ORDINANCE.
2. Lot area: Each lot shall contain at least 10,000 square feet. Owners of lots in this district, which are in the "CRITICAL AREA", as defined in State law shall follow State criteria before a building permit shall be issued by the Town Of Sharptown. The Town will approve no subdivision in the "CRITICAL AREA" unless approval by the State has also been obtained.
3. Front set back: Every building hereafter erected or altered shall be set back ten (10) feet from the inside of the sidewalk.
4. Interior lot line setback: All buildings shall be set back ten (10) feet from side interior lot lines.
5. Percentage of lot coverage: Dwelling and accessory structures shall not cover more than twenty-five (25) percent of the lot area.
6. Street lot line setback: Any building with a side abutting a street shall be set back ten (10) feet from the inside of the sidewalk.
7. Rear yard setback: A rear yard of not less than twenty (20) feet shall be required.
8. Off Street parking: as per PLANNING AND ZONING REQUIREMENTS, as explained on pages 28-29 of this Ordinance.
9. Buildings or structures in drainage ways: No building shall be constructed within fifteen (15) ft. of the center of any natural drainage way.
10. Building height: No building hereafter erected or altered shall exceed fifty (50) feet or three (3) stories in height to the eaves.
11. All fences, walls, or shrubs must be erected so as not to encroach upon a public right-of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one half (2-½) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent

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(50%) solid.

12. Maximum fence height shall be four (4) foot front yard and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street, and all entrances or gates shall open into the property.
13. Greenbelt/Buffer: All non-residential uses when adjacent to a residential district shall provide and maintain a ten (10) foot wide greenbelt or a decorative wall or fence.
14. Pools: Any above ground or in-ground pool more than three (3) ft. in depth and ten (10) Ft. in diameter shall be placed only in a rear or side yard and no closer than ten (10) Ft. to any lot line and an pool must be at least forty (40) ft. from the front property line.
15. Lighting Requirements: (See Supplemental Regulations #6).
16. New construction to be in character with existing structures.
17. Town Center will include any properties that abut Ferry Street, Main Street, and the 400 block of State Street.

### E. ACCESSORY USES:

1. Off street loading facilities - Whenever any building or structure or part thereof is regularly used for the receipt or delivery of freight, there shall be provided and maintained on the premises adequate space for standing, loading and unloading services in order to avoid interference with public use of streets or alleys.
2. The equipment used and the operation shall not create any vibration, heat, glare, and dust, odor, or smoke discernable at the property lines, create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.
3. No garage or accessory structure shall contain more than 900 square feet of floor area.
4. Detached accessory structures and garages shall be no closer than ten (10) feet to any lot line or easement area and shall be in side or rear yards only.
5. Advertising signs shall not exceed twenty (20) feet in height and shall not apply to signs containing the name or type of business conducted within which are placed flush against the walls of the building, not to exceed thirty-two (32) square feet in surface area.
6. Signs shall pertain to the use of the premises and, if illuminated, shall not be of the

## SHARPTOWN ZONING ORDINANCE # 19

flashing intermittent type or signs to show changing messages.

7. Unoccupied recreational vehicles, small utility trailers, watercraft, and their trailers, shall be stored in rear and side yards only and parked no less than five (5) feet from any property line.
8. Parking of commercial vehicles under twenty-five thousand (25,000) gross vehicle weight located inside or rear of property.

# SHARPTOWN ZONING ORDINANCE # 19

## **MULTI-FAMILY RESIDENTIAL R-4**

### A. USES PERMITTED INHERENTLY:

1. Dwelling – Single detached
2. Dwelling – Two family / Duplex.
3. Dwelling – Multi family
4. Community facilities (See supplemental regulations # 4).
5. Non-profit Civic, Country Clubs, Fraternal Lodges, Social or Patriotic Clubs, and Recreational Buildings/Playgrounds.
6. Gardening activities or the production of agricultural products through the direct tilling of the soil.
7. Day Care.
8. Retirement Homes

### B. EXCLUSIONS: The following uses/activities are not permitted in R-4. (Multi-Family Residential)

1. Mobile homes.
2. Cemeteries.

### C. USES PERMITTED BY SPECIAL EXCEPTION:

1. Businesses pertinent to the multi-family development.
2. Home business.
3. Nursing homes and clinics
4. Bed And Breakfast.

### D. MINIMUM DEVELOPMENT STANDARDS:

1. Lot area:
  - a. Single Family Dwelling: Each lot shall contain at least ten thousand (10,000) square feet.

## SHARPTOWN ZONING ORDINANCE # 19

- b. Two Family Dwelling / Duplex – Each lot shall contain at least ten thousand (10,000) square feet with each unit containing no less than (5,000) square feet.
- c. Multi-family Dwelling: Each lot shall contain at least twenty thousand (20,000) square feet per dwelling with not more than four (4) units in a given building.
2. Lot width: No building shall hereafter be erected on a lot less than seventy-five (75) feet in width.
3. Lot Depth: All lots shall have a minimum depth of one hundred and twenty-five (125) feet.
4. Percent of Lot Coverage: Dwelling units together with accessory buildings shall not cover more than thirty (30) percent of the lot area. Paved patios shall be included in this percentage.
5. Front yard setback: Each lot shall have a front yard setback of twenty-five (25) feet from the property line to the front of the principal structure or the average of the front setbacks of structures on adjoining lots.
6. Side yards: All lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet.
7. Side yards abutting upon a street shall be no less than twenty-five (25) feet in width.
8. Rear yards: Each lot shall have a rear yard of not less than thirty-five (35) feet.
9. All fences, walls, and shrubs must be erected so as to not encroach upon a public right-of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one-half (2 1/2) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent (50%) solid.
10. Off street parking: Off street parking shall be provided for at least two (2) vehicles per unit.
11. Building or structures in drainage ways: No building shall be constructed within fifteen (15) feet of the center of any natural drainage way.
12. Submission to Planning/Zoning Commission: Every person proposing to erect three or more dwelling units on any lot or tract of land shall submit three (3) copies - (one copy to be reviewed by Sharptown Fire Company) each of a floor plan of the building(s) and a development plan of the land drawn to scale. The development plan shall show driveways, parking areas, sites of dumpsters, if any, recreational areas, areas assigned to the exclusive use of each dwelling unit, and the Public Works Agreement in accordance with Sharptown Subdivision Ordinance # 25.

## SHARPTOWN ZONING ORDINANCE # 19

Submission shall be made to the Zoning Officer at least seven (7) days in advance of a meeting of the Planning/Zoning Commission.

13. Building height: No residential building hereafter erected shall exceed thirty-five (35) feet in height to the eaves.
14. Maximum fence height shall be four (4) foot front yard and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street, and all entrances or gates shall open into the property.
15. Pools: One in-ground pool for access only to those living within the development. A fence must surround pools, at least four (4) feet in height.
16. Lighting Requirements: (See Supplemental Regulations #6).
17. New construction to be in character with existing structures.

### E. ACCESSORY USES:

1. Multi Family Storage - One storage area per unit no larger than 10 ft x 12 ft, and storage area to blend in with community. Storage units must be placed in the rear of the property.
2. Detached accessory structures shall be no closer than ten (10) feet to any lot line or easement area and shall be in side or rear yards only.
3. Unoccupied recreational vehicles, small utility trailers or watercraft and their trailers shall be stored in rear and side yards only and parked no less than five (5) feet from any property line.
4. Parking of commercial vehicles under twenty-five thousand (25,000) lbs. gross vehicle weight located inside or rear of property.
5. Signs- Commercial: Not to exceed thirty-two (32) square feet and landscaped.

# SHARPTOWN ZONING ORDINANCE # 19

## HIGHWAY COMMERCIAL H-1

### A. USES PERMITTED INHERENTLY:

1. Food markets with or without the sale of fuel.
2. Banks and other financial institutions.
3. Retail sales.
4. Business and professional offices.
5. Pharmacies.
6. Restaurants.
7. Day Care Center.
8. Government Offices.
9. Theaters.
10. Off sale beer and wine.
11. Laundromat.
12. Neighborhood shopping center not exceeding thirty (30,000) gross square feet of floor area, on a site of not less than three (3) acres.
13. Personal service establishment, performing service on the premises or acting as pick-up and delivery only.
14. Veterinary Hospital with Boarding Facilities.
15. Filling Stations.
16. Service Station
17. Publicly owned buildings, transformer stations and substations, without service yards, water and sewer pump stations.
18. Dance Halls, Bowling Alleys, Billiard Rooms, Exhibition Halls, ETC.
19. Mini-storage

# SHARPTOWN ZONING ORDINANCE # 19

## 20. Roadside Stands.

B. EXCLUSIONS: The following uses/activities are not permitted in (H-1) Highway Commercial.

1. Mobile homes

C. USES PERMITTED BY SPECIAL EXCEPTION:

1. Taverns/Bars

D. MINIMUM DEVELOPMENT STANDARDS:

1. Minimum lot dimensions: No lot shall have less than one hundred (100) feet frontage at the building line and a minimum depth of one hundred and fifty (150) feet.
2. Minimum yards and setbacks: All buildings shall be set back seventy five (75) feet from any adjoining street or streets and fifteen (15) feet from all other buildings.
3. Green area: At least five (5) percent of the total lot area shall be landscaped and maintained free from weeds, trash or other unsuitable materials.
4. Building height: No building hereafter erected shall exceed thirty-five (35) feet in height to the eaves.
5. Maximum fence height four (4) foot front yard and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street, and all entrances or gates shall open into the property. All fences, walls, or shrubs must be erected so as not to encroach upon a public right - of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one half (2-½) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent (50%) solid.
6. Lot coverage: No lot shall contain principal and accessory buildings, which cover more than thirty (30) percent of the lot.
7. Lighting Requirements: (See Supplemental Regulations #6).
8. Permanent decorative screens or natural planting of at least eight (8) feet in height shall screen all open storage, off street loading and unloading areas, and dumpsters from view.
9. Greenbelt: All nonresidential uses when adjacent to a residential district shall provide a twenty (20) foot greenbelt or a decorative wall with a height of six (6) feet.



## SHARPTOWN ZONING ORDINANCE # 19

10. Advertising signs shall not be placed closer than two hundred (200) feet to any adjacent residential district and shall not exceed 6 x 10 feet. Signs shall not be higher than forty (40) feet from ground.

### E. ACCESSORY USES:

1. Off street loading facilities: Whenever any building or structure or part thereof is regularly used for the receipt or delivery of freight, there shall be provided and maintained on the premises adequate space for standing, loading and unloading services in order to avoid interference with public use of street or alleys.
2. Off street parking lot or in accordance with requirements listed on pages 28-29 of this Ordinance.
3. Other accessory uses and structures clearly incidental and customary to and associated with a permitted use.
4. No accessory structure shall contain more than five hundred (500) square feet of floor area.
5. Detached accessory structures shall be no closer than ten- (10) ft. to any lot line or easement area and shall be in side or rear yards only.
6. Buildings or structures in drainage ways: No building or structure shall be constructed within fifteen (15) feet of the center of any natural drainage way.
7. Dumpsters shall be placed in the rear of the lot, and a decorative screen of at least eight (8) feet in height shall surround on all four sides (one being a gate).

# SHARPTOWN ZONING ORDINANCE # 19

## **CONSERVATION DISTRICT C-1**

### A. USES PERMITTED INHERENTLY:

1. Agriculture.
2. Forestry.
3. Publicly owned Campgrounds and Park areas.
4. Publicly owned Pumping stations and sewage disposal plants and lagoons.
5. Publicly owned Recreational Marinas.
6. Roadside Stands.

### B. EXCLUSIONS:

### C. USES PERMITTED BY SPECIAL EXCEPTION:

1. Privately owned Campgrounds and Park areas.
2. Privately owned Pumping stations and sewage disposal plants and lagoons.
3. Privately owned Recreational Marinas.

### D. MINIMUM DEVELOPMENT STANDARDS:

1. As provided in Sharptown Ordinance No. 51 - CRITICAL AREA RESOURCE PROTECTION RESOURCE ORDINANCE.
2. Lot Area: Each lot shall contain at least twenty-five thousand (25,000) square feet.
3. Lot width: All lots shall have a minimum width of one hundred (100) feet at the building line with no less than thirty-five (35) feet of frontage on a public street.
4. Lot depth: All lots shall have a minimum depth of two hundred and fifty (250) feet.
5. Percentage of lot coverage: In accordance with Sharptown Ordinance # 51.
6. Minimum setback requirements for front, side, and rear property lines shall be twenty-five (25) feet from adjacent property lines and municipal, state, and county roads; ten (10) feet from all interior roads.

## SHARPTOWN ZONING ORDINANCE # 19

7. All fences, walls, or shrubs must be erected so as not to encroach upon a public right-of-way. All fences must be erected with the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic. On corner lots, nothing exceeding two and one half (2-½) feet in height shall be erected or allowed to grow within thirty (30) feet of the centerline of the intersecting streets. Further, no fence shall be erected along a street unless the fence is uniformly less than fifty percent (50%) solid.
8. Maximum fence height shall be four (4) foot front and eight (8) foot side and back yards. The finished side of the fence will face abutting property and/or street and all entrances or gates shall open into the property.
9. Building or structures in drainage ways: No building shall be constructed within fifteen (15) feet of the center of any natural drainage way.
10. Lighting Requirements: (See Supplemental Regulations #6).
11. New Construction to be in character with existing structures.
15. No building or structure will be erected without prior APPROVAL OF THE PLANNING AND ZONING COMMISSION AND WHERE APPROPRIATE, ALL “CRITICAL AREAS” GOVERNMENTAL AUTHORITIES.

### E. ACCESSORY USES:

1. Off street parking lots: as per PLANNING AND ZONING REQUIREMENTS, as explained on pages 28-29 of this Ordinance.
2. Other accessory uses and structures clearly incidental and customary to and associated with a permitted use. The maximum of any structure shall be twelve hundred (1200) square feet.

# SHARPTOWN ZONING ORDINANCE # 19

## **SUPPLEMENTAL REGULATIONS:**

1. The height limitations contained in Ordinance 19 hereof do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually requiring placement above the roof level and not intended for human occupancy.
2. Every building hereinafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide convenient access for servicing with utilities, fire protection and required off street parking.
3. The equipment used by any type of business and the operation of said business shall not:
  - A. Create any vibration, heat, glare, dust, odor, or smoke discernable at the property lines.
  - B. Generate noise exceeding 60 decibels at the property line from 8:00 A.M. to 8:00 P.M.,
  - C. Generate any noise discernable by the human ear at the property lines from 8:00 P.M. to 8:00 A.M.
  - D. Create electrical, magnetic or other interference off the premises.
  - E. Consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.
  - F. Use/or store hazardous materials in excess of the quantities permitted in a residential area based on the State/County guidelines.
4. Inherent Facilities
  - A. Roads, streets, highways, bridges, and public transportation facilities.
  - B. Water supply production, treatment and distribution facilities.
  - C. Sewage collection, treatment, and disposal facilities.
  - D. Drainage facilities.
  - E. Parks, open space, and recreation facilities.
  - F. Primary and secondary schools.
  - G. Police protection services.
  - H. Fire and paramedic services.
  - I. Libraries
5. Privately owned Pumping Stations, sewage disposal plants and lagoons are allowed as required in the public works agreement.
6. Lighting Requirements: All structures shall be illuminated to meet all current building, lighting and life safety codes.

# SHARPTOWN ZONING ORDINANCE # 19

- 1) Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot when it substantially interferes with use or enjoyment of neighboring properties.
- 2) Lighting Standards.
  - a. Purpose. The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations are the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.
  - b. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light which does not distort colors and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of oncoming motorists.
  - c. Due to their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards. Upon satisfying the Planning and Zoning Commission during a site plan review, the site plan indicates that these outdoor recreational uses meet all other requirements of this section and the following conditions:
    - (1) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of forty (40) feet.
    - (2) The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaries are shielded in either its orientation or by a landscaped buffer to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior buffer line shall not exceed two (2) foot candles.
  - d. Additional regulations. Notwithstanding any other provision of this section to the contrary:
    - (1) No flickering or flashing lights shall be permitted.
    - (2) Light sources or luminaries shall not be located within buffer areas except on pedestrian walkways and signage lighting.
  - e. Exterior lighting plan. At the time any exterior light is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the Sharptown Planning and Zoning Commission in order to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

## SHARPTOWN ZONING ORDINANCE # 19

7. Building Grades in accordance with Sharptown Building Grade Ordinance #20.

### OFF STREET PARKING REQUIREMENTS:

BANKS, BUSINESS OR PROFESSIONAL OFFICES – One (1) parking space for each one hundred and fifty (150) square feet of floor area plus one space for each employee.

CHURCHES - One (1) space for every three (3) seats in the main unit of worship.

CONSTRUCTION REQUIREMENTS - All off street parking areas shall be hard surfaced with concrete, paver blocks, or plant mixed bituminous material, shall be maintained in a usable dust proof condition and shall be graded and drained to dispose of all surface water in accordance with Sharptown Storm Water Management Ordinance #65. The parking stalls and maneuvering areas shall be clearly marked as well as places of ingress and egress.

CURB CUTS - It shall be unlawful for any person to cut, break out or remove any curb along or to construct a curb return or driveway approach in the right of way of a public street, way or alley except as authorized by the Code Enforcement Officer.

DANCE HALLS, BOWLING ALLEYS, BILLIARD ROOMS, EXHIBITION HALLS, ETC. - One (1) space for each one hundred (100) square foot of floor space, plus one (1) space for each employee.

FUNERAL HOMES – One space for each one hundred (100) square feet of floor space plus one for each employee.

HOSPITALS, CLINICS, NURSING HOMES AND SIMILAR INSTITUTIONS - Not less than one (1) space for each employee on the day shift, plus one (1) space for each three (3) patient beds.

INDUSTRIAL USE PARKING REQUIREMENTS - As approved by the Planning and Zoning Commission, but no less than one (1) space for each three (3) employees on the largest numerical shift, plus one (1) customer parking space for each one thousand (1,000) square feet of floor space.

NEIGHBORHOOD SHOPPING CENTERS - Not less than one per 200 square feet.

PARKING SPACE DIMENSION REQUIREMENTS – Parking spaces with a minimum width of nine (9) feet, and length of eighteen (18) feet with a maneuvering lane twenty (20) feet in width shall be considered as a standard for normal parking, or as approved by the Planning and Zoning Commission.

PERSONAL SERVICE ESTABLISHMENTS - One (1) space for each fifty (50) square feet of floor space plus one (1) space for each employee.

PUBLIC OR PRIVATE NON-PROFIT RECREATIONAL OR CULTURAL

## **SHARPTOWN ZONING ORDINANCE # 19**

INSTITUTIONS - One per 100 square feet.

RESTAURANTS - One (1) parking space for each one hundred (100) square feet of floor space, plus one parking space for each two- (2) employees of the largest shift.

RETAIL SALES - One (1) space for each fifty (50) square feet of floor space.

SUBMISSION REQUIREMENT - All applications for building permits for structures other than one and two family dwellings shall be accompanied by plans identifying parking stalls, and giving their widths, lengths, maneuvering areas and points of ingress and egress.

THEATERS AND AUDITORIUMS - One (1) space for each four (4) seats plus one (1) space for each two- (2) employees of the largest shift.

# SHARPTOWN ZONING ORDINANCE # 19

## ADMINISTRATION AND ENFORCEMENT:

1. An administrative official designated by the Town Council shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Council may direct.
2. If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary needed to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
3. Building Permits Required- No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Appeals in the form of an administrative review granting special exception, or variance as provided by this Ordinance.
4. Application for Building Permit- All applications for building permits shall be accompanied by a plan in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot and of the buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may lawfully be required by the administrative official, 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 buildings designated 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.
5. The administrative official shall return one copy of the plans to the applicant; after he shall have marked such copy either as approved or disapproved and attested to it by his signature on such copy. The administrative official shall retain the original and one copy of the plans, similarly marked.

### Penalties:

Upon conviction of any violation of this Ordinance, the Defendant shall be fined not more than one hundred dollars (\$100.00) for each violation and each day the violation continues shall constitute a separate offense.



# SHARPTOWN ZONING ORDINANCE # 19

## Certificates of Zoning Compliance for New, Altered or Non-conforming uses:

It shall be unlawful to use or occupy or permit the use of or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until the administrative official shall have issued a certificate of zoning compliance. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, then the certificate shall be issued in conformity with provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the Penalties section of this Ordinance.

# SHARPTOWN ZONING ORDINANCE # 19

## Expiration of Building Permit:

If the work described in any building permit has not begun within 120 days from the date of issuance thereof, said permits shall expire; it shall be cancelled by the administrative official; written notice thereof shall be given to the person affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, Together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

## Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance:

Building Permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable under the Penalties section of this Ordinance.

# SHARPTOWN ZONING ORDINANCE # 19

## **PLANNING AND ZONING COMMISSION, ESTABLISHMENT AND PROCEDURES:**

### Establishment:

A Planning and Zoning Commission is hereby established which shall consist of five (5) members, one of whom shall be a Town Commissioner. Each member shall serve for a period of five (5) years or until his successor takes office. The respective terms of the five members first appointed shall be on a staggered basis. The Town Commissioner shall serve only for the duration of his elected term. The Commissioners of the Town shall fill vacancies.

### Procedures:

1. The Planning and Zoning Commission shall establish a regular meeting schedule, which shall entail at least one (1) regular meeting a month.
2. Minutes shall be kept of all Planning and Zoning proceedings
3. All Planning and Zoning meetings shall be open to the public.
4. When the Planning and Zoning Commission is called upon to make recommendations on a proposal requiring a public hearing, a public notice shall be posted at least two (2) weeks prior to the scheduled meeting.
5. All actions shall be taken by a majority vote. A tie vote shall constitute no action (or withdrawal) and require submission of a new application.
6. A chairman shall be appointed by the Town Commissioners, and shall take part in all deliberations and vote on all issues.

### Powers and Duties:

The Planning and Zoning Commission may:

1. Make studies and recommend to the Town Commissioner's plans, goals and objectives relating to growth, development, including comprehensive plans and zoning revisions.
2. Develop and recommend policies, regulations, administrative procedures, and other means for carrying out plans in an efficient manner.
3. Make recommendations to the Town Board of Zoning Appeals on special exceptions.
4. Hear and approve/disapprove subdivision plats and site development plans.

# SHARPTOWN ZONING ORDINANCE # 19

## BOARD OF ZONING APPEALS, ESTABLISHMENT AND PROCEDURES:

A Board of Zoning Appeals is hereby established which shall consist of five (5) members appointed by the Town commissioners, each for a term of five (5) years. Of the members originally appointed, one shall be appointed for a one (1) year term, one appointed for a two (2) year term, one for a three (3) year term, and, one for a four (4) year term, and one for a five (5) year term. The Town Commissioners shall appoint replacement members. Vacancies shall be filled in the same manner for the unexpired term of the member whose seat was vacated. The Town Commissioners may remove members of the Board after a public hearing upon the affirmative vote of four fifths of the Town Council membership.

### Proceedings:

The Board of Zoning Appeals shall elect a chairman from among its membership to serve for a period of one (1) year. The Board shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Ordinance. The Town Council shall furnish a secretary for the Board who shall record its minutes, proceedings and its decisions in all appeals and the opinions of the members. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its meetings, which shall show the vote of each member upon each question, or if absent or failing to vote. It shall keep the records of its examination and other official actions all of which shall be a public record.

The Board of Appeals shall recommend a fee schedule for approval by the Commissioners of Sharptown, which shall be sufficient to cover the cost of all public notices given in respect to individual appeals, and such other costs as shall properly be attributed to such appeals.

### Hearings, Appeals-Notice:

Appeals to the Board concerning the interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer of department of the Town affected by any decision of the administration official. Such appeals shall be taken within sixty (60) days after the date of the decision of the administrative official by filing with the secretary of the Board a notice of appeal specifying the grounds thereof and paying such fee as shall have been prescribed by the Board. The Secretary shall forthwith notify the Chairman of the Board of Zoning Appeals and shall give such notice of the time, place, and nature of the appeal to the public and the remaining members of the Board as may be prescribed by this Ordinance, the rules of the Board, or as the Chairman may, in addition, direct.

# SHARPTOWN ZONING ORDINANCE # 19

The Board shall fix a reasonable time for the hearing of the appeal, and shall give the public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or attorney.

## Jurisdiction and Authority:

Jurisdiction and Authority of the Board of Zoning Appeals shall be as follows:

- i. To hear and decide applications for special exceptions;
- ii. To hear and decide application for variances;
- iii. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative official.
- iv. To hear and decide applications for the change, alteration or enlargement of non-conforming uses and enlarging of non-conforming buildings;
- v. To hear and decide all matters referred to it and upon which it is required to act under this ordinance;
- vi. To adopt and establish general rules for the conduct of its proceedings.

## Stay of Proceedings:

An Appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board, that by reason of facts stated in the Appeal, a stay would, in his opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Board or by the Circuit Court for Wicomico County.

## Appeals to Courts:

- A. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals may appeal such decision to the Wicomico County Circuit Court.
- B. Such appeal shall follow the procedures established by Maryland Rules of Procedure.