

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. In addition, the following conditions apply to all permitted uses, permitted uses with conditions, special exceptions and special exceptions with conditions:

1. The use will not constitute a nuisance because of noise, 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 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.
3. 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.

Section 1. Accessory Apartments (1.210)

1. An accessory apartment may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, RO and PUD Districts, 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 shall be located in the principal dwelling unit.
 - 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.
 - d. Number of accessory apartments per dwelling unit. There shall be no more than one (1) accessory apartment permitted per existing single family dwelling.
 - e. Exterior appearance. 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 (6.150)

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 or Kennels (12.300)

An animal boarding or kennel 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 or kennel 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 all districts, except the RP 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 co-location 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. Automobile and Light Truck Storage Lots (10.220)

An automobile and light truck storage lot may be permitted as a Special Exception in the C-3, BI and B-P Districts provided that:

Street and non-street-facing property lines shall be improved with a minimum six-foot high opaque fence or masonry wall along the entire length (except for approved access crossings).

Section 6. Boardinghouses, Bed and Breakfasts, Country Inns (1.510)

Boardinghouses, 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 TC Districts subject to the following standards:

1. The use is temporary, for a period of not more than three years, subject to renewal.
2. One off-street parking space shall be provided for each guestroom and shall be located at the rear of the site. Parking areas shall be adequately screened.
3. The establishment shall be owner/manager occupied.
4. Accessory commercial activities such as weddings, graduation, and similar parties are allowed only if included as part of the special exception application.
5. Facilities for dining shall be in the location customarily used by a single family in the structure.
6. No separate kitchen shall be provided.

Section 7. Cargo Trailers, Storage Trailers, Ground Level Storage Boxes and Closed-Body Trucks (10.400) (amended Ordinance 01-2017, effective 2/21/2017)

Cargo trailers, storage trailers, ground level storage boxes and closed-body trucks for use between ten (10) days and six (6) months, unless otherwise provided under this section, may be permitted as a Special Exception by the Board of Appeals in the C-1, C-2, C-3, BI and BP Districts, subject to the following:

1. Shall be accessory to an existing business.
2. Shall be placed in the rear yard or side yards in conformance to all setback and screening regulations.

3. Maximum placement shall be for six (6) months, unless otherwise provided under Paragraph 5 of this section.
4. Shall be neutral in color with no advertising and consistent with the color of the building.
5. For good cause, the Board may grant an extension up to a total of three (3) years with the condition that the cargo trailers, storage trailers, ground level storage boxes and closed-body trucks are properly maintained and kept in good condition during the term of the approved Special Exception.
6. Shall be placed on an area graded and surfaced with portland cement, bituminous concrete or pervious pavers in accordance with Article XVII, Section 7.1 of the Elkton Zoning Ordinance adopted November 26, 2016 and as amended.

Section 8. 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, C-2, PUD and BI Districts and shall be permitted in the TC District; 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 RO, C-1, C-2 and PUD Districts and shall be permitted in the TC District; 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, RO, C-1, PUD and TC 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 useable 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 9. Clinics (3.120) (amended Ordinance 01-2018)

Clinics and State Licensed Medical Clinics of less than 10,000 square feet of gross floor area may be permitted in the C-2, C-3 and BI Zoning Districts by Special Exception subject to the following conditions:

- 1. Minimum lot area, 40,000 square feet.
- 2. Minimum frontage, 200 feet.
- 3. Minimum setback, 40 feet from all property lines.
- 4. Maximum building height, as specified in zone.
- 5. Off street parking – 1 space for each employee – shall be provided for the maximum employee shift and 1 space per patient as determined by the number of patients the clinic is licensed to serve by the State of Maryland divided by the number of hours that are solely dedicated to the dispensing of medication.
- 6. Provide a copy of the application for licensure from the State of Maryland for a State Licensed Medical Clinic.
- 7. All permits and licenses required to operate the clinic must be verified prior to opening to the public.
- 8. As part of the Special Exception approval, the Board may impose other reasonable requirements deemed necessary to safeguard the health, safety and general welfare of the public.

9. Waiting Area – Shall provide an interior waiting area sufficient in size to accommodate one person per parking space as required. Area shall be calculated using five (5) square feet for each person waiting.
10. Shall be located a minimum of 1,000 linear feet from any school, daycare facility, or residentially zoned property or residential use.

Section 10. Convention Center/Venue (6.140)

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-2, C-3, B1 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 proposal 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 11. Drive-in Banks (3.112)

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, BP and TC Districts provided:

1. 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.
2. 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.
3. 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.
4. 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.

5. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
6. A traffic impact study may be required.

Section 12. Drive-in/Fast Food Restaurants (8.300)

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 provided:

1. 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.
2. 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.
3. 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.
4. Adequate spaces for stacking (line-up) at drive through facilities shall be provided. Specifically, seven (7) for first station, five of which must be before the ordering station (intercom).
5. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
6. A traffic impact study may be required.

Section 13. Electric Power, Gas Transmission and Telecommunications Buildings and Structures (17.200)

Electric power, gas transmission and telecommunications buildings and structures, including substations, shall be permitted in all zones provided:

1. Public utility buildings, whenever practicable, shall have the exterior appearance of residential buildings when in a residential zone and shall have suitable landscaping, screen planting, and fencing.
2. Examples of electric power, gas transmission and telecommunication buildings and structures are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices.

Section 14. Elementary and Secondary Schools (5.110)

Elementary and secondary schools, including pre-school, kindergarten, associated grounds and athletic and other facilities may be permitted as a Special Exception in the R-1, R-2, R-3, RO, C-1, C-2, C-3, PUD and TC Districts subject to the following:

1. That such uses 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
2. 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:
3. 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 school is proposed to be located; and
4. 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:
 - a. Traffic patterns, including:
 - (1) Impact of increased traffic on residential streets;
 - (2) Existence of arterial highways; and
 - (3) Noise or type of physical activity;
 - b. Character, percentage, and density of existing development and zoning within the community; and
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.
6. School buses shall be garaged or shall be stored in an area to the rear of the main building(s) and adequately screened.
7. A Bufferyard D shall be provided along the boundary with an adjacent residential lot.
8. Provide a safe area for pickup and delivery of children.
9. Shall be located at least five hundred (500) feet from any gas pumps.

Section 15. Group Home (1.412)

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

1. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
2. 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.
3. Applicant shall meet requirements of the State Department of Health.
4. Parking and loading shall be provided at the rear of the site.

Section 16. Home Occupations (1.600)

Home occupations may be permitted by the Planning Commission in the R-1, R-2, R-3, RO, PUD and TC Districts and permitted by the Planning Commission in an existing, single family structure in residential use in the C-1, C-2, C-3, and BI Districts provided that: (Amendment 8-2015, effective 1/26/2016)

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 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.
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 article or commodity shall be offered for sale from the premises of the home occupation.
7. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
8. Funeral homes, veterinary animal hospitals and grocery stores shall not be permitted as home occupations.
9. A private educational institution, boardinghouse, rooming house, or tourist home shall not be deemed a home occupation.

Section 17. Hospitals, Clinics and other medical treatment facilities in excess of 10,000 square feet (7.100) (amended 01-2018)

Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet may be permitted as a Special Exception by the Board of Appeals in the C-2, C-3 and BI Districts subject to the following:

1. The minimum parcel size is two (2) acres or greater.
2. The minimum frontage onto a public street is 200 feet or greater.
3. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.
4. Provide a copy of the application for licensure from the State of Maryland for a State Licensed Medical Clinic.
5. All permits and licenses required to operate the clinic must be verified prior to opening to the public.
6. As part of the Special Exception approval, the Board may impose other reasonable requirements deemed necessary to safeguard the health, safety and general welfare of the public.
7. Waiting Area – Shall provide an interior waiting area sufficient in size to accommodate one person per parking space as required. Area shall be calculated using five (5) square feet for each person waiting.

Section 18. Hotels and Motels (1.520)

A hotel or motel may be permitted as a Special Exception by the Board of Appeals in the C-2, C-3 Districts and shall be permitted in the TC District provided that:

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 required by the Board in the granting of the special exception, and by the Planning Commission in the TC District.
2. A traffic analysis of the impacts of the proposed use on the surrounding transportation systems may be required of the applicant.
3. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.
4. The applicant shall develop the public streetscape between the street-front building and the street curb as a safe and convenient pedestrian movement.
5. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.
6. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the building and the adjacent properties.

7. The applicant shall design and locate signs so that their illumination is directed away from adjacent neighbors.
8. The applicant shall integrate ground signs into the design of the site and the streetscape.
9. Vehicular access to the subject property shall not be by means of any street internal to a subdivision for single-family dwellings.

Section 19. Housing for the Elderly or Handicapped (1.430)

- A. Housing for the elderly or handicapped may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, RO, C-1, 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 partner is 62 or more years of age, where the term ‘partner(s)’ refer(s) to lawfully married individuals.
 - 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.
 - 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.

- B. Housing for the elderly or handicapped may be permitted as a Special Exception by the Board of Appeals in the Town Center (TC) District. The following standards shall apply:

- 1 Minimum lot size: 1.0 acres
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 (100) feet
5. Minimum open space: Twenty (20) percent
6. Maximum 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 only upon finding that such use will not affect adversely the use or development of the surrounding area.

Section 20. Massage, Relaxation/Conversation Studios, Spas, Health Clubs (3.113)

The Board of Appeals may permit as a special exception in the C-3 District 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 21. Mini-warehouses

A mini-warehouse shall be permitted 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.
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 may be required and shall be responsible for the operation of the facility in conformance with conditions of approval.
4. Adequate access and parking shall be provided. Parking for storage purposes shall be provided via a driving/parking lane adjacent to each storage space/stall, with a minimum 25-foot width for one-way routes where accessed on one side of the land and a 30-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 fence or masonry wall along the entire length (except for approved access crossings).
 - b. Street-facing property lines shall require a minimum six-foot high fence or masonry wall along the entire length (except for approved access crossings).
6. Any outdoor storage part of the mini-warehouse operation such as storage of recreational vehicles or boats shall be contained completely with the required screening and fencing required above.

Section 22. Motor Vehicle Fuel Sales or Emission Testing Facilities (9.500 and 9.600)

Motor vehicle fuel sales 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. Emission Testing Facilities 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 and B-P Districts, provided that:

1. 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.
2. 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.
3. 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.
4. Vehicles shall not be parked so as to overhang the public right-of-way.
5. Adequate vehicle stacking is provided so as not to impair access from the street or pedestrian traffic in the area.

Section 23. Motor Vehicle Repair and Maintenance, Not Including Body Work (9.300)

Motor vehicle repair and maintenance is limited to the sale, installation, repair, replacement, modification, adjustment, or servicing of the power plant or drive-train of a vehicle, and may be permitted as a Special Exception by the Board of Appeals in C-1 and TC Districts 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 in the C-1, C-2, C-3, BI and BP Districts and shall be 10,000 square feet in the TC District. (amended Ordinance 5-2014)
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. Temporary vehicle storage means vehicles which must be held pending settlement of insurance and similar claims or a vehicle recently purchased, pending inspection. In either case the period of time shall not exceed thirty (30) days. (amended Ordinance 5-2014)

3. 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.
4. The maximum permitted total floor area shall not exceed twenty-five (25) percent of total lot area.
5. A minimum ten (10) foot wide landscape strip shall be provided adjacent to and completely across all property lines, which may be reduced to five (5) feet in the TC District. Curb cuts shall be minimized. (amended Ordinance 5-2014)
6. No outdoor display of merchandise sold, serviced, or rented is permitted.
7. Vehicles shall not be parked so as to overhang the public right-of-way.
8. 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. Such use shall not be located in a Wellhead Protection Area.
9. No maintenance or repair work on motorized vehicles or equipment shall be performed after the hour of 9:00 PM within any residential zone.

Section 24. Motor Vehicle Painting and Body Work (9.400)

A motor vehicle painting and body shop limited to the painting, repair, or alteration of the auto body may be permitted as 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. 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.
4. The maximum permitted total floor area shall not exceed twenty-five (25) percent of total lot area.
5. The minimum ten (10) foot wide landscape strip shall be provided adjacent to and completely across all property lines. Curb cuts shall be minimized.
6. No outdoor display of merchandise sold, serviced, or rented is permitted.
7. Vehicles shall not be parked so as to overhang the public right-of-way.

8. 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.
9. Automobile painting and body workshops 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 25. Motor Vehicle Sales or Rental (9.100)

A lot for the sale or rental of only the following 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, shall be permitted in the C-2, C-3, and B-P Districts provided that:

1. Vehicles shall be stored or parked only on an asphalt or concrete surface surround 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 feet of any property line.
2. 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.
3. 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.
4. 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 sightly, 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.

Section 26. Pet Shops (12.500)

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 adequate outside ventilating system or other appropriate air filtration system. 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. Fire sprinkler systems must be provided.

Section 27. Privately Owned Outdoor Recreational Facility (6.210)

Privately owned outdoor recreational facilities may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, RO, C-1, C-2 and PUD Districts subject to the following:

1. 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.
2. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to single-family dwelling districts or uses.
3. Vehicular access shall be derived from a collector street.
4. Twenty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area.
5. A Bufferyard C shall be provided between the clubhouse/office or parking areas and adjacent residential zoning districts or uses. A Bufferyard B shall be provided along all other property lines of the private recreational facility that adjoins a residential zoning district.
6. Off-street parking and loading areas, tennis courts, golf tees, and maintenance facilities may require additional screening as determined by the Board.

Section 28. Residential Structures - Single-Family Attached (Townhouses) and Multi-Family Dwellings (Apartments) (1.200 and 1.300)

1. Townhouses shall be permitted in the R-3 and PUD Districts provided:
 - a. 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. Recreational facilities shall be required as provided in Article XIV.
 - b. 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.
 - c. Building requirements and relationship.
 - (1) Dwelling units per townhouse structure and length of structure. No more than 20% of attached dwellings can be no more than 6 in a row. No more than 20% of attached dwelling can be no more than 5 in a row and the remaining dwellings can be no more than 4 in a row.
 - (2) Setback between buildings. The minimum distance between any two unattached townhouse structures shall be twenty-five (25) feet.
 - (3) Distance to service areas. No townhouse structure shall be closer than twenty (20) feet to any interior driveway or roadway or closer than fifteen (15) feet to any off-street parking area excluding garages built into an individual townhouse unit.

- (4) All common access drives including private access drives and overflow parking facilities within a townhouse development shall be maintained by the property owners within the townhouse development. Maintenance provisions shall be established as set forth in Article IV, Section 19.
- (5) A ten (10) foot wide access easement to the interior townhouse lots shall be provided along the end unit side and all rear lot lines and shall not be part of the required minimum rear yard requirement.
- (6) Off-street parking shall be provided in accordance with the provisions of Article XVII of this Ordinance. Security lighting shall be provided.
- (7) All townhouse streets and parking areas shall include adequate lighting as approved by the Planning Commission.
- (8) Any required bufferyard shall not be located within any required front, rear or side yard.
- (9) If parking is provided in the front of the townhouse unit, the parking spaces shall be a maximum of 8.5 feet wide and a 1.5 foot wide grass/landscape strip shall be provided between each parking space and the lot line.
- (10) Concrete entrance steps shall be provided.
- (11) All single family dwellings and single family attached (duplex, semi-detached and townhouse) dwellings shall be designed and constructed with an entrance at the front and rear of the dwelling.

2. Apartments and other multi-family development residential units shall be permitted in the R-3, RO 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. This “useable” recreational space satisfies the neighborhood park requirement. Age-appropriate play equipment shall be installed. The Director of Parks and Recreation shall be consulted as to the appropriate play equipment to be installed.
- 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 fifty (50) feet from the right-of-way line of any public street or adjacent property lines in PUDs.
 - (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, PUD and TC Districts provided:
 - a. No apartment is situated at the street level
 - b. All apartment units meet applicable building and livability codes.
 - c. For new apartments: Off-street parking shall be required in accordance with the provisions of Article XVIII.

Section 29. Storage of Flammable and Combustible Liquids (10.600)

Storage of Class I, Flammable Liquids and Class II, Combustible Liquids shall be permitted in the C-1, C-2, C-3, BI or BP districts provided:

- 1. The storage complies with NFPA Standards.
- 2. Underground storage shall be prohibited in the wellhead protection areas.
- 3. All other classes of combustible liquids may be permitted in the C-1, C-2, C-3, BI or BP districts.

Section 30. Storage of Recreational Vehicles, Detached Caps, Boats, and Boat Trailers (10.700)

The storage of recreational vehicles, detached caps, boats, and boat trailers shall be permitted in the R-1, R-2, R-3, R-P and RO Districts provided that:

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 31. 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 32. Production Brewery (4.110) and Pub Brewery (8.110)

A facility with a Maryland Class 5M Production Brewery License and Maryland Class 6M Pub-Brewery License may be permitted in the C-2, C-3, and TC Zoning Districts subject to the following condition:

A production brewery and/or a pub-brewery are required to comply with Title 13., Chapter 13.12., Pretreatment of Industrial Waste, Code of the Town of Elkton. (amendment 11-2017, effective 10/24/2017)

Section 33. Medical Use in the TC Zone (3.130 and 3.140)

An existing primary office of physicians in the TC Zone with 3, or 4 or more professionals seeing patients, including nurse practitioners and physician assistants may relocate one (1) time within the TC Zone to a space within a building below or above street level with the condition that the practice is within the same specialty and the number of professionals remains within the same classification. (Amended by Ordinance 4-2019, effective 8.29.2019)

Section 34. Counseling in RO and TC Zones

Counseling offices may operate in the RO and TC Zones upon the approval of a Special Exception with Conditions. In addition to the requirements for the approval of a Special Exception generally, the following conditions are required to be satisfied in order to operate a counseling office in the RO and TC Zones:

- (1) The counseling treatment offices shall be within a building with the office located one floor below or above street level.
- (2) The number of counselors practicing at the location shall not exceed three (3);
- (3) The building provides off-street parking sufficient for the counseling office's staff and patients and shall direct all counselors, staff, and patients to utilize said off street parking; and
- (4) The counseling office provides sufficient indoor waiting areas for patients. (Amended by Ordinance 3-2020, effective 1.25.2021)

Section 35. Light Manufacturing (4.100)

Light manufacturing may be permitted in the C-3, BI, Large PUD and B-P Districts. Light manufacturing associated with Research and Development shall be permitted in the C-2 District with the following conditions:

1. Light manufacturing in the C-2 zone shall include only the assembly, manufacture or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating or other comparable light processing or treatment of such articles.
2. Operations must be conducted inside a fully enclosed building.
3. Density and Dimensional Regulations for Commercial use in the C-2 Zone shall apply, with the exception of side yard setbacks adjacent to residential uses. Side yard setbacks adjacent to residential uses shall be increased to 30 feet.
4. The volume of heavy freight traffic associated with the business shall not over burden the area in which the facility exists.
5. Noise associated with the operations of the business shall not cause disturbances beyond the property on which the facility exists. No excessive noise, lighting, vibration or odors.
6. Air Emissions shall be below levels which trigger the requirement to apply for or obtain any State pollution control permits.
7. Such facility is required to comply with Title 13, Chapter 13.12 of the Town of Elkton Code, "Pretreatment of Industrial Waste".
8. All outdoor equipment or storage must be fully screened from view. (Amended by Ordinance 5-2022, effective 11.22.2022)