

ARTICLE XII SUPPLEMENTARY USE REGULATIONS

This Article contains regulations to specific uses that supplement the requirements found in other articles of this Ordinance. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article X and in the Table of Permissible Uses.

Section 1. Accessory Apartments (1.210)

- 1.** An accessory apartment may be permitted as a Special Exception by the Board of Appeals in any residential zone subject to the following conditions:
 - a.** The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
 - b.** An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
 - c.** Apartment size. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall occupy less than 50% of the structure.
 - d.** Number of accessory apartments per lot. There shall be no more than one (1) accessory apartment permitted per existing single family dwelling.
 - e.** Exterior appearance. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
 - f.** Off-street parking. Off-street parking shall be provided in accordance with the standards and requirements of Article XVII.

Section 2. Adult Bookstore, Adult Entertainment Center, Massage and Conversation/Relaxation Parlor (2.112.3)

Adult bookstores and/or entertainment center may be permitted by the Board of Appeals as a Special Exception in the C-3 District provided:

- 1.** That no such establishment shall be nearer than 1,500 feet to any church, school, hospital, or similar institution for human care;
- 2.** No adult store, center, or studio shall be nearer than 1,000 feet to another adult store, center or studio; and
- 3.** These establishments, as stated above, shall not be permitted in any other zone.

Section 3. Animal Boarding Places, Kennel and Veterinary Hospitals (12.300)

A veterinary hospital, kennel or animal boarding place may be permitted by the Board of Appeals as a Special Exception in the C-2 District and shall be permitted in the C-3 and B-P Districts provided that such animal boarding place shall be located only on a lot having an area of two (2) acres or more and that no part of any building or area used for such purposes shall be located within one hundred (100) feet of any street or road or the nearest property line, or, in the alternative, that the animals be kept in a sound-proofed building from 8 pm to 8 am and that it shall be located only on a lot having an area of two (2) acres or more and that no part of any building or any area used for such purposes shall be located within fifty (50) feet of any street or road or the nearest property line or within one hundred fifty (150) feet from any dwelling other than the house of the owner or person in control of the boarding place. The Board of Appeals is hereby empowered to increase the restrictions herein provided and to add others when it is deemed necessary in order to protect the health and safety of residents and workers on adjoining properties and in the general neighborhood. Such a use shall be for a period of two (2) years, subject to renewal.

Section 4. Antenna or Communication Tower Greater Than 50 Feet in Height and Associated Substation (18.200)

An antenna or tower greater than fifty (50) feet in height and associated substations (radio, television, microwave broadcasting, etc.) may be permitted as a Special Exception by the Board of Appeals in any district provided:

1. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.
2. The applicant shall demonstrate that a diligent effort has been made to locate the proposed communication facility on an existing structure or in a non-residential zoning district, and that due to valid considerations, including physical constraints and economic or technical feasibility, no other appropriate location is available. All structures shall be located at least two hundred (200) feet from an existing dwelling.
3. New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons. Unless collocation has been determined to be infeasible, the Plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.
4. Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. A minimum ten (10) foot landscape strip shall be required and maintained around all property lines exterior to any fence or wall.
5. Communication towers shall be gray or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
6. No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.

7. A communication tower that is no longer in use shall be removed from the site within six (6) months of the date that the use ceases.

Section 5. Antique Shops (2.112.1)

An antique shop shall be permitted in C-1, C-2, C-3 Districts in an existing building or part of an existing building provided that the original character of the building be maintained; that such use shall not constitute a nuisance because of traffic, noise, type of physical activity, or any other element that is incompatible with the character of the surrounding neighborhoods; and that signs shall be limited to identification signs -- the location and design of the signs shall be subject to the provisions contained in Article XVI.

Section 6. Art or Cultural Centers (5.500)

An art or cultural center may be allowed in the R-O, C-1, C-2, C-3 and B-P Districts upon a finding that the proposed use will not constitute a nuisance because of traffic, noise, number of persons, or physical activity. Such use may consist of one or more buildings or structures that will be devoted entirely to the furtherance of the arts or culture, including, but not limited to, a theater, museum, classrooms, or any combination thereof, and may provide for a restaurant or snack bar designed solely for service of food or refreshments to people using the facilities of the proposed center.

(Amended effective April 22, 2008, Ordinance 4-2008)

Section 7. Automobile Filling Stations and Emission Testing Facilities (9.500 and 9.800)

1. An automobile filling station or emission testing facility may be permitted as a Special Exception by the Board of Appeals in the C-1, C-2, C-3 and B-P Districts, upon a finding, that:
 - a. The use will not constitute a nuisance because of noise, fumes, odors, or physical activity in the location proposed.
 - b. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly.
 - c. The use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering service required, population, character, density, and number of similar uses.
2. In addition, the following requirements shall be complied with:
 - a. Signs, product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways shall be prohibited.

- b. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare into any residential zone.
- c. When such use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot as defined in Article XIII, and such driveways shall not exceed forty-five (45) feet in width, provided that in areas where no master plan of highways has been adopted the street line shall be considered to be at least forty (40) feet from the center line of any abutting street or highway.
- d. Gasoline pumps or other service appliances shall be located on the lot at least ten (10) feet behind the building line, and all service storage or similar activities in connection with such use shall be conducted entirely within the building. There shall be at least twenty (20) feet between driveways on each street, and all driveways shall be perpendicular to the curb or street line.
- e. Light automobile repair work may be done at an automobile filling station, provided that no major repairs, spray paint operation, or body or fender repair is permitted.
- f. Vehicles shall not be parked so as to overhang the public right-of-way.
- g. Adequate vehicle stacking is provided so as not to impair access from the street or pedestrian traffic in the area.

Section 8. Automobile, Motorcycle, and Motor Vehicle Repair and Maintenance, not Including Body Work (9.300)

A motor vehicle repair and maintenance shop is limited to the sale, installation, repair, replacement, modification, adjustment, or servicing of the power plant or drive-train of a vehicle may be permitted as a Special Exception by the Board of Appeals in C-1 District and shall be permitted in the C-2, C-3, BI and B-P Districts subject to the following standards:

1. The minimum lot size shall be 20,000 square feet.
2. All activity and storage of parts with the permitted use shall occur entirely within a completely enclosed building. Any vehicle storage shall be temporary, in side or rear yards, and screened from adjacent properties.
3. No building or structure shall be located in any required yard or setback.
4. Wall openings in structures are permitted in those walls directly facing an existing Commercial or Industrial zoning district. Wall openings necessary for ventilation, fire exits, and light, pursuant to the standards of the Building Code and the Fire Safety Code, shall be permitted.
5. The maximum permitted total floor area shall not exceed twenty-five (25) percent of total lot area.
6. A minimum ten (10) foot wide landscape strip shall be provided adjacent to and completely across all property lines. Curb cuts shall be minimized.
7. No outdoor display of merchandise sold, serviced, or rented is permitted.

8. Vehicles shall not be parked so as to overhang the public right-of-way.
9. Lubrication Equipment and Outdoor Storage and Refuse Areas. Hydraulic racks and service pits shall be located within the main structure. Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design. The site plan shall indicate the disposal methods to be used for all waste material including recycling of waste oil generated by the operation.
10. No maintenance or repair work on motorized vehicles or equipment shall be performed after the hour of 9:00 PM within any residential zone.
11. Any use of an acetylene torch comprising of welding, cutting or burning shall require a permit from the Zoning Administrator.

Section 9. Automobile Painting and Body Work (9.400)

An automotive painting and body shop limited to the painting, repair, or alteration of the auto body may be permitted as a Special Exception by the Board of Appeals in the C-2 District and shall be permitted in the C-3, BI and B-P Districts subject to the following standards:

1. Minimum lot size shall be 20,000 square feet.
2. All activity and storage associated with the permitted use shall occur entirely within a completely enclosed building. Vehicles may be temporarily stored in side or rear yards if completely screened from adjacent properties.
3. No building or structure shall be located in any required yard or setback.
4. Wall openings in structures are permitted in those walls directly facing an existing Commercial or Industrial zoning district. Wall openings necessary for ventilation, fire exits, and light, pursuant to the standards of the Building Code and the Fire Safety Code, shall be permitted.
5. The maximum permitted total floor area shall not exceed twenty-five (25) percent of total lot area.
6. The minimum ten (10) foot wide landscape strip shall be provided adjacent to and completely across all property lines. Curb cuts shall be minimized.
7. No outdoor display of merchandise sold, serviced, or rented is permitted.
8. Vehicles shall not be parked so as to overhang the public right-of-way.
9. Bufferyards shall be required to adequately separate this use from adjacent uses or properties in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce impacts of noise, odor, or danger from fires or explosions. Separation from adjacent properties shall be adequate to address any impact from noxious fumes or odors.
10. Automobile painting and body work shops shall be separated from each other or similar uses such a distance as to eliminate the combined effects of odors or concentration of fumes.

Section 10. Automobile and Light Truck Storage Lots (10.220)

An automobile and light truck storage lot may be permitted in the C-2, C-3, BI and B-P District for use in connection with a towing operation, but not for the storage of junked cars.

Section 11. Automobile, Truck, and Trailer Rentals, Outdoors (9.100)

1. A lot for the storage and rental of only the following rental vehicles: automobiles, light trailers of such limited size and capacity so as to be capable of being safely towed by a passenger motor vehicle designed for carrying less than ten (10) passengers, and light and medium duty trucks may be permitted as a Special Exception by the Board of Appeals in the C-2, C-3, BI and B-P Districts upon a finding that:
 - a. The use will not constitute a nuisance because of noise, fumes or odors, or physical activity in the location proposed.
 - b. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site, and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground, hospital, or other public use or place of public assembly.
 - c. The use at the proposed location will neither adversely affect nor retard the logical development of the general neighborhood or of the commercial zone in which the lot is proposed considering service required, population, character, density, and number of similar uses.
2. In addition, the following requirements shall be complied with:
 - a. Unless the use is accessory to motor vehicle-related fuel sales, gasoline pumps and other service appliances shall not be permitted, except that not more than one gasoline pump shall be permitted, but only for the fueling of rental vehicles. No major repairs, spray paint operation, or body or fender repair shall be permitted.
 - b. Vehicles shall be stored or parked only on a surface area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission, surrounded by a raised curb. The curb shall be located so that no vehicle can be parked or stored within fifteen (15) feet of any street line, nor within fifteen (15) feet of any property line adjoining land in a residential zone, nor within three (3) feet of any property line. In a Commercial zone, the entire lot shall be on or near grade with the most traveled abutting street or highway.
 - c. There shall be at least twenty (20) feet between access driveways on each street, and all driveways shall be perpendicular to the curb or street line.
 - d. When such a use occupies a corner lot, no access driveway shall be located less than twenty (20) feet from the intersection of the front and side street lines of the lot, as defined in Article XIII, and no such driveway shall exceed forty-five (45) feet in width. In areas where no master plan of highways has been adopted, the street line shall be considered to be at least forty (40) feet from the centerline of any abutting street or highway.

- e. Signs, product displays, parked vehicles, and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.
- f. Lighting shall be low level and so arranged as not to reflect or to cause glare into any residential zone.
- g. When such use abuts a residential zone or institutional premises and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a slightly, substantial solid fence not less than five (5) feet in height, together with a three-foot planting strip on the outside of such wall or fence, planted in shrubs and evergreens. The failure of the owner and/or operator to maintain any required planting so that they exist in a flourishing and healthy condition is grounds for revocation of the occupancy permit. Screening shall not be required on street frontage unless abutting a highway corridor (See Article IX, Part II, Section 1).

Section 12. Boardinghouses, Bed and Breakfasts, Country Inns (1.510)

Boarding houses, bed and breakfasts and country inns may be permitted as a Special Exception by the Board of Appeals in the R-2, R-3, RO, C-1 and PUD Districts subject to the following standards:

1. The use is temporary, for a period of not more than three years, subject to renewal.
2. The establishment shall be located on a state-maintained road with direct access to the state-maintained road. Direct access shall mean an entrance located on the same property as the establishment.
3. The driveway entrance onto the state-maintained road shall meet MDDOT standards.
4. One off-street parking space shall be provided for each guestroom and shall be located at the rear of the site. Furthermore parking areas shall be fifty (50) feet from any adjacent residentially zoned property or shall be adequately screened.
5. The establishment shall be owner/manager occupied and managed.
6. Accessory commercial activities such as weddings, graduation, and similar parties are allowed only if included as part of the special exception application.
7. Facilities for dining shall be in the location customarily used by a single family in the structure.
8. No separate kitchen shall be provided.
9. All requirements of the Town Building Code shall be met if required.

Section 13. Cargo Trailers and Closed-Body Trucks (10.400)

1. Cargo trailers and closed-body trucks shall be permitted in the C-1, C-2, C-3, B-I and BP Districts provided:

- a. No such vehicle shall be parked in a commercial area for more than ten (10) consecutive working days.
2. Cargo trailers, storage trailers, ground level storage boxes and closed-body trucks as part of a permitted use may be permitted by the Board of Appeals as a Special Exception in the C-1, C-2 or C-3 Districts and shall be permitted in the BI and BP Districts provided:
 - a. The cargo trailers and closed body trucks are accessory to an existing business.
 - b. The cargo trailers and closed body trucks are placed in the rear yard or side yards in conformance to all setback and screening regulations.

Section 14. Child or Elderly Care Centers (day care centers) (1.420)

Child or elderly care centers serving greater than thirty (30) children or elderly persons may be permitted by Special Exception in the C-1 and C-2 Districts, and child or elderly care centers serving between seven (7) and thirty (30) children or elderly persons may be permitted as a Special Exception in the R-2, R-3, MH, RO, C-1 and PUD Districts and child or elderly care centers serving fewer than seven (7) children or elderly persons shall be permitted in R-1, R-2, R-3, MH, RO, C-1 and PUD Districts subject to the following:

1. A site plan must be submitted showing existing or proposed building, play area, fencing, parking, ingress and egress, and with the following:
 - a. Applicant shall meet requirements of state licensing and local health departments for family/group care.
 - b. The Board may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
 - c. The applicant shall provide seventy-five (75) square feet of usable outdoor recreation area per child for one-half (1/2) of the enrollment. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential area. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas. Outdoor play or activity areas shall be fenced or otherwise enclosed on all sides. The maximum number of children permissible per building shall be based on the thirty-five (35) square feet per child of usable inside space available.
 - d. All such uses shall be located so as to permit the safe pickup and delivery of all people on this site.
 - e. Such use shall not constitute a nuisance because of traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity; and
 - f. No portion of the day care center shall be located within five hundred (500) feet of gasoline pumps, underground storage tanks (UST's) or other storage of explosive materials, package store, bar or tavern, or other similar incompatible uses, or any facilities that produce, or use hazardous/toxic materials that endanger the welfare of children.

- g. When a day care facility is located in a shopping center or shares parking and/or access with other commercial uses, the parking area and drop-off areas shall function independently of and physically separate from the general parking and circulation pattern of the other stores or businesses. The day care facility shall be in either the end unit of the multiple occupancy building or a separate structure.
 - h. In residential districts, no structural or decorative changes that will alter the exterior residential character of an existing residential structure used for a day care center shall be permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
2. The requirements of these sections shall not apply to child or elderly day care facilities or centers that are operated by a non-profit organization in buildings, structures, or on premises owned or leased by a religious organization and which premises are regularly used as a place of worship or are located on premises owned or leased by a religious organization adjacent to premises regularly used as a place of worship, or are used for private parochial educational purposes that are exempted under the provisions of this section for private educational institutions or are located in publicly owned school buildings.

Section 15. Clinics (3.130)

Medical clinics of less than 10,000 square feet of gross floor area may be permitted in the C-1, C-2, C-3, BI or B-P Districts subject to the following:

- 1. Site requirements:
 - a. Minimum lot area, 40,000 square feet.
 - b. Minimum frontage, 200 feet.
 - c. Minimum setback, 40 feet from all property lines.
 - d. Maximum building height, as specified in zone.
 - e. Location of access on business district street, arterial, or major highways.
- 2. Disposal of waste shall be through approved, safe means and shall be separate from regular trash disposal.
- 3. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, shall be permitted as part of the clinic facility, subject to the following specific conditions:
 - a. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - b. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

Section 16. Drive-in Banks (3.113)

Drive-in/ banks may be permitted as a Special Exception by the Board of Appeals in the C-1 District and shall be permitted in the C-2, C-3, BI, PUD and BP Districts provided:

1. The use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed.
2. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity. A traffic impact study shall be required.
3. The use of the proposed location will not pre-empt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.
4. When such use abuts a residential zone or institutional premises the use shall be screened by a solid wall or a substantial, sightly, solid fence, not less than five (5) feet in height, together with a three-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens three (3) feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provision, advertising, and parking areas pertaining to screening shall be as provided for in this ordinance.
5. When such use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot and such driveways shall not exceed twenty-five (25) feet in width, provided that, in areas where no master plan of highways has been adopted, the street line shall be considered to be at least sixty (60) feet from the centerline of any abutting street or highway.
6. Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off-street parking spaces otherwise required on the site.
7. Adequate spaces for stacking (line-up) at drive through facilities shall be provided. Specifically, five (5) for first station plus two (2) for each additional station.
8. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

Section 17. Drive-in/Fast Food Restaurants (8.500)

Drive-in/fast food restaurants may be permitted as a Special Exception by the Board of Appeals in the C-1 District and shall be permitted in the C-2 and C-3 Districts and shall be permitted in the C-1 District as part of a shopping center provided:

1. The use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed.

2. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity. A traffic impact study shall be required.
3. The use of the proposed location will not preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.
4. When such use abuts a residential zone or institutional premises the use shall be screened by a solid wall or a substantial, sightly, solid fence, not less than five feet in height, together with a three-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens three feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provision, advertising, and parking areas pertaining to screening shall be as provided for in this ordinance.
5. When such use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot and such driveways shall not exceed twenty-five (25) feet in width, provided that, in areas where no master plan of highways has been adopted, the street line shall be considered to be at least sixty (60) feet from the centerline of any abutting street or highway.
6. Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off-street parking spaces otherwise required on the site.
7. Adequate spaces for stacking (line-up) at drive through facilities shall be provided. Specifically, seven per station, five of which must be before the ordering station (intercom).
8. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

Section 18. Education Institutions, Private (5.112)

Private education institutions may be permitted as a Special Exception by the Board of Appeals in any residential district provided:

1. That such use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element that is incompatible with the environment and character of the surrounding neighborhoods; and
2. That, except for buildings and additions thereto completed, or for which building permits have been obtained prior to the time of adoption of this section, such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhoods, and, in the event that such building is to be located on a lot, tract, or parcel of land of two acres or less, in either an undeveloped area or an area substantially developed with single-family homes, that the exterior architecture of such building will be of a residential home design and at least comparable to existing residential homes, if any, in the immediate neighborhood; and

3. That such use will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community; and
4. That such use can and will be developed in conformity with the following area, density, building coverage, frontage, setback, access, and screening requirements, where specified:
 - a. Area, frontage, and setback. As shall be specified in a site plan of development approved by the Planning Commission, provided that in no event shall such standards be less than the area regulations for the zone in which the private educational institution is proposed to be located; and
 - b. Access building coverage and screening. As shall be specified in a site plan of development approved by the Planning Commission; and
 - c. Density. Such density, being the allowable number of pupils per acre permitted to occupy the premises at any one time, as shall be specified by the Board upon consideration of the following factors:
 - (1) Traffic patterns, including:
 - (a) Impact of increased traffic on residential streets;
 - (b) Existence of arterial highways; and
 - (c) Noise or type of physical activity;
 - (2) Character, percentage, and density of existing development and zoning within the community; and
 - (3) Topography of the land to be used for the special exception, provided that in no event shall a special exception be granted for a density in excess of 87 pupils per acre.
5. If the school offers general academic instruction below college level, an outdoor play area (or other outdoor activity area) shall be required that shall have a usable space of at least one hundred (100) square feet per student. The area shall be located at least twenty-five (25) feet from any adjoining lot.
6. Exemptions. The requirements of this section shall not apply to the use of any lot, lots, or tract of land for any private educational institution or parochial school that is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland, or any agency thereof, Cecil County, or the Town of Elkton.
7. Non-conforming uses. Nothing in this Ordinance shall prevent any existing private educational institution that obtained a special exception prior to the effective date of this Ordinance from continuing its use to the full extent authorized under the resolution granting the respective special exception.

Private education institutions may be permitted by Special Exception by the Board of Appeals in the C2 (General Commercial) zone provided:

- 1.** Where the maximum attendance at any one time does not exceed forty (40) students, such institution must have:
 - a.** A parcel of at least twenty thousand (20,000) square feet per fifteen (15) students or fraction thereof.
 - b.** A parcel frontage of at least one hundred fifty (150) feet.
 - c.** A front yard depth of at least forty (40) feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty (40) feet.

- 2.** Where the maximum attendance at any one time exceeds forty (40) students, such institution must have:
 - a.** A parcel area of at least three (3) acres, plus seven hundred (700) square feet for each student in excess of sixty (60).
 - b.** A parcel frontage of at least two hundred (200) feet.
 - c.** A front yard depth of at least fifty (50) feet, a side yard depth equal to at least two (2) times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least (50) feet.
 - d.** School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.
 - e.** A buffer yard ten (10) feet wide shall be provided along the boundary with an adjacent residential lot.

(Amended effective March 21, 2006, Ordinance 1-2006)

Section 19. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor (22.200)

Occasional outdoor festivals or special events, including, but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business use may be permitted in any district by the Mayor and Commissioners provided that fees are paid and licenses obtained as required by Title 5, Chapter 5.04 of the Code of the Town of Elkton and further provided: (Amended effective July 27, 2010, Ordinance 4-2010)

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within two hundred (200) feet of an existing dwelling; no tent shall be located within two hundred fifty (250) feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Non-recurring festivals or events shall not exceed seven (7) days in any twelve (12) consecutive months.
5. Seasonal business uses shall not exceed a total of ninety (90) days in any twelve (12) consecutive months.
6. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 pm.
7. Activity areas shall be at least five hundred (500) feet from a residential district.
8. Vehicular access shall be derived only from an arterial or major collector.
9. A minimum of one parking space shall be provided for every five hundred (500) square feet of ground area.
10. In cases where it is deemed necessary, the Mayor and Commissioners may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.
11. If the permit applicant requests the Town to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 20. Funeral Parlors, Undertaking Establishments, or Mortuaries (20.100)

1. The use of a tract or parcel of land or buildings for a funeral parlor or undertaking establishment may be permitted as a Special Exception by the Board of Appeals in the RO District and shall be permitted in the C-1, C-2, C-3 and B-P Districts provided that:

- a. The use will not constitute a nuisance because of noise, traffic, or type of physical activity. Such use shall be devoted to services usually incident to funeral parlor and undertaking establishment operation including, but not limited to, transportation of human remains to and from the premises; embalming, cosmeticing, and casketing of remains; visiting of the premises by decedents' families and the general public for the purpose of viewing the remains and conducting business with the establishment; delivery and storage of caskets, including a room or area devoted to display thereof, provided the cremation of remains is expressly prohibited. In any residential zone, the premises shall, and, in any commercial zone, may maintain either as a separate building or a portion of the main building one dwelling unit, which shall be occupied by the owner or an employee of the establishment.

- b. The property and building shall conform to the following:
 - (1) The percentage of the lot covered by buildings shall not exceed 25 percent.
 - (2) Minimum lot area: one acre.
 - (3) Minimum front yard setback: 75 feet.
 - (4) Minimum side yard setback: 25 feet each side.
 - (5) Minimum rear yard setback: 25 feet.
 - (6) Building height limit: same as specified in the applicable zone.
 - (7) Minimum frontage at the building line: 100 feet.
 - (8) The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of the community.
 - (9) The following additional requirements shall also be met:
 - (a) Special conditions, such as provisions for additional fencing or planting or other landscaping, additional setback from property lines, location, arrangement of lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare, as may be invoked by the Planning Commission and/or the Board of Appeals as requisites to the approval.

Section 21. Greenhouses, Commercial Nurseries (19.200)

A horticultural nursery or commercial greenhouse may be, together with buildings incidental thereto, permitted as a Special Exception in the C-1 District and shall be permitted in the C-2 and C-3 Districts, upon a finding that such use will not constitute a nuisance because of traffic, noise, or other factors. The sale of plants, trees, shrubs, seeds, fertilizers, plant foods, hand tools, hand spraying and watering equipment, and pesticides directly related to residential gardening shall be permitted, provided that such tools and equipment are not displayed outdoors. Nothing herein shall be construed to permit the sale or storage of general hardware or power equipment. No such horticultural nursery or commercial greenhouse shall be located on a tract of land containing less

than two acres and no part of any building thereon shall be less than 50 feet from the nearest property line. Greenhouses shall have a minimum setback of twice the height of the building, and storage of all materials which produce odors or attract pests shall be effectively covered.

Section 22. Golf Courses and Country Clubs (6.210)

1. The Board may authorize a golf course, country club, private club, or service organization including community buildings, may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, MH, RO, C-1 and C-2 Districts upon a finding that the proposed use will not adversely affect surrounding residential uses because of noise, traffic, number of people, or type of physical activity, providing that the following standards and requirements can be met:
 - a. The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
 - b. All buildings shall conform to the height, coverage, and setback regulations of the zone in which they are located, and all facilities shall be so located as to conform to other special exception standards.
 - c. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
 - d. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to single-family dwelling districts or uses.
 - e. Vehicular access shall be derived from an arterial street.
 - f. Twenty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area.
 - g. A minimum 50-foot buffer shall be provided adjacent to the clubhouse/office and parking areas when said facilities are located adjacent to single-family dwelling districts or uses.
 - i. A minimum 25-foot buffer shall be provided adjoining single-family zoning or uses not part of the golf course development.
 - j. Off-street parking and loading areas, tennis courts, golf tees, and maintenance facilities may require additional screening as determined by the Board.

Section 23. Golf Driving Range (6.230)

A golf driving range may be permitted as a Special Exception by the Board of Appeals in the C-3, BI and B-P Districts, provided that the surrounding area is predominantly undeveloped. Such a use shall be for a period of not more than two years, subject to renewal.

Section 24. Group Home, Halfway House (1.412)

A group home or halfway house for 9-16 individuals may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, MH, C-1, C-2 and PUD Districts and a group home or halfway house for criminal offenders may be permitted as a Special Exception by the Board of Appeals in the C-1 District subject to the following:

1. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity;
2. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood of the proposed use;
3. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff; and
4. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
5. In order to expedite decisions regarding proposed group residential facilities, the Board shall give priority consideration in scheduling public hearings and in deciding petitions for such facilities.
6. Non-conforming use. Where any "child care residence for up to eight children" or "group home for mentally retarded people" has been lawfully established at the same location prior to the effective date of this ordinance, such use shall not be required to obtain a special exception.
7. Applicant shall meet requirements of the State Department of Health.
8. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
9. Parking and loading shall be provided at the rear of the site.
10. Adequate access to medical services, shopping areas, recreational, and other community services often desired by elderly and handicapped people shall be available to residents or provided on the site for residents.
11. Business uses that are permitted as accessory uses shall be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities shall be visible from the periphery of the site.
12. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
13. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the special exception is approved.

Section 25. Homeless Shelters (1.440)

Homeless shelters may be permitted as a Special Exception by the Board of Appeals in the C-1 District provided:

1. All required approvals from the building inspector, fire marshal, and health department are obtained.
2. No loitering is permitted outside the building.

Section 26. Home Occupations (1.600)

Home occupations within the context of the definition of home occupations provided in this Ordinance may be permitted by the Planning Commission with conditions in the R-1 and R-2 zones and may be permitted as a Special Exception by the Board of Appeals in any other residential zone subject to the following:

1. Not more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and clearly subordinate to its use as a residence and not more than two hundred (200) square feet of the floor area of the dwelling unit shall be used in the conduct of such occupation.
3. There shall be no change in the outside appearance of the building or premises, other than one (1) sign as permitted in Article XVI. Residential appearance shall be maintained and the proposed development shall be in keeping with the character of the neighborhood.
4. No home occupation shall be conducted in any accessory building.
5. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.
6. No more than twenty-five (25) percent of the floor area of the dwelling, including an attached garage, may be used for the home occupation, and not more than five percent may be used for storage of stock in trade.
7. No article of commodity shall be offered for sale, except those incidental to services offered, or publicly displayed on the premises.
8. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
9. Funeral homes, veterinary animal hospitals and grocery stores shall not be permitted as home occupations.
10. A private educational institution, boardinghouse, rooming house, or tourist home shall not be deemed a home occupation.

Section 27. Hospitals, Clinics in excess of 10,000 square feet, and other medical treatment facilities (7.100)

Hospitals, clinics in excess of 10,000 square feet, and other medical treatment facilities may be permitted as a Special Exception by the Board of Appeals in the C-1 and C-2 Districts subject to the following:

1. A lot or parcel or tract of land to be used for a hospital or sanitarium building may be allowed, upon a finding by the Board that such use will not constitute a nuisance because of noise, traffic, or number of people being cared for; that such use will not affect adversely the present character or future development of the surrounding residential community; and, if the lot, parcel, or tract of land on which the buildings to be used by such institution are located, conforms to the following minimum area, frontage, and setback requirements, off-street parking, green area requirements, and building height limit:
 - a. Total area: five (5) acres minimum
 - b. Frontage: two hundred (200) feet minimum
 - c. All structures shall be located at least two hundred (200) feet from any adjacent residential lot and fifty (50) feet from any other use.
 - d. All parking areas shall be located at least fifty (50) feet from any adjacent residential lot and shall be limited to a minimum of parking in the front yard.
 - e. Accessory uses may include recreational and educational services, therapy areas, retail stores, personal and professional services, and health services, provided that use of these facilities is limited to on-site patients and their guests.
 - f. A minimum of forty (40) percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the patients, and protective of natural features.
 - g. The Board or the applicant shall request a recommendation from the Planning Commission with respect to a site plan, submitted by the applicant, achieving and conforming to the objectives and requirements of this section for off-street parking and green area.
 - h. Building height limit: as determined by the Board of Appeals but in no case more than 100 feet.
 - i. A resolution approving the establishment by the Health Department shall be filed with the petition for a special exception.
 - j. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.

Section 28. Hotels and Motels (1.520)

A hotel, motel, or inn may be allowed as a Special Exception by the Board of Appeals in the C-1, C-2, C-3, PUD and BP Districts provided:

1. All the requirements imposed in the zone are met and provided further that special conditions -- such as for additional fencing and/or planting or other landscaping, additional setback from property lines, location and arrangement of lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare -- may be invoked by the Board as requisites to the grant of special exception.
2. Accessory uses may include gift shop, beauty shop, barber shop, restaurant, cocktail lounge/night club, auditorium/meeting facilities, and similar retail stores and commercial establishments. The Planning Commission may require studies of the market for specific accessory uses as well as the principal use.
3. Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Planning Commission.
4. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.
5. The applicant shall develop the public streetscape between the street-front building and the street curb as a safe and convenient pedestrian movement.
6. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.
7. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the building and the adjacent properties.
8. The applicant shall design and locate signs so that their illumination is directed away from adjacent neighbors.
9. The applicant shall integrate ground signs into the design of the site and the streetscape.
10. Vehicular access to the subject property shall not be by means of any street internal to a subdivision for one-family dwellings.

Section 29. Housing for the Elderly or Handicapped (1.430)

Housing for the elderly and handicapped may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, MH, RO, C-2, C-3 and PUD Districts subject to the following:

1. For the purposes of occupancy, elderly and handicapped shall include only:
 - a. People who are 62 or more years of age.
 - b. Families where either the husband or wife is 62 or more years of age.
 - c. Handicapped people under 62 if determined to have physical impairments that:
 - (1) Are expected to be of long-continued and indefinite duration;
 - (2) Substantially impede the ability to live independently; and

- (3) Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.
2. The minimum area shall be one and one-half acres.
3. Maximum density. (Amended effective December 23, 2008, Ordinance 16-2008)
 - a. One residential unit per 1,500 square feet of net lot area in the R-1 zone.
 - b. One residential unit per each 750 square feet of net lot area in the R-2 and R3 zones.
 - c. One residential unit per 600 square feet of net lot area in the RO and C-1 zones.
 - d. One residential unit per each 300 square feet of net lot area in the C-2 and C-3 zones.
4. Maximum coverage: as required in the applicable zone.
5. Parking. There shall be off-street parking as required in Article XVII.
6. The Board shall grant the application only upon a finding that such use will not affect adversely the use or development of the surrounding area.

Housing for the elderly and handicapped may be permitted as a Special Exception by the Board of Appeals in the Central Business District. The following standards shall apply:

1. Minimum lot size: 1.0 acre (Amended effective July 27, 2010 Ordinance 5-2010)
2. Minimum front yard setback: Fifteen (15) feet
3. Minimum side yard setback: Ten (10) feet; forty (40) foot in aggregate
4. Minimum road frontage: One hundred fifty (150) feet
5. Minimum open space: Twenty (20) percent
6. Minimum lot coverage: Seventy five (75) percent
7. Minimum off-street parking spaces: .85 parking spaces per dwelling unit
8. The Board shall grant the application upon finding that such use will not affect adversely the use or development of the surrounding area.

(Amended effective July 28, 2009, Ordinance 6-2009)

Section 30. Manufactured Home Park (MH) Standards (1.112)

Manufactured homes and Manufactured Home Parks shall be permitted in the MH District subject to the following requirements. These requirements shall apply to manufactured home parks, expansion of an existing manufactured home park and to manufactured home sites in the MH Manufactured Home Park District.

- 1. Minimum Dimension Requirements**
 - a.** Each mobile home shall be so placed on its lot that no part of said mobile home shall be closer than: forty (40) feet to any other mobile home; forty (40) feet to any service building; twenty-five (25) feet to any interior street; seventy-five (75) feet to any public street or highway right-of-way line; or thirty-five (35) feet to any property line of the Mobile Home Park.
 - b.** Mobile Home Sites. A minimum mobile home unit site size of 4,500 square feet per unit shall be provided.
 - c.** Density of mobile home parks shall not exceed six (6) mobile home sites per acre.
- 2. The following accessory structures and uses may be permitted:**
 - a.** Uses and structures which are generally considered accessory and clearly incidental to the principal uses.
 - b.** Utility buildings.
 - c.** Spaces and structures designed to be utilized by the residents of the development (i.e., community center, laundry, recreational area, etc.)
 - d.** No sales lot for mobile homes may be established within the development.
- 3. Minimum Tract Dimensions.**
 - a.** Mobile Home Park or Subdivision (Not in Combination). The minimum area for a mobile home park or subdivision shall be ten (10) acres. The minimum width of the tract measured at the street frontage of the main access shall be two hundred (200) feet.
 - b.** The tract shall comprise a single plot except where the site is divided by public streets or alleys, or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the park, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.
- 4. Development Standards.**
 - a.** Utility Lines. All utility lines shall be placed underground.
 - b.** Storage Facilities. In order to provide for the storage of personal effects of the residents of the mobile home park, at least one hundred twenty-five (125) cubic feet of enclosed storage space shall be provided, either in an individual structure adjacent to each mobile home stand or in a common building within six hundred (600) feet of the residential units.
 - c.** Open Space. At least twenty-five (25) percent of the tract, excluding the right-of-ways, shall be established in open space.

- d.** Installation. Each mobile home, together with all enclosed extensions or structural additions thereto, shall be installed upon a mobile home stand and shall be securely anchored thereto so as to prevent the mobile home from shifting or overturning, and shall be suitable treated so as to conceal the undercarriage.
- e.** Design Compatibility. The design of the mobile home development shall provide for compatibility between the use and development of the adjacent land and the mobile home development to the maximum extent possible, either by locating double-wide trailers adjacent to land for which the Town Comprehensive Plan recommends a single-family detached zone, or by the location of open spaces and landscaping, or by such other methods as may be desirable or appropriate.
- f.** Distances Between Mobile Homes. There shall be a distance of at least forty (40) feet between mobile homes or enclosed extensions thereof, in order to ensure adequate light, air, safety, convenience, and amenity for the residents in the development.
- g.** Access for Fire Protection Services. Access shall be such as to permit fire protection apparatus to approach to within two hundred (200) feet of each mobile home.
- h.** Setback from Common Areas. No part of any mobile home stand shall be located within ten (10) feet of any common driveway, walk, parking area or other common area within the mobile home development.
- i.** Access. Mobile Home Parks shall have access to a paved road or major collector road. The design and construction of the interior street system shall conform to the requirements of the Town of Elkton.
- j.** Pedestrian Ways. Walkways shall form a logical, safe, and convenient system for pedestrian access to all mobile homes, on-site facilities, and principal off-site pedestrian destinations. At a minimum, pedestrian ways shall be provided connecting mobile home sites with commercial and recreational facilities within the community. Pedestrian ways shall be not less than four feet wide. In addition, sidewalks shall be provided to each mobile home stand from a paved street or from a paved driveway or parking space connecting to a paved street.
- k.** Recreational Areas. A minimum of ten (10) percent of the gross land area of the Mobile Home Park shall be reserved for recreational and open space uses. This area may be within or outside a building, but must be for recreational purposes and is in addition to any other open space areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.
- l.** Mobile home parks shall be surrounded by bufferyards measuring not less than twenty-five (25) feet in depth on the sides and rear and not less than fifty (50) feet in depth on the front; such bufferyards shall meet the Bufferyard D standard as shown in Appendix C of this Ordinance.
- m.** All required bufferyards shall be unoccupied except for utility facilities, signs or exits and entrances.
- n.** Each mobile home site shall be provided with two (2) off-street parking spaces.

Section 31. Massage, Relaxation/Conversation Studios (3.114)

The Board of Appeals may permit as a special exception in the C-3 zone massage, relaxation/conversation studios, and spas or health clubs which offer massage as their principal service. These regulations pertain to massage studios which may or may not be associated with adult activities, and do not employ licensed physical therapists.

Section 32. Mini-warehouses (10.500)

A mini-warehouse may be permitted as a Special Exception by the Board of Appeals in the C-2, C-3, BI and BP Districts provided:

1. At least seventy-five (75) percent of the total on-site storage space shall be contained in individual enclosed stalls containing no more than five hundred (500) square feet each and no greater than ten (10) feet high.
2. No activities other than the dead storage or transfer of non-volatile goods or leasing of storage space are permitted. Prohibited uses include, but are not limited to, miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use that creates a nuisance due to noise, odor, dust, light, or electrical interference.
3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's apartment shall be included in the use permit.
4. Adequate access and parking shall be provided. Parking for storage purposes shall be provided via a driving/parking land adjacent to each storage space/stall, with a minimum 30-foot width for one-way routes where accessed on one side of the land and a 45-foot width for a two-way route or where accessed on both sides.
5. Adjoining properties used or zoned for residential/dwelling purposes:
 - a. Non-street-facing property lines shall be improved with a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 50-foot natural undisturbed buffer.
 - b. Street-facing property lines shall require a minimum six-foot, 100 percent opaque, wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 20-foot landscape strip.
6. Adjoining all properties used or zoned for other than residential/dwelling purposes:
 - a. Non-street-facing property lines shall be improved with a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall along the entire length, interior to a 10-foot landscape strip.
 - b. Street-facing property lines shall be provided with a minimum 20-foot landscape strip or buffer as specified in Appendices B and C and a minimum six-foot high, 100 percent opaque, wooden fence or masonry wall along the entire length

(except for approved access crossings) located outside any public right-of-way and interior to any required landscape strips and/or buffers.

Section 33. Nursing and Care Homes (7.200)

A nursing home or care home for more than eight (8) people may be permitted as Special Exception by the Board of Appeals in the R-1, R-2, R-3, MH, RO and PUD District, C-1 and C-2 provided:

1. The Board finds that such use will not constitute a nuisance because of traffic, noise, or number of patients or people being cared for; that, except for buildings completed prior to the time of adoption of this section and additions thereto, such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood; that such use will not adversely affect the present character or future development of the surrounding residential community; and that such use can and will be developed in conformity with the following minimum area, density, coverage, frontage, setback, access, and screening requirements where specified:
2. All care institutions hereafter established and all additions to existing homes where nine or more people are cared for:
 - a. Minimum lot area, as stated in the applicable zone, but in no case less than one acre.
 - b. Maximum density.
 - (1) One bed per 800 square feet of net lot area in any residential zone.
 - (2) One bed per 600 square feet of net lot area in commercial zones.
 - c. Maximum coverage, as required in the applicable zone.
 - d. Minimum lot frontage, as stated in the requirements for the applicable zone.
 - e. Minimum setbacks.
 - (1) Front yards, as specified for the applicable zone, except that, for purposes of this section, all yards facing a street shall be considered front yards.
 - (2) Side yards. The following minimums are in addition to those otherwise required in the various zones:
 - (a) 1.0 feet for each side yard for each bed in a residential, commercial and planned development zone.
 - (b) In no case shall any minimum side yard be required to be greater than fifty (50) feet more than would otherwise be required in the applicable zone.

(Amended effective December 26, 2006, Ordinance 15-2006)

- (3) Back yards: one-half of the total of both side yards as required in paragraph (b) above, but not less than the minimum required in the applicable zone.
 - f. Minimum screening, as determined by the Board with special attention given to off-street parking and loading areas in accordance with Articles XVII and in no case less than bufferyard `C' as shown in Appendix C.
 - g. The Board shall increase the number of off-street parking spaces required for nursing or care homes under Article XVII where the operation or method of operation, or type of care to be provided, indicates such increase will be needed.
3. Those people who hold valid special exceptions for nursing or care homes to be built in the future may proceed under the provisions of this chapter as it existed immediately prior to enactment of this Ordinance.

Section 34. Pet Shops (2.112.2)

Pet shops shall be allowed in the C-1, C-2 and C-3 Districts, provided that the actual store or premises in which the pet shop is located is at least seventy-five (75) feet from any lot in any residential zone; that the proposed use shall not be incompatible with, or detrimental to, any existing uses on abutting lots in a C-1 or C-2 zone; that no animals may be kept for boarding; that no animals may be kept for breeding; that only animals for retail sale shall be maintained or kept on the premises; that all animal pens shall have glass enclosed fronts and each pen or cage shall be connected to any outside ventilating system or other appropriate air filtration system. The provision shall not apply to birds that may be maintained in bird cages. There shall be no space on the exterior of that building for the maintaining or for the use of the animals, and all animals shall be maintained within the pet shop.

Section 35. Public Utility Buildings and Public Utility Structures (17.300)

In any zone, a public utility building or public utility structure not otherwise permitted, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts, which findings shall be controlled only by subsection 8 hereunder may be permitted as a Special Exception by the Board of Appeals provided:

- 1. The proposed building or structure at the location selected is necessary for public convenience and service.
- 2. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- 3. Public utility buildings in any permitted residential zone shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Board.
- 4. Signs in connection with a public utility building or structure shall be governed by the provision of this Ordinance.
- 5. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing

prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.

6. Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supply electric service; telephone offices; railroad, bus, trolley, air, and boat passenger stations; radio or television transmitter towers and stations.
7. In any residential zone, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where the Board finds:
 - a. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the comprehensive plan or portion thereof adopted by the Town Commissioners;
 - b. The proposed use will not adversely affect the health and safety of the residents or workers in the area;
 - c. There is a public necessity for the proposed building, structure, or facility at the location selected; and
 - d. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.

In making such findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:

- e. Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
- f. Proximity of the line to schools, churches, theaters, clubs, museums, fair grounds, or other places of assembly, either existing or proposed;
- g. The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, either existing or proposed;
- h. Any fire hazard or interference with fire fighting equipment due to the location and construction of the proposed line;
- i. Proximity of the line to public parks and recreational areas, either existing or proposed;
- j. Effect upon property values of those who will not be compensated for a taking under the laws of the state;
- k. The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and green belt areas surrounding satellite community development; and

- 1. Proximity of the line to historic sites and structures.
- 8. In addition to the authority granted by this section, the Board may attach to any grant of a special exception under this section other conditions that it may deem necessary to protect the public health, safety, or general welfare.
- 9. Petitions for special exception under this section may be filed on project basis. A petitioner under this section shall be considered an interested person for purposes of filing a request for a special exception if he states in writing under oath that he has made a bona fide effort to obtain a contractual interest in the subject property for a valid consideration without success and that he intends to continue negotiations to obtain the required interest or, in the alternative, to file condemnation proceedings should the special exceptions be granted.

Section 36. Residential Structures - Single-Family Attached and Multiple Units (1.200 and 1.300)

- 1. Townhouses shall be permitted in the R-3, RO, C-1 and PUD Districts provided:
 - a. Both sides of rear yards may be screened with a privacy type fence or hedge of six (6) feet maximum height approved by the Planning Commission and extending not less than fifteen (15) feet from the rear building wall and in the case of interior end units, shall not extend three (3) feet forward of the rear building wall.
 - b. A minimum of twenty (20) percent of the site shall be maintained in common open space areas exclusive of front, side, or rear yards in a location approved by the Planning Commission.
 - c. All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.
 - d. A landscaping plan and a schedule of planting shall be included with the site plan. Landscaping plans shall meet the requirements of the sediment control ordinance and other applicable regulations.
 - e. Building requirements and relationship.
 - (1) Dwelling units per townhouse structure and length of structure. No more than eight dwelling units shall be contained in a townhouse structure without a setback between structures as specified below.
 - (2) Setback between buildings. The minimum distance between any two unattached townhouse structures shall be twenty-five (25) feet. Setback between buildings in Townhouse projects designed in a courtyard fashion may be approved on a case-by-case basis.
 - (3) Distance to service areas. No townhouse structure shall be closer than twenty (20) feet to any interior driveway or closer than fifteen (15) feet to any off-street parking area excluding garages built into an individual townhouse unit.

- (4) Code requirements. All structures shall comply with all Town, County and State Codes.
 - (5) All public ways or overflow parking facilities within a townhouse cluster shall be maintained by the property owners within the townhouse cluster. Maintenance provisions shall be established as set forth in Article IV, Section 20.
 - (6) A public way intended for pedestrian circulation and fire protection shall be provided between abutting rear lot lines.
 - (7) Off-street parking shall be provided in accordance with the provisions of Article XVII of this Ordinance.
2. Apartments and other multi-family development residential units shall be permitted in the R-3, RO, C-1 and PUD Districts provided:
- a. Maximum density. The density shall not exceed the maximum permitted density for the Zoning District as averaged for the total area.
 - b. Open area. A minimum of thirty (30) percent of the total tract area shall be maintained as open area. This required open area shall not be devoted to service driveways, off-street parking, or loading spaces. It is further provided that twenty-five (25) percent of the above-referenced open area be suitable for usable recreational space and each such recreational space shall be at least fifty (50) feet in the least dimension with a minimum area of five thousand (5,000) square feet.
 - c. Code requirements. All structures will comply with all Town, County and State codes.
 - d. Setbacks.
 - (1) All buildings and structures shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street or adjacent property lines. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
 - (2) All buildings and structures shall be set back a minimum of two-hundred (200) feet from the right-of-way line of any public street or adjacent property lines in PUDs of twenty-five acres or more.
 - (3) The minimum setback between any two principal buildings on the same lot shall be twenty-five (25) feet.
 - e. Area to be landscaped. All lot area not occupied by principal and accessory structures, required off-street parking and loading, access and circulation facilities, or other required areas shall be landscaped by lawns, trees, shrubs, ground cover, and other appropriate materials. Within the required setback areas, there shall be a landscaped bufferyard meeting Bufferyard standard C in Appendix C.

- f. Building height. The building height shall not exceed forty-five (45) feet. When a building height exceeds thirty-five (35) feet the setback between buildings on the same lot shall increase one foot for every foot of height over thirty-five (35) feet.

Accessory structures. No accessory structure shall exceed twenty (20) feet in height.

- g. Signs. Signs shall be permitted in accordance with the provisions of Article XVI.
- h. Off-street parking. Off-street parking shall be required for each use in accordance with the provisions of Article XVII.

3. Commercial apartments may be permitted in a commercial structure in the C-1, C-2, and C-3 Districts provided:

- a. No apartment is situated at the street level.
- b. All apartment units meet applicable building and livability codes.

Section 37. Retail Establishments in a Group of Multiple-family Dwellings (2.130)

Retail sales and personal service establishments in a group of multi-family dwellings may be permitted as a Special Exception by the Board of Appeals in the R-3 and PUD Districts subject to the following requirements:

1. Only the following types of establishments shall be permitted:

- a. Banks or saving and loan offices
- b. Barber and beauty shops
- c. Book stores
- d. Drug stores
- e. Dry-cleaning and laundry pick-up stations
- f. Florists
- g. Food and beverage stores
- h. Gift shops
- i. Jewelry stores
- j. Laundromats
- k. Newsstands
- l. Office, banking
- m. Restaurants

- n. Variety and dry goods stores
- 2. The establishments shall be primarily for the service of the residents of the building or complex in which it is located, and no deliveries shall be made except to such residents.
- 3. The establishments shall not be located on any floor above the ground-level, except that a restaurant may be located on a top floor or penthouse.
- 4. The establishments shall be located and constructed as to protect tenants of the building from noise, traffic, odors, and interference with privacy.

Section 38. Retail Establishments in an Office Building (2.140)

Retail sales and personal service establishments in an office building shall be permitted in the C-1, C-2, C-3 and B-P Districts subject to the following requirements:

- 1. The establishments shall be primarily for the service of the tenants and employees of the building or group of buildings on the same lot or group of contiguous lots in common ownership or control.
- 2. Such establishments shall occupy not more than thirty (30) percent of the total floor area of the building or group of buildings.
- 3. The establishments shall be so located and constructed as to protect tenants of the building from noise, traffic, odors, and interference with privacy.

Section 39. Satellite Dish Antennas or Receive-only Earth Stations (18.300)

- 1. A satellite dish, that is one meter or less in diameter, may be located in any district provided it complies with the following conditions:
 - a. It complies with the setback requirements of the underlying zone for accessory structures, unless such requirements impair the ability of the antenna to receive acceptable signals.
 - b. It does not exceed twelve (12) feet in height above the existing grade. (Reference B.O.C.A. National Building Code)
 - c. Where a satellite dish is located on a building site that is fronting upon two or more streets, the antenna shall maintain the same setback for each such street. (Reference B.O.C.A. National Building Code setback requirements)
 - d. Satellite dishes proposed to be placed within the Historic Overlay Zone are subject to approval by the Historic and Architectural Review Committee.
- 2. All satellite dish antennas in all zones shall comply with the following:
 - a. Under no circumstances shall a satellite dish be utilized as a sign in any zone.
 - b. Satellite dish antennas and their appurtenances shall be neutral in color or painted such a color as to blend in with the surrounding environment.

- c. Satellite dish antennas, appurtenances, landscaping and screening shall be kept and maintained in good condition.
- d. Satellite dish antennas shall be of non-combustible and corrosive resistant materials erected in a secure wind resistant manner to protect the safety and welfare of the community.

Section 40. Shopping Centers and Malls (2.111.3)

Shopping centers shall be permitted in the C-2 and C-3 Districts provided:

1. The shopping center shall be constructed according to an approved Comprehensive Site Plan. The Plan shall make adequate provisions for access, utilities, and adequate protection of the surrounding properties, subject to approval by the Planning Commission. As a minimum, the Comprehensive Site Plan shall contain the following information in addition to the information required in Appendix A. All site plans or plan elements shall be clearly titled, and numbered.
 - a. A Site Plan Element is required indicating the proposed location of all buildings, parking areas, open space, signage, vehicular and pedestrian access, and landscaping and their relationship to natural features of the site.
 - b. The Site Plan Element is required which includes the proposed location and dimensions of all structures, and related areas, setbacks from property lines and other buildings, utility right-of-ways, streets, curbs, gutters, sidewalks, lighting, and fire protection measures. The Plan shall contain a tabular summary indicating:
 - (1) total area of the site;
 - (2) land area devoted to open space;
 - (3) land area devoted to buildings;
 - (4) land area devoted to parking - and total spaces;
 - (5) number of stores by use and square footage.
 - c. A copy of proposed deed restrictions, covenants, by-laws or other instruments designed to provide for continuing maintenance and control of common areas.
 - d. The architectural design of buildings shall be shown by front elevations, photographs or architectural renderings. Where a variety of designs are proposed, each design shall be shown.
 - e. If in the opinion of the Planning Commission, Zoning Inspector, or any Town department head, additional information is required to aid in the review of the project, additional elements shall be prepared.

2. General Design Standards

- a. Buildings shall be designed so that facades, signs and other appurtenances will have an integrated and harmonious and attractively arranged, and in a manner which will not adversely affect the appearance of surrounding developments.
- b. Shopping centers shall be located where traffic congestion does not then exist on roads used for immediate access to the center, and where congestion is not likely to be created by the proposed center; or where such congestion will be alleviated by currently scheduled improvements to access roads, by demonstrable provision for proper exits and entrances, and by internal provision for parking and traffic circulation.
- c. Shopping centers shall be served by underground community sewer, gas, water, and electric facilities.
- d. Passenger parking areas and freight loading areas shall be separately located and safety provisions must be made for the protection of pedestrians, including appropriate location of roadways, parking areas, sidewalks, islands, entrances, exits, crossovers and underpasses which are provided with drainage, lighting, directional signs, and supervision as may be required.
- e. Copies of any master lease between the shopping center developers and prospective tenants must be provided. Provisions of the lease must make adequate provision for annual maintenance, security and public conveniences either with individual tenants or as the responsibility of the developer.
- f. All roadways, parking areas and pedestrian walks shall be paved with concrete or blacktop which shall be maintained in good condition at all times and shall be properly illuminated when in use after dark in such a manner as to prevent the direct transmission of light into adjacent residential properties.
- g. Whenever a shopping center is located adjacent to a residential development or zone district, a permanent solid fence or planted area with trees or shrubs meeting the standard of Bufferyard E in Appendix C shall be provided on the side or sides adjacent to such residential area sufficient to act as a buffer to the transmission of light and sound from the center. (See Article XVIII, Part I)
- h. All signs within the center shall be controlled by written agreement between the owners and tenants of the center, so as to avoid excessive advertising and insure attractive and harmonious appearance throughout the center. Signs should be uniform in appearance and shown on the Site Plan.

Section 41. Social, Fraternal Clubs and Lodges, Philanthropic Institutions (5.400)

Social, fraternal clubs and lodges, philanthropic institutions may be permitted as a Special Exception by the Board of Appeals in the C-1 or C-2 Districts upon a finding that the proposed use will not constitute a nuisance because of noise, traffic, number of people, or type of physical activity, subject to the following minimum area, frontage, and setback requirements:

- 1. Total area: 25,000 square feet minimum
- 2. Frontage: 150 feet minimum

3. Setback: 25 feet from all property lines.

Section 42. Storage of Flammable and Combustible Liquids (10.600)

1. Storage of Class I, Flammable Liquids and Class II, Combustible Liquids may be permitted in the C-1, C-2, C-3, BI or BP districts provided it complies with NFPA Standards. Underground storage shall be prohibited in the wellhead protection areas.
2. All other classes of combustible liquids may be permitted in the C-1, C-2, C-3, BI or BP districts.

(Amended effective June 23, 2009, Ordinance 4-2009)

Section 43. Storage of Recreational Vehicles, Detached Caps, Boats, and Boat Trailers (10.700)

Storage of recreational vehicles, detached caps, boats, and boat trailers may be stored on premises subject to the following limitations:

1. The vehicle or boat shall not be used for living quarters nor shall any business be conducted therefrom;
2. These vehicle may not be stored in front yards. They may be stored in rear or side yards provided that they are at least three (3) feet from the property line and in the case of side yard storage, provided that they are at least three (3) feet from the property line and are situated at least ten (10) feet to the rear of a lateral projection of the front foundation of the building. Such vehicle may be stored in any completely enclosed garage.
3. Such vehicle may be stored on a specially marked parking area of a multi-family rental or condominium unit for residents only. Such areas must be screened from adjacent off-site uses as required by the Zoning Administrator.
4. A recreational vehicle may be parked on any portion of a residential or mixed commercial property for a period not more than 24 hours during loading or unloading only.

Section 44. Swimming Pools, Commercial (6.241)

A commercial swimming pool, including accessory buildings, may be permitted as a Special Exception by the Board of Appeals in the C-2 and C-3 Districts upon a finding that such a use will not constitute a nuisance because of traffic, noise, or physical activity, provided that the following minimum area, frontage, and setback requirements shall be complied with:

1. Area: five acres.
2. Frontage: 300 feet.
3. Swimming pools, recreation areas, and buildings shall be at least 200 feet from any residential zone.
4. Setback: 50 feet from the front property line, 35 feet from the rear line, and 25 feet from each side property line in all other zones.

Section 45. Swimming Pools, Community (6.242)

A community swimming pool may be permitted as a Special Exception by the Board of Appeals in any residential zone upon a finding by the Board that such use will not adversely affect the present character or future development of the surrounding residential community and that such use of land will conform to the following minimum requirements:

1. The swimming pool, including the apron and any buildings, shall not at any point be closer than 75 feet to the nearest property line nor closer than 125 feet to any existing single-family or two-family dwelling, provided that where the lot upon which it is located abuts a railroad right-of-way, publicly owned land or land in a commercial or industrial zone such pool may be constructed not less than 25 feet at any point from such railroad right-of-way, publicly owned land, or commercial or industrial zone. Any buildings erected on the site of any such pool shall comply with the yard requirements of the zone in which the pool is located.
2. A public water supply shall be available and shall be used for the pool. A private supply of water for the pool may be permitted by the Planning Commission if use of a private supply of water will not adversely affect the water supply of the community.
3. When the lot on which any such pool is located abuts the rear or side lot line of, or is across the street from, any land in a residential zone, other than publicly owned land, a wall, fence, or shrubbery shall be erected or planted so as to substantially screen such pool from view from the nearest property of such land in a residential zone.
4. Special conditions deemed necessary to safeguard the general community interest and welfare, such as provisions for off-street parking, additional fencing or planting or other landscaping, additional setback from property lines, location and arrangement of lighting and other reasonable requirements, including a showing of financial responsibility by the applicant, may be required by the Board as a requisite to the grant of a special exception. Financial responsibility shall not be construed to mean a showing of a 100 percent cash position at the time of application, but shall be construed to mean at least 60 percent.

Section 46. Temporary Emergency Construction, or Repair Residence (22.100)

1. Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
2. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the Administrator may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

Section 47. Uses Permitted by Right in the C-1 District

The following conditions shall apply, as applicable, to all uses permitted by right in the C-1 District:

1. No more than five (5) horsepower may be employed in operation of any one machine used in the repair or fabrication and not more than fifteen (15) horsepower in operation of all such machines.

2. Storage and display of materials, vehicles and equipment are permitted in front yards but not more than five (5) feet from required front building line.
3. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
4. All business, service or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

Section 48. Surfacing Mining Uses in the Critical Area

All areas having the potential for surface mining within the Critical Area are designated as unsuitable for future sand and gravel, mining or quarry operations and such uses are prohibited:

1. where important natural resources such as endangered/threatened species, areas of scientific value, or where rare assemblages of species occur;
2. where highly erodible soils exist;
3. where the use of renewable resource lands would result in the substantial loss of long range (25 years or more) productivity of forest or agriculture or would result in degradation of water quality or loss of valued habitat;
4. where mining operations would fall within the 100 foot Buffer between Mean High Water of tidal waters and wetlands or the edge of streams, or
5. where surface mining operations would be incompatible with existing residential, commercial or recreational land use.

Section 49. Off-Track Betting.

Off-track betting shall be permitted in the C-2 zone as a special exception, provided no such establishment is located nearer than 1000 feet to any principal structure used as a house of worship, school, hospital or similar institution for human care.

Section 50. Special Education

Type 1, Intensity 5, Specialized Education Facilities for grades 6-12, may be permitted as a Special Exception by the Board of Appeals in the C-2 and BI district provided:

1. Applicant shall meet the requirements of state licensing for a Type 1 Special Education Facility as defined by COMAR 13.A09.10.12, and
2. That such use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element that is incompatible with the environment and character of the surrounding area. The Board may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site, and
3. A site plan must be submitted showing existing or proposed building, fencing, parking, ingress and egress. The facility shall be developed in conformity with the following area, density, building coverage, frontage, setback, access, and screening requirements:

- a. Area, frontage, and setback. As shall be specified in a site plan of development approved by the Planning Commission provided that in no event shall such standards be less than the area regulations for the zone in which the special educational institution is proposed to be located; and
- b. Access, building coverage and screening. As shall be specified in a site plan of development approved by the Planning Commission; and
- c. Density. No more than 50 students. The ratio of students to teachers shall be minimum of 9:2.
- d. All such uses shall be located so as to permit the safe pickup and delivery of all people of this site.
- e. No portion of the Special Education Facility shall be located within five hundred (500) feet of gasoline pumps, underground storage tanks (UST's) or other storage of explosive materials, package store, bar or tavern, or other similar incompatible uses, or any facilities that produce, or use hazardous/toxic materials that endanger the welfare of children.

Section 51. Convention Center/Venue (6.140) (Amended effective December 23, 2008, Ordinance 18-2008)

A building with exhibit halls, meeting rooms or ballrooms used for the assemblies of organized groups or exhibitions such as conventions, trade shows or venue rentals including cultural, recreational, athletic, or entertainment, all of which are of limited duration, shall be permitted in the C-1, C-2, C-3, BI and BP zones provided:

- 1. Minimum lot size of 20,000 square feet.
- 2. One (1) parking space per four (4) person of occupancy.
- 3. Shall not include sleeping rooms.
- 4. Shall be located where traffic congestion does not then exist on roads used for immediate access to the center, and where congestion is not likely to be created by the proposed center; or where such congestion will be alleviated by the currently scheduled improvements to access roads, by demonstrable provision for proper exits and entrances, and by internal provision for parking and traffic circulation. If traffic congestion exists, a Traffic Impact Study will be required.

Section 52. Reserved.