

Chapter 170

ZONING

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ARTICLE I General Provisions

§ 170-1. Title.

This chapter shall be known as the “Zoning Ordinance for Chestertown, Maryland.”

§ 170-2. Applicability.

This chapter shall apply to the incorporated territory of Chestertown, Maryland. It is the intent of this chapter that the extent of its applicability be automatically changed in accordance with the provisions hereof or provisions of state law which may affect the applicability of this chapter.

§ 170-3. Purpose and Authority.

The zoning regulations and districts as herein established have been made in accordance with the Chestertown Comprehensive Plan, as amended from time to time, to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of Chestertown, Maryland, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic, walking, biking and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of the population, for protection against destruction of or encroachment upon historic areas, to promote sustainability principles, and to promote good civic design and arrangement, including the preservation and enhancement of the attractiveness and character of the Town. These regulations are also intended to provide for adequate public utilities and public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use. These provisions have been made with a reasonable consideration of, among other things, the existing use of property, the character of the Town and districts established herein and their peculiar suitability for particular uses and trends of growth or change and with a view toward conserving the value of land and buildings and encouraging sustainable and the most appropriate use of land throughout the incorporated territory of Chestertown, Maryland. This Ordinance is enacted under the authority granted by the General Assembly of Maryland, as provided in Article 66B, Annotated Code of Maryland, as amended.

§ 170-4. Compliance required.

No building or land shall hereafter be used and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, structurally altered, or occupied unless it is in conformity with the regulations as set forth in this chapter.

§ 170-5. Location of buildings on lots of record required; number of buildings per lot.

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record, and in no case shall there be more than one (1) primary structure on one (1) lot, unless otherwise provided for in this chapter.

§ 170-6. Encroachment of required yards or open space; reduction of lot area.

The minimum yards, height limits, parking spaces and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of the passage of these regulations or for any building hereafter erected shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimension be reduced below the requirements of these regulations.

§ 170-7. Time limits established for construction and usage of accessory buildings.

No accessory building shall be constructed upon a lot more than six (6) months prior to the beginning of construction of the primary structure. No accessory building shall be used for more than six (6) months unless the primary structure on the lot is also being used or unless the primary structure is under construction.

§ 170-8. Uses not permitted prohibited.

For the purpose of this chapter, permitted uses are listed within the appropriate sections for each zoning district. Uses not listed under this ordinance are prohibited.

§ 170-9. District regulation tables considered part of regulations.

Height, area and bulk regulations applicable to each district are contained in a chart or table at the end of the chapter. The table and all of the notations and requirements which are shown in it or which accompany it shall be a part of these regulations and have the same force and effect as if all of the notions and requirements were fully set forth or described herein. In general, the regulations applicable to a particular district are contained in the table to the right of the district name and between the same sets of horizontal lines which include the district name. Regulations which apply to more than one (1) district are indicated by an extension across horizontal lines. The regulations contained in the table are supplemented or modified by regulations contained in other Articles of these regulations.

§ 170-10. Copies of pertinent supplementary tables, charts or schedules to be kept on file.

Whenever reference is made in this chapter to any other ordinance, chart, table, schedule or regulation which itself is not copied herein, a copy of such ordinance, chart, table, schedule or regulation shall be kept on file in the office of the Administrator and available for inspection and reference.

§ 170-11. Compliance with grading and sediment control provisions required.

Nothing contained in this chapter shall be construed as relieving any person, firm or corporation from compliance with the provisions of Chapter 88, Grading and Sediment Control, of the Town of Chestertown.

§ 170-12. Severability

It is hereby declared to be the intention of the Town that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

§ 170-13. Compliance with historic area zoning regulations required.²

Nothing contained in this chapter shall be construed as relieving any person, firm or corporation from compliance with the provisions of Chapter 93, Historic Area Zoning, of the Code of the Town of Chestertown.

ARTICLE II
Administrative Provisions; Enforcement

§ 170-14. Changes and amendments generally.

- A. Initiation of change. The Mayor and Council may, from time to time, amend, supplement or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Mayor and Council or by motion of the Planning Commission or by petition of any property owner addressed to the Mayor and Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

- B. Report from Planning Commission. Before taking any action on any proposed amendment, supplement or change, the Mayor and Council shall submit the same to the Planning Commission for its recommendations and report. Failure of the Commission to report within sixty (60) days after the first meeting of the Planning Commission

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

subsequent to the proposal being referred to the Planning Commission shall be deemed as a recommendation for approval thereof.

C. Notice and hearings.

- (1) The Planning Commission may hold a public hearing on any proposed amendment, supplement or change before submitting its report to the Mayor and Council. If a public hearing is held by the Planning Commission, notice shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the town. In addition, the Commission shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Commission. The published and posted notices shall contain reference to the place or places within the town where the plans, ordinances or amendments may be examined.
- (2) Before approving any proposed change or amendment, the Mayor and Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

D. Time limitation for reconsideration. Whenever a petition requesting an amendment, supplement or change has been denied by the Mayor and Council, such petition or one substantially similar shall not be reconsidered sooner than one (1) year after the previous denial.

§ 170-15. Site plan review required for certain uses.

- A. For the purpose of assuring a good arrangement and appearance and ensuring harmony with the Comprehensive Plan, site plans for the following uses, which are not conditional uses or otherwise subject to separate procedures, shall be subject to review by the Planning Commission at their regular meetings:
- (1) Multiple-family dwellings containing more than three (3) dwelling units.
 - (2) Dwellings forming a part of a multiple-family development of two (2) or more detached dwelling units.
 - (3) Townhouses, apartment buildings and condominiums.
 - (4) Retail, office, professional, commercial, institutional, and industrial buildings.
 - (5) Group daycare facilities, both child and adult.
 - (6) Parking lots and parking garages as accessory to the above.

- (7) Infill development or redevelopment of any of the above, meaning any of the following:
 - (a) Changes to the structure or site valued at fifty percent (50%) or more of the property's assessed value,
 - (b) Renewed use after nonuse lasting 12 months or longer, or
 - (c) Use change (for example, from tavern or restaurant to office building).
- B. Five (5) copies of a preliminary site plan for the above uses shall be submitted to the Administrator, who shall review the plans for compliance with these regulations and the requirements for preliminary site plans, and he shall transmit said plans to the Planning Commission, with his comments, for review at the next regular meeting of the Planning Commission if the plans are submitted fourteen (14) days prior to said meeting.
- C. The Planning Commission shall examine the proposed development with respect to:
 - (1) Currently adopted design standards.
 - (2) Traffic and circulation patterns, internal and external, including provisions for safe pedestrian and bicycle traffic, as well as adequate spacing for emergency vehicles.
 - (3) The relationship to major thoroughfares, utilities, drainage facilities and community facilities, existing or future.
 - (4) The preservation of trees or historic sites.
 - (5) The provision for open space.
 - (6) Landscaping.
 - (7) Exterior lighting.
 - (8) Adequacy of public facilities to support and service the proposed development. No concept or plan for development shall be approved unless the Planning Commission first determines that adequate facilities are available to support and service the proposed subdivision or major development, including, but not limited to, water, sewer, police, fire, roads, schools, parks and recreation.
 - (9) In general, with the objective of ensuring a durable, sustainable, harmonious and appropriate use of land in accord with the objectives of the Comprehensive Plan.

- D. No public hearing shall be required, and plans reviewed at regular meetings will be approved, approved subject to conditions, held over to subsequent meetings for revisions or changes, or disapproved. If specified conditions are met in revised plans, the Administrator may approve minor changes in site plans after approval by the Planning Commission, and he may approve the issuance of building permits accordingly if, in his opinion, such changes do not substantially alter the original approval or conditions attached thereto.
- E. Nothing in this section shall be interpreted to permit the granting of a variance or exception to the regulations of this chapter to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.³

§ 170-16. Preliminary site plan requirements.

- A. The preliminary site plan shall at a minimum include the information as outlined below, but may include additional detail as per Part B of this section:
 - (1) The proposed title of the project and the name of the engineer, architect, designer or landscape architect and the developer.
 - (2) The North point, scale and date. The scale should be such as to provide legibility without undue size.
 - (3) A location map indicating where the project is located within the town boundaries.
 - (4) A plat showing existing conditions, including the identification of adjacent property owners, principal structures, streets, sidewalks, landscaping, and ingress and egress for the subject property and surrounding properties.
 - (5) Photos of the existing streetscape showing the subject property and adjacent properties, satellite photographs showing layout and existing trees.
 - (6) Existing zoning and zoning district boundaries if the boundaries are proximal to the property, and proposed zoning changes, if any.
 - (7) The boundaries of the property involved; the municipal boundaries; the general location of all existing easements, property lines, existing streets, buildings or waterways; and other existing physical features in or adjoining the project.
 - (8) The location and sizes of sanitary and storm sewers, water mains, culverts and

³Editor's Note: See Ch. 148, Subdivision of Land.

other underground structures in or near the project.

- (9) The location of Critical Areas, flood plains, Brownfields, Floodway Zones, wetlands, MDE test or recovery wells, environment hazards, endangered species, archaeological sites, historic sites, cultural sites, or National Register sites.
- (10) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, including numbers of parking and loading spaces, outdoor lighting systems and storm drainage and sanitary facilities. All lighting shall be night sky compliant.
- (11) The general location of proposed lots, setback lines and easements and proposed reservations for parks, parkways, playgrounds, school sites and open spaces.
- (12) The location of buildings with respect to each other and to lot lines and the approximate height of all proposed buildings and structures, accessory and main, and all major excavations. The location should be drawn to scale, but full dimensioning is not required on the preliminary plan.
- (13) The preliminary plans and elevations of the building(s).
- (14) The general location, height and material of all fences, walls, screen planting and landscaping. No permit for excavation for any building shall be issued before a sediment control permit has been obtained and sediment control devices have been installed.
- (15) The proposed location and character of nonresidential uses and commercial or industrial uses, accessory or main.
- (16) The general location, character, size, height and orientation of proposed signs.
- (17) A tabulation of the total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other reservations.
- (18) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.
- (19) Sufficient information and data to demonstrate the expected impact on and use of the public facilities by the residents or occupants of the proposed subdivision or major development.

- (20) Evidence of efforts to improve the sustainability of the project or to reduce its carbon footprint. Examples would be the use of high Seasonal Energy Efficiency Rating (SEER) appliances and mechanical systems, geothermal and solar energy, Energy Star ratings of appliances, and high energy conservation methods.

B. The Planning Commission may establish additional requirements for preliminary site plans and, in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

§ 170-17. Final plat requirements.

The final plat shall comply with all laws, regulations and ordinances governing the approval of subdivisions⁴ and, in addition, shall show all of the features required on the preliminary site plan, with sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

§ 170-18. Changes and amendments to site plans; conditions for approval.

The procedure for amendment of the boundaries or for a change in the extent of land use for an approved site plan shall be the same as for a new application, except that minor amendments of an approved site plan or of the conditions attached to a conditional use or site plan may be approved by the Planning Commission at a regular meeting after written reports by the Administrator and without a public hearing, provided that such change or amendment:

- (1) Does not alter a recorded plat.
- (2) Does not conflict with the specific requirements of this chapter.
- (3) Does not change the general character or content of approved development plan or use.
- (4) Applies to an approved condition originating with the Planning Commission and not the Mayor and Council.
- (5) Has no appreciable effect on adjoining or surrounding property.
- (6) Does not result in any substantial change of major external access points.
- (7) Does not increase the approved number of dwelling units or height of buildings.

⁴Editor's Note: See Ch. 148, Subdivision of Land.

- (8) Does not decrease the minimum specified yards and open spaces or the minimum specified parking and loading spaces.

§ 170-19. Certificates of occupancy.

- A. No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the Administrator.
- B. No premises shall be used and no buildings hereafter erected or structurally altered shall be used, occupied or changed in use, except for agricultural uses, until a certificate of occupancy and compliance shall have been issued by the Administrator which states that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
- C. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrator.
- D. A certificate of occupancy shall be required for all nonconforming uses. An application for a certificate of occupancy for nonconforming uses shall be filed with the Administrator within twelve (12) months from the effective date of this chapter.

§ 170-20. Permit requirements; effect of provisions on preexisting permits.

- A. No building shall be erected, constructed, altered, moved, converted, extended or enlarged without the owner or owners first having obtained a building permit there for from the Administrator, and such permit shall require conformity with the provisions of this chapter. When issued, such permit shall be valid for a period of twelve (12) months. All buildings and structures shall comply with the yard and height requirements of this chapter, whether or not a building permit is required.
- B. No building permit lawfully issued by the Administrator prior to the effective date of this chapter or of any amendment hereto which, by its own terms and provisions, is in full force and effect at said date shall be invalidated by the passage of this chapter or any such amendment but shall remain a valid and subsisting permit subject only to its own terms and provisions and ordinances, rules and regulations pertaining thereto and in effect at the time of the issuance of such permit; provided, however, that all such permits shall expire not later than sixty (60) days from the effective date of this chapter, unless actual construction shall have theretofore begun and continued pursuant to the terms of said permit.

§ 170-21. Submission of plats required.

All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the Administrator, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey, a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations, including the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator, and a duplicate copy shall be kept at the building at all times during construction.

§ 170-22. Fees.

- A. A schedule of fees, charges and expenses shall be established by the Mayor and Council. The Planning Commission may, from time to time, prepare recommended changes in the fee schedule.
- B. The payment of the appropriate fee in advance to the Town Manager shall be deemed a condition precedent to the consideration of such appeal, conditional use permit or amendment. Fees shall be refunded on request if an application is withdrawn before publication.

§ 170-23. Interpretation of provisions; classification of property undesignated on Zoning Map.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this chapter is not shown as being in a zoning district, the classification of such property shall be immediately reviewed by the Planning Commission at the next regular meeting when the history of the zoning will be reviewed and the intention of the Commission established.

§ 170-24. Enforcement officer designated; violations and penalties.

⁵Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

A. Powers and duties of enforcement officer.

- (1) It shall be the duty of the Administrator or his deputy to enforce the provisions of this chapter and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said chapter. It shall also be the duty of all officers and employees of the town to assist the enforcing officer by reporting to him any seeming violation in new construction or reconstruction or in the use of land or buildings.
- (2) In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land is used in violation of this chapter, the Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
- (3) Upon receipt of a complaint regarding any violation of this chapter, the Administrator shall record, in writing, the details of the alleged violation and shall investigate the allegation. Upon completion of said investigation, a written report shall be submitted: one (1) copy to complainant, and one (1) copy to file. If a violation of this chapter is confirmed, the Administrator shall institute appropriate action as set forth below.

B. Penalty provisions.

- (1) Any person or corporation which shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, except as provided in Subsection B(2) below, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one thousand dollars (\$1,000), and each day in which such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and which has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.
- (2) A violation of the terms of Article X of this chapter, relating to signs, shall be considered a municipal infraction subject to a penalty as provided in § C11-4B of the Charter.

ARTICLE III

⁶Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Definitions

§ 170-25. Word usage.

The following general rules of construction shall apply to the regulations of this chapter.

- (1) The singular number includes the plural, and the plural includes the singular, unless the context clearly indicates the contrary.
- (2) Words used in the present tense include the past and future tenses, and the future includes the present.
- (3) The word “shall” is always mandatory; the word “may” is permissive.
- (4) The words “building” or “structure” include the words “any part thereof,” and the word “building” includes the word “structure.”

§ 170-26. Terms defined.

For the purpose of this chapter, certain terms and words are hereby defined as follows (see also § 170-86):

ACCESSORY BUILDING – A detached subordinate building or a portion of the main building, the use of which is clearly incidental to the use of the principal structure on the same lot.

- (1) Accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.
- (2) No detached accessory building or buildings shall occupy more than fifty percent (50%) of a required rear or side yard.
- (3) No detached accessory building or structure shall exceed the height of the principal building or structure or a maximum of twenty-eight (28) feet, whichever is less. The height of a building is measured from the ground to the highest point of the roof.
- (4) No detached accessory building or structure shall be located closer than three (3) feet to any principal building or property line, except accessory dwelling units, which shall comply with all yard setback requirements, height, area and bulk restrictions, and lot coverage regulations for the primary structure located thereon.
- (5) An accessory use building may be permitted to be constructed prior to the construction and occupancy of the principal structure, provided it will not be inhabited.

ACCESSORY DWELLING UNIT (ADU) – An extra living unit located on a residential property that is owner occupied, complete with kitchen, bathroom and sleeping facilities. ADUs may be located either inside, attached to, or detached from the primary home. Also known as “mother-in-law apartment.”

Accessory dwelling units are subject to the following criteria:

- (1) Accessory dwelling units can only be located within residentially zoned districts (R-3 through R-6) unless they are excluded by deed restrictions or covenants within the approved subdivision.
- (2) The accessory dwelling unit may be attached to, or detached from, the existing principal residence, provided that it is located on the same lot as the principal residence.
- (3) The accessory dwelling unit shall comply with all yard setback requirements, all height, lot area and bulk regulations, lot coverage, and parking requirements for the principal dwelling unit in the residential zone in which it is located. The lot area requirement for two family units is a threshold that must be met on the lot.
- (4) There shall be no more than one primary entrance to the single-family residence on the street side of the building, other than an entrance to the garage.
- (5) The maximum Gross Habitable Floor Area (GHFA) of the accessory dwelling unit shall not exceed fifty percent (50%) of the GHFA of the primary residence on the lot or two thousand (2,000) square feet, but with a footprint not to exceed one thousand two hundred (1,200) square feet, whichever is greater.
- (6) The accessory dwelling unit may include a bathroom and/or kitchen but not more than one bedroom. A hookup fee for water and sewer shall be made to the Town and separate water and sewer laterals will be required if the Director of Utilities deems it necessary or deems the principal residence to have inadequately sized lines for the additional usage.
- (7) The accessory dwelling unit shall only be accessory to an owner-occupied single-family residence. The maximum number of dwelling units per lot shall be two (2), to include the principal residence and accessory dwelling unit. The principal dwelling unit must be in compliance with all zoning and building regulations.
- (8) The lot on which an accessory dwelling unit is located shall have access to an improved public street.

ACCESSORY USE – A use which is clearly incidental to or customarily found in connection with and, except as otherwise provided in this chapter, is located on the same lot, as the principal use of the premises. When the term "accessory" is used in this chapter, it shall have the same meaning as "accessory use."

ADMINISTRATOR – The Zoning Administrator of Chestertown.

ADULT DAY CARE HOME – See DAY CARE.

AGGREGATE AREA OR WIDTH – The sum of two (2) or more designated areas or widths to be measured, limited or determined under the provisions of this chapter.

ALLEY – A narrow public thoroughfare which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.

APARTMENT – That part of a building which is a dwelling unit. (See “dwelling unit.”)

APARTMENT HOUSE – See “dwelling,” Subsection A.

ANTENNA – A device used to transmit or receive communication signals, including transmitting and receiving elements, and any tower and immediately related support and stabilizing elements, and rotating or other directional mechanism.

ARTERIAL STREET – A street so designed on the Major Transportation Plan of Chestertown.

BASEMENT – That portion of a building between the floor and ceiling which is wholly or partly below grade and has more than one-half (½) of its height below grade.

BED AND BREAKFAST – A lodging place with no more than four (4) guest rooms or suites of rooms available for temporary occupancy, whose owner resides at the facility and where meals are only available to guests at the facility.

BOARD – The Board of Appeals of Chestertown.

BOARDINGHOUSE – A building where, for compensation and by prearrangement for definite periods, lodging and meals are provided for three (3) or more persons, but containing no more than five (5) guest rooms or rental units. The proprietor or proprietor's agent must reside on the premises.

BUILDABLE AREA – The area of that part of the lot not included within the yards or open spaces herein required.

BUILDABLE DEPTH – The depth of that part of a lot not included within the setbacks herein required.

BUILDABLE WIDTH – The width of that part of a lot not included within the side yards herein required.

BUILDING – Any structure, having a roof for the housing or enclosure of persons or property of

any kind.

BUILDING COMPLETELY ENCLOSED – Any building having no outside openings other than ordinary doors, windows and ventilators.

BUILDING HEIGHT – The limit to the vertical extent of a building. The vertical distance from the grade (see “grade”) to the highest point of: the coping of a flat roof; the deck line or highest point of the coping or parapet of a mansard roof; or to the midpoint between eaves and ridge for gable, hip, shed and gambrel roofs. When the highest wall of a building with a shed roof is within thirty (30) feet of a street, the height of such building shall be measured to the highest point of the coping or parapet (See Table of District Regulations and Roof-Type Drawings)

BULK – The size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.

CANOPY – A detachable, roof-like cover, supported from the ground, deck, floor, roof or walls of a building for protection from sun or weather.

CARETAKER HOUSING – A residence that is accessory to a non-residential primary use of the site, where needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

CHILD DAY CARE FACILITY – See DAY CARE.

CLINIC – A building or portion thereof designed for, constructed for or used by two (2) or more physicians, surgeons, dentists, psychiatrists, physiotherapists or practitioners in related specialties or a combination of persons in these professions, but not including lodging of patients overnight.

CLUB, PRIVATE – Buildings and facilities owned or operated by a corporation, partnership, association, person or persons for a social, educational or recreational purpose but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

CONDITIONAL USE – See Article VIII and § 170-73.

CONVALESCENT HOME – A building where regular nursing care is provided for more than one (1) person who is not a member of the family and who resides on the premises.

COURT – Any open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

CRITICAL AREA – As defined by the State of Maryland a regulated zone within one thousand (1,000) feet of the landward boundaries of all tidal waters, tidal wetlands and tidal tributaries, as designated on the Chestertown Critical Area Overlay District Map.

DAY CARE –

- A. ADULT DAY CARE HOME – A home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider’s home.
- B. CHILD DAY CARE FACILITY – A State-licensed facility which provides non-medical, care, protection, and supervision to more than 14 children under 18 years of age between the hours of 6 a.m. and 9 p.m. Commercial or non-profit child day care facilities include infant centers, preschools, sick-child centers and school-age day care facilities. These may be considered in conjunction with a school or church facility or as an independent land use. Also see “Family Day Care Home, Small” and “Family Day Care Home, Large.”
- C. FAMILY DAY CARE HOME, LARGE – A State-licensed facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours within an approved facility. The occupant of the residence provides care and supervision generally for seven (7) to fourteen (14) children. Approval for a large day care facility is treated as a conditional use, subject to site plan and parking requirements.
- D. FAMILY DAY CARE HOME, SMALL – A State-licensed facility that provides non-medical care and supervision of minor children for periods of less than twenty-four (24) hours within a single-family residence. The occupant of the residence provides care and supervision generally to five (5) or fewer children.

DEPARTMENT STORE – Retail store carrying multiple lines of merchandise and services, including apparel, home furnishings, housewares, restaurants, outdoor, nursery, agricultural and garden supplies, sporting goods, automotive supplies and service, along with any related uses of the property.

DORMITORY – A building providing rooms for individuals or groups.

DRIVE-IN – An establishment designed or operated to serve a patron while seated in an automobile either parked in an off-street parking space or passing through a service area.

DWELLING – A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding- and rooming houses, tourist courts or tourist homes.

- A. MULTIPLE-FAMILY DWELLING – A building designed for or occupied exclusively by three (3) or more families living independently of each other.
- B. SINGLE-FAMILY DWELLING – A building designed for or occupied exclusively by one (1) family.

- C. TWO-FAMILY DWELLING – A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT – A room or group of rooms, including bathroom and kitchen facilities, occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a family or by a person living alone.

FAMILY – An individual or two (2) or more persons who are related by blood or marriage and are living together and occupying a single dwelling unit with single kitchen facilities. Domestic servants employed and residing on the premises shall be considered as part of the “family.” Also, a “family” shall be a group of not more than four (4) persons living together by joint agreement and occupying a single dwelling unit with single kitchen facilities on a nonprofit, cost sharing basis. In the case of unrelated persons living together, every room occupied for sleeping purposes by one (1) occupant shall have at least one hundred (100) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall have at least eighty (80) additional square feet of floor area for the first additional occupant thereof and sixty (60) additional square feet of floor area for each further additional occupancy. Kitchen, living room, dining room or other nonhabitable or common space shall not be considered in computing square feet for sleeping purposes.

FAMILY DAY CARE HOME, LARGE – See DAY CARE.

FAMILY DAY CARE HOME, SMALL – See DAY CARE.

FARM – A business enterprise engaged in agricultural production of crops, livestock or trees.

FILLING STATION – Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or accessories or for the servicing of automobiles and lightweight trucks with predominantly minor repairs and not to include shops where body work, spray painting or motor overhauling activities comprise the main business.

FLOODPLAIN – Any land area susceptible to being inundated by flood waters from any source. Also, an overlay to the existing zoning districts on the zoning map which includes the FEMA floodplain, flooding soils and wetland areas. The floodplain district is established to protect human life and health, minimize property damage, encourage appropriate construction practices, protect water supply, encourage proper sanitary sewage disposal, and preserve natural drainage.

FLOODWAY – Designated by FEMA as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

FLOOR AREA –

- A. For commercial, business and industrial buildings or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, basement space not used for retailing, uncovered steps or fire escapes, accessory water towers or cooling towers, accessory off-street parking spaces and accessory off-street loading spaces.
- B. For residential buildings, the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements and open porches, measured from the exterior faces of the exterior walls.

FLOOR AREA RATIO (FAR) – Floor area ratio (FAR) is defined as the gross floor area permitted on a site divided by the total gross area of the site.

EXAMPLE: On a site with 10,000 net square feet of land, a FAR of 1.0 will allow for a maximum of 10,000 gross square foot floor area, which may be distributed in multiple buildings or stories. On the same site, a FAR of 1.5 would allow 15,000 square feet of floor area, a FAR of 2.0 would allow 20,000 square feet, and a FAR of 0.5 would allow 5,000 square feet.

FRONTAGE -

- A. **LOT FRONTAGE** – The distance for which the front boundary line of the lot and the street line are coincident.
- B. **STREET FRONTAGE** – All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street or, if the street is a dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE – A garage used for storage purposes only and having a capacity of not more than four (4) automobiles or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one (1) commercial vehicle, which vehicle shall not be more than one (1) ton in capacity, and space may be rented for not more than two (2) vehicles to persons other than occupants of the buildings to which such garage is accessory. Residential garage doors facing a public street shall not exceed the width of one (1) car bay. On side-facing garages, a two (2) car garage is permitted but must have two separately operable doors, one for each bay. In no case shall a garage door exceed ten (10) feet in height.

GRADE – Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

GROSS HABITABLE FLOOR AREA (GHFA) – The area within the perimeter of the outside walls of an occupied dwelling as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns or other interior features.

GROUP HOME – The State of Maryland exempts certain defined Group Homes from local zoning regulations. These Group Homes will conform to the household sizes required by zoning but shall not be subjected to local zoning regulations. However, not all types of homes are exempted and their status documented with the Town by the Agency overseeing them.

GUESTHOUSE – Living quarters within a detached accessory building located on the same premises with the main building and used by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

HISTORIC DISTRICT – See Chapter 93, Historic Area Zoning.

HOME OCCUPATION – Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on by a member of a family residing on the premises, and in connection with which there is no display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indications of the home occupation or variation from the residential character of the building, and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare.

Within the above requirements, a home occupation includes, but is not limited to, art studios; dressmaking; professional offices of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupations; or teaching, with musical instruction limited to one (1) or two (2) pupils at a time. A home occupation shall not be interpreted to include barbershops, beauty parlors, tourist homes, animal hospitals, auto repair facilities, child-care centers, group daycare centers, tearooms or restaurants, however, small home daycare of less than five (5) children is considered a home occupation when meeting all the applicable State of Maryland licensing regulations and condition.

The total floor area utilized for the home occupation, including both indoor and outdoor areas, shall not exceed twenty-five percent (25%) of the total floor area of the dwelling unit. Home daycare facilities may use up to forty percent (50%) of the total floor area of the dwelling unit.

Parking related to the home occupation shall not be located in a required front yard.

HOSPITAL – A building or group of buildings having room facilities for overnight patients, used for providing services for the medical or surgical care of sick or injured humans and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

HOTEL – A building in which lodging or boarding and lodging are provided for more than fifteen (15) persons, primarily transient, or with more than ten (10) guest rooms or rental units offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours; as such, it is open to the public in contradistinction to a boarding-, rooming or lodging house or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms and meeting rooms.

JUNK – Dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof; dilapidated wagons, boats, trailers and other kinds of vehicles and parts thereof; scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding; or any other kind of scrap or waste material which is stored, kept, handled or displayed.

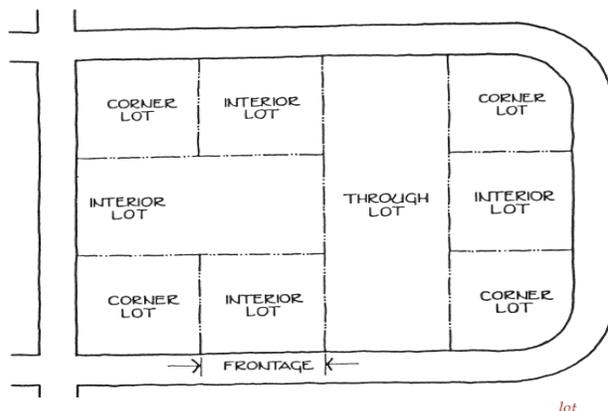
LAUNDROMAT – A business that provides washing, drying and/or ironing machines or dry-cleaning machines for hire to be used by or for customers.

LOADING SPACE – A space within the main building or on the same lot which provides for the standing, loading or unloading of trucks and has a minimum area of five hundred forty (540) square feet, a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet and a vertical clearance of at least fourteen and one-half (14½) feet.

LODGING HOUSE – See “ROOMING HOUSE.”

LOT – A parcel of land occupied or intended for occupancy with a use permitted by this chapter, and which has its principal frontage upon a street or an officially approved place.

- A. CORNER LOT – A lot abutting upon two (2) or more streets at their intersection.
- B. INTERIOR LOT – A lot other than a corner lot.
- C. THROUGH (DOUBLE-FRONTAGE) LOT – A lot having a frontage on two (2) approximately parallel streets or places.

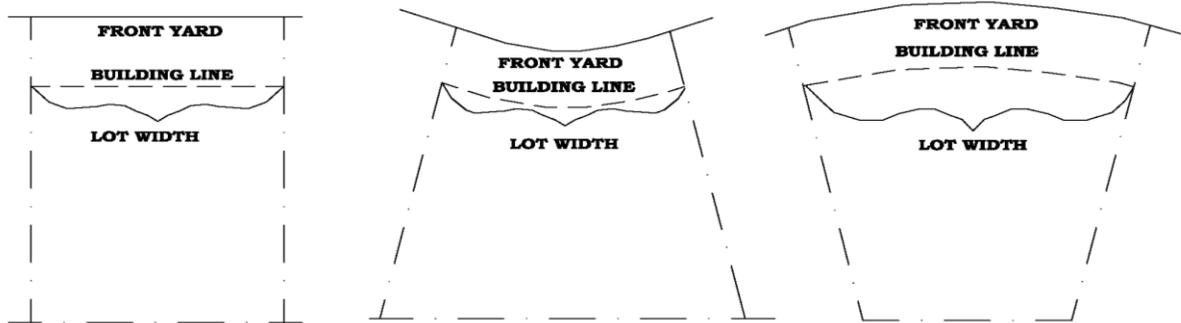


LOT AREA – The total horizontal area within the lot lines of the lot.

LOT DEPTH – The average horizontal distance between the front and rear lot lines.

LOT LINE – The boundary line of a lot.

LOT WIDTH – The distance between the side lot lines measured at the required front yard (setback) line (see diagram).



MAJOR STREET OR HIGHWAY – A street or highway so designated on the Major Transportation Plan of Chestertown.

MARINA – A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies and the provision of lodging, food, beverages and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel or similar use where docking of boats and the provision of services thereto is incidental to other activities shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat related services are rendered be considered a marina.

MEDICAL SERVICES-EXTENDED CARE – See CONVALESCENT HOME.

MIXED-USE BUILDING – A building where all or part of the ground floor is devoted to a non-residential use and at least one floor above is devoted to a residential use, where a residential use is not permitted on the first floor. See also § 170-51 Requirements for mixed uses. Mixed-use buildings are a common feature of traditional town centers where shop owners lived above ground floor businesses and are sometimes referred to as “live-work units”.

MIXED-USE DEVELOPMENT – A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.

MOTEL, TOURIST COURT or MOTOR LODGE – A building or buildings in which lodging or boarding and lodging are provided and offered to the public for compensation; as such, it is open to the public in contradistinction to a boarding- or rooming house or a multiple dwelling. These buildings are considered the same as hotels, except that the buildings are usually designed to serve tourists traveling by automobile, the ingress and egress to rooms need not be through a lobby or office and parking is usually adjacent to the rooms.

MOTHER-IN-LAW APARTMENT – See **ACCESSORY DWELLING UNIT (ADU)**.

NONCONFORMING USE – A building or land which does not conform with the sign, height, area or use regulations of the district in which it is located.

NURSING HOME – See **CONVALESCENT HOME**.

OFF-STREET PARKING SPACE – An all-weather, surfaced area not in a street or alley and having an area of not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

PLACE – An open, unoccupied space, other than a street or alley.

PONDS (ORNAMENTAL, REFLECTIVE OR FISH) – Structures which contain water and are not used as swimming pools. They are generally small, under two hundred fifty (250) square feet, and shallow in depth.

PREMISES – A lot, together with all buildings and structures thereon.

PRIMARY STRUCTURE – A structure or structures on a lot where the primary use or uses is being conducted, not to include accessory structures or buildings being used for accessory uses.

REGULATIONS – The whole body of ordinances, texts, charts, tables, diagrams, maps, notations, references and symbols contained or referred to in this chapter.

RENTAL UNIT – A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis but not intended for use or used as a permanent dwelling which may or may not include kitchen facilities.

RESIDENTIAL CARE HOME – As defined by State law, a residential care home is a home that provides 24-hour non-medical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living. Chestertown zoning regulations allow a maximum of four (4) unrelated individuals per residential home, and residential care facilities will be subject to Conditional Use regulations for suitability with the adjacent community.

ROOMING HOUSE – A building where, for compensation and by prearrangement for definite periods, lodging is provided for three (3) or more persons, but containing no more than five (5) guest rooms for rental purposes. The number of guest rooms permitted shall be determined by the Board. The proprietor or proprietor's agent must reside on the premises.

SERVANTS' QUARTERS – Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building which is used by servants employed on the premises, such quarters having no separate utility meters and not rented or otherwise used as separate dwellings.

SHOPPING CENTER – A group of three (3) or more architecturally unified commercial establishments with a total gross floor area of more than 10,000 square feet which are planned, constructed, and managed as a single entity with customer and employee parking provided on-site. New shopping centers, and the redevelopment of existing shopping centers, must integrate the mixed-use principles set forth in the Chestertown Comprehensive Plan.

SIGN – For definitions pertaining to signs, see Article X, particularly § 170-86.

SITE PLAN – A drawing illustrating a proposed development and prepared in accordance with the specifications of Article II of this chapter.

STORE SIZE – The gross square footage of store under roof (including, but not limited to warehouse or storage areas, offices, utility areas and employee areas, sales, display, service and check-out areas, etc.) plus all outdoor areas used year-round, or seasonally, for storage, display or sale of merchandise or service each floor or levels whether below ground, ground level or upper level shall be separately included in the calculation of store size. The calculation of store size shall be made without regard to lot, zoning or jurisdictional lines.

STORY – That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor next above it, the space between such floor and the ceiling next above it.

- A. **HALF STORY** – A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished for use. A half story containing independent apartments for living quarters shall be counted as a full story.

STREET – A public thoroughfare, including the right-of-way, which affords the principal means of access to abutting properties.

STREET LINE – A dividing line separating a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such

as footings, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair as may be required for the safety of the building.

STRUCTURE – Anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, trailers or mobile homes, signs, swimming pools, fences, backstops for tennis courts and pergolas.

SWIMMING POOL – Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and two hundred fifty (250) square feet or more of water surface area and intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or some other type of pool located and designed so as not to create a hazard nor be used for swimming or wading.

TOWNHOUSE – A single-family dwelling forming one (1) of a group or series of three (3) and up to five (5) attached single-family dwellings separated from one another by party walls and without doors, windows or other provisions for human passage or visibility through such walls from basement to roof and which have roofs which may extend from one (1) of the dwelling units to another. See § 170-60.

TRADITIONAL NEIGHBORHOOD or TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – A compact, mixed-use residential area where street layouts are in a grid or modified grid system, buildings are close to and oriented to streets to provide a sense of enclosure, with front porches, pedestrian orientation and village squares or greens.

TRAILER or MOBILE HOME – Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or some other means. The term trailer shall include camper car and house car.

TRAILER PARK, TRAILER COURT or MOBILE HOME PARK – Any site, lot, field or tract of land upon which is located one (1) or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as a part of the equipment for such park or court.

UNIT – See DWELLING UNIT.

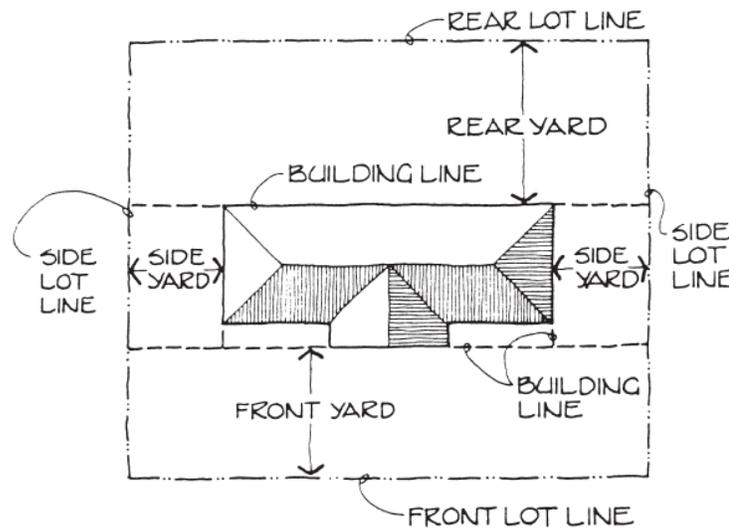
VARIANCE – See § 170-67.

WATERWAY – Any body of water, including any creek, canal, river, lake or bay or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

WATERWAY LINE – A line marking the normal division between land and a waterway as established by the Administrator or by town ordinances.

YARD –An open space, other than a court, on a lot and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

- A. **FRONT YARD** – A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the main building.
- B. **REAR YARD** – A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building.
- C. **SIDE YARD** – A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and the side of the main building.



ARTICLE IV
Zoning Districts;

District Map

§ 170-27. Zoning Districts established.

- A. The incorporated areas of the Town are hereby divided into the following zoning districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning map shall be dated, signed by the Mayor and attested by the Town Manager upon adoption. Said map shall be available for public inspection in the office of the Town Manager. Such map shall be marked "original copy, not to be altered or removed from the office of the Town Manager, except on court subpoena." This map, together with subsequent applicable amendments, shall be conclusive as to the current zoning status of land. Each of the following Zoning districts is designed to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes and to regulate and restrict the location, height and size of buildings hereafter

erected or structurally altered, the size of yards and other open spaces, the density of population, and foster appropriate forms of development.

Residential districts

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Low Density Residential District
- R-4 Multiple-Family Residential District
- R-5 Downtown Residential District
- R-6 Traditional Neighborhood Development (TND)

Business and commercial districts

- C-1 General Commercial District
- C-2 Downtown Commercial District
- C-3 Neighborhood Commercial District
- RB Professional Office District
- CM Commercial Marine

Industrial districts

- LI-1 Limited Industrial District
- LI-2 Light Industrial District

Institutional districts

- IN Institutional

Floodplain Districts

- FP Floodplain District

§ 170-28. District Regulations supplemented by regulations contained in other Articles of this chapter.

The regulations contained in this Chapter and in Article 5 “District Regulations” are supplemented or modified by regulations contained in other Articles of this chapter, especially the following:

- (1) Article VII, Board of Appeals.
- (2) Article VI, Supplementary Height, Area and Bulk Regulations.
- (3) Article XI, Off-Street Parking.
- (4) Article XII, Off-Street Loading Regulations.

Regulations not contained in this Chapter but relevant are listed in the General

References in the Index at the beginning of this Chapter.

§ 170-29. Annual revision and distribution of Zoning Map.

- A. No later than March 31 of the year following adoption of this chapter, copies of the Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the Incorporated Town of Chestertown, shall be made available to the public. In each calendar year thereafter, if there have been any changes in the permitted uses, zoning district boundaries, zoning regulations or district classifications during the preceding calendar year, such map shall be revised no later than March 31 to reflect all such changes as of December 31 of the preceding year.
- B. Any person desiring a copy of said zoning text or Zoning District Map shall pay a fee for each copy thereof to the appropriate town official. Such fees shall be applied to defray the cost of the revising and printing of the Zoning District Map.

§ 170-30. Informational copies of Zoning Map.

- A. Informational copies of the Zoning District Map shall be made available for inspection at the office of the Planning Commission, Administrator and at such other locations as may be necessary or convenient. These maps shall be revised, as described above, to show changes in zoning district boundaries as officially approved. New streets, highways, subdivisions, major governmental installations, public lands and other major features shall be shown.
- B. Drafting errors or omissions may be corrected, but no changes in zoning district boundaries may be made other than to show amendments properly adopted by the Mayor and Council.

§ 170-31. Periodic review of regulations and map.

At intervals not to exceed six (6) years, the Planning Commission shall review the zoning regulations and the Zoning District Map to determine whether it is advisable to amend the regulations or the map, or both, to bring them in accord with the objectives of the Comprehensive Plan of the town; to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Chestertown; to correct deficiencies or difficulties which may have developed in administration; or for such other reasons as the Commission may determine. The Commission shall submit reports on its findings to the Mayor and Council. In the preparation of these reports, the Commission shall consult with officials in the town responsible for development of the Comprehensive Plan and the administration of this chapter and with such other persons as they believe may contribute to the

review.

§ 170-32. Interpretation of district boundaries.

- A. A district name, color, or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the town bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.

- B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, which accompanies and is made a part of these regulations, the following rules shall apply:
 - (1) In cases where a boundary line is given a position within a street or alley, easement, canal or navigable or nonnavigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, easement, canal or stream, and if the actual location of such street, alley, easement, canal or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
 - (2) In cases where a property is bounded by the Town limits the boundary line shall also be the extent of the zoning district.
 - (3) Where the district boundaries, as shown on the Zoning District Map, approximately coincide with lot lines, the lot lines shall be construed to be the district boundary lines unless otherwise indicated.
 - (4) In cases where district boundaries, as shown on the Zoning District Map, do not coincide or approximately coincide with street lines, alley lines or lot lines and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

§ 170-33. Applicability of district regulations to water areas.

All areas within the limits of the Incorporated Town of Chestertown which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the town boundary or by straight-line projections of the district boundaries as indicated on the Zoning District Map. Straight-line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the town boundary.

ARTICLE V
District Regulations

§ 170-34. R-1 Single-Family Residential District.

- A. Purpose. The purpose of the R-1 Residential District is to accommodate single-family detached dwellings at approximately two dwelling units per acre and other uses compatible with existing single-family residential development and such accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and limits future expansions or additions of this district only to vacant land physically within the existing residential community and considered appropriate for such development.
- B. Permitted uses. A building or land shall be used only for the following purposes:
- (1) Detached single-family dwellings.
- C. Permitted Accessory Uses. Accessory uses shall be permitted as follows:
- (1) Boat docks conforming to local, state and federal regulations for placement and length.
 - (2) Accessory buildings as defined in §170-26, as accessory structures in side or rear yards.
 - (3) Private garages as defined in §170-26, in side or rear yards.
 - (4) Home occupations as defined in §170-26.
 - (5) The outside storage of not more than one (1) boat. Boats shall not measure more than thirty (30) feet in length. For lots with improved alleys, the storage or overnight parking of such vehicles is restricted to the rear yard only. For lots located on a waterway, storage shall be in the side yard only.
 - (6) Swimming pools and game courts, both lighted or unlighted, for the use of occupants and their guests. The amount of impervious surface created by these accessory uses shall not decrease the pervious lot area by more than fifty (50) percent. Lighting for these accessory uses shall conform to the dark sky ordinance (see Chapter 115, Ordinance 06-2009).
 - (7) Temporary containers or storage units, or storage units known commercially as 'PODS' (Portable On-Demand Storage). All temporary storage units and their location on the property must receive a Temporary Use Permit from the Zoning

Administrator prior to the day of arrival. The use of temporary containers or storage units are limited to thirty (30) consecutive days and must be part of an active move-in or move-out. The storage of any odorous, flammable, or hazardous materials is prohibited.

- (8) Accessory off-street parking for commercial vehicles in a residential zone, whether in an open or enclosed space, is limited to one (1) commercial vehicle with a capacity of not more than one (1) ton Gross Vehicle Weight (GVW) and used by the occupant of the dwelling as long as:
 - (a) No major repair is conducted on-site.
 - (b) No engines, motors, or electrical refrigeration units of any kind may operate when parked.
 - (c) Septic pumper, sanitation, garbage, or other trucks used to transport similar items are prohibited at all times from parking on any residentially zoned lot.
 - (d) The vehicle shall have a current Maryland registration, license, be operable and be connected to the occupant's occupation to be allowed.

D. Temporary Structures. The planning commission may authorize the administrator to approve temporary buildings to include portable structures or trailers if such buildings are used for a temporary sales or rental office as part of the approval for a real estate development or subdivision on an approved construction project on site. The approval is for six (6) months from the date of the original application for such structure. The Zoning Administrator may grant an additional six (6) months, if in his discretion the applicant has made a reasonable case for the extension.

E. Permitted Signs. There are no signs permitted in this district.

F. Height, Area and Bulk Requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

G. Conditional uses. There are no conditional uses allowed in the R-1 Residential District.

§ 170-35. R-2 Single-Family Residential District.

A. Purpose. The purpose of this district is to provide for single-family residential development and accommodate relatively low-density residential development and such accessory uses as may be necessary that are compatible with residential surroundings. The

district is located to include existing development of this character and vacant lands where infill development of the same character is appropriate and necessary for the stability of the community.

- B. Permitted uses. A building or land shall be used for any of the following uses:
 - (1) Detached single-family dwellings.
- C. Permitted Accessory Uses. Permitted accessory uses shall include any accessory use permitted in the R-1 Residential District.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.
- F. Conditional Uses. The following uses are permitted as conditional uses according to the regulations of Article VIII of this chapter:
 - (1) Private daycare facilities including family (small), adult, or child daycare centers as a home occupation for no more than five (5) persons, during daytime periods.
 - (a) The daycare facility shall only be conducted as a home occupation with a live in resident who is the owner-operator of the day care, childcare, preschool or adult business.
 - (b) The daycare shall be accessory (subordinate) to the residential use, not exceeding 50 percent (50%) of the total floor area of the principal use of which it is an accessory.
 - (c) All such uses shall be located to permit the safe pick-up and delivery of all persons on the site.
 - (d) No day care shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than that usually experienced in any residentially zoning exists.
 - (e) Designated outdoor play areas, with or without play structures, shall not be in the front yard, and shall not be located closer than ten (10) feet from the rear or side property line.
 - (f) Designated play areas shall not be closer than fifteen (15) feet to a public right of way, and not be within any designated parking or loading area.

- (g) All outdoor play areas shall be enclosed by a fence and screened from view; fencing should be capable of containing each child/adult using the area; any screening shall be opaque.
 - (h) No outdoor play activities before 8 a.m. or after 8 p.m.
 - (i) There shall be provided adequate usable outdoor recreation area for each child that may use the space at any one time. The Board of Appeals and the Planning Commission may use thirty-five (35) square feet per child as the minimum outdoor recreation area. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation area shall be limited to:
 - i. Those areas that are not covered by buildings, structures or required off-street parking spaces;
 - ii. That area outside the limits of the required front yard and all transitional yards;
 - iii. Only that area, which is developable for active outdoor recreation purposes; and an area which occupies no more than eighty percent (80%) of the combined total areas of the required rear and side yards.
 - (j) The use shall comply in all respects with the State of Maryland licensing regulations and have full State approval prior to conditional use application.
- (2) Small urban churches, temples and synagogues with seating less than seventy-five (75) people in the principal auditorium, and associated accessory rectories, parish houses, convents and monasteries. Churches, temples or synagogues erected after the date of passage of this chapter shall have their principal means of access from an arterial street.
 - (3) Other conditional uses allowable in residential zones listed in Section 170-74, Conditional Uses Enumerated.

§ 170-36. R-3 Low Density Residential District.

- A. Purpose. The purpose of this district is to preserve existing single and two-family neighborhoods, which are characterized by a variety of residential land uses, buildings and structures. These residential neighborhoods contain a diverse mix of architectural styles on varied lot sizes. Any proposed redevelopment must respect and be compatible with the architectural massing, composition, and styles in the surrounding neighborhoods, as well as the area's scale and character.

- B. Permitted uses. A building or land shall be used only for the following purposes:
 - (1) Any use permitted in the R-2 Single-Family Residential District.
 - (2) Two-Family dwellings, subject to the special regulations of Article VI, Supplementary Height, Area and Bulk Regulations.
- C. Permitted accessory uses. Permitted accessory uses shall include:
 - (1) Any accessory use permitted in the R-1 Single-Family Residential District.
 - (2) Accessory Dwelling Units (ADU's) as defined in §170-26 and not to exceed the total zoning density for the lot on which it is located.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.
- F. Conditional Uses. Any conditional use allowed in R-2 zoning.

§ 170-37. R-4 Multiple-Family Residential District.

- A. Purpose. The purpose of this district is to encourage variety in housing types and to provide for higher residential densities appropriate for low-rise apartments and townhouse developments. These areas are located near major thoroughfares, shopping facilities and centers of employment. Population density and the height of buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood.
- B. Permitted uses. A building or land shall be used only for the following purposes:
 - (1) Any uses permitted in the R-3 Low Density Residential District.
 - (2) Townhouses, subject to the special regulations of Article VI of this chapter.
 - (3) Multiple-family dwellings.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
 - (1) Any accessory use permitted in the R-1 Single-Family Residential District.

- (2) Accessory Dwelling Units (ADU's) as defined and not to exceed the total zoning density for the lot on which it is located.
 - (3) An office for the administration of a multiple-family development, located in a main building containing ten (10) or more dwelling units.
 - (4) A laundry room for the use of the occupants of a multiple-family dwelling development.
 - (5) Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle with a capacity of not more than one (1) ton and used by the occupant of a dwelling.
 - (6) Storage complexes for the use of the occupants only.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.
- F. Conditional Uses. Any conditional use allowed in R-3 zoning.

§ 170-38. R-5 Downtown Residential District.

- A. Purpose. The purpose of this district is to ensure the preservation of buildings, structures, streetscapes and areas of architectural, historic or cultural importance, in or near the downtown area of Chestertown, and to encourage the rehabilitation and continued use of existing buildings. Renovation or new construction that is compatible with the existing scale and character of the surrounding properties is encouraged, and is a shared concern of the Planning Commission and Historic District Commission. In order to facilitate compatible development in this district, flexibility in lot size and setback regulations are encouraged.
- B. Permitted uses. A building or land shall be used only for the following purposes:
- (1) Any use permitted in the R-2 Single-Family District, R-3 Low Density Residential District and R-4 Multiple-Family Residential District.
 - (2) Multiple-Family dwellings.
 - (3) Townhouses, subject to the special regulations of Article VI of this chapter.

- (4) Nonprofit museums in a building of significance whose mission is local or regional history, or the preservation and enhancement of Chestertown's Historic District. This status must be confirmed by resolution of the Planning Commission in a regular meeting upon request of the nonprofit.
- C. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Any accessory use permitted in R-4 Single-Family Residential District.
 - (2) Accessory Dwelling Units (ADU's) as defined and not to exceed the total zoning density of the lot on which it is located.
 - (3) Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle with a capacity of not more than one (1) ton and used by the occupant of a dwelling.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.
- F. Conditional Uses. Any conditional use allowed in R-4 zoning.

§ 170-39. R-6 Traditional Neighborhood Development (TND) District.

- A. Purpose. The purpose of this district is to provide for the appropriate new development of land which is located adjacent to Chestertown's Historic District. The TND District is also intended to permit master planned, mixed-use residential developments consistent with the design principles embodied in urban form and design conventions that were the norm in Chestertown from 1700 to 1940. The TND District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of this Ordinance and that is approved by the Planning Commission. The design of the housing should be created for the Chestertown setting by a Maryland licensed architect or architectural firm.

A traditional neighborhood:

- (1) Is compact, land efficient and consistent with the goals set forth in Chestertown's Comprehensive Plan. Setbacks will be minimal to allow the Planning Commission maximum flexibility to achieve superior design.
- (2) Is designed for the human scale with pedestrian orientation.

- (3) Provides a mix of residential uses, as well as civic and public uses close to one another within the neighborhood.
- (4) Provides all residential types described in this Chapter with styles, types, and sizes to accommodate households of all ages, sizes and incomes.
- (5) Incorporates a hierarchical system of relatively narrow, interconnected streets and alleys in a grid or modified grid form, with sidewalks and bikeways and/or trails, and provides for the connections of those streets and walkways to existing and future developments. All residents should be no more than one-quarter mile or a five minute walk from nearby commercial districts and public/civic amenities.
- (6) Retains existing buildings with historical or architectural features that enhance the visual character of the community. Retains healthy, mature existing trees and other hard to replace features and respects and protects natural features.
- (7) Allows and locates new buildings close to and oriented to streets to provide a sense of enclosure. Has street lighting designed for pedestrians, not automobiles and that complies with Dark Skies ordinances.
- (8) Utilizes vernacular architectural forms or features in design of structures consistent with the adjacent Historic District of Chestertown.
- (9) Provides various types of open space including village squares, commons or greens woven into street and block patterns to provide space for social activity, parks, and visual enjoyment.
- (10) Accommodates buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and therefore have flexibility in heights of spires, clocks and other architectural features associated with public uses.
- (11) Incorporates environmental and stormwater best management practices into the design.
- (12) Uses materials that are solid and made to last such as brick, cedar, cementitious, slate, metal roofing, and highest quality asphalt shingles. The palette of materials should be presented early in any project approval.
- (13) Street trees and landscaping will be designed by a licensed landscape architect and will use appropriate indigenous stock of a healthy initial size. All tree and landscaping plans will be reviewed and ratified by the Town Tree Committee.
- (14) The Planning Commission may refer any and all building plans to the Chestertown Historic District for their consultation.

B. Permitted Uses. Mixed uses are an integral feature in walkable neighborhoods. Ideally, residences should be located within a quarter (1/4) mile or a five (5) minute walk from

existing or proposed commercial, civic, and open space areas. A traditional neighborhood development should contain a mix of residential densities and styles, a variety of limited commercial and institutional uses where appropriate, and open spaces such as public parks with pedestrian and bicycling trails.

- (1) A mix of residential uses.
 - (a) Single-family detached dwellings.
 - (b) Single-family attached dwellings, including duplexes, townhouses, and row houses.
 - (c) Multi-family dwellings, including senior housing.
 - (d) “Special needs” housing, such as community living arrangements and assisted living facilities.
 - (e) Live/work units combining the resident and their work place.
 - (2) Civic or institutional uses.
 - (a) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices.
 - (b) Places of worship.
 - (c) Nonprofit educational facilities in single buildings.
- C. Permitted accessory uses.
- (1) Accessory Dwelling Units (ADUs), limited to lots with single-family detached and single-family attached (duplex) housing, and approved in initial layout or design.
- D. Permitted signs. All signs shall be limited to those permitted in the RB Professional Office District as described in Article X, Sign Regulations.
- E. Conditional uses. The conditional uses are the same as those for the R-2 Single-Family Residential District.

§ 170-40. RB Professional Office District.

- A. Purpose. The purpose of this district is to permit professional and business office

buildings of limited mixed uses in architecturally attractive surroundings, with types of uses and exterior evidence of those uses so controlled as to be generally compatible with single-family and multiple-family dwellings located within or adjacent to the district. This district is not designed for retail or service activities generating significant customer traffic or delivery of goods. The district is generally located close to the central business district, and in transition areas between commercial use and residential districts. Residential alternatives to office uses within the district are those permitted in the multiple-family and mixed-use residential districts. All new buildings, additions to existing buildings or any other activity requiring a building permit must have a site plan approved by the Planning Commission.

- B. Permitted uses. A building or land shall be used only for the following purposes:
- (1) Any use permitted in any of the residential districts (R-1 through R-5), but subject to a maximum Floor Area Ratio (FAR) of .75 (See Floor Area Ratio definition in Section 170-26, Terms Defined).
 - (2) Professional and business offices. Additional permitted uses include studios for artists, beauticians, barbers, photographers, teachers, tutors, sculptors and musicians, including instruction in art, music and dancing, provided that:
 - (a) No building to be used, constructed or altered to produce a storefront, show window or display window or to indicate any other evidence of the commercial character, with the exception of such signs as may be permitted for such use.
 - (b) There shall be no commercial display from windows and doors, and there shall be only storage of merchandise for sale in the building or on the premises.
 - (c) There shall be no machinery or equipment, other than machinery or equipment which is customarily accessory to the permitted use, used or stored in the building or on the premises.
 - (d) There shall be created no adverse effect on adjacent or neighborhood properties by reason of dust, odor, vibration, glare or noise due to use within the district.
 - (3) Clinics, including a pharmacist's shop for the dispensing of drugs or supplies primarily to patients or occupants of the building, provided that there shall be no entrance to such shop except from inside the building. Optician and other licensed eyecare specialists with eyeglass sales and fitting, provided there shall be not entrance to such shop other than from the inside of the building and that the sales of glasses be secondary to the profession of the optician.

- (4) Small urban churches, temples and synagogues with seating less than seventy-five (75) people in the principal auditorium, and associated accessory rectories, parish houses, convents and monasteries. Churches, temples or synagogues erected after the date of passage of this chapter shall have their principal means of access from an arterial street.
- C. Permitted accessory uses.
- (1) Permitted accessory uses shall include any accessory use permitted in the R-5 Downtown Residential District.
 - (2) There shall be only limited storage of merchandise for sale in the building or on the premises, and clearly incidental and in support of the permitted professional uses.
 - (4) Vending machines, including ATM's, as long as all machinery is in a totally enclosed building.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-41. C-1 General Commercial District.

- A. Purpose. The purpose of this district is to provide appropriate locations for a wide variety of auto related, commercial and miscellaneous service activities. These uses generally serve a community-wide area and are primarily located along a limited number of existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing. Any outdoor storage of materials must be permitted and approved by the Planning Commission or include appropriate fencing or screening.
- B. Permitted uses. All uses in this zone require a site plan approved by the Planning Commission. A building or land shall be used only for the following purposes:
- (1) Amusement places and theaters, except open-air drive-in theaters. Amusement places include bowling alleys; dance halls, subject to applicable town regulations; skating rinks; public swimming pools; miniature golf courses; billiard or pool parlors; indoor model racing tracks; and similar activities.

- (2) Automobile and truck sales, new or used, and automobile service and repairs but not auto salvaging or junk, provided that any major repair or storage of equipment, materials or damaged vehicles shall be inside a completely enclosed building, and all service bays or other vehicle entrances shall open to the side or rear of the structure. Any outside temporary storage of damaged vehicles shall be in the side or rear yards and enclosed by a masonry wall, screening fence or hedge not less than six (6) feet in height and subject to approval by the Planning Commission.
- (3) Automobile filling stations, but not convenience stores which are described separately, so long as the bulk storage of petroleum products are underground, the fuel pumps are covered by a canopy whose architecture and location are approved by the Planning Commission.
- (4) Automobile parking lots and garages but not used car lots and other lots used for automobile sales or storage.
- (5) Automobile parts sales, including tire sales and service, auto repair when associated with the retail parts sales provided that no outside storage of materials permitted in this subsection shall occupy more than six thousand (6,000) square feet of area. Any outside storage of materials shall be in the rear yard and enclosed by a masonry wall, screening fence or hedge or a combination of these not less than six (6) feet in height and subject to site plan approval by the Planning Commission.
- (6) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for at least five (5) vehicles waiting for drive-in service.
- (7) Bakeries.
- (8) Barbershops and beauty parlors.
- (9) Bicycle sales and repair shops.
- (10) Boat and boat trailer sales and storage but not marinas.
- (11) Car washes, including self-serve and automated.
- (12) Catering and delicatessen businesses.
- (13) Clinics.
- (14) Convenience stores, selling food and general merchandise and not exceeding six thousand (6,000) square feet. The dispensing of petroleum products is an

accessory use subject to design guidelines.

- (15) Flower shops and greenhouses incidental thereto.
- (16) Hotels and motels.
- (17) Lawn mower, yard and garden equipment sales, service, rental and repair when completely inside of a building.
- (18) Laundromats and self-service dry-cleaning establishments.
- (19) Laundry and/or dry-cleaning establishments with a store front retail component occupying not more than five thousand (5,000) square feet of floor area and not using a cleaning fluid whose base is petroleum or a derivative of petroleum. The retail component may have a drive-up facility if, in the opinion of the Planning Commission, the design of the site allows it.
- (20) Lumber and building materials stores, retail only.
- (21) Offices, general business and professional.
- (22) Private clubs, lodges and meeting halls.
- (23) Restaurants, drive-in or otherwise. Drive-ins require specific site approval for location and traffic flow.
- (24) Retail stores and shops for the conduct of business, including the sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationery and similar stores and shops, including department stores provided that:
 - (a) No store size shall exceed sixty thousand (60,000) square feet.
 - (b) All retail sales shall be conducted entirely within a building.
 - (c) For buildings over forty thousand (40,000) square feet, the applicant shall prepare a traffic impact study in accordance with Maryland State Highway Administration Guidelines for Traffic Impact Studies, and the Trip Generation Manual of the Institute of Transportation Engineers, and the Planning Commission shall find that the level of service will not drop to Level C.
 - (d) Any freestanding store for the conduct of retail business of more than forty thousand (40,000) square feet store size shall not be within two hundred

(200) feet of any lot line, and its front yard setback shall be a green area with no parking permitted in that area.

- (25) Shoe repair shops.
- (26) Shopping centers. See Appendix 1: Design Principles, Policies and Guidelines for Downtown Commercial. Applies to new shopping centers and existing shopping centers for redevelopment of over forty thousand (40,000) square feet. The Planning Commission will be guided by the Chestertown Comprehensive Plan and may preclude certain uses found to be inconsistent with the general aims of the Comprehensive Plan. Residential uses may be permitted in a shopping center if the design is consistent with the recommendations of the Comprehensive Plan.
- (27) Shops for the sale, service or repair of office machines, equipment and furniture; sales of office supplies, business support services and office products
- (28) Studios for artists, photographers, teachers, sculptors and musicians.

C. Permitted accessory uses. Permitted accessory uses shall include:

- (1) The storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use, subject to applicable district regulations.
- (2) Material storage yards in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or are enclosed by a masonry wall, screening, fence or hedge not less than six (6) feet in height. The storage of all materials and equipment shall not exceed the height of the wall and shall be subject to the approval of the Planning Commission. The storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls or screen. The storage of heavy equipment, such as road building or excavating equipment shall not be permitted.
- (3) Dispensing of petroleum products at convenience stores subject to these conditions:
 - (a) The location and number of dispensing pumps shall be commensurate with the size of the primary use and secondary to the placement of the main building.
 - (b) The pumps shall have a canopy that is designed to be architecturally attractive and compatible with the main building, with no advertisement or multiple corporate coloring on the fascia. The Commission may deem it necessary that the canopy be roofed to match the main building.

- (c) The pump locations will be subordinate to the primary building.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-42. C-2 Downtown Commercial District.

- A. Purpose. The purpose of this district is to support mixed-use uses that contain an active non-residential ground floor encompassing the retail, service and office core of the central business district and permit a wide variety of uses that provide basic goods and services to the community and to the surrounding region. General manufacturing, warehousing and other uses which tend to generate heavy truck traffic and require open storage of materials or equipment are prohibited, as are large (over twenty thousand (20,000) square feet) retailers. In recognition of the downtown character of the district, setback regulations are kept to a minimum in order to encourage compact and efficient commercial development.
- B. Permitted uses. A building or land shall be used only for the following purposes:
 - (1) Antique, gift and craft shops.
 - (2) Arts facilities, theaters, cultural exhibits and libraries.
 - (3) Automobile parking garages and storage garages.
 - (4) Bakeries occupying not more than three-thousand five-hundred (3,500) square feet of floor area.
 - (5) Banks, lending institutions, and savings and loans.
 - (6) Clinics, medical but not veterinary.
 - (7) Coffee shops.
 - (8) Delicatessens and grocery stores.
 - (9) Dry-cleaning and pressing pickup stations or shops occupying not more than two thousand five hundred (2,500) square feet of floor area and using no cleaning fluid

whose base is petroleum or one (1) of its derivatives.

- (10) Flower shops.
- (11) Hotels and motels, and bed and breakfast facilities.
- (12) Offices, general, business, professional, and medical.
- (13) Personal service, including health clubs and gyms.
- (14) Private clubs, lodges and meeting halls.
- (15) Radio and television stations and studios and recording studios but not towers.
- (16) Restaurants, eating and drinking establishments, but not drive-in.
- (17) Printing, publishing and engraving establishments.
- (18) Service shops including barbershops, hair dressing, nails and beauty parlors/salons.
- (19) Shoe repair shops.
- (20) Shops for the sale, service or repair of home appliances, office machines, electric equipment and television and radio equipment.
- (21) Stores and shops for the conduct of retail businesses, including the sale of accessories, apparel, appliances, beverages, books, carpets, drugs, fabrics, furniture, general merchandise, hardware, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationery and similar stores and shops.
- (22) Studios for artists, including sculptors, painters, pottery and woodworking artisans, musicians, photographers, teachers.
- (23) Wholesale establishments with not more than two thousand five hundred (2,500) square feet of accessory storage per establishment.

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Any use permitted in the R-5 Multiple Family Residential District and the customary accessory uses.
- (2) The storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use, subject to

applicable district regulations.

- (3) Automobile parking lots but not used car lots or other lots used for automobile sales or storage.
- D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-43. C-3 Neighborhood Commercial District.

- A. Purpose. The primary purpose of this district is to accommodate commercial uses and services that provide shopping convenience to persons residing in adjacent residential neighborhoods while also providing for a mix of higher density residential uses. The district encourages forms of development that provide commercial services defining the streetscape, intermixed with various residential uses, incorporating mixed-use buildings with neighborhood-serving retail, personal service, office, and other non-residential uses on the ground floor along the street front and office and residential units above or behind commercial or service uses.

The Neighborhood Commercial District should be integrated physically with adjacent sites and be easily accessible by pedestrians, removing the appearance of an automobile dominated environment. In redevelopment or new construction, parking should be located behind or alongside storefronts with all commercial uses brought close to the street. Existing commercial uses, including parking lots, are under no constraints or obligations to change under this section.

Project and site plan review will require development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets, and promotes the health and well-being of residents by encouraging physical activity and greater social interaction.

- B. Permitted uses. Certain enumerated uses in the C-1 General Commercial District and C-2 Downtown Commercial District, as well as residential uses described in R-5 Downtown Residential District. The sizes of retail stores are commensurate with smaller lot sizes. Retail buildings cannot exceed an aggregate size of twelve thousand (12,000) square feet on a single lot - see (10) Retail shops. No future outside, unenclosed storage will be considered in the district but existing legal outside storage will be allowed to continue. Residential uses as described in R-5 zoning are also allowed, subject to the conditions listed for their placement above and behind the primary commercial use.

All permitted uses in the C-3 Neighborhood Commercial District must be conducted within completely enclosed buildings unless otherwise expressly authorized, excluding outdoor seating and eating areas when associated with a permitted restaurant. This requirement does not apply to automated teller machines or public benches for sitting.

- (1) Banks, pharmacies or other service businesses. Any proposed drive-through, drive-up or drive-in facility shall be in the rear or side yard in a location removed from a side street or street corner to reduce visibility. In no case will a drive-in facility be located next to a pedestrian right of way or have a street frontage. Stacking for a minimum of five (5) vehicles is required.
- (2) Churches, temples and synagogues seating less than two hundred (200) people. Rectories, parish houses, convents and monasteries are permitted when incorporated into the overall plan of a neighborhood center. A site plan is required. The principle buildings shall be oriented to and have their entrance on pedestrian promenades and walkways.
- (3) Grocery, convenience and food stores no greater than eight thousand (8,000) square feet in floor area.
- (4) Live/Work units.
- (5) Personal service facilities, including health clubs and gyms.
- (6) Private clubs, lodges and meeting halls.
- (7) Professional and business offices, medical clinics and treatment centers, including a pharmacist's shop for the dispensing of drugs or supplies primarily to patients or occupants of the building, provided that there shall be no entrance to such shop except from inside the building; opticians and other licensed eye care specialists including their eyeglass display and fitting rooms are permitted.
- (8) Residential uses, including multi-family residential uses provided sixty percent (60%) or more of the first floor of the primary (street front) building is designed for non-residential use. Residential units are allowed above and behind the required commercial frontage.
- (9) Restaurant, but not drive-in, including bakeries, bars, brew pubs and other food and beverage purveyors.
- (10) Retail shops.
- (11) Studios for artists, photographers, teachers, tutors, sculptors and musicians, including instruction in art, music and dancing,

C. Permitted accessory uses. Permitted accessory uses, permitted only when accessory to the principal use of the property, shall be as follows:

- (1) The storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use. All storage must be in a fully enclosed structure and is subject to applicable fire and safety regulations. Leasing of storage facilities or space within a permitted use is strictly prohibited.
- (2) Residential space in the building occupied by the principal permitted commercial use. Residential space in a mixed-use building shall not exceed two (2) times the square footage of the enclosed heated space of the permitted use(s). Residential units can be on the first floor behind the required front commercial use. The number of dwelling units within the mixed use building will be governed by requirements to satisfy the following standards:
 - (a) All dwelling units shall meet all building and life safety codes, and be licensed by the Town of Chestertown;
 - (b) No residential uses within the principal structure shall be less than five hundred (500) square feet in area;
 - (c) The site plan demonstrates the availability of on-site parking, meeting the site plan criteria for mixed use developments;
- (3) Residential use in additional structures provided:
 - (a) Residential uses are secondary and proportional to the proposed or established principal permitted commercial use on the site.
 - (b) The density of residential use does not exceed ten (10) units per acre of gross site area (not including the area devoted to commercial use and related parking).
 - (c) Residential units and structures shall meet all building and life safety codes, and shall be approved by the Town of Chestertown.
 - (d) No single residential building shall contain more than three (3) times the square footage of the principle permitted commercial use(s), and this ratio shall be decided by the Planning Commission.
 - (e) When an Assisted Living Facility is included in the residential building size computation, the multiplier effect may be increased to five (5) times the square footage of the principle permitted commercial use or a

maximum of twenty thousand (20,000) square feet, whichever is less.

- (4) Parking of commercial vehicles, but limited to one (1) commercial vehicle for every listed retail or office use.
- (5) Automatic ice distribution stations, automatic vending machine stations, including ATM's. Groups of two (2) or more vending machines shall be contained in a completely enclosed building and not placed along the face of the commercial building.
- (6) Automobile parking lots and parking garages.
- (7) Enclosed outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and decks when such areas are owned and maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas, but approved by the Planning Commission as compatible with the uses.
- (8) Fuel pumps may be permitted as an accessory use to small food, grocery or convenience stores. Accessory fuel pumps shall be subject to the following conditions:
 - (a) Bulk storage of flammable liquids shall be underground and in a location removed from public streets and specifically approved by the Planning Commission.
 - (b) Access and service to gas pumps shall be screened from view from the street front and should not interfere with pedestrian access to the principal use or between principal uses on adjacent sites.
 - (c) A maximum of two (2) service islands with two (2) fuel pumps each are permitted.
 - (d) Service related bays are not permitted.
 - (e) Fuel pump canopies shall have pitched rooftops and will match the architecture of the main building and be located in a subordinate position to the main building.
- (9) Group Homes limited to not more than four thousand (4,000) square feet of heated space, with a maximum number of residents not to exceed four (4). Group homes within the C-3 district shall not be located closer than six hundred (600) feet to each other.

D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this

chapter. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to business conducted on the premises, in number, area and types of signs permitted.

- E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.
- F. Yard Requirements.
 - (1) Front Yard (measured from property line or abutting a public street). No front yard setback is required on any local street. For yards that front on streets with a functional classification equal to or greater than Minor Collector, the minimum setback shall be twenty (20) feet for buildings or structures thirty (30) feet or less in height. Buildings or structures over thirty (30) feet in height (measured from the finished ground level to the cornice line) shall be set back an additional foot for each foot of height over twenty five (25) feet. The planning commission may modify this requirement to permit buildings closer to the street frontage to foster a streetscape that provides a sense of enclosure in keeping with the intent of this district.
 - (2) Side and rear yards. There shall be no minimum rear or side yard setback requirements except where the C-3 zone shares a common boundary with a residential zone. In such a case, the minimum side and rear setbacks from property lines shall be twenty-five (25) feet. If the rear or side yard abuts a residential zone the minimum set back of twenty-five (25) feet shall be maintained as a landscaped buffer; the area within the twenty-five (25) foot side or rear setback cannot be used for parking or as a service area. If the area of the side or rear setback abut a zone other than a residential zone it may be used for parking or as a service area, or to provide connection to adjacent properties, provided a landscaped strip, not less than ten (10) feet in width shall be maintained along the property lines where no connections are planned.
- G. Off-street parking. Off street parking shall be located behind the principal permitted commercial use. The off-street parking required for residential uses may be considered by the Planning Commission as part of the area devoted to commercial use(s). Any additional residential use or residential uses in other structures shall provide parking in accordance with Article XI of this chapter.
- H. Special development regulations as they pertain to the C-3 Commercial Neighborhood Mixed Use Business District.
 - (1) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

- (2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - (a) At least eight hundred (800) square feet or ten percent (10%) of the lot area whichever is greater) on lots with street frontage of less than fifty (50) feet; or
 - (b) At least fifteen percent (15%) of the lot area on lots with fifty (50) feet of street frontage or more.

§ 170-44. CM Commercial Marine District.

- A. Purpose. The purpose of the Commercial Marine District is to preserve waterfront land for traditional maritime activities, public access, boating and the inherent economic, cultural and historic contributions of these waterfront activities. This includes commercial docking, boat sales, storage and repair. Single-family residential dwellings are permitted along the south side of Front (S. Water) Street. A significant objective of the district is to provide a mixed-use but primarily maritime environment that is harmonious in massing, height, and scale with the Historic District, and sympathetic to adjacent uses.

In general, the district is intended for less intensive commercial marine activities related to tourism, vacationers, commercial or sport fishing, pleasure boating and other maritime-oriented uses. Development in the Commercial Marine District is further constrained by the regulations governing the Historic District, laws pertaining to the hundred-year flood plain and Critical Areas, and storm water requirements.

- B. Permitted uses. Land, water and buildings in this district shall only be used for the following purposes and, in all cases, shall be subject to the site and plan review procedures of Article XII for docks, piers, bulkheads, breakwaters or other over-water structures, except private over-water piers and boathouses accessory to a dwelling. Only water-dependent structures, small boat storage and associated parking are permitted within the one hundred (100) foot maritime use setback.
- (1) Residential use limited to the second floor of the primary use building only, limited to one (1) residential unit per platted parcel.
 - (2) Boat docks, slips, piers, wharves, anchorages and moorings for yachts and pleasure boats or for boats for hire to carry passengers or for excursions or sightseeing, pleasure or fishing trips.
 - (3) Boat storage provided that buildings or structures for the rack storage of boats. Any out-of-water work or storage shall be located at least twenty (20) feet from any residential district or use, and shall be screened from view. The Planning Commission must approve their location on the site.

- (4) Minor boat repair and painting are permitted. Any materials deemed flammable or that gives off toxic fumes shall be a minimum one hundred (100) feet from any residentially zoned or used property. All work and storage areas shall be screened from view from any area zoned residential as permitted use, and shall be reviewed by the Planning Commission.
- (5) Boat sales or rentals, out-of-water boat storage, sale of boat parts and accessories, marine engine sales and display.
- (6) Boat and marine motor service and minor repairs while boats are in the water.
- (7) Boat fuel sales, provided that above ground storage does not exceed two thousand (2,000) gallons.
- (8) Buildings and facilities necessary for the purposes of yacht clubs or marinas.
- (9) Buildings for the conduct of retail sales and rental of boating, fishing, hunting, bicycling, fishing, diving and bathing supplies, equipment and clothing and fish bait are permitted when in accord with the setback height area and bulk requirements of Article VI.
- (10) Marine or oceanographic facilities, laboratories and experimental stations are permitted when part of a government, educational or private research program.
- (11) Restaurants, indoor and outdoor, when meeting the requirements of Articles VI through XIII. Drive-through restaurants are not permitted.

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Docks and piers for docking and mooring boats are permitted only as accessory use to a principal permitted use.
- (2) Rental facilities for bicycles, mopeds, kayaks, canoes, and other facilities consistent with the goals of the Commercial Marine District.
- (3) Storage of office supplies, merchandise or goods used in, or produced by, permitted business or commercial marine uses, subject to applicable district regulations.
- (4) Yacht brokers and marine insurance brokers, when accessory to a permitted use.

D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.

E. Height, area and bulk requirements. Minimum requirements for lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-45. LI-1 Limited Industrial District.

- A. Purpose. The purpose of this district is to provide sufficient space in appropriate locations for certain types of business and manufacturing, which are relatively free from offense and in modern, landscaped buildings; to make available more attractive locations for these businesses and industries; and to provide opportunities for employment closer to places of residence with a corresponding reduction of travel time from home to work. Certain commercial uses are permitted, these being primarily for services to employees in the district. Typical development in the district would be that which is commonly known as an industrial park. In cases of uncertainty as to use, the Planning Commission will determine, upon formal request, whether a proposed industrial use is similar to those permitted or described in the purpose section of LI-1. Accessory signs of limited area and application are permitted.
- B. Special conditions. The uses permitted in this district shall be subject to the following special conditions:
- (1) All uses shall be conducted within a completely enclosed building and with no open storage of raw materials, materials, supplies and waste materials. Finished or semi-finished products manufactured on the premises may be stored in the open if properly screened from view by landscaping, fences or walks, and such screening shall be approved by the Planning Commission.
 - (2) Notwithstanding the yard regulations for the district, no part of any building, accessory structure or sign shall be located closer than one hundred (100) feet to any residential district boundary.
 - (3) All main plant buildings shall be of concrete, structural steel or masonry construction and limited to thirty-five (35) feet in height unless otherwise approved by the Board of Appeals under Article VII of this chapter.
 - (4) Adequate parking and loading space shall be provided off the street for all employees and traffic to the building, even if in excess of the minimum requirements of Articles XI and XII of this chapter.
 - (5) Loading operations shall be conducted at the side or rear of buildings. Service drives or other areas shall be provided for off-street loading and in such a way that, in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.
 - (6) No parking or storage of materials or products shall be permitted in the required

front yard.

- (7) The front yard shall be landscaped with trees, grass, shrubs and pedestrian walkways and shall be maintained in a neat and attractive condition.
- (8) All fencing shall have a uniform and durable character and shall be properly maintained.

C. Permitted uses. A building or land shall be used only for the following purposes:

- (1) Generally those light manufacturing uses listed below and uses similar to those listed below which do not create any more danger to health or safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare than that which is generally associated with light industries of the types specifically permitted below:
 - (a) Manufacture and assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, and electric or electronic apparatus.
 - (b) Manufacture and assembly of boats, bolts, nuts, screws, rivets, ornamental iron products, firearms, electric appliances, tools, dies, machinery, hardware products and sheet metal products.
 - (c) Beverage blending or bottling and manufacture of bakery products, candy, dairy products and ice cream but not distilling of beverages or processing or bulk storage of grain or feed for animals or poultry.
 - (d) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics and printing and finishing of textiles and fibers into fabric goods.
 - (e) Manufacture of boxes, furniture, cabinets, baskets and other wood products of similar nature.
 - (f) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- (2) Carpet, rug and mat manufacture, including cleaning.
- (3) Data processing centers.
- (4) Food products manufacture, processing and packaging of such products as candy, chewing gum, cocoa products, coffee, tea and spices and macaroni and noodles.
- (5) Furniture manufacturing, including wood, reed, rattan, metal and plastic.

- (6) Greenhouses, commercial, wholesale or retail.
- (7) Heating, ventilating, cooking and refrigeration supplies and appliances establishments.
- (8) Industrial vocation training schools.
- (9) Laboratories for research.
- (10) Commercial laundries and linen service establishments.
- (11) Leather goods manufacture, but not including tanning operations.
- (12) Metal products manufacture of such products as bolts, nails, staples, needles, pins, metal containers, ornamental iron fabrication, silverware and plated wire.
- (13) Offices and office buildings.
- (14) Photographic processing and blueprinting establishments.
- (15) Printing and publishing establishments.
- (16) Radio, telephone and television broadcasting stations, studios, offices and communication towers.
- (17) Research centers.
- (18) Establishments for the manufacture of sheet metal products, ductwork and containers.
- (19) Sign fabrication and painting shops.
- (20) Storage facilities.
- (21) Textile establishments, including knitting, weaving, printing and finishing of textiles and fibers into fabric goods, clothing, hats and hosiery.
- (22) Establishments for the manufacture of tools, dies, hardware products and firearms.
- (23) Trailer assembly establishments.
- (24) Wholesale merchandising and storage warehouses, with the floor area devoted to warehousing and handling of merchandise limited to fifty thousand (50,000) square feet.

- D. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Enclosed storage of goods used in or produced by permitted commercial and industrial uses and related activities, subject to applicable screening or in-building regulations in this section.
 - (2) Auditoriums, lecture halls and recreation facilities primarily for employees in the district.
 - (3) A single family dwelling for a residential watchman or caretaker employed on the premises.
 - (4) Mini-storage buildings when part of a storage facility.
- E. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.
- F. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-46. LI-2 Light Industrial District.

- A. Purpose. The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses which are appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted, but new residential development is excluded.
- B. Permitted uses. A building or land shall be used only for the following purposes:
- (1) General light industrial, warehousing and storage uses, including certain open or enclosed storage of products, materials and vehicles and including the following uses (and any similar uses) which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses listed; such listed uses are, generally, wholesale establishments, service industries and light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere for treatment, as specified of the following products or similar products:
 - (a) Storage and sales of building materials, including cement, lime in bags and

containers, sand, gravel, stone, lumber, structural and reinforcing steel, pipe and the like, open or enclosed, but not manufacture or steel fabricating or junk storage.

- (b) Establishments containing concrete products and central mixing and proportioning plants.
- (c) Contractor's shops, storage yards and equipment rental establishments.
- (d) Establishments for grain blending and packaging but not milling.
- (e) Ice manufacture, including dry ice.
- (f) Warehouse, storage and mini-storage facilities.

C. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) The storage of goods or materials used in or produced by permitted commercial and industrial uses and related activities, subject to applicable district regulations.
- (2) A single-family dwelling for a resident watchman or caretaker employed on the premises.

D. Permitted signs. Signs shall be subject to the general sign regulations of Article X of this chapter.

E. Height, area and bulk requirements. Requirements for minimum lot area, yards and open space and maximum height are contained in the Table of District Regulations included at the end of this chapter.

§ 170-46B. IN Institutional District

A. Statement of Purpose and Intent. The Institutional (IN) District is established to recognize the Town's major educational, medical and government facilities and institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the Town's plans, policies and zoning standards.

The IN District is designed to facilitate development that may involve multiple buildings in multiple locations on a single campus setting over an extended period of time. The unique feature of the IN District is that, for major institutions with a campus of five (5) acres or more, it requires the creation of a detailed planning document, a Master Development Plan (MDP). For guidance on creating a MDP for the Institutional District,

see Appendix I.

The MDP provides comprehensive guidance to the institution, Town and Planning Commission as to the long term intentions of the institution, and the development being proposed. The MDP provides the highest quality internal planning and design while addressing and minimizing negative impacts on the neighborhood and community at large.

- If no MDP exists for the planned development, all proposed uses shall be considered Conditional as defined earlier in the ordinance, and approval process shall be the same as the process for other conditional uses explained elsewhere in this ordinance.
- The approval process for the MDP shall be by the Planning Commission.
- The Planning Commission shall provide a thirty (30) day public comment period prior to approving a MDP.

At the end of the thirty (30) day public comment period, the Planning Commission shall take an official vote accepting or rejecting the MDP. The Zoning Administrator, acting on behalf of the Planning Commission, may then begin accepting development proposals for individual structures and projects within the area of the MDP for review by the Planning Commission.

B. Permitted Uses. Specific types of permitted uses are those which provide a public service or fill a public need as described in the statement of intent, and consistent with the Master Development Plan if applicable. Permitted uses include but are not limited to the following:

- (1) Government buildings or offices such as fire stations, court facilities, schools and community meeting or recreation halls.
- (2) Colleges and Universities including dormitories.
- (3) Research and development centers affiliated with an educational or other institution, including environmental, conservation, technology, and related office buildings, not including manufacturing.
- (4) Hospitals, major medical facilities and nursing homes or assisted living facilities with medical facilities.
- (5) Libraries, museums, or similar cultural facilities.
- (6) Churches.
- (7) Philanthropic and/or non-profit organizations.

- (8) Public utilities, such as electrical, sewer, water, natural gas, storm water, telecom facilities and other similar uses.
- (9) Parks, greenbelts and open space for active or passive recreation or enjoyment.
- (10) Cemeteries or memorial gardens which are open to the public.
- (11) Uses similar to, or related to, those listed as permitted upon a finding of similarity by the Planning Commission that a particular unlisted use does not conflict with the intent of this ordinance or Town land use policies. The criteria for such finding of similarity shall include but not be limited to the following:
 - (a) The proposed use is appropriate and similar in characteristics to uses permitted in the area in which proposed;
 - (b) The development standards for permitted uses can be met by the proposed use; and
 - (c) A public need is served by the proposed use.
- (12) Continuation of uses already legally existing within the zone at the time of adoption of this title.

C. Accessory Uses. The following accessory uses are permitted:

- (1) Storage of supplies, materials, and equipment associated with a primary use, and other activities incidental to the primary use such as:
 - (a) Accessory parking garages and parking lots; or
 - (b) Maintenance buildings and activities.
- (2) Residential use as an incidental use to the permitted use, such as caretaker's quarters, or rectory associated with a church.
- (3) Day Care Facilities.

D. Development Standards

- (1) Site Area: The minimum size and shape of the site shall be appropriate to the proposed use of said site and its relationship to abutting properties and traffic patterns in the vicinity of the site.
- (2) Building setback requirements:

- (a) If adjacent properties are in the same zoning district:
 - i. Side yard minimum thirty (30) feet;
 - ii. Rear yard minimum fifty (50) feet.
- (b) If adjacent properties are in any residential district:
 - i. Side yard minimum fifty (50) feet;
 - ii. Rear yard minimum fifty (50) feet.
- (c) Front yard setbacks from street right-of-way:
 - i. If a proposed structure fronts on an interior private street or drive, thirty (30) feet;
 - ii. If a proposed structure fronts on a public street or is located on the perimeter of the zoning district, fifty (50) feet.

(3) Building Height:

- (a) The maximum height of a structure in the IN District shall be limited to forty-five (45) feet.
- (b) The Planning Commission may allow an increase in the height limit established in this section, provided that any such portion over forty (40) feet in height is located back from the required front, side and rear yards two (2) feet for each additional foot of height in excess of the forty (40) feet height limit. In no case may the height of buildings exceed sixty (60) feet.

F. Special parking regulations.

The Planning Commission may approve the location of required off-street parking for institutional uses anywhere within the boundaries of the institutional overlay district, if, in their opinion the location of the proposed parking adequately services the proposed use.

G. Design Standards.

For design standards within the IN District, see Appendix I.

§ 170-47. F-1 Floodway Zone.

- A. Purpose. This zone is intended to reserve land subject to frequent flooding from development which could impede flows of water during floods and to prevent loss of life and excessive property damage in the areas of greatest flood hazard.
- B. Permitted uses. See Chapter 81 of the Code of the Town of Chestertown for floodplain management regulations.

§ 170-48. Planned unit development.

- A. General regulations. It is the intent of these regulations to control the placement, design, use and density of well planned residential developments, which developments will offer a variety of building types and a more efficient overall use of land and, within these limits, permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures, including one- and two-family units, townhouses and garden apartments within the areas designated. In connection with the intention of these regulations, the following objectives are sought to provide for the planned unit development:
 - (1) To provide a more attractive and varied living environment than would be possible through the strict application of the, R-2, R-3 and R-4, R-5 and R-6 District requirements.
 - (2) To encourage a more intimate, efficient and aesthetic use of open space.
 - (3) To encourage developers to use a more creative approach in the development of land.
 - (4) To encourage variety in the physical development pattern of residential areas.
- B. Planned unit development requirements.
 - (1) Permitted uses. Planned unit developments are contemplated to be primarily residential in nature; however, planned unit developments of sufficient size and appropriate character may have certain limited commercial development which is incidental to the planned unit development and is intended primarily for the use of the residents of the planned unit development. Specifically permitted uses are as follows:
 - (a) Single-family detached dwellings.
 - (b) Multifamily dwellings, attached or detached, including, but not limited to, one- and two-family units, townhouses and garden type apartments.

- (c) Apartments.
 - (d) An office, temporary or permanent, belonging to the developer and clearly incidental to management and sales operations of the planned unit development.
 - (e) Temporary structures incidental to construction.
 - (f) In planned unit developments of fifty (50) acres or more, commercial establishments of a convenience and service nature, with the express approval of the Planning Commission. Such commercial establishments shall be an integral part of the plan for the planned unit development. The total aggregate area of all the commercial establishments and their parking areas shall not occupy more than five percent (5%) of the gross area of the planned unit development. Commercial areas shall be of the small neighborhood convenience type and may include laundry and dry-cleaning establishments, beauty parlors and barbershops and retail food establishments of less than three thousand five hundred (3,500) square feet. No commercial establishments shall be constructed until fifty percent (50%) of the total planned residential units are completed. Centers may include one (1) or more stores.
 - (g) Land and places for public assembly, recreation buildings, public buildings and accessory buildings or the reservation of lands for such uses as the Planning Commission may approve and/or require, if it is deemed that they are advantageous or necessary for the purpose of serving the planned unit development and local community.
- (2) Location. Planned unit developments are conditional uses in the R-2, R-3 and R-4, R-5 and R-6 Residential Districts. In general, a planned unit development is contemplated in residential zones where tracts of suitable location, size and character exist. The uses and structures proposed are to be planned and developed according to the requirements and procedures of this chapter. Planned unit developments shall be approximately located with respect to the general pattern of urban development, existing or proposed, and to existing public and private facilities and services.
- (3) Computation of residential density.
- (a) The total density in the planned unit development will not be greater than if conventionally developed. The total permitted dwelling units may be averaged over the entire planned unit development or clustered in various groupings. In an effort to provide a variety of housing types, sizes and costs, the formula for computing the residential density of a planned unit

development shall be based on the number of bedrooms permitted per gross acre of development. The multiplier factor shall be three (3) (the average number of bedrooms per home built in a conventional development).

Density Factors for Computing Total Units

| Zone | Conventional Development (units per acre) | Planned Unit Standard Multiplier | Development (bedrooms per acre) |
|-------------|---|----------------------------------|---------------------------------|
| R-2 | 4 | 3 | 12 |
| R-3 | 7 | 3 | 21 |
| R-4 | 12 | 3 | 36 |
| R-5 and R-6 | 14 | 3 | 42 |

- (b) The Planning Commission may set the required mix of one-, two-, or three-bedroom units that can be built within a planned unit development or its stages.
- (4) Land coverage. The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, plazas, buildings or other structures shall be thirty-five percent (35%) of the gross land area of the planned unit development.
- (5) Area. The proposed planned unit development shall, in no case, contain less than five (5) acres of land.
- (6) Open space. Open space shall comprise not less than twenty-five percent (25%) of the gross area. All open space shall be designated for the common use of all occupants of the planned unit development, and at least fifty percent (50%) of such space shall be developed as recreational areas.
- (7) Sanitary facilities. No planned unit development plan shall be approved unless the proposed development will be served by public water and sewer disposal systems, which shall exist at the time the plan receives final approval. Satisfactory evidence must be furnished to the Planning Commission and the Board of Appeals that the existing town sewer and water system can handle the increased demands placed upon them by the proposed planned unit development and meet current Health Department requirements for standards of operation.
- (8) Height requirements. The requirements shall be those set out in the Zoning Ordinance for the use envisioned.

⁷Editor's Note: See the Table of District Regulations included at the end of this chapter.

- (9) Parking. At least one and three-quarters ($1\frac{3}{4}$) usable off-street parking spaces shall be provided for each dwelling unit, either on the lot it occupies or within one hundred fifty (150) feet of such lot or of an apartment dwelling unit.

C. Administrative procedures.

- (1) Preliminary application. Preliminary application and use approval shall be made first to the Planning Commission, and the Planning Commission shall forward the application to the Board of Appeals for conditional use approval of the planned unit development. The application shall also include, but not be limited to, the following:
 - (a) Five (5) copies of a general diagram showing the planned unit development's relation to the Town of Chestertown and major public vehicular, bicycle and pedestrian access to the planned unit development.
 - (b) Five (5) copies of a general plan setting forth preliminary information required by the Board of Appeals. Such information shall include, but not be limited to, the following:
 - i. Proposed housing types, the total number of units, percentage of each type, general location of each type and elevations of each type.
 - ii. Proposed neighborhood convenience centers, their location, type of business, size of area and elevations of each building type.
 - iii. Proposed open spaces, their size, their location, their uses and their proposed ownership (town and/or association).
 - iv. A general statement (public works agreement) concerning the provision of utilities.
 - v. A statement of expected town responsibilities.
 - vi. A cost/benefit ratio of the proposed planned unit development for the town.
 - vii. A schedule of construction, showing a tentative timetable and staging of development.
 - viii. An application fee, paid by the applicant, as previously established by the town.

- (c) The Board of Appeals shall hold a conditional use public hearing on the preliminary application. Notice of the public hearing before the Board of Appeals shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the town. In addition, the Board shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. The published and posted notices shall contain reference to the place or places within the town where the application may be examined.
- (2) Preliminary site plan. The developer shall submit the following to the Planning Commission for its review after receiving conditional use approval from the Board of Appeals:
- (a) Five (5) copies of a preliminary site plan. The preliminary site plan shall comply with the requirements of this Article and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Commission.
 - (b) The Planning Commission shall review the site plan for compliance with the requirements of this chapter. Before recommending approval of a site plan, the Planning Commission may make reasonable additional requirements, including, but not limited to, those which may have been imposed by the Board of Appeals and especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening access ways, curb cuts, traffic control, height of buildings and setbacks of buildings to protect adjoining residentially zoned lots or other uses.
 - (c) The preliminary site plan(s) shall show the following:
 - i. The proposed title of the project and the name of the engineer, architect, designer or landscape architect, planner and developer.
 - ii. The North point, scale and date. The scale of the site plan shall be as follows:
 - a. For projects containing more than two hundred (200) acres: not more than two hundred (200) feet to one (1) inch.
 - b. For projects containing from fifty (50) acres to two hundred (200) acres: not more than one hundred (100) feet to one (1) inch.
 - c. For projects containing more than ten (10) acres but less

than fifty (50) acres: not more than fifty (50) feet to one (1) inch.

- d. For projects containing ten (10) acres or less: not more than twenty (20) feet to one (1) inch.
- iii. The boundaries of the property involved; county and municipal boundaries; the general location of all existing easements and property lines; existing streets, buildings or waterways; and other existing physical features in or adjoining the project.
- iv. The approximate locations and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in or near the project.
- v. A plat of the existing site conditions, critical areas, wetlands, endangered species habitats, flood plains and floodways, steep slopes, and any other relevant information.
- vi. The general location and character of construction of proposed streets; alleys; driveways; curb cuts; entrances and exits; parking and loading areas, including the number of parking and loading spaces; outdoor lighting systems; and storm drainage and sanitary facilities.
- vii. The general location of proposed lots, setback lines and easements; and proposed reservations for parks, parkways, walkways, cycling paths, playgrounds, school sites and open space.
- viii. The location of buildings with respect to each other, to lot lines and to major excavations, these being drawn to scale, but full dimensioning is not required on the preliminary plan.
- ix. The approximate height of proposed buildings and structures, accessory and main.
- x. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
- xi. The general location, height and material of all fences, walls, screen plantings and landscaping and the management thereof.
- xii. The proposed location and character of nonresidential uses or commercial uses, accessory or main.

- xiii. The general location, character, size, height and orientation of proposed signs and the management thereof.
- xiv. A tabulation of the total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other reservations.
- xv. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.
- xvi. A schedule of construction or timetable acceptable to the town.
- xvii. A statement, provided by the developer, detailing the means by which the planned unit development and all its various aspects shall be managed. This shall include deed restrictions and covenants designed to ensure the perpetuity of agreements.
- xviii. A complete topographic drawing of the proposed plan, provided by the developer, to be made acceptable to the Soil Conservation Service. Specific requirements will be obtained from the Soil Conservation Service office. The developer, after consultation with the Soil Conservation Service, will develop a complete sediment and stormwater control plan to be reviewed and approved by the Soil Conservation District.
- xix. A management statement governing the construction, operation and maintenance of the following:
 - a. Sanitary and storm sewers, water mains, culverts and other underground structures.
 - b. Streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, outdoor lighting systems and storm drainage and sanitary facilities.
 - c. Parks, parkways, bike paths, playgrounds, open spaces, fences, walls, screen plantings, landscaping and signs.
 - d. Additional requirements for preliminary site plans as the Planning Commission may establish.

(3) Final review and approval procedure.

- (a) The Planning Commission shall review the final site plan and other documents as finally approved and submitted by the applicant.
 - (b) The Planning Commission may approve or disapprove the proposed planned unit development. In granting approval, the Planning Commission shall secure the following:
 - i. A surety bond or bonds, filed for/or deposited in escrow with the Town of Chestertown, in an amount sufficient to insure the completion of all requirements as imposed by the Planning Commission and/or Board of Appeals. Such bond or bonds shall be reviewed annually and adjusted to reflect remaining costs.
 - ii. A prepared, filed and recorded final site plan in the form of a final plat. The final plat shall comply with the specifications of the Planning Commission and Board of Appeals and the requirements of this Article and applicable laws, regulations and ordinances governing the subdivision of land and site plan approval.
 - (d) When a planned unit development is to be developed in stages, each stage shall be processed as a separate planned unit development after first submitting and receiving use approval and approval of a preliminary plat for the entire project.
 - (e) As part of the final approval, the Planning Commission shall approve dates for initiation and completion of the planned unit development and/or its phases. Any departure from these dates shall constitute a material breach of contract and outstanding bonds can be called in. The Planning Commission can waive for cause.
- (4) Conflict with other Articles.
- (a) The provisions of this section, when found to be in conflict with other provisions of the Chestertown Zoning Ordinance, shall supersede those other provisions with which they conflict.
 - (b) The provisions of this section, when found to be in conflict with other provisions of Chapter 148, Subdivision of Land, shall supersede those other provisions with which they conflict.
- (5) Status of the Chestertown Zoning and Subdivision Ordinances. The Chestertown

⁸Editor's Note: See Ch. 148, Subdivision of Land.

Zoning and Subdivision Ordinances shall fully apply to all planned unit developments, except as noted in this section.

§ 170-49. Planned redevelopment districts.

- A. General regulations. Planned redevelopment districts are intended to encourage sound and comprehensive planning in previously developed areas of Chestertown. They shall allow a minor degree of deviation from the town's subdivision requirements and zoning regulations so that maximum flexibility in these areas may be reached. A planned redevelopment district shall be a special exception or variance in any zone. Uses shall continue to be restricted to those of the zone(s) falling within the district and zoning densities are never increased by the special exception process.
- B. Administrative procedures.
- (1) Planned redevelopment district initiation. Initiation of a planned redevelopment district shall be by application of a property owner or property owners with practical difficulties in adhering strictly to the zoning and subdivision ordinance in redeveloping their property.
- (a) A statement of need for a planned redevelopment district and the practical difficulties in achieving it under the existing regulations.
- (b) A statement of all the objectives to be achieved by a planned redevelopment district. This statement will list each variance of the existing regulations needed to achieve the redevelopment. These variances will be minor and to relieve multiple practical difficulties for problems with setbacks, heights, lot coverage, road dimensions, parking requirements to name a few.
- (c) A plat, prepared by a licensed engineer or surveyor showing the location of the planned redevelopment district relative to surrounding areas of the town, showing property lines of the properties, existing zoning categories, location of all structures on the lots with existing setbacks, and showing existing uses within the planned redevelopment district and on all land adjoining the district, including all public lands and right-of-ways, the proposed use of each parcel of land in the planned redevelopment district, neighboring properties with current zoning, existing and proposed utilities, and all planned expansions or changes.

The Planning Commission will review the submittal and require all site plans, elevations information that would be submitted under preliminary site plan or preliminary subdivision review. No recommendation for approval will convey a

zoning density higher than the underlying zoning.

Upon approval of the planned redevelopment district project preliminary plan, the Planning Commission will forward the plan to the Board of Appeals with a complete list of variances recommended for approval under the plan.

- (3) Approval of planned redevelopment district plan. The Board of Appeals shall review the planned redevelopment district project plan and other documents as finally approved and submitted by the Chestertown Planning and Zoning Commission. The Board of Appeals shall rule only on those areas within the statutory scope of its authority.

The Board of Appeals shall hold a public hearing on the proposed planned redevelopment district plan. Notice of the public hearing before the Board of Appeals shall be published once at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the town. The published notices shall contain reference to the place or places within the town where the application may be examined. The Board of Zoning Appeals, in making its decision, shall be guided by the standards set forth in this chapter and also give consideration as to whether:

- (a) The plans for the development are in general conformance with all elements of the Comprehensive Plan for the town and the character and nature of existing and contemplated development in the vicinity of the proposed development.
 - (b) The physical characteristics of the development will not adversely affect future development or the value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
 - (c) The development will secure for its residents and neighboring residents substantially the same benefits with respect to availability of light, air, open space and street access as would be provided by the application of the appropriate district regulations.
 - (d) The development will secure for its residents and neighboring residents substantially the same protection from fire, health hazards and other dangers as would be provided by application of the appropriate district regulations.
 - (e) The development will permit design features that would not be possible by the strict application of the appropriate district regulations.
- (5) Community redevelopment projects. A community redevelopment project shall comply with all additional regulations as may be applicable under Town, County

State or Federal law.

- C. Implementation. The approval of the Board of Appeals of the planned redevelopment district will enable the Planning and Zoning Commission to proceed to final approval of the proposed plan in accordance with their established process for final site plan and subdivision approval.
- D. Deviation from compliance with subdivision regulations. In cases where subdivision or re-subdivision of lands is necessary to accomplish the purposes of the planned redevelopment district, the subdivision regulations of the town apply unless the application of the regulations is impractical arising from the character and nature of the planned redevelopment district. A deviation from the subdivision regulations may be made upon a finding that the subdivision regulations would not be practical, stating specifically the factual basis for such deviation. The standards set forth in Subsection B(3)(b) of this section shall also be used as considerations in determining whether subdivision deviations may be made.

ARTICLE VI

Supplementary Height, Area and Bulk Regulations

§ 170-50. Applicability.

The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in this chapter.

§ 170-51. Requirements for mixed uses.

- A. Where more than twenty-five percent (25%) of the total floor area of any building in a commercial district, except C-1 or C-2 Districts, is used for dwelling purposes and such building may also contain nonresidential uses, the minimum height, area and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this Article. Where twenty-five percent (25%) or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the height, area and bulk requirements applicable to nonresidential buildings in the district.
- B. In the C-2 Downtown Commercial District, residential and professional office uses, including medical offices, shall be considered accessory uses regardless of the percent of the building occupied, provided that the entire first floor, except entryways and vestibules, is a permitted commercial use as specified in § 170-42B of this chapter. Setbacks and yard requirements shall be those of the commercial use, provided that the

appropriate building codes are adhered to in the designing and constructing of the residential areas.

§ 170-52. Modification of height regulations.

- A. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this chapter shall not apply to the following:
- (1) Belfries.
 - (2) Chimneys.
 - (3) Public monuments.
 - (4) Church spires.
 - (5) Conveyers.
 - (6) Cooling towers.
 - (7) Elevator bulkheads.
 - (8) Fire towers.
 - (9) Flagpoles.
 - (10) Ornamental towers and spires.
 - (11) Water towers and standpipes.
 - (12) Commercial radio, television and cell phone towers less than one hundred twenty-five (125) feet in height.
 - (13) Silos.
 - (14) Smokestacks.
 - (15) Stage towers or scenery lofts.
 - (16) Tanks.

⁹Editor's Note: See Ch. 57, Building Construction.

- B. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semipublic and public service buildings, hospitals, institutions and schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet and churches and temples erected to a height not exceeding seventy-five (75) feet when all required setbacks are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.
- C. Notwithstanding any other provisions of this chapter, no places of public assembly, including, but without limitation, schools, churches, hospital, theaters and assembly halls, shall be erected or otherwise located within any area which would be classified as an Airport Approach Zone and within a distance of eleven thousand (11,000) feet from the end of any airport runway.

§ 170-53. Applicability of requirements for lot area per family.

- A. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions to the premises and if such lot does not conform to the requirements of such regulations and restrictions as to the width of lots and lot area per family, the provisions of such regulations and restrictions on lot area per family and lot width shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.
- B. Requirements for lot area per family do not apply to dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use.
- C. Requirements for lot area per family do not apply to rental units, such as may be found in a hotel, motel, boarding house, nursing home or assisted living facility.

§ 170-54. General requirements for yards and open space.

- A. Whenever a lot abuts upon an existing public alley, one-half (½) of the alley width may be considered as a portion of the required yard.
- B. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
- C. Every part of a required yard shall be open to the sky, except as authorized by this Article and except that the ordinary projections of sills, belt courses, window air conditioning

units, chimneys, cornices and ornamental features may project to a distance not to exceed twenty-four (24) inches into a required yard.

D. Location or erection of buildings.

(1) More than one (1) main building may be located upon a lot or tract in the following instances:

- (a) Institutional buildings.
- (b) Public or semipublic buildings.
- (c) Multiple-Family dwellings.
- (d) Commercial or industrial buildings.
- (e) Senior housing or assisted living facilities.

(2) The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

E. In the event that a lot may be occupied by a group of two (2) or more related buildings to be used for residential purposes, there may be more than one (1) main building on the lot when such buildings are arranged around a court, provided that said court, between buildings that are parallel, shall have a minimum width of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings and fifty (50) feet for buildings of three (3) stories or more, and in no case may such buildings be closer to each other than fifteen (15) feet.

F. Where a building surrounds a court by more than fifty percent (50%), the minimum width of the court shall be at least thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings and fifty (50) feet for three-story buildings.

§ 170-55. Front yard depth.

A. A corner lot will be considered to have two (2) fronts and two (2) sides, with no rear. The fronts will face the streets which form the corner. However, the buildable width of a lot of record at the time of passage of this chapter shall not be reduced to less than twenty-eight (28) feet.

B. On through lots, the required depth of a front yard shall be provided on each street.

C. Open, unenclosed porches, decks, platforms or paved terraces not covered by roofs or

canopies and which do not extend above the level of the first floor of the building may extend or project into the front or side yard not more than six (6) feet.

- D. Where twenty-five percent (25%) or more of the street frontage or where twenty-five percent (25%) or more of the street frontage within four hundred (400) feet of the property in question is improved with buildings that have a front yard, with a variation of six (6) feet or less, that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty percent (50%) in excess of the required front yard in the district in which the lot is located shall not be required. Where forty percent (40%) or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

§ 170-56. Side yard requirements.

- A. On a corner lot in any district, the side yard width adjacent to the side street shall be at least equal to the minimum front yard depth required for the district; provided, however, that the buildable width of a lot of record at the time of passage of this chapter shall not be reduced to less than twenty-eight (28) feet.
- B. The height of fences on a corner lot shall be the same as the front yard heights allowed on the street where the building fronts and the side yard heights on the street adjacent to the side of the building starting at the rear of the building.
- C. For the purpose of the side yard regulations, a group of business or individual buildings separated by common or party walls shall be considered as one (1) building occupying one (1) lot.
- D. The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residential districts shall be as required for the district in which the building is to be located, such requirements being indicated in the Table of District Regulations included at the end of this chapter.

§ 170-57. Rear yard projections.

Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five (5) feet but only where the same are so placed as not to obstruct light and ventilation. Open unenclosed porches, platforms, decks or paved terraces not covered by roofs or canopies and which do not extend above the level of the first floor of the building may extend or project into the rear or side yard not more than six (6) feet.

§ 170-58. Corner visibility requirements.

No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3) feet above the established street grade, shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty (20) feet distant from the intersection of the street lines.

§ 170-59. Restrictions for accessory buildings and structures.

- A. Except as herein provided, no accessory building shall project beyond a required front yard line along any street.
- B. Filling station pumps and pump islands, when located in zoning districts that allow them, may not occupy the required yards, and will not be less than forty (40) feet from any street right of way lines.
- C. An ornamental fence or wall not more than three and one-half (3½) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided that such fences and walls do not exceed a height of seven (7) feet.
- D. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided that they are not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line. A walk space at least three (3) feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier approved by the Administrator.
- E. Permitted accessory storage of a boat, boat trailer or camp trailer shall not be conducted in a front yard.
- F. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a side or rear yard, provided that such accessory building does not occupy more than thirty percent (30%) of the area of the required rear yard and provided that it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
- G. Ornamental, reflective or fish ponds are permitted in side and rear yards only. If the side or rear yard is not completely enclosed by a fence three (3) feet or higher, then the pond itself must be surrounded by a protective three (3) foot fence.

§ 170-60. Special regulations for two-family and townhouse dwellings.

- A. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the Table of District Regulations included at the end of this chapter.
- B. The dwelling units and individual lots of a two-family dwelling or townhouse may be sold separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.
- C. The following regulations shall apply to townhouses in any district where townhouses are permitted:
 - (1) The townhouse building shall comply with minimum lot requirements contained in the Table of District Regulations included at the end of this chapter, but each dwelling unit of a townhouse building need not be located on a lot complying with requirements for minimum lot area per family in the table, provided that the average for all dwelling units in the building equals or exceeds the minimum requirements and provided that no lot is created with a lot area of less than two thousand (2,000) square feet.
 - (2) Lot frontage, measured at a building line, for individual dwelling units of a townhouse may be reduced to not less than eighteen (18) feet. Lot width for end units shall be adequate to provide required front and side yards.
 - (3) For the purpose of the side yard regulations, a townhouse building shall be considered as one (1) building on one (1) lot, with side yards required for end units only, in accordance with the Table of District Regulations included at the end of this chapter.
 - (4) Unless otherwise restricted by district regulations, not more than five (5) dwelling units should be included in any one (1) townhouse building.
 - (5) When nonpublic areas for the common use and enjoyment of occupants of townhouses are provided but are not in individual ownership by such occupants, they shall be maintained in a satisfactory manner without expense to the general public. The Planning Commission shall seek any advice necessary to ensure compliance with this provision. For developments of ten (10) units or more, common use and recreational areas shall be provided at a rate equal to or greater than ten (10) percent of the total lot area designated for town house development.

¹⁰Editor's Note: See Ch. 148, Subdivision of Land.

- (6) Required off-street parking spaces at one and one-half (1½) spaces per dwelling unit may be provided on the lot or within one hundred fifty (150) feet of the lot. Garages shall not be counted towards the required off-street parking spaces
- (7) A site plan complying with the requirements of Article II of this chapter shall accompany an application for approval of a townhouse development.

ARTICLE VII
Board of Appeals

§ 170-61. Establishment; procedures for the conduct of business.

- A. Membership; terms. The Board of Appeals is hereby created. The Board shall consist of three (3) members. The members shall be appointed by the Mayor and confirmed by the Town Council, and they shall become removable for cause upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Of the members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years. Thereafter, members shall be appointed for terms of three (3) years each. The Mayor and Council shall designate two (2) alternate members for the Board, who may be empowered to sit on the Board in the absence of any member of the Board. When the alternates are absent, the Mayor and Council may designate a temporary alternate.
- B. Adoption of rules of procedures. The Board shall adopt rules for the conduct of its business, such rules to be made available to the public. For the conduct of any hearing, a quorum shall be not less than two (2) members, and an affirmative vote of two (2) members of the Board shall be required to overrule any decision, ruling or determination of the official charged with the enforcement of this chapter or to approve any special exception or variance. All meetings of the Board shall be open to the public.
- C. Maintenance of minutes and records. The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. The Chairman of the Board or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

§ 170-62. Powers and duties.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement,

decision or determination made by an administrative official in the enforcement of this Article or of any ordinance adopted pursuant thereto.

- B. To hear and decide applications for conditional uses upon which such Board is required to pass under such ordinances.
- C. To authorize, upon appeal in specific cases, a variance from the terms of the ordinance.
- D. The Zoning Administrator shall have the power to refer any matter to the Zoning Board of Appeals for clarification, interpretation or ruling, including those matters usually brought before the Board by other persons.
- E. Other powers of the Board. Throughout this chapter, reference is made to other powers of the Board.

§ 170-63. Procedures for filing applications and appeals; hearings.

- A. Applications for conditional uses and variances. Applications for conditional uses and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board, who shall place the matter on the docket, advertise a public hearing thereon and give written notice of such hearing to the parties in interest. The Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- B. Appeals. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator and with the Board a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record on application and on notice to the Administrator and on due cause shown.
- C. Public notice of hearing required; time limit for decision. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within sixty (60) days following the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. Public notice of a hearing shall consist of a publication, at least fifteen (15) days

prior to the hearing, in a newspaper of general circulation in the town, which specifies the time, place and nature of the hearing. In addition, the Board shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Administrator.

ARTICLE VIII

Variances and Conditional Uses

§ 170-64. Purpose.

The purpose of this Article is to provide for certain uses which cannot be well adjusted to their environment in particular locations, while offering full protection to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of its relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the town, these uses require the exercise of planning judgment on location and site plan.

§ 170-65. Application requirements; approval procedures.

A preliminary site plan complying with the requirements of Article II of this chapter shall accompany an application for approval of a variance or conditional use under this Article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood and surrounding properties. Procedures for approval of a conditional use and approval and amendment of site plans are contained in this Article of this chapter. (See § 170-73.)

§ 170-66. Revocation of permits.

Permits issued under a variance or conditional use approval may be revoked by the Administrator for failure to comply with the conditions of approval or applicable regulations.

§ 170-67. Variances.

- A. The Board shall have the power to grant variances from the yard, height, parking and area requirements of this chapter, so as to relieve practical difficulties or unnecessary hardships arising out of the strict application of the provisions of the chapter. The Board

shall grant the variance based on the criteria listed in Subsection B. In granting such variances, the Board may consider unusual characteristics of size, shape or topography of a property as well as any similar or shared conditions, setbacks or characteristics on adjacent or neighboring properties.

B. In order to grant a variance, the Board must find all of the following:

- (1) That the variance will not cause a substantial detriment to adjacent or neighboring property.
- (2) That the variance will not change the character of the neighborhood or district.
- (3) That the variance is consistent with the Comprehensive Plan and the general intent of this chapter.

§ 170-68. Approvals limited by conditions.

Where conditional uses or variances are approved, the Board may impose conditions it deems necessary.

§ 170-69. Lapse of approvals.

After the Board of Appeals has approved a conditional use or granted a variance, the conditional use or variance so approved or granted shall lapse after the expiration of one (1) year, if no substantial construction or change of use has taken place in accordance with the plans for which a conditional use or variance was granted or if the Board does not specify some longer period than one (1) year for good cause shown, and the provisions of these regulations shall thereafter govern.

§ 170-70. Amendment procedures.

The procedure for amendment of a conditional use or variance already approved or a request for a change of conditions attached to an approval shall be the same as for a new application, except that where the Administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed.

§ 170-71. Preexisting conditional uses.

Any conditional use listed in § 170-74 of this chapter which is legally existing at the effective date of the regulations of this Article shall be considered a nonconforming use. Owners of

property with conditional uses which existed prior to the effective date of this regulation may apply to the Board of Appeals for conditional use status.

§ 170-72. Appeals.

Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

§ 170-73. Procedures for conditional use approvals.

- A. The procedures for approval of a conditional use are the same as those prescribed for changes and amendments as set forth in § 170-65 of this chapter and, in addition, the procedures and requirements for approval of site plans as set forth below, together with applicable laws, regulations and ordinances governing the subdivision of land.
- B. Where the provisions of this chapter require the submittal of site plans for a conditional use, the following regulations shall apply:
 - (1) Five (5) copies of a preliminary site plan shall be filed with the Board of Appeals. The preliminary site plan shall comply with the requirements of this Article and shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Board of Appeals.
 - (2) The Planning Commission shall review the site plan for compliance with the requirements of this chapter. The Planning Commission may make reasonable additional requirements, including, but not limited to, those which may be imposed by the Board of Appeals under this Article of this chapter, especially requirements as to utilities, drainage and the landscaping and maintenance thereof, lighting, signs and advertising devices, screening, access ways, curb cuts, traffic control, heights of buildings and setbacks of buildings necessary to protect adjoining uses. The site plan shall be amended in accordance with the requirements of the Planning Commission before being submitted to the Board of Appeals for its consideration. The Planning Commission shall forward to the Board of Appeals the application for approval of the site plan, supporting documents and the site plan along with the Planning Commission's recommendation.
 - (3) Following approval by the Board of Appeals, a final site plan in the form of a final plat shall be prepared, filed and recorded. This final plat shall comply with the specifications of the Board of Appeals, the requirements of this Article and applicable laws, regulations and ordinances governing the subdivision of land.

¹¹Editor's Note: See Ch. 148, Subdivision of Land.

Permits shall be issued in accordance with the approved, filed and recorded plat.

- (4) If required by the Board of Appeals, a surety bond shall be filed for or deposited in escrow with the town in an amount sufficient to insure the completion of such requirements as may be imposed by the Board of Appeals.

§ 170-74. Conditional uses enumerated.

A. The following buildings, structures and uses shall be approved by the Board of Appeals, pursuant to this Article of this chapter, as conditional uses in all districts, except as otherwise provided in accordance with the procedures and standards of this Article, provided that the location is appropriate and not in conflict with the Comprehensive Plan; that the public health, safety, morals and general welfare will not be adversely affected; that adequate off-street parking facilities will be provided for the protection of surrounding property, persons and neighborhood values; and further provided that the additional standards of this Article are complied with. Unless otherwise specified in this Article or specified as a condition of approval, the height limits, yard spaces, lot area and sign requirements shall be the same as for other uses in the district in which the conditional use is located. Any variances that are part of a Conditional Use hearing must first be reviewed and approved by the Planning Commission.

B. Conditional uses.

- (1) Boathouses, piers and bulkheads. The following regulations shall apply to accessory boathouses and boat slips in residential districts:
 - (a) A boathouse may not be used as a dwelling, guest house or servants' quarters unless specifically permitted by other sections of this chapter.
 - (b) The height of a boathouse shall not exceed twenty (20) feet above mean high-water level.
 - (c) No boathouse shall exceed twenty (20) feet in width or forty (40) feet in length.
 - (d) No boathouse shall be built closer than ten (10) feet to a side lot line.
 - (e) Boathouses and boat slips, together with other accessory buildings, may occupy no more than thirty-five percent (35%) of a required rear yard.
 - (f) The following additional regulations shall apply to boat docks, piers and wharves, accessory or non-accessory, in any district:
 - i. The projection of docks, wharves and piers into waterways beyond

the waterway line, lot lines or established bulkhead lines or the placing of mooring piles or buoys shall be limited by applicable town ordinances and state laws and applicable regulations of the United States Army Corps of Engineers, and in no case shall a dock, wharf, pier or pile project into more than ten percent (10%) of the width of the waterway.

- ii. Groins, levees, bulkheads, pilings, breakwaters and other similar structures shall be erected and maintained in accordance with applicable location and construction standards of the town or state and the United States Army Corps of Engineers.
- (2) Bus terminals, but only in C-1, LI-1 and LI-2 Districts.
 - (3) Carwashes and automobile laundries, automatic or otherwise, which provide reservoir space for not less than ten (10) vehicles for each washing lane of an employee operated facility in the C-1, LI-1 and LI-2 Districts.
 - (4) Cemeteries, including a crematorium, provided that:
 - (a) The minimum area of the cemetery shall be ten (10) acres, unless associated with a church or limited to use by a family.
 - (b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery.
 - (c) A crematorium shall be located at least two hundred (200) feet from the boundaries of the cemetery.
 - (5) Cemeteries for pets provided that:
 - (a) The minimum area of the cemetery shall be five (5) acres.
 - (b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery.
 - (6) Churches (except small churches as permitted in certain zoning districts), rectories, parish houses, convents and monasteries, temples and synagogues.
 - (7) Commercial greenhouses, wholesale or retail.
 - (8) Convalescent homes, assisted living facilities, rehabilitation centers, nursing homes or homes for the aged.
 - (9) Day nurseries or child-care centers.

- (10) Docks, piers, bulkheads and other overwater structures, except private overwater piers and boathouses accessory to a dwelling.
- (11) Exposition centers, but not in residential districts.
- (12) Golf courses, not lighted for night play, including miniature golf courses, putting greens, driving ranges and similar activities operated as a business and including a building for a golf shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least seventy-five (75) acres.
- (13) Heliports, but not in residential districts except as an accessory use for hospitals and public safety facilities.
- (14) Hospitals and sanatoriums but not animal hospitals.
- (15) Educational or philanthropic institutions, including museums, art galleries and libraries, or semipublic, governmental or public buildings not otherwise listed, including fire stations and other public safety facilities.
- (16) Marinas and yacht clubs, provided that:
 - (a) The marina or yacht club complies with all other codes, regulations, laws and ordinances, including those relating to the establishment of bulkhead lines.
 - (b) The proposed design is satisfactory with regard to such safety features as the location of fueling points, the fuel storage effect on navigation and possibilities for water pollution.
 - (c) The marina or yacht club is properly located with respect to access roads and existing and future developed areas.
 - (d) The necessary approval is obtained from the United States Army Corp of Engineers.
- (17) Mobile home parks, provided that:
 - (a) A mobile home park is a conditional use in R-4 only.
 - (b) Access to the mobile home park shall be from a major thoroughfare; the number and location of access drives shall be controlled for traffic safety

and protection of surrounding properties; no mobile home space shall be designed for direct access to a street outside the boundaries of the mobile home park; and the interior access drives shall be properly lighted and at least thirty (30) feet in width of right-of-way, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable town specifications and ordinances.

- (c) The topography of the site shall be such as to facilitate rapid drainage, and adequate drainage facilities shall be provided.
- (d) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet, and the minimum total area of the mobile home park shall be five (5) acres, except that the minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.
- (e) The minimum area for a mobile home site for parking one (1) home shall be four thousand (4,000) square feet, with no dimension less than forty (40) feet and with corners of each site visibly marked and numbered by a permanent marker.
- (f) In addition to the requirement of Subsection B(17)(d) above, the mobile home park shall contain at least one thousand (1,000) square feet per mobile home for community facilities, including play space, utility rooms, parking and access roads.
- (g) The mobile home park shall be surrounded by a landscaped strip of open space fifty (50) feet wide along the street frontage of a major street or major highway and thirty-five (35) feet wide along all other lot lines or street frontage, the specific type of landscaping being subject to approval by the Planning Commission and the Board of Appeals.
- (h) No mobile home shall be parked closer than twenty-five (25) feet to any other mobile home or service building, and no part of a mobile home shall extend closer than five (5) feet to the boundaries of the individual mobile home site.
- (i) Off-street parking spaces for automobiles shall be hard surfaced and provided in the ratio of one and one-half (1½) spaces per mobile home and in locations convenient to individual groups of mobile homes.
- (j) In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one (1) flat or detached, non-illuminated or indirectly illuminated sign, with sign area limited to ten (10) square feet and sign height not exceeding five (5) feet.

- (k) The mobile home park shall be served by public water supply and sanitary sewers, subject to approval by the town. Proper provision shall be made for electrical connections, fire protection and refuse collection.
 - (l) The proposed mobile home park shall comply with all provisions of this chapter and state and local laws and regulations.
 - (m) Service or utility buildings are permitted within the park for use as postal, mobile home supply and mobile home park offices; provided, however, that all use of the facilities shall be designed for occupants of the park.
 - (n) Leasing arrangements, as well as rules and regulations set by the mobile home management, are subject to approval by the Planning Commission and the Board of Appeals.
- (18) Planned unit developments.
 - (19) Private clubs.
 - (20) Undertaking establishments.
 - (21) Recreational uses, such as those listed below, but not in Districts R-1, R-2 or R-3:
 - (a) Commercially operated swimming, tennis and athletic clubs, provided that the facilities shall be limited to those games and uses, such as swimming, shuffleboard, croquet or tennis. Activity areas and buildings shall not be located closer than twenty-five (25) feet to any lot line.
 - (b) Tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than fifty (50) feet to any adjoining property line, unless such property line fronts a public street or waterway with right-of-way not less than twenty-five (25) feet, in which instance the required setback need not exceed twenty-five (25) feet, and provided, further, that all such facilities must be located on a site having a minimum of two (2) acres.
 - (22) Riding academies, public stables or private stables but not in any residential district.
 - (23) Rooming, boarding- and lodging houses, bed and breakfast establishments.

¹²Editor's Note: See Art. V, District Regulations, of this chapter.

- (24) Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision, the time period to be determined by the Board of Appeals.
- (25) Any use not specifically named in these regulations, subject to a determination, in cases of uncertainty, of the district classification; provided, however, that such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified.
- (26) Community redevelopment projects.

ARTICLE IX

Nonconforming Uses

§ 170-75. Nonconforming use of land or buildings.

Except as otherwise provided herein, the use of land or buildings existing on January 1, 1974, may be continued although such use does not conform to the provisions hereof, subject to the provisions of § 170-84 of this chapter. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or a building has been changed to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of the enactment of this chapter.

§ 170-76. Nonconforming signs.

Where any sign does not comply with the provisions of this chapter, such sign and any supporting structures may be maintained but shall not be replaced, reconstructed, moved, structurally altered, repainted or re-lighted except in compliance with the provisions of this chapter and may continue in use until December 31, 1976, subject to earlier removal under other provisions of this chapter. Removal, replacement, reconstruction, moving or structural alteration for any cause whatsoever shall be considered as a loss of nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable requirements of these regulations and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

§ 170-77. Discontinuance of nonconforming uses.

No building or portion thereof used, in whole or in part, for a nonconforming use in a residential district which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

§ 170-78. Restoration and continuance of damaged nonconforming uses.

No building which has been damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this chapter, and all rights as a nonconforming use shall be terminated. If a building is damaged by less than fifty percent (50%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction is substantially completed within twelve (12) months of the date of such damage.

§ 170-79. Intermittent or temporary use of nonconforming uses; partial use of lots or tracts.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

§ 170-80. Existence of nonconforming uses; determination of classification in disputes.

Whether a nonconforming use exists shall be a question of fact; and in case of a dispute between the property owner and the Planning Commission, the question of the classification of use shall be decided by the Board of Appeals after public notice and hearing and in accordance with the rules of the Board.

§ 170-81. Alteration or extension of buildings nonconforming in height, area or bulk only.

A building nonconforming only as to height, area or bulk requirements may be altered or extended, provided that such alteration or extension does not increase the degree of nonconformity in any respect.

§ 170-82. Application of height, area or bulk regulations to nonconforming dwelling uses in industrial districts.

A dwelling nonconforming as to use in an industrial district shall be considered as a conforming use in application of the height, area and bulk requirements of this chapter.

§ 170-83. Certificate of nonconforming status required.

A certificate of nonconforming status shall be required for all nonconforming uses and signs. An application for a certificate of any nonconforming use shall be filed with the Administrator by the owner or his agent within twelve (12) months from the effective date of adoption of this chapter.

§ 170-84. Termination of certain nonconforming uses.

Certain nonconformities shall be terminated in accordance with the following provisions:

- A. Within not more than two (2) years from the effective date of this chapter or an amendment of this chapter by which a use becomes nonconforming, the right to maintain any nonconforming junkyard shall terminate, and such nonconformity shall no longer be operated or maintained and must be removed.

**ARTICLE X
Sign Regulations**

§ 170-85. General requirements.

- A. Permit requirements; inspection; fees. No sign, unless herein excepted, shall be erected, constructed, posted, altered or relocated except as provided in this Article and these regulations and until a permit has been issued by the Administrator. Before any permit is issued, an application especially provided by the Administrator shall be filed, together with three (3) sets of drawings and/or specifications, one (1) set to be returned to the applicant, as may be necessary to fully advise and acquaint the Administrator with the location, construction, materials, manner of illumination and/or securing or fastening, number of signs applied for and the wording of the sign or advertisement to be carried on the sign. All signs which are electrically illuminated shall require a separate electrical permit and inspection. All signs shall be erected on or before the expiration of one hundred eighty (180) days from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required. No sign shall be approved for use unless it has been inspected by the department issuing the permit and it is found to be in compliance with all requirements of this chapter and applicable technical codes. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the office of the Administrator.
- B. Location. No sign, portable or otherwise, is to be placed or located to conflict with vision, clearance or other requirements of applicable traffic ordinances.

- C. Number of permanent signs limited. Except as otherwise provided, these regulations shall be interpreted to allow one (1) permanent sign per occupancy. The combined sign area per store frontage may not exceed the smaller of the area permitted by the building's frontage length or the maximum sign area permitted by the zoning district.
- D. Permitted signs for nonconforming business, commercial or industrial uses in residential districts. Permitted signs for a nonconforming business, commercial or industrial use in a residential district shall consist of those signs permitted in the B-1 Neighborhood Business District.
- E. All signs subject to nonconforming use regulations. Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of Article IX, which governs nonconforming uses.
- F. Additional freestanding type signs permitted under certain conditions. In cases where a single property extends from parallel street to parallel street and the sign on the front cannot be seen from the rear, an additional sign of the freestanding type is allowed, the height of which cannot exceed seven (7) feet and the square footage of which cannot exceed ten (10) square feet.
- G. Historic District signs. Prior to the issuance of a permit for the erection of a sign in the Historic District, a historic review certificate must be obtained. The salient factor to be considered in granting a historic review certificate for a sign in the Historic District is that the sign shall be compatible with the character of the building and its surroundings.

§ 170-86. Definitions.

For the purpose of this Article, certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in Article III of this chapter are applicable to these definitions. The following terms shall have the meanings indicated:

ACCESSORY SIGN – A sign relating only to uses of the premises on which the sign is located or products sold on the premises on which the sign is located or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located. The size of the sign shall not exceed one (1) square foot and must be mounted flat against the building.

DETACHED SIGN – A sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall, not a part of a building shall be considered a “detached sign.”

DOUBLE-FACED SIGN – A sign with two (2) parallel or nearly parallel faces, back to back, and located not more than twenty-four (24) inches from each other.

ENTRY-SERVED STOREFRONT – It shall be recognized when a business occupies a ground floor space and has an entrance leading directly into the place of business from the front of a building.

FLASHING SIGN – An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a “flashing sign.”

FLAT SIGN – Any sign attached to and erected parallel to the face of or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than nine (9) inches from the building wall. Such sign shall not exceed the square foot limit applicable in the particular district involved. The sign must be oriented so as to be read from a point perpendicular to the building.

ILLUMINATED SIGN – Any sign designed to give forth artificial light or designed to reflect light from one (1) or more sources of artificial light erected for the purpose of providing light for the sign.

INDIRECTLY ILLUMINATED SIGN – A sign which does not produce artificial light from within but which is back-lighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.

INTERNALLY LIGHTED, TRANSLUCENT SIGN – A sign of translucent nontransparent material which is illuminated from within but has no exposed or exterior bulbs, tubes or other light sources.

MANSARD-ROOF SIGN – A one-sided sign mounted on the mansard or false mansard roof. For purposes of this chapter, a “mansard roof” is a double sloped roof whose lower section rises steeply. A “false mansard roof” consists of a roofed surface attached high on the walls of a low-pitched or flat roofed building that attempts to give the illusion of a true structural mansard roof.

MARQUEE SIGN – A sign attached to a canopy or covering structure projecting from and attached to a building.

OCCUPANCY – Business conducted by an individual or group of individuals engaged in the sale of more than one (1) kind of merchandise or service shall not be interpreted as more than one (1) “occupancy,” unless separate and independent ownership of individual businesses can be shown.

PENT-ROOF SIGN – A one-sided sign mounted on a pent roof. For purposes of this chapter, a “pent roof” is any permanent pitched roof attached to and supported solely by the wall of a building and originating below the building's main cornice line. Porch roofs, canopies and marquees are not pent roofs. Pent roof signs shall be parallel with the building wall and shall not project horizontally beyond the pent roof's edges or above the building's main cornice line.

PROJECTING SIGN – A sign which is attached to and projects more than nine (9) inches from the face of a wall of a building and is intended to be viewed from a ninety degree angle to the face of that building.

SIGN – A structure, display or device that is arranged, intended, designed or used for advertisement, announcement, identification, description or direction.

SIGN AREA – That area within a line which includes the outer extremities of all letters, figures, characters and delineations or within a line which includes the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon or a building or part thereof, shall not be included in the sign area. Only one (1) side of a double-faced sign shall be included in a computation of sign area. For other signs with more than one (1) face, each side shall be included in a computation of sign area.

TEMPORARY SIGN – A sign erected for no more than thirty (30) days.

WINDOW SIGN – Any sign attached to and erected parallel to the face of or erected or painted on the surface of a window and supported throughout its length by such window. For the purposes of this chapter, a window sign is considered a flat sign.

§ 170-87. Signs subject to permit; standards.

A. General requirements.

- (1) The following sign standards, by zone, are intended to include every zone in the Town of Chestertown. The zones are as defined by the Zoning Map. Only signs as described herein and as may be described as temporary and exemptions will be allowed in each particular zone.
- (2) If any zone is omitted from this chapter or if a new zone is created after the enactment of this chapter, no signs, temporary or permanent, shall be permitted therein until this chapter shall be amended to include such zone.
- (3) Regulations applying to temporary signs are included as § 170-89 of this chapter.
- (4) Regulations governing the illumination and mounting of permanent signs are included as § 170-92 of this chapter.

B. Residential district signs.

- (1) This subsection applies to the R-1, R-2, R-3, R-4, R-5, R-6 and RB Zones.

- (2) Signs subject to permit in the R-1, R-2, R-3, R-4, R-5 and R-6 Residential Zones include temporary signs and permanent signs. Permanent signs are to be flat or detached signs, limited in area to twenty (20) square feet and, if detached, limited in height to five (5) feet. Permanent signs are limited to the identification of an estate or a subdivision and for the identification of permitted public and semipublic uses as defined in this chapter.
- (3) Signs subject to permit in the RB Zone include temporary signs and permanent signs. Permanent signs are to be flat signs limited in area to four (4) square feet per building. In lieu of a flat sign(s), a freestanding sign with a maximum area of four (4) square feet and limited to a maximum height of five (5) feet may be erected where a structure has a minimum front yard setback of twenty-five (25) feet and a minimum lot width of fifty (50) feet. For a corner lot, the applicant may select two (2) flat signs, one for each building façade. The second flat sign is in place of the permitted freestanding detached sign. The size for the second flat sign shall be calculated using the same formula above.

C. Business district signs.

- (1) This subsection applies to the C-1, C-2, C-3 and CM Zones.
- (2) Signs subject to permit in the C-1 Zone include temporary signs, permanent signs and accessory signs. Permanent signs are to be flat signs with a maximum area equal to one and one-half (1½) square feet of sign per one (1) linear foot of store frontage but limited to sixty (60) square feet for each occupancy fronting on a street and detached signs limited in area to thirty (30) square feet and in height to fifteen (15) feet. A group of three (3) or more contiguous stores, such as those forming a shopping center, shall be permitted a detached sign advertising the group, provided that the combined sign area does not exceed one hundred (100) square feet. One (1) flat sign per occupancy and one (1) detached sign per platted parcel or per group of contiguous stores are allowed. Internally lighted, translucent signs are allowed.
- (3) Signs subject to permit in the C-2 Zone include temporary signs, permanent signs and accessory signs. Permanent signs can be flat signs with a maximum area equal to one (1) square foot of sign for one (1) linear foot of store frontage but not to exceed forty (40) square feet total for each storefront or projecting signs with an area not to exceed four (4) square feet. One (1) flat sign or projecting sign per occupancy is allowed. In cases where an existing structure has a front yard setback from the curb of more than twenty-five (25) feet, a freestanding sign may be permitted if such sign does not exceed five (5) feet in height and the square footage does not exceed four (4) square feet. In cases of multiple occupancy of a building, only one (1) of the aforementioned projecting or freestanding signs may be erected, except that any ground floor, entry served storefront shall be entitled to its choice of one (1) of the aforementioned signs. Additional occupants are limited

to flat signs limited to four (4) square feet. Signs can only be lighted indirectly.

- (4) Signs subject to permit in the CM Zone include temporary signs, permanent signs and accessory signs. Permanent signs are to be flat signs with a maximum area equal to one (1) square foot of sign for one (1) linear foot of store frontage but limited to forty (40) square feet. One (1) additional flat sign, if placed on the water side of a waterfront property and oriented to be read from boats on the water, is allowed. One (1) or, where applicable, two (2) flat signs per occupancy are allowed.
- (5) Signs subject to permit in the C-3 Zone include temporary signs, permanent signs and accessory signs. Permanent signs can be flat signs with a maximum area equal to one (1) square foot of sign for one (1) linear foot of sign for one (1) linear foot of store frontage, not to exceed forty (40) square feet for each storefront. One (1) flat sign is permitted for each ground level storefront. In cases where a front yard setback equals or exceeds twenty-five (25) feet, a freestanding sign may be permitted if such sign does not exceed eight feet in height and twelve (12) square feet in area. Signs may be internally lighted unless the Historic District Commission determines that such lighting is inappropriate to the structure or property. Occupants that are behind or above the ground level storefront must share the sign area square footage allowed to the storefront facing the street.

D. Industrial district signs.

- (1) This subsection applies to the LI-1 and LI-2 Zones.
- (2) Signs subject to permit in the industrial zones include temporary signs and permanent signs. Permanent signs are to be flat signs which are limited in area to one hundred (100) square feet, with one (1) for each industry, and detached signs which are limited in area to fifty (50) square feet, in height to five (5) feet and in number to one (1) per platted parcel. Internally lighted, translucent signs are allowed.

E. Institutional district signs.

- (1) This subsection applies to the IN Zone.
- (2) Permanent signs subject to permit in the Institutional zone are temporary and permanent signs. Permanent signs are to be flat signs up to sixty (60) square feet for the primary building and up to forty (40) square feet for secondary buildings if the institution has multiple buildings. Detached signs of up to thirty (30) square feet may be substituted for flat signs for the primary building and twenty (20) square feet for secondary buildings on an either/or basis. Signs will be approved by the Planning Commission for compatibility with the other signs at the institution for color and design. Signs identifying the entire institution to the

public and on main thoroughfares will be submitted to the Planning Commission for approval on scale, design and appropriateness, without a specific square footage requirement.

§ 170-88. Exemptions to permit requirements.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accord with the structural and safety requirements of applicable codes:

- A. Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- B. Non-illuminated signs, not to exceed one (1) square foot per sign, warning trespassers or announcing property as posted.
- C. Private signs directing vehicular and pedestrian traffic movement onto premises or within premises only, not to include advertising and not exceeding two (2) square feet in area for each sign. Illumination of these signs shall be subject to the provisions of § 170-92 of this chapter.
- D. Rental signs on the premises which announce rooms for rent and/or board or apartment or house for rent and not exceeding two (2) square feet in area.
- E. Temporary, non-illuminated paper signs in show windows.
- F. Temporary, non-illuminated signs, not more than six (6) square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, one (1) such sign for each street frontage.
- G. Temporary non-illuminated signs, not more than ten (10) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress.
- H. Signs on vehicles of any kind, provided that the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle. This section should not be interpreted to permit the parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.

§ 170-89. Temporary signs and displays.

The Administrator, upon application as required in § 170-85A of this chapter, may issue permits for the following temporary signs and displays for a period not exceeding thirty (30) days when, in the Administrator's opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property:

- A. Signs advertising a special civic or cultural event, such as a fair or exposition, play, concert or meeting sponsored by a governmental or charitable organization.
- B. Special decorative displays used for holidays, public demonstrations or promotions for nonpartisan, civic purposes.
- C. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- D. Signs advertising political candidates, organizations and similar political purposes.

§ 170-90. Nonconforming signs.

Signs existing at the time of the enactment of this chapter and not conforming to its provisions, but which were constructed in compliance with previous regulations, shall be regarded as nonconforming signs. Nonconforming signs which are structurally altered, relocated, changed or replaced shall comply immediately with all provisions of this chapter. Repainting the sign in the same manner and the same colors shall be construed as maintenance and shall not affect the legal nonconforming status of a sign.

§ 170-91. Prohibited signs.

- A. Pennants, banners, streamers and all other fluttering, spinning or similar type signs and advertising devices are prohibited, except for national flags and flags of political subdivisions of the United States and except for flags of bona fide civic, charitable, fraternal and welfare organizations; provided, however, that during nationally recognized holiday periods or during a special civic event, pennants, banners, streamers and other fluttering, spinning or similar type advertising devices pertaining to said periods or events may be displayed by temporary permit as provided above in this Article.
- B. Signs advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located are prohibited.
- C. Marquee signs are prohibited.
- D. All signs not specifically allowed under the provisions of this chapter are prohibited.

§ 170-92. Standards for illumination and mounting.

A. Illumination.

- (1) Signs are to be indirectly illuminated unless otherwise allowed.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- (3) No sign shall have flashing lights or some other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted. Exposed neon tubing is not permitted.
- (4) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (5) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (6) No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

B. Mounting.

- (1) Unless detached or affixed to windows, all permanent flat signs are to be mounted flat against a wall, except in those situations where the structure of the building precludes a wall mounted, permanent sign of allowable dimensions. In those cases, a pent roof mounted or mansard roof mounted sign is allowable.
- (2) Projecting signs must be double sided with a thickness between sides not to exceed two and one-half (2½) inches. Projecting signs may be suspended by a bracket or attached directly to the building. The means of attachment must meet all provisions regarding structural safety. Projecting signs may project a maximum of forty-two (42) inches from the building. The lowest point of the sign must be a minimum of seven (7) feet above the sidewalk level and any walking surface immediately below the sign. The uppermost point of the sign must be no more than a maximum of twelve (12) feet above the sidewalk level.

§ 170-93. Administration; maintenance; removal.

- A. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Board of Appeals for the purpose of interpretation by the Board and recommendation for action on the application

by the Administrator. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this chapter.

- B. The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.
- C. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.
- D. The Administrator shall cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within thirty (30) days after receiving written notice of violation from the Administrator.

ARTICLE XI Off-Street Parking

§ 170-94. Off-street parking requirements.

Except as otherwise provided in this chapter, when any building or structure is hereafter erected or structurally altered or any building or structure hereafter is converted for the uses listed in the Table of Off-Street Parking Spaces included at the end of this chapter, accessory off-street parking spaces shall be as required in such table or as required in subsequent sections of this Article.

§ 170-95. Location of parking facilities; joint use.

- A. All parking spaces required herein shall be located on the same lot with the building or use served, except that, where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed three hundred (300) feet from an institutional building or some other nonresidential building served.
- B. Up to fifty percent (50%) of the parking spaces required for theaters, public auditoriums, bowling alleys, dance halls and nightclubs and up to one hundred percent (100%) of the parking spaces required for a church auditorium may be provided and used jointly by

banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as theaters, public auditoriums, bowling alleys, dance halls and nightclubs, and up to one hundred percent (100%) of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.

- C. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance of the title of the property to be designated as required parking space, such encumbrance on the title of the property to be valid for the total period the use or uses for which the parking is needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the Administrator.

§ 170-96. Design standards.

Additional design standards for each zoning category can be found in Appendix I.

- A. **Minimum area.** For the purpose of these regulations, an off-street parking space is an all-weather, surfaced area, not in a street or alley, having an area of not less than two hundred (200) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. In parking lots of five (5) or more spaces, up to twenty-five (25) percent of the spaces may be one hundred sixty-two (162) square feet, or nine (9) feet by eighteen (18) feet, and shall be designated for compact vehicles.
- B. **Drainage and maintenance.** Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and dust free condition at the expense of the owner or lessee and shall not be used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies. Stormwater management will use current best management practices such as permeable paving, vegetated buffer strips, rain gardens, and other techniques.
- C. **Separation from walkways and streets.** Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence, curbing or other approved protective device or by distance so that vehicles cannot protrude over publicly owned areas. Adjoining parking lots shall, wherever possible, be connected.
- D. **Entrances and exits.** The location and design of entrances and exits shall be in accord with the applicable requirements of town traffic regulations and standards. Landscaping,

curbing or approved barriers shall be provided along lot boundaries to control the entrance and exit of vehicles or pedestrians.

- E. Interior drives. Interior drives shall be of adequate width, structurally defined with curb and gutter and landscaped islands, to serve the particular design arrangement of parking spaces.
- F. Marking. Parking spaces in lots of more than five (5) spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot. Signs, markers and pavement markings shall conform to the standards approved by the Maryland State Highway Administration and endorsed by the United States Department of Transportation.
- G. Lighting. Adequate lighting shall be provided if off street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in any residential district, and must comply with the Town's Night Skies Ordinance 06-2009, adopted June 15, 2009.
- H. Screening. When off-street parking areas for three (3) or more automobiles are located next to a residential district or to any lot upon which there is a dwelling as a permitted use under these regulations and where such parking areas are not entirely, visually screened from such lot by an intervening building or structure, there shall be provided a continuous visual screen with a minimum height of six (6) feet. Such screen may consist of a compact evergreen hedge or foliage screening using native plantings. The initial planting of the visual screen shall be three (3) feet tall, or a louvered wall or fence of substantial material shall be approved by the Planning Commission. The optimal screening sought by the Planning Commission is a combination of native plantings and structural solutions.
- I. Construction material. All off-street parking facilities shall be paved with macadam, bituminous concrete or concrete, and the design and specifications therefore shall be subject to approval by the Planning Commission.
- J. Landscaping. In off-street parking areas of three (3) or more spaces, the Planning Commission shall require landscaping to screen the parking area from any adjacent properties and street frontages. All required landscaping shall consist of plants native to the Chesapeake Bay watershed. Invasive plants shall be strictly avoided.

ARTICLE XII

Off-Street Loading Regulations

§ 170-97. Off-street loading spaces required.

Except as otherwise provided in this chapter, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by twenty-five percent (25%) or more or any building is hereafter converted for the uses listed in the Table of Off-Street Loading Requirements included at the end of this chapter and when such buildings contain the floor areas specified in such table, accessory, off-street loading spaces shall be as required in such table or as required in subsequent sections of this Article.

§ 170-98. Buildings containing mixed uses.

Where a building is used for more than one (1) use or for different uses and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading spaces.

§ 170-99. Design standards.

- A. Minimum size. For the purpose of these regulations, a loading space is a space within the main building or on the same lot which provides for the standing, loading or unloading of trucks and has a minimum area of five hundred forty (540) square feet, minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet and a vertical clearance of at least fourteen and one-half (14½) feet.
- B. Loading space for funeral homes. Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and the vertical clearance reduced to eight (8) feet.
- C. Drainage and maintenance. Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and shall be surfaced with erosion resistant material in accordance with applicable specifications. Off-street loading areas shall be maintained in a clean, orderly and dust free condition at the expense of the owner or lessee and shall not be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- D. Entrances and exits. The location and design of entrances and exits shall be in accord with applicable requirements of traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one (1) off-street loading space.

Table of Off-Street Parking Spaces
(See Article XI)

The following table will be used by the Planning Commission for reference only, and may at its discretion waive or vary the required parking space sizes and numbers to meet impervious surface reduction goals, or for higher density development as outlined in the Chestertown Comprehensive Plan.

| Use | Required Off-Street Parking Spaces |
|---|---|
| Auditorium, theater, gymnasium, stadium, arena or convention hall | 1 per 5 seats or seating spaces |
| Amusement place, dance hall, skating rink, swimming pool, natatorium or exhibition hall without fixed seats | 1 per 100 square feet of floor area. This requirement does not apply to an accessory use. |
| Animal hospital area, with a minimum of 4 | 1 per 400 square feet of floor |
| Bowling alley | 10 per alley |
| Church or temple, auditorium, place of assembly | 1 per 5 seats or bench seating or spaces (seating in the main auditorium only) |
| College or high school | 1 per 5 seats in the main auditorium or 8 per classroom, whichever is greater |
| Country club or golf club | 1 per 5 members |
| Elementary, junior high or nursery school | 1 per 10 seats in the main assembly room or 1 per classroom, whichever is greater |
| Food storage locker | 1 per 200 square feet of customer service area |
| Funeral home | 1 per 50 square feet of floor area, excluding storage and work area, with a minimum of 30 |
| Furniture or appliance store, machinery, equipment and | 1 per 300 square feet of floor area, with a minimum of 2; for |

| | |
|---|---|
| automobile and boat sales and service | automobile sales and service, a minimum of 10 |
| General service or repair establishment, printing, publishing, plumbing, heating or broadcasting station | 1 per 3 employees on the premises |
| Hospital | 1 per 2 patient beds |
| Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment | 1 per 2 employees on a maximum working shift, plus space for storage of trucks or other vehicles used in connection with the business or industry |
| Multiple-family dwelling with than 3 dwelling units per 2 roomers | 1½ per dwelling unit, plus 1 more |
| Office or office building, post office, studio or clinic | 1 per 400 square feet of floor area, with a minimum of 3; for a clinic, a minimum of 10 |
| One-, two- or three-family dwellings | 1 per dwelling unit |
| Private club, fraternity, sorority and lodge with no sleeping rooms | 1 per 10 active members |
| Private club, fraternity, sorority and lodge with sleeping rooms | 2 per 3 sleeping rooms or suites or 1 per 5 active members, whichever is greater |
| Public library, museum, art or community center | 10 per use, plus 1 additional gallery for each 300 square feet of floor area in excess of 1,000 square feet |
| Restaurant or other establishment for consumption of food or beverages on the premises | 1 per 100 square feet of floor area, with a minimum of 3 |

| | |
|---|---|
| Retail store or personal service establishment or bank | 1 per 200 square feet of floor area; for retail food stores over 4,000 square feet, 1 per 100 square feet of floor area |
| Rooming, boarding- or lodging house | 1 per sleeping room |
| Sanatorium, convalescent home, home for the aged or similar institution | 1 per 5 patient beds |
| Tourist home, motel, motor hotel, motor lodge or hotel | 1 per sleeping room or suite |

NOTES:

1. The use regulations for each district are not affected by the arrangement of uses in the table.
2. The parking requirements in the table are in addition to space for storage of trucks or other vehicles used in connection with any use.
3. The parking requirements in the table do not limit other parking requirements contained in the district regulations.
4. The parking requirements in the table do not limit special requirements which may be imposed with conditional uses pursuant to Article VIII of this chapter.
5. Floor area, as used in the table, shall be as defined in Article III of this chapter.
6. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
7. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one (1) time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
8. The parking space requirements for a use not specifically listed in the table shall be the same as for a listed use of similar characteristics of parking demand generation.

¹³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

9. In the case of mixed uses or uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum required for the various uses computed separately.
10. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need, under the requirements of this chapter, for an increase in parking spaces of ten percent (10%) or more than those required before the change or enlargement, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent (10%) of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent (10%) or more.
11. Whenever a building is built or enlarged or it is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need, under the requirements of this chapter, for an increase in parking spaces and is located in the C-2 Commercial Zone and the Historic District of Chestertown, a variance may be sought to relieve the property owner of some or all of the parking space requirements. The Board may grant such a variance if it finds that adequate public parking exists within three hundred fifty (350) feet of the proposed building or that providing a parking lot in the historical area would do substantial and irreparable harm to the Historic District area.
12. In cases of low rent public housing units owned, leased or operated by the Chestertown Housing Authority and housing developments for elderly persons, the Planning and Zoning Commission may determine and approve a reduction in the number of required spaces for such use by not more than fifty percent (50%) of the applicable regulations.

Table of Off-Street Loading Requirements
(See Article XII)

| USE | FLOOR AREA (square feet) | REQUIRED LOADING SPACES |
|---------------------------------|-----------------------------|----------------------------|
| Retail store, department store, | 2,000 to 10,000 | 1 |
| restaurant, wholesale house, | 10,000 to 20,000 | 2 |
| warehouse, general service, | 20,000 to 40,000 | 3 |

| | | |
|---|---|-----------------------------|
| manufacturing or industrial establishment | 40,000 to 60,000 Each 50,000 over 60,000 | 4 1 additional |
| Apartment buildings, motel, hotel, offices or office buildings, hospitals or similar institutions or places of assembly | 5,000 to 10,000 10,000 to 100,000 100,000 to 200,000 Each 100,000 over 200,000 | 1 2 3 1 additional |
| Funeral home or mortuary | 2,500 to 4,000 4,000 to 6,000 Each 10,000 over 6,000 | 1 2 1 additional |

NOTES:

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
2. The loading space requirements in Article XII do not limit special requirements which may be imposed in connection with Article VIII, Variances and Conditional Uses, or Article VII, Board of Appeals.
3. Under the provisions of Article VIII, the Board of Appeals may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities or where provision of loading space requirements is impractical under certain conditions for uses which contain less than ten thousand (10,000) square feet of floor area.

APPENDIX I

Design Principles, Policies & Guidelines for New Construction

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DESIGN GUIDELINES AND POLICY STATEMENT

NEW CONSTRUCTION

- A. General: The design of new construction is of utmost importance, whether it must harmonize with the character of the neighborhood and existing structures or if it begins the new development of raw land. The following guidelines and policy statement are not intended to require particular architectural styles or dictate one period over another. Instead, they are purposely general in nature and are intended to allow a range of design options which will encourage development compatible with the neighboring properties and the Town.

All new construction plans that come before the Planning and Zoning Commission must have been completed by an architect and/or engineer registered in the State of Maryland. This is in accordance with the State of Maryland policy concerning building codes and commercial and public buildings. It is not likely that the Planning Commission will handle any applications that fall under any other category, since in this regard industrial would be considered commercial or public and multi-family residential the same. If the building and site plans are boilerplate from another jurisdiction they can be deemed unresponsive to the general guidelines above, in that they were designed totally without regard to their placement in the Chestertown community. The applicant can then be asked to have their architect redesign the structure to conform with local conditions and architecture. Conversely, if the surrounding buildings were built without any regard to architectural design or to the community in general, the applicant can be asked to follow good design standards for the future growth of the Town.

The following factors should be taken into account when planning and designing new construction.

- (1) Compatibility with surrounding architecture. The relationship between the width and height of the front façade of a building should be visually compatible with adjacent buildings. Additionally, the relationship of a building to the open spaces between it and adjoining buildings should be visually compatible with the spacing of adjacent buildings. This is not merely a discussion of the setbacks required by the applicable zoning. When one moves past a sequence of buildings, one experiences the proportion of the width to height of the buildings as well as a rhythm of recurrent building masses to the open spaces between them. For example, if a series of narrow two story buildings is interrupted by a new, wide, one story building of the same height as the other two story buildings, the result is a very incompatible streetscape.
- (2) Height. The height of a proposed building should be visually compatible with adjacent buildings. One of the most distinguishing features of any neighborhood is the strong horizontal line established by the structure's cornices. It is important that this line be introduced into the design solution

for new construction to assure continuity from one building to the next. It is not necessary to duplicate an adjoining structure in terms of height but, instead, to maintain an appearance of a strong horizontal line between dwellings. There should not be more than a ten percent (10%) difference in a visual field where the majority of buildings are similar in height. Nor should there be a ten percent (10%) difference in the height of any one story, unless the adjacent structures are functionally too short. If all the surrounding buildings are of varied height with no apparent compatibility, the Planning Commission shall ultimately decide the appropriate scale based on the system of development of the rest of the Town and on the requirements of the zoning ordinance.

- (3) **Scale.** The size of a building, the building mass in relationship to open spaces, windows, and doors should be compatible with other buildings in a visually related field. Scale is created by the size of units of construction and architectural detail which relate to the immediate environment and man.
- (4) **Materials, Texture, and Color.** The purpose of this section is to encourage the proper use of appropriate materials and details. The materials and details of new construction should relate to the materials and details of existing adjacent buildings. Relationship of materials, texture, and color of the façade of a building should be visually compatible with the predominant materials used in the buildings to which it is visually related. However, materials for all structures in commercial, industrial and public zones shall be of stone or masonry to ensure the safety of the occupants. Visible roofing materials may be slate, composition shingles, or metal (with a permanent finish and not the type used for barns or sheds). Further, metal buildings have no precedence in Chestertown's history; therefore the use of metal is not permitted on visible facades.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Traditional Neighborhood Development (TND) utilizes design principles embodied in urban form and design conventions that were the norm in Chestertown from Colonial times to the 1940's. The TND District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Town Zoning Ordinance and that is approved by the Planning Commission.

The following Design Guidelines are intended to supplement the Design Standards and requirements contained in the Chestertown Zoning Ordinance applicable to the R-6 Traditional Neighborhood Development District.

Applicants shall be guided throughout the review process by the following TND Design Standards. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The TND Design Guidelines serve as a tool for the Town planning staff by providing a checklist of elements to be considered. The Standards also inform the design professionals of items that should be considered or included from the outset of the design process.

A. Purpose and Intent. The purpose and intent of establishing Design Guidelines for the Traditional Neighborhood Development (TND) District is:

- (1) To preserve and enhance the unique character of the Town while integrating new development into the overall fabric of the community;
- (2) To encourage creative design and innovative approaches to achieve the community character called for in the Town's Comprehensive Plan;
- (3) To ensure that each incremental addition to the Town recognizes precedent and is designed in a manner that is mindful of what has come before and contributes to the achievement of overall community design objectives; and
- (4) To encourage a broad housing market that will accommodate a diverse population mix of all ages, income levels, and socio-economic backgrounds reflective of the Town's existing demographics.

B. Specific Goals and Objectives. The goals and objectives of the TND Design Guidelines are to:

- (1) Design for the human scale and perceptions to create a sense of neighborhood and community.
- (2) Enhance Chestertown's sense of place in its rural and regional setting by maintaining the small-town feel while keeping new development in harmony with nature.
- (3) Create a pleasant and functional pedestrian realm that consists of common open spaces, tree-lined streets, and landscaped areas (between public and private spaces) and utility corridors.
- (4) Encourage internal and peripheral open space.
- (5) Create neighborhood centers within walking distances of all surrounding neighborhoods.
- (6) Create appropriate transition areas between neighborhoods.

- (7) Design for neighborhood and collector streets internal to the community.
 - (8) Integrate buildings of smaller scale in a pattern of various footprints.
 - (9) Plan for mixed and multiple land uses, including a mix of housing types, income and a horizontal and vertical mix of uses.
 - (10) Utilize appropriate details in building design.
 - (11) Create housing which offers a variety of options to accommodate and encourage a diverse population mix of varied socio-economic backgrounds reflective of the Town's demographics.
- C. **Applicability.** The provisions of the TND Design Guidelines shall be considered during the review of all Master Development Plans, site plans, subdivision plans, or other permits or applications for new development, new construction involving structural alterations, and new structures, on all land located in the R-6 (TND) District. Where these guidelines conflict with any provision of the Chestertown Zoning Ordinance or the Subdivision Regulations, the provisions of the Zoning Ordinance or Subdivision Regulations shall control.
- D. **Design Provisions.** The Planning Commission will rely on the Comprehensive Plan and the Design Guidelines concerning issues of design, neighborhood and community character, and compatibility. In general, these call for the following characteristics, which shall be set forth on a set of drawings, plans, and/or elevations sufficient to permit the Planning Commission to apply the following standards.
- E. **General Design Provisions.** The following standards generally apply to development proposed in the TND District.
- (1) **Architectural Considerations.**
 - a. The architectural design of structures and their materials and colors should be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with natural landforms and existing vegetation and with other development plans approved by the Town.
 - b. Specific consideration should be given to compatibility with adjacent properties where such projects demonstrate the Town's character.
 - c. Facing buildings should not differ in height by more than 2:1, excluding church steeples, decorative cornices, chimneys, and the like.

- d. Materials should be used that have similar texture and appearance as appropriate to the Town's character.
 - e. Exterior materials should be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional or muted tones.
- (2) Overall Form and Spatial Relationships
- a. Areas of new construction should be sited so as to best preserve natural vistas and the existing topography.
 - b. Peripheral greenbelt open space should be designed to follow natural features whenever possible and to maintain an agricultural, woodland, or countryside character.
 - c. The developed portions of the TND should be distinguished from the peripheral, greenbelt open space by a well-defined line or edge so that developed areas will transition very quickly to rural, undeveloped lands.
 - d. Peripheral open space should surround the planned neighborhood. An exception to this standard is that Neighborhood Centers Areas may be located along major roads, at the planned neighborhood perimeter. Another exception is that planned neighborhoods proposed to be located within five hundred (500) feet of existing residential development should be encouraged to be contiguous with preexisting neighborhoods through the use of multiple street and footpath connections.
 - e. Residential lots should not be located within two-hundred and fifty (250) feet of any two-lane state highway, unless effectively screened from the public view by virtue of topography, dense vegetation, or other physical or visual barriers. If a state highway also functions as a main street or main street extended, setbacks and screening may be reduced in favor of urban gateway treatments, e.g., decorative street lights, special signage and landscape treatments appropriate to an urban street.
 - f. Neighborhood Centers and Central Residential Areas should be surrounded by Single Family Residential Areas or, where applicable, by a combination of residential and civic uses.
 - g. The transition between different land uses should be handled so as to avoid distinct visual differences, such as in the scale of buildings.

Similar land-use types should front one another, while dissimilar land-use types should abut along alleys or rear parking areas.

- h. Neighborhood Centers should be located at or near the geographic center of the residential areas they primarily serve and should be located within fifteen hundred (1,500) feet of three-quarters of all dwellings within its service area.
- i. Higher-density residential uses should be located within the Central Residential Areas.

(3) Block Design.

- a. Planned neighborhoods should be designed in a net-like pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways, and sidewalks.
- b. While topography, existing vegetation, hydrology, and design intentions should influence block shape and size, the maximum length for a block should be five hundred (500) feet, with an allowance for blocks up to eight hundred (800) feet when mid-block footpaths are provided. No less than one eight (8) foot pedestrian alley or way should be provided for every two hundred and fifty (250) feet of street frontage in the commercial zones, connecting with rear parking lots.
- c. Each block that includes storefronts and/or residential lots or uses less than forty-five (45) feet wide should be designed to include an alley serving rear parking areas or garages.
- d. In order to calm traffic speeds, the use of "T" intersections, where vehicles must stop and turn to the right or to the left rather than proceeding forward in a straight line, is encouraged. At least twenty-five (25) percent of all intersections within the subdivision residential areas should take this form, unless other design devices (such as traffic islands or circles, four-way stop signs, or other traffic calming measures are employed to reduce vehicle travel speed.

F. Residential SRA. In addition to the General Design Provisions set forth in subsection E above, the following guidelines generally apply in the Single-Family Residential Areas (SRA) of the TND District.

- (1) Residential design styles should reflect vernacular architecture.
- (2) Repetitious housing styles within individual neighborhoods are discouraged.

- (3) Porch frontages are encouraged on all single family detached homes.
- (4) Residential buildings should front on public ways, and be located so as to create a sense of enclosure along the street.
- (5) Build-To-Lines (BTL) should include appropriate variations to encourage neighborhood identity and creativity.
- (6) Lot widths should be varied. Orientation of housing can also vary.
- (7) Lot widths should be designed to ensure that garages do not dominate the front facade of residential structures.
- (8) Traditional roof pitches and multiple roof lines are encouraged.

G. Residential CRA. In addition to the General Design Provisions set forth in subsection E above, the following guidelines generally apply in the Central Residential Areas (CRA) of the TND District.

- (1) In general, townhouse and multi-family units should adhere to the architectural guidelines for single family and two-family dwellings.
- (2) Townhouse and multi-family units should blend into the overall character of the neighborhoods.
- (3) Multi-family structures should appear as large single-family units. Small groups of town homes, four or less, may be designed to appear as large single-family structures.
- (4) Single family residences should be mixed with other permitted housing types.
- (5) No more than six units should be included in a single town house unit group. Each unit should have a distinct architectural appearance, but the overall appearance of the units should be compatible with and complementary to adjacent single family residential units and with the other units in the neighborhood.
- (6) Parking for townhouse and multi-family structures should be located to the rear or side of the units.
- (7) The majority of multi-family and townhouse units should be located in the Central Residential and Neighborhood Center areas of the TND.

H. Open Space. The following design provisions generally apply to open space areas and Conservation Areas (CA) in the TND District.

- (1) Open space shall consist of a separate lot(s) or area(s) designated for protection of its environmental features, for recreation, or for public use, including public facilities. Open space types are generally recognized as conforming to one of the following types (from rural to urban):
- a. Conservation Area (CA): The largest open space areas, reserved for protection, enhancement, and creation of environmental resources including wetlands, stream buffers, tree cover, steep slopes, floodplain and similar environmentally sensitive land that collectively form and connects to a regional greenbelt. The landscape is naturalistic and requires limited to no maintenance. Certain areas may be conducive to informal recreation such as hiking and biking trails that serves to line the reserve to a regional open space network.
 - b. Park: A large public tract, available for active and passive recreation, typically located at the edge of the neighborhoods, connected to conservation reserves and adjacent access from a public thoroughfare. The landscape generally consists of lawn and trees, informally and naturalistically arranged and requiring limited maintenance. Parks often accommodate active recreation including tennis, multi-purpose courts, ballfields, garden plots, picnic areas, pools and pool house, community building and similar use, including parking.
 - c. Green: A moderate to small public tract of land, available for unstructured recreation, often circumscribed on all sides by both building frontages and thoroughfares. Greens are most often associated with and uniquely identified/designed for a particular neighborhood use. The landscape consists primarily of trees and lawn areas, naturalistically or formally arranged, requiring limited or moderate maintenance. A natural green including informal plantings and grouping of trees and plant materials, randomly placed sitting areas and walks and similar features. A formal green includes more formal arrangement of trees and plantings, deliberately aligned furniture and sitting areas, formal pathways and walks, and similar features. An attached green (either natural or formal) is circumscribed on all sides by building frontages and on at least two sides by thoroughfares.
 - d. Squares: A public open space, often an entire block, at the intersection of important streets and set aside for civic and public purpose; often associated with multiple neighborhood/public use. Typically circumscribed on all sides by both building frontages and thoroughfares, its landscape consists primarily of paved walks, lawn, trees, shrub massing, furniture and ornaments, such as fountains or

sculptures, civic buildings, all formally arranged and requiring moderate to substantial maintenance.

e. Plaza: A small to moderate public open space at the intersection of important streets and/or at the juncture of important commercial and civic buildings, set aside for civic purposes and intense human activity. Typically circumscribed on all sides by building frontages, its landscape consists of durable pavement, furniture, ornaments, decorative fountains or other urban art, and trees, all formally arranged and requiring minimal to moderate maintenance.

- (1) Where appropriate, the open space provided within TND's should include a mix of Conservation Areas, greens, parks, and squares.
- (2) Conservation Areas that serve as greenbelts should be designed to create a visual and physical distinction between the proposed development, the surrounding countryside, and any neighboring developments.
- (3) Greens and squares are spatially defined and distributed open spaces within the planned neighborhood, designed to serve a variety of outdoor leisure and assembly needs of planned neighborhood residents and to enhance the form and appearance of the development.
- (4) There should be a main central green or square, located within five hundred (500) feet of the planned neighborhood's geographical center. When a Neighborhood Center is part of the development proposal, this main green should be located in close proximity to it. Other, smaller greens should be dispersed throughout the remainder of the planned neighborhood in such a way that no lot is more than a walking distance of 1,350 feet from a green, square, or park. The main village green should be designed to a pedestrian scale, meaning that it should not be longer or wider than three hundred (300) feet and should be between 20,000 and 40,000 square feet in area. The other, smaller greens, squares, and parks (but not including the central open space within "loop lanes") should be no less than 8,000 square feet in size unless otherwise permitted by the Planning Commission. All greens should be planted with shade trees along their edges, at intervals not greater than fifty (50) feet, with groups of trees located at various points throughout their area.

I. Neighborhood Center. In addition to the General Design Provisions set forth in subsection E above, the following guidelines generally apply in the Neighborhood Center (NC) of the TND District.

- (1) Maximum Size. New commercial buildings in the Neighborhood Center and their associated parking spaces should not occupy more than five (5) percent of the Adjusted Tract Area of the entire planned neighborhood. Commercial buildings may occupy up to ten (10) percent of the Adjusted Tract Area if

they include second-story office uses. Commercial buildings may occupy up to fifteen (15) percent of the Adjusted Tract Area if they include second-story residential units. In order to qualify for the fifteen (15) percent figure, at least half of the new commercial building coverage (foundation footprint) should be of two-story construction, and at least twenty-five (25) percent of the second-story space shall be designed for residential uses.

- (2) Uses. The mixed-use/commercial portions of the planned neighborhood should be contained within the Neighborhood Center. This area should be designed to provide a variety of retail shops and services to support the day-to-day needs of planned neighborhood residents and other local residents, complemented by other compatible business, civic, and residential uses in commercial-type buildings in a manner consistent with a small downtown or central market place in the community.
- (3) Commercial areas should surround, be located adjacent to, or be across the street from a public park, green, or square of at least 10,000 square feet, which area may be credited as part of the open space required of the development.
- (4) New commercial buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character, and materials of shops in the community. Shopfront design should be based upon historic examples in the area, with large display windows having sills between twelve (12) and eighteen (18) inches above sidewalk level and lintels nine (9) to twelve (12) feet above sidewalk level. Commercial buildings should also articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
- (5) The massing of larger commercial buildings should be de-emphasized in a variety of ways, including the use of projecting and recessed sections, to reduce their apparent overall bulk and volume. Such breaks in their facades and roof lines should occur not more frequently than the width of two historic shop-fronts (generally about 25 feet each), nor less frequently than one hundred (100) feet. To harmonize with the traditional scale of commercial buildings in historic towns and villages, new commercial buildings should not contain more than 5,000 square feet (above grade), and those with more than 2,000 square feet of floor space (above grade) should be of at least one and-one-half-story construction.
- (6) A majority of buildings should be designed for multiple uses, with offices and/or residential units above.
- (7) Buildings should be topped with pitched roofs with overhanging eaves, but flat roofs with articulated parapets and cornices may be allowed. Desired

materials on pitched roofs include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should be traditional, meaning that it should be within the range of colors found on existing buildings in the community. Specifically excluded are white, tan, or blue shingles, red clay tiles, and corrugated metal. The use of fascias, dormers, and gables is encouraged to provide visual interest. All gables should be functional.

- (8) Gas station canopies should have pitched roofs and the lighting should be from luminaries completely recessed into the ceilings of said canopies, so that the lighting elements themselves are not visible from or beyond the lot lines.
- (9) Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, split-face aggregate block, or brick of a shape, color, and texture very similar to that found in the historic villages and towns in of Kent County. Specifically prohibited should be "T-111" plywood siding. Except on rear walls, all forms of concrete block should also be prohibited. In addition, metal buildings should also be excluded from this sub-district.
- (10) Large work area doors or open bays shall not open toward or face the public ways.
- (11) HVAC and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway, public rights-of-way, or adjoining non-commercial areas. Large trash receptacles, dumpsters, utility meters, and above ground tanks, etc., shall be similarly treated.
- (12) All signage should:
 - a. Be affixed to a building facade, canopy, or arcade;
 - b. Be located no higher than the sills of second-story windows;
 - c. Be visible to both pedestrians and drivers;
 - d. Be illuminated with steady external lighting (if lighted at all); and
 - e. Use lighting conforming to the regulations contained in the Zoning Ordinance.
- (13) Traditional canvas awnings without interior illumination are encouraged, and all signs should be of wood or metal, preferably with dark background colors and light-colored lettering.

- (14) Storefront buildings should have at least sixty (60) percent of their front facade coincident with their street frontage, including frontage onto courtyards.
- (15) Principal entrances to buildings should be from the front sidewalk, except in courtyard designs.
- (16) Storefront buildings fronting on the same street and located on the same block should be attached, except as necessary to accommodate pedestrian ways.

J. **Lighting Design Provisions.** An exterior lighting plan shall be submitted to the Town whenever subdivision or site plan approval is sought in the TND District in order to determine whether the provisions of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

- (1) In general, the following provisions apply to lighting proposed as part of any development:
 - a. Lighting should be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
 - b. Light fixtures should be designed as an integral design element that compliments the design of the neighborhood through style, material, and color.
 - c. All utility lines shall be installed underground.
 - d. Street pedestrian way lights should be decorative and blend with the architectural style of the neighborhood, and should not exceed 14 feet in height.
 - e. Flickering or flashing lights are prohibited.
 - f. Light sources should not be located within buffer areas except on pedestrian walkways.
 - g. Lighting that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of another lot is prohibited.
 - h. Lighting fixtures should not exceed the minimum height and power necessary to accomplish their intended function.

(2) Residential. In addition to the general provisions set forth in subsection J(1) above, the following provisions apply to lighting for residential development.

- a. Multi-family residential units should be adequately lighted to ensure public safety and the security of the buildings.
- b. Lighting on individual streets should be designed consistent with the planned function of the street without excessive illumination.
- c. Porch light and yard post lighting should be incorporated into the street lighting design in residential developments.

(3) Non-Residential. In addition to the provisions set forth in subsection J(1) above, the following provisions apply to lighting used for non-residential uses (including but not limited to commercial, civic, recreational, fraternal, and religious facilities).

- a. All exterior lighting should be shielded so as not to shine directly onto surrounding properties or public ways or rights of way, except as planned and approved for safety purposes. In addition, the globe, lens, bulb, or filament should be shielded to not be visible from adjoining properties.
- b. Lighting should be designed to provide uniform illumination of the property to prevent extreme contrasts between light and dark areas and to provide for adequate safety and security.
- c. Lighting may be used to accent key architectural elements and/or to emphasize landscape features. Architectural lighting should be recessed under roof overhangs or generated from concealed, low-level light fixtures.
- d. All lighting must comply with Night Skies Ordinance 06-2009, adopted June 15, 2009.

K. Parking Provisions. A parking plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this section have been met. Parking standards are flexible and may take into account off-site parking. The Planning Commission shall review the parking plan to ensure adequate parking is available, and that it is appropriately integrated into the overall Master Development Plan. The following standards generally apply to parking in the TND District.

- (1) Parking areas should be small scale, and highly landscaped.

- (2) Parking shall not be a dominant site feature and should be screened, landscaped, and lit to assure public safety.
- (3) In Neighborhood Centers, parking should consist of ample on-street parking and small lots located to the side or rear of buildings and screened from the main commercial street.
- (4) Parking lots should not be located on street corners and at intersections.
- (5) Parking lots should not be located at terminal vistas.
- (6) Parking lots should not be located near parks or public squares unless designed to serve the park.
- (7) Access to parking should be provided from rear driveways where possible.
- (8) Parking areas for adjacent commercial uses should be interconnected to minimize traffic on adjacent streets.
- (9) Shared parking arrangements are encouraged.
- (10) Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows.
- (11) Through access should be provided within and between parking blocks; dead end drives are strongly discouraged.
- (12) On-street parking is encouraged. On-street parallel, angled, or head-in parking is encouraged in commercial areas.

L. **Street Provisions.** In addition to complying with the provisions of the Subdivision Regulations relating to streets, the following standards generally apply in the PN District:

- (1) Streets should be designed to accommodate the pedestrian, cyclist, and the vehicle.
- (2) Street layout should be composed of interconnecting narrow streets laid out in a modified grid.
- (3) Streets should connect to at least two other streets. Cul-de-sacs and dead ends should be avoided.
- (4) Distinct (e.g., patterned) pedestrian cross walks should be installed at intersections and any other location where pedestrian systems cross a street.

- (5) Traffic calming measures should be incorporated in the overall street design.
- (6) Development plans should address improvements to offsite roads that serve a project, including offsite pedestrian linkages.
- (7) The view from the long axis of a street should terminate at a significant design feature.
- (8) The design speed for all streets within the TND District should be a maximum of twenty-five (25) MPH.
- (9) A separate bicycle lane should be provided on existing or proposed streets sustaining or planned for high traffic volumes (more than 4,000 Average Daily Trips (ADT)).
- (10) Direct access onto collector streets from residential property is discouraged.
- (11) Curb radii should be sufficiently small to reduce vehicle speed.
- (12) On-street parking on minor streets should be provided on one or both sides, as appropriate.

M. Sidewalks, Curbs and Gutters. In addition to the provisions relating to sidewalks, curbs and gutters as set forth in the Subdivision Regulations, the following standards generally apply in the TND District.

- (1) Sidewalks.
 - a. A continuous sidewalk system should provide pedestrian access from all residential units to all other land uses.
 - b. The minimum width for sidewalks in residential neighborhoods and recreational areas is five (5) feet.
 - c. The minimum width for sidewalks in commercial areas is eight (8) feet. However, wider sidewalks may be necessary depending on the anticipated volume of pedestrian traffic or type of business use in a specific commercial area.
 - d. Pedestrian crosswalks should be located at all major pedestrian crossings.
 - e. Bump-outs should be provided at major pedestrian crossings on commercial streets and undivided major collector streets.

- f. Utility structures and mail boxes should not be located so as to reduce the width of sidewalks.
 - g. In commercial areas, sidewalks may be used for outdoor retail display or outdoor dining areas, provided that it does not impede pedestrian flows or create a hazard.
 - h. Where appropriate, durable street furniture, trash receptacles, and other amenities should be placed along sidewalks.
- (2) Curbs and Gutters.
- a. Curbs and gutters are required on the entire street frontage of any parcel or lot, except alleys, unless alternative low impact stormwater designs are approved by the Planning Commission.
 - b. Curbs and gutters shall be built to the construction standards and specifications as determined by the Town.
 - c. Only one curb cut per street frontage should be allowed on residential lots that do not have alley access.
 - d. There should be a maximum of two (2) curb cuts per commercial lot per street frontage.
- N. Landscaping, Shading and Buffers. As part of the PN submission, the applicant is required to provide landscape standards for the development. At a minimum, landscape standards shall comply with the requirements of set forth in the Zoning Ordinance. Tree spacing, planting distances, and care and maintenance shall follow the guidelines set forth in Chapter 156, Trees.

INSTITUTIONAL DISTRICT

- A. Large expanses of roof shall utilize architectural elements or changes in roof height and form to reduce the sense of building mass.
- B. All HVAC systems, exhaust pipes or stacks, satellite dishes or other telecommunications receiving devices should be located to minimize noise impacts to adjacent properties and be thoroughly screened from view from both the public right-of-way and adjacent properties by using walls, fencing, roof elements or landscaping. Such screening devices shall be compatible with building materials.
- C. All exterior building materials and colors contribute significantly to the visual impact of a building. The exterior building skin shall be composed of one dominant

facing material and not more than two additional materials. The dominant material shall comprise sixty percent (60%) or greater of each building elevation.

Dominant exterior materials may include:

- (a) Brick.
- (b) Decorative stone.
- (c) Wood.
- (d) Glass (warm and cool tones).
- (e) Cementitious lap board siding (residential only).

Dominant exterior building materials may not include:

- (a) Aluminum, metal, or steel siding.
- (b) Vinyl siding (applies to new construction only).
- (c) Glass, if highly reflective material.

Dominant facade colors shall be chosen from a color palette approved by the Planning Commission. The use of black, high intensity, or metallic colors are discouraged. Building trim and accents may feature brighter colors.

- D. Buildings located in the Town's Institutional (IN) District shall generally relate in scale and design features to surrounding buildings. All visibly exposed sides shall be attractively detailed with regard to style, materials, colors and details. Building wall offsets, including projections, recesses and changes in floor level shall be used in order to add architectural interest and variety to the massing of a building and to relieve the effect of a single long roof.
- E. Buildings on corner lots, or with terminating street or river vistas, shall be considered especially significant structures, since they have at least two front facades. Such buildings shall be designed with additional architectural detail and character to reflect their greater visibility. Waterfront lots or buildings with a water view visible from a public way shall, to the maximum extent feasible and practical, be designed and located so as to preserve the water vistas.
- F. Buildings facing internal open space or in public view shall be architecturally emphasized through window treatment, entrance treatment, and details. Bland walls or service area treatments of side and/or rear elevations visible from the public streets or views are prohibited.

- G. Master Development Plan Guidelines. To create a new, expanded or modified Master Development Plan (MDP) in the Institutional District, the applicant shall provide:
1. Statement of Intent. A Statement of Intent identifying whether the MDP is new, or a modification to an existing MDP, along with a statement of the proposed use(s).
 2. Application. Upon initial review and acceptance of the Statement of Intent by the Planning Commission, the Master Development Plan (MDP) may be submitted by the applicant, which at a minimum shall include all of the requirements for a site plan in § 170-16 (Preliminary site plan requirements), including but not limited to:
 - a) all existing infrastructure, including roads, water, sewer and utility lines within two hundred (200) feet of the property lines;
 - b) location of all proposed buildings and any other structures;
 - c) parking areas and internal circulation to include vehicular and pedestrian byways, public plazas, roads, service locations and drives;
 - d) impervious surfaces, amount and location of stormwater management facilities and structures, and all other stormwater mitigation measures; and
 - e) existing and proposed landscaping and open space areas.
 3. Impact Assessment. The Master Development Plan shall include an Impact Assessment that, at a minimum, shall address the following issues:
 - a) impacts on the Town's and neighborhood's health, safety and general welfare, including social and environmental;
 - b) impacts on traffic (including motor vehicle, bicycle and pedestrian), water and sewer, stormwater, air quality, noise and lighting, with mitigation proposals for any anticipated adverse conditions;
 - c) conformance with the general plans for the physical development of the Town as embodied in the Chestertown Comprehensive Plan; and
 - d) a preliminary timetable and sequencing schedule for the proposed development, including any mitigation measures.
 4. Perimeter transition area. A perimeter transition area shall be identified and established to minimize impacts of the development on adjacent properties and neighborhoods. The transition area shall include standards for visual and sound screening of mechanical equipment, parking lots, service and trash

facilities, and other support facilities. Lighting shall night-sky compliant and shall be subject to approval by the Planning Commission. The Planning Commission shall review the perimeter transition area and may require additional details on building heights, setbacks, massing, design, and landscaping.

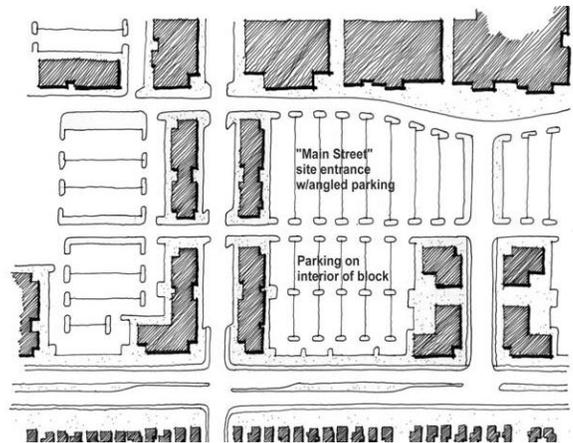
5. Public comment. The Planning Commission shall, upon completing its review of the MDP, provide a thirty (30) day public comment period. The Planning Commission will review the public comments and create a final report of its findings, including a statement as to the quality and appropriateness of the MDP.
6. Approval process. If the MDP is determined to be appropriate, the Planning Commission shall:
 - a) make a statement as to whether the MDP meets the requirements of this Zoning Ordinance and that it is in substantial compliance with the Chestertown Comprehensive Plan;
 - b) by a formal motion, accept or reject the MDP.

COMMERCIAL

- A. Site Layout, Development Pattern, and Building Orientation.
 - (1) Intent. Site layout and building orientation often define the focus of activity that occurs at the front door or along the street. These standards are intended to use site planning and building orientation in order to:
 - a. Create a sense of place for users and passers-by;
 - b. Ensure that buildings relate appropriately to surrounding neighborhoods and streets and create a cohesive visual identity and attractive street scene;
 - c. Ensure that site circulation promotes contiguous pedestrian and vehicle circulation patterns;
 - d. Ensure that parking areas provide safe and efficient access to buildings; and
 - e. that site layout and building design create a unique and identifiable image for development.

- (2) Location of Parking. In order to reduce the scale of the paved surfaces and to shorten the walking distance between the parked car and the building, off-street parking for all commercial developments shall be located according to one of the following options:
- a. A minimum of seventy percent (70%) of the off-street surface parking spaces provided for all uses contained in the development's primary building shall be located other than between the front façade of the primary building and the primary abutting street (e.g., to the rear or side of the primary building(s)); this number increases to seventy percent (70%) in smaller commercial developments and one hundred percent (100%) for public buildings, and all buildings in or immediately adjacent to a residential district; or
 - b. More than fifty percent (50%) of the off-street surface parking spaces provided for all uses contained in the development's primary building may be located between the front façade of the primary building(s) and the primary abutting street, provided the amount of interior and perimeter parking lot landscaping required is increased by fifty percent (50%).

In this development pattern, a side "main street", off the primary abutting street, is the core and focus of the center. Buildings are closely spaced and front directly on this "main street." The majority of parking is on the interior of the block behind the buildings, although parallel or angled parking could be allowed along the "main street." The "main street" could be intersected by smaller side streets providing access to other uses on the parcel.

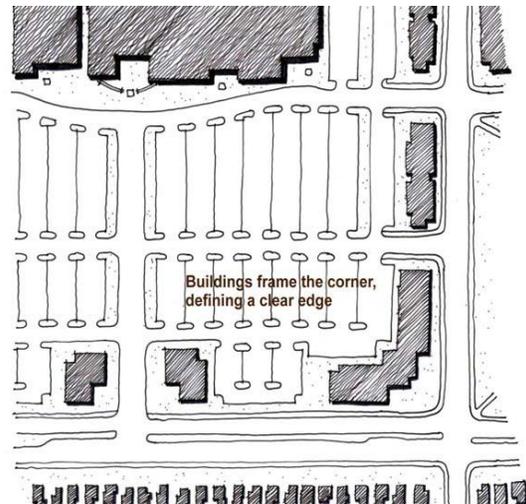


- (3) Multiple-building developments.
- a. When there is more than one (1) building in a commercial development, such as a shopping center, the development shall comply with the following standards, except that multiple building developments located at the intersection of two thoroughfare streets shall comply instead with the standards stated in A.5 of this section.
 - b. Site Layout and Building Orientation.

All buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and either:

- i. Frames the corner of an adjacent street intersection; or
- ii. Frames and encloses a "main street" pedestrian and/or vehicle access corridor within the development site; or
- iii. Frames and encloses on at least three sides parking areas, public spaces, or other site amenities.
- iv. Alternatives. An applicant may submit an alternative development pattern, provided such pattern achieves the intent of the above standards and this section. Strictly linear or "strip commercial" development patterns shall be avoided.

In this development pattern, most buildings front directly on the street and define a clear edge. The pad site on the corner makes a strong architectural statement and announces the center. Parking is typically on the interior of the block.



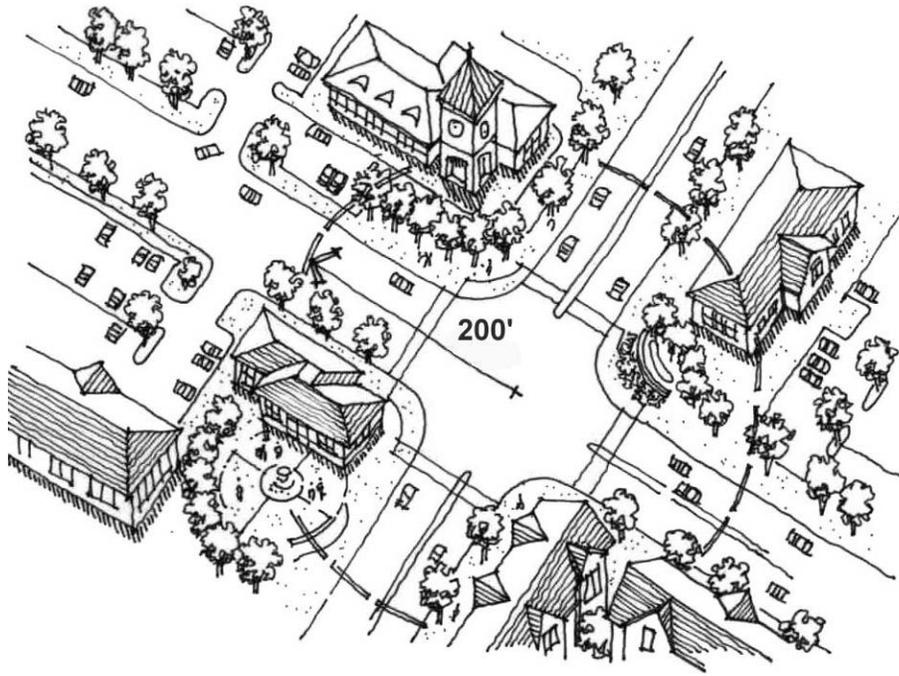
- (4) Single-building developments.
 - a. Applicability. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development the development shall comply with the following standards, except that single building developments located at the intersection of two streets shall comply instead with the standards stated below. (Site Layout and Building Orientation at Two Intersecting Streets)

- b. Single-tenant building. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development that will be occupied or physically dominated by a single tenant, such building shall be oriented toward the primary abutting street and shall otherwise comply with standard A(2)a, Location of Parking, above. Deep setbacks behind large expanses of parking areas or vacant land shall be avoided.
 - c. Multi-tenant building. Unless part of a larger planned development or commercial center, when there is only one (1) building in a proposed commercial development that will be occupied by multiple tenants, at least fifty percent (50%) of the building's "active" wall shall be oriented toward the primary abutting street and shall otherwise comply with standard A(2)a, Location of Parking, above. Deep setbacks behind large expanses of parking areas or vacant land shall be avoided. For purposes of this standard, the "active" wall shall be the side of the building containing the majority of storefronts, customer entrances, and windows.
- (5) Site layout and building orientation at two intersecting streets.
- a. Intent. Chestertown's major commercial intersections of are generally located at key gateway sites or prominent street corners necessitating special attention. The corners should be linked and function as a whole, recognizing the historic and architectural legacy and precedent so that a sense of place and "arrival" unique to Chestertown is created.
 - b. Applicability. All new office, and commercial developments located at the intersection of two streets shall comply with this subsection's site layout and building orientation standards.
 - c. Site Layout and Building Orientation. To the maximum extent practicable, within each intersection quadrant, primary buildings and/or pad site buildings shall be arranged to orient to the thoroughfare streets and to frame the corner at the intersection of the two streets. Deep building setbacks behind large expanses of parking areas or vacant land shall be avoided. A minimum of sixty percent (60%) of all thoroughfare street frontages shall be occupied by:
 - i. Building frontage;
 - ii. Decorative architectural walls no higher than three (3) feet;
 - iii. Landscaped entryway features;

- iv. Required focal point; and/or
 - v. Site amenities.
- d. Corner treatments. On the corners of a street intersection, buildings and amenities that serve as a “focal point” should be located within one hundred (100) feet from the curb line. Site amenities that may serve as focal points may include and are not limited to any of the following:
- i. Patio or plaza with seating area;
 - ii. Mini-parks, squares, or greens;
 - iii. Pedestrian walkways or greenways
 - iv. Water features or
 - v. Public art or sculpture
 - vi. Any other similar, deliberately shaped area and/or focal feature that, in the Town’s judgment, adequately enhances such development or serves as a gathering place.

Parking areas shall be limited within one hundred (100) feet of the intersection, and be screened by a decorative wall and landscaping not to exceed three (3) feet in height.

- e. Building placement and organization. Buildings occupying a corner site should be distinctively-designed, and proportioned to the intersection. Within each intersection quadrant, new buildings shall be organized to align with existing buildings located across the intersecting streets in a way that “completes” the space around the corner and unites the adjacent developments.



(6) Building Clusters.

- a. Intent. The siting and design of smaller retail stores should complement the appearance of a larger development by visibly reducing the project's scale and by expanding the range of activities and businesses found within a single development. The location, orientation of the entry, and architecture of individual pad or building clusters provide opportunities to frame entries into larger developments and contribute to the development's visual interest by placing storefront spaces closer to the street and creating and reinforcing a streetscape. Structures should be architecturally compatible with the main buildings on a commercial site. The layout of buildings shall relate directly to the public street and surroundings (outward) as well as to the main center (inward). Specific siting decisions including focal points and site amenities shall create a "sense of place" and arrival into the commercial center.
- b. Siting Guidelines and Standards. The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of a commercial development, especially in Large Commercial Centers. Pad site building clusters shall be placed on the site in groupings to create and define street edges and entry points or to enclose and create interesting places between buildings. Even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is unacceptable. Pad

sites shall be clustered together to define street edges and entry points to enclose and create interesting places between buildings

- c. **Building Design.** Commercial buildings on pad sites within or adjacent to existing shopping centers shall incorporate the same materials and colors as those on the primary commercial building(s) in the development or center, and surrounding community.
 - i. Standardized or corporate franchise buildings designs or architecture are unacceptable.
 - ii. Pad site building entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design element.

(7) **Site Amenities.**

- a. **Intent.** Site amenities and pedestrian-scale features (e.g., outdoor plazas, street furniture, statuary, sidewalk cafes) in commercial developments offer attractive spaces for customer and visitor interaction and can act as transitional areas between commercial and residential components in a mixed use development. The use of site amenities can also provide spaces and pedestrian connections between various buildings and diverse uses; can break up expanses of parking; enhance the overall development quality; and contribute to the character of an area.
- b. **General Guideline.** Site amenities and gathering places can vary widely in size, in type, and in degree of amenity. Buildings, trees, walls, topography, and other site features within a commercial development should be oriented and arranged to pedestrian activity within and to the development; it can create gathering places and lend a human scale to an otherwise difficult environment.
- c. **Standards for Site Amenities.**
 - i. **Minimum Area Devoted to Site Amenities.** One-half of one percent (0.5) of gross floor areas of new construction shall be provided as physical and environmental amenities to be developed and incorporated with any commercial development. In no case shall area devoted to amenities be less than 500 square feet.
 - ii. **Allowed Site Amenities.** Site amenities may consist of any of the following:

- (a) Patio or plaza with seating area;
 - (b) Squares, or greens;
 - (c) Pedestrian walkways or greenways;
 - (d) Water features;
 - (e) Public art or sculpture; or
 - (f) Any other similar, deliberately shaped area and/or focal feature that, in the Town's judgment, adequately enhances such development or serves as a gathering place.
- iii. Aggregation Allowed. In larger commercial developments containing more than one building, the required area may be aggregated into one or more larger spaces, provided such space is within easy walking distance of the major tenant(s) of the development.
- d. Design Requirements.
- i. All site amenities within a commercial development shall be an integral part of the overall design and within easy walking distance of major buildings, major tenants, and public roads.
 - ii. Any such amenity/area shall have direct access to a public sidewalk and/or bicycle network.
 - iii. The amenity/area shall be constructed of materials that are similar in quality to the principal materials of the primary buildings and landscape.
- (8) Relationship to surrounding development. When commercial development is located adjacent to, or in proximity to residential use(s), the use of alternative transitions, including architectural transitions such as reducing the scale of commercial building mass next to residential uses and at least some front-to-front building orientations, and development of less intense land uses between commercial and single-family residential areas, such as lower-intensity office, civic/open space, or multi-family land uses may be required. Landscaped buffers, walls, and fences are used only when these other alternative transitions are not effective, not possible, or not desirable given

prevailing development patterns in a specific area. Transitions may be required in the following situations:

- a. Changes in use between adjoining properties, especially from commercial to residential;
- b. Changes in intensity of use between adjoining properties, such as from Large Commercial Centers to multi-family residential; and
- c. Views or activities on the commercial development site that could be a nuisance for neighbors, such as commercial loading and service areas.
- d. When a transition is required, an applicant shall incorporate the following architectural techniques to the maximum extent practicable, to ensure compatibility with surrounding development, including adjacent residential development:
 - i. Use similar building setback.
 - ii. Use similar building height.
 - iii. Use similar roof form.
 - iv. Mitigate the larger mass of commercial buildings with façade articulation (see Building Massing and Façade Treatment, below).
 - v. Use front-to-front building orientations, especially with commercial uses that are pedestrian-intensive (e.g., restaurants, banks).

(9) Commercial building Design.

- a. New commercial buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character, and materials of shops in the community. Shop-front design should be based upon historic examples in the area, with large display windows having sills between twelve (12) and eighteen (18) inches above sidewalk level and lintels nine (9) to twelve (12) feet above sidewalk level. Commercial buildings should also articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.

- b. The massing of larger commercial buildings should be de-emphasized in a variety of ways, including the use of projecting and recessed sections, to reduce their apparent overall bulk and volume. Such breaks in their facades and roof lines should occur not more frequently than the width of two historic shop-fronts (generally about twenty-five (25) feet each), nor less frequently than one hundred (100) feet. To harmonize with the traditional scale of commercial buildings in historic towns and villages, new commercial buildings should not contain more than 5,000 square feet (above grade), and those with more than 2,000 square feet of floor space (above grade) should be of at least one and-one-half-story construction.
- c. Buildings should be topped with pitched roofs with overhanging eaves, but flat roofs with articulated parapets and cornices may be allowed. Desired materials on pitched roofs include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should be traditional, meaning that it should be within the range of colors found on existing buildings in the community. Specifically excluded are white, tan, or blue shingles, red clay tiles, and corrugated metal. The use of fascias, dormers, and gables is encouraged to provide visual interest.
- d. Gas station canopies should have pitched roofs and the lighting should be from luminaries completely recessed into the ceilings of said canopies, so that the lighting elements themselves are not visible from or beyond the lot lines.
- e. Exterior wall materials may include, wood clapboard (including vinyl or aluminum imitation clapboard siding), or brick of a shape, color, and texture very similar to that found in the historic villages and towns in Kent County. Specifically prohibited should be "T-111" plywood siding. Except on rear walls, all forms of concrete block should also be prohibited. In addition, metal buildings should also be prohibited.
- f. Large work area doors or open bays shall not open toward or face the public ways.
- g. HVAC and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway, public rights-of-way, or adjoining non-commercial areas. Large trash receptacles, dumpsters, utility meters, and above ground tanks, etc., shall be similarly treated.

- h. Traditional canvas awnings without interior illumination are encouraged, and all signs should be of wood or metal, preferably with dark background colors and light-colored lettering.
- i. Storefront buildings should have at least sixty percent (60%) of their front facade coincident with their street frontage, including frontage onto courtyards.
- j. Principal entrances to buildings should be from the front sidewalk, except in courtyard designs.
- k. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features including but not limited to offsets, windows, entry porticos or arcades.

NEIGHBORHOOD COMMERCIAL

(C-3 District)

The following design guidelines shall be implemented throughout the Neighborhood Commercial District in order to create a cohesive, attractive appearance that is inviting and pedestrian-friendly, and which encourages travel by foot, bicycling, in addition to traditional automobile transport.

A. Building design.

- (1) Structures in the Zone shall incorporate unified architectural styles or motifs, which shall establish an identifiable architectural character. Building designs, including designs for accessory structures, shall be complementary throughout the development in terms of:
 - a. Consistency of roof and siding materials and colors;
 - b. Similar window and door patterns;
 - c. Similar streetscapes including landscaping, light fixtures, and similar site amenities; and
 - d. Height, size, bulk, and arrangement of buildings on a development site.
- (2) In order to provide differentiation between the ground floor and upper stories, building design shall include bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.
- (3) When located adjacent to sites that reflect a unified architectural style the architectural design of buildings shall complement buildings on the adjacent site.

- (4) When not located adjacent to sites that reflect a unified architectural style, the architectural design of buildings shall utilize vernacular architectural features and characteristics commonly found in the Town's historic district.
- (5) Building Facades. Facades that face public streets, adjacent development, or connecting pedestrian frontage should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings along no less than eighty percent (80%) of the facade. A minimum of sixty percent (60%) of the facade should be composed of transparent materials, unless the Planning Commission finds that such transparency would be inconsistent with the operational requirements of the building. At least one-half of this amount should be provided so that the lowest edge of the transparent material is no higher than four (4) feet above the street level.
- (6) Customer Entrances. Building facades facing a primary access street should have clearly defined, highly visible customer entrances that include features such as the following:
 - a. Canopies or porticos;
 - b. Overhangs, recesses/projections;
 - c. Arcades;
 - d. Raised corniced parapets over the door;
 - e. Distinctive roof forms;
 - f. Arches, outdoor patios;
 - g. Display windows; and/or
 - h. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

B. Width and Facade.

- (1) A new or altered building housing commercial use should be located near the street and, when applicable, should reflect the characteristic rhythm of surrounding facades or storefronts found in the Downtown area. The mass of the facade of a new building shall be divided into smaller elements with size and proportions similar to those of adjoining and nearby structures, including where appropriate those structures across the street, and shall be consistent with the development and redevelopment goals of the district. A minimum of three (3) percent of a lot width should remain open as side yards. Proper fire protection standards should be adhered to.
- (2) Proportion. A new or altered building shall respect the characteristic proportion of existing facades of adjoining uses and structures and be consistent with the development or redevelopment goals of the district.

- a. The building facade should incorporate wall plane projections or recesses break-up the overall wall into smaller, appropriately scaled sections.
 - b. Each building facade should have a repeating pattern that includes instances of either; (1) color change, (2) texture changes, (3) material module change, or (4) expression of an architectural or structural bay through a change in plane, such as an offset, reveal, or projecting rib.
 - c. The above guidelines may be waived if the applicant can demonstrate an alternative building design that significantly articulates a wall plane.
- (3) Mass. The mass of buildings shall complement the size and proportions of the predominant features on the block on which it is located. The primary mass of structures should include secondary projections that reduce the apparent scale, creates visual interest, and promotes compatibility with adjacent uses.
- (4) Relationship to Street. A new or altered facade shall have a close relationship to the street even if not compatible with those of adjoining and nearby buildings. Building setbacks are to be adjusted to meet the set back established by the streetscape. When development or re-development cannot bring buildings close to the street, landscape treatments shall be utilized to screen parking located between buildings and the street.
- (5) Roof Forms. The type of roof used shall be compatible with the roofs formed on adjacent and nearby buildings or utilize vernacular roof forms commonly found on structures located in the Town Historic District. Pitched roofs and gables are encouraged. Where pitched roofs are not practical from an engineering basis or are not cost effective, false gables and mansards can achieve a similar appearance. Flat roofs with exposed mechanical fixtures should be avoided. For larger structures, variations in rooflines should be required to reduce scale and add visual interest. Roofs for larger structures should have at least two of the following features: overhanging eaves, sloped roofs and three or more roof planes.
- (6) Building Facades. Facades that face public streets, adjacent development, or connecting pedestrian frontage should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings along no less than eighty percent (80%) of the facade. A minimum of sixty percent (60%) of the facade should be composed of transparent materials, unless the Planning Commission finds that such transparency would be inconsistent with the operational requirements of the building. At least one-half of this amount should be provided so that the lowest edge of the transparent material is no higher than 4 feet above the street level.
- (7) Customer Entrances. Building facades facing a primary access street should have clearly defined, highly visible customer entrances that include features as the following:
- a. Canopies or porticos;
 - b. Overhangs, recesses/projections;
 - c. Arcades;

- d. Raised corniced parapets over the door;
- e. Distinctive roof forms;
- f. Arches, outdoor patios;
- g. Display windows; or
- h. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

C. Building Groups.

- (1) Buildings should be arranged in a manner that creates a sense of enclosure and defined space. A site's buildings should be arranged so that they help to frame and define the fronting streets, as well as any internal streets of site, giving deliberate form to streets and sidewalk areas.
- (2) Where possible, it is recommended that buildings on the site be arranged so that a sufficient number of the site's buildings or portion of the site's aggregate building mass has an orientation towards the fronting arterial(s) street, and are located in relatively close relation to those fronting arterial(s)/street(s), so as to effectively frame and define the fronting streets and the pedestrian realm along those streets.
- (3) New buildings within the C-3 district should not be separated from fronting streets by large parking lots.
- (4) At a minimum, sensitive placement of buildings along the opposite sides of the street can be used to help define the streetscape, and bring the two focus or support areas in closer relation to each other. In such cases, the buildings should also be located in close relation to the street and to each other, and in a common alignment.
- (5) All buildings should be in close physical proximity (to the extent allowed by site topography), well-connected by pedestrian sidewalks, walkways, arcades, or colonnades, and not separated from one another by large parking areas. One should not have to walk in and along parking aisles or roadways to get from any one building to another.
- (6) Buildings that do not occupy the street front should be designed so that they are oriented towards the fronting streets, and have a relation and orientation with the rest of the development. Such buildings should also be connected to and served from internal drives
- (7) The design of buildings and sites should be integrated into the overall design of the proposed development. All buildings should have architectural, design, and pedestrian connections strongly linking them with rest of the development. For example, covered pedestrian walkways linking buildings with the main commercial street front building could provide a strong design connection.

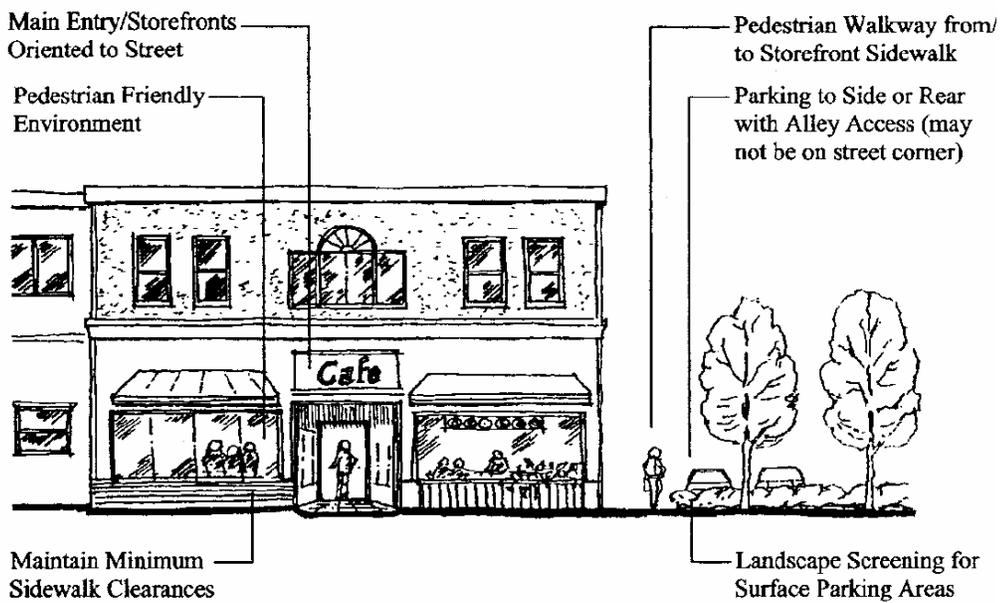


TABLE OF DISTRICT REGULATIONS

| See Regulation in Art. V | District | Maximum Height | | Minimum Lot Requirements | | Minimum Yard Requirements ¹ | | | | | | |
|--------------------------|--|-----------------|---------|---|---|--|---------------------------------------|---|--|-----------------------------|-----------------|-----------------|
| | | Feet | Stories | Lot Area (square feet) | Lot Width (feet) | Lot Depth (feet) | Front Yard Depth (feet ²) | Width of Each Side Yard (feet) (2 required) | Aggregate Width of Side Yards (feet) | Rear Yard Depth (feet) | | |
| § 170-34 | R-1 Single-Family Residential | 35 | 3 | 20,000 | 100 | 100 | 30 | 15 | 35 | 30 | | |
| § 170-34 | R-2 Single-Family Residential | 35 | 3 | 10,000 | 70 | 100 | 30 | 8 | 20 | 30 | | |
| § 170-34 | R-3 Low Density Residential | 35 | 3 | 1-family: 4,000 2-family: 3,500 each ³ | 40 70 ³ | 100 | 20 | 8 | 16 | 25 (35 NEW)* | | |
| § 170-34 | R-4 Multiple-Family Residential | 40 | 3 | 1-family: 4,000 | 40 | 100 | 20 | 1-2½ story: 3 | 6 | 25 (35 NEW)* | | |
| | | | | 2-family: 3,000 each ³ | 30 | | | | | 3-story: 6 | 12 | 30 (35 NEW)* |
| | | | | 3-family: 2,500 each | 80 | | | | | | | |
| | | | | 4+family: 2,500 each | 80 | | | | | | | |
| | | | | Townhouse: 2,000 each ³ | 18 each ⁸ | | | | | Townhouse: 10 ³ | 20 ³ | 12 |
| § 170-34 | R-5 Downtown Residential | 40 | 3 | 1-family: 3,000 2-family: 2,500 each ³ 3-family: 1,800 each 4+ family: 1,800 each Townhouse: 1,800 each ³ | 30 50 ³ 60 60 18 each ⁸ | 100 | None | 1-2½ story: 3 3-story: 15 ⁶ Townhouse: 10 ³ | 6 12 20 ³ | 25 (30 NEW)* 30 30 | | |
| § 170-34 | R-6 Traditional Neighborhood Residential | 40 | 3 | 1-family: 3,000 each | 30 | 100 | None | 1-2½ story: 3 | 6 | 25 (30 NEW)* | | |
| | | | | 2-family: 2,500 each | 50 | | | | | 3-story: 3 | 6 | 25 (30 NEW)* |
| | | | | 3-family: 1,800 each | 60 | | | | | | | |
| | | | | 4+ family: 1,800 each | 60 | | | | | | | |
| | | | | Townhouse: 1,800 each | 18 each ⁸ | | | | | Townhouse: 10 | 20 | 30 |
| § 170-34 | RB Professional Office | 40 | 3 | Dwellings: same as R-5 Other buildings: none | 30 | None | None | Dwellings: same as R-5 Other buildings: none, except see Note 4 | | | | |
| § 170-34 | C-1 General Commercial | 40 | 3 | 10,000 | 100 | 100 | None | 10 | 20 | 30 | | |
| § 170-34 | C-2 Downtown Commercial | 45 | 3 | Dwellings: same as R-5 | | None | None | Dwellings: same as R-5; no frontage | | | | |
| | | | | Other buildings: none | None | | | None | Other buildings: none, except see Note 4 | | | |
| § 170-34 | C-3 Neighborhood Commercial | 40 | 3 | Dwellings: same as R-5 | | None | None | Dwellings: same as R-5; no frontage | | | | |
| | | | | Other buildings: none | None | | | None | Other buildings: none, except see Note 4 | | | |
| § 170-34 | CM Commercial Marine | 45 | 3 | Dwellings: same as R-3 | | None | None | Dwellings: none, except see Note 4 | | | | |
| | | | | Other buildings: 100 | | | | 100 | None | 10 ⁵ | 20 ⁵ | 50 ⁵ |
| § 170-34 | LI-1 Limited Industrial | 50 | 3 | 43,560 (1 acre) | 150 | None | 50 | 20 | 40 | 40 | | |
| § 170-34 | LI-2 Light Industrial | 50 ⁶ | 3 | 43,560 (1 acre) | 150 | None | 50 | 20 | 40 | None ⁷ | | |
| § 170-34 | IN Institutional | 45 | 3 | 43,560 (1 acre) | 150 | None | 50 | 25 | 30 ⁹ | 50 | | |

1. All setbacks to be measured from lot lines.

2. See Article VI, § 170-55D of this chapter.

3. See Article VI, § 170-60 for regulations pertaining to two-family dwellings and townhouses.

4. There shall be a side yard not less than twenty (20) feet in width on the side of a lot adjoining a residential district, and there shall be a rear yard not less than thirty (30) feet in depth on the rear side of a lot adjoining a residential district.

5. No rear yard or side yard shall be required on the rear or side of a lot which adjoins a waterway.

6. No structure may exceed one hundred twenty-five (125) feet in height, but whenever any building or structure adjoins or abuts upon a residential district, such structure shall not exceed forty-five (45) feet in height unless set back one (1) foot from all required yard lines for each foot of additional height, not to exceed sixty (60) feet in height.

7. There shall be a rear yard of not less than forty (40) feet in depth on the rear side of a lot adjoining a residential district.

8. Townhouses are restricted to no more than five (5) units each.

9. Fifty (50) feet if adjacent to a residential area.

* NEW refers to new construction or subdivisions built after the adoption date of the most recent Zoning Ordinance.