

ZONING ORDINANCE BARCLAY, MARYLAND



PREPARED FOR:
BARCLAY PLANNING COMMISSION
BARCLAY TOWN COMMISSION

ASSISTANCE PROVIDED BY MARYLAND
DEPARTMENT OF PLANNING

TOWN OF BARCLAY

ORDINANCE # 06-03

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS AND FOR PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B, ANNOTATED CODE OF MARYLAND

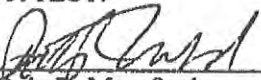
WHEREAS, Article 66B of the Annotated Code of Maryland empowers the Town Commission of Barclay to enact a municipal zoning ordinance and to provide for its administration and enforcement; and

WHEREAS, The Barclay Planning Commission held a duly advertised public hearing on this ordinance and submitted its recommendations to the Town Commission; and

NOW, THEREFORE be it hereby enacted and ordained that this ordinance be adopted and the document entitled the Barclay Zoning Ordinance is hereby adopted. With the adoption of this ordinance, all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

That nothing in this ordinance or in the *Barclay Zoning Ordinance* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or pending, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

ATTEST:



Dale R. Mumford,
Town Manager

Robert Nicholson, President
Normal J. Clough
Louis M. Walls

yes Vote Robert Nicholson Pres.
yes Vote Normal J. Clough
yes Vote Louis M. Walls

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TOWN OF BARCLAY

1. TITLE, AUTHORITY, AND JURISDICTION

1.1 Title

This Ordinance shall be known as the Barclay Zoning Ordinance. The Zoning Ordinance includes both the text and the Official Zoning District Map herein adopted.

1.2 Legislative Authority

This Ordinance is established in accordance with the provisions of Article 66B, *Annotated Code of Maryland*. This Ordinance complies with the requirements of the *Charter of the Town of Barclay* and with the *Comprehensive Plan for the Town of Barclay*.

1.3 Jurisdiction

The provisions of this Ordinance shall apply to the incorporated territory of Barclay, Maryland.

1.4 Conflict With Other Regulations

Whenever any provision of this Ordinance conflicts with any other provisions of law, whether set forth in this Ordinance or contained in any law, rule, regulation, ordinance, deed restriction, or covenant covering any of the same subject matter, that provision which is more restrictive or imposes the higher standard or requirement shall govern.

1.5 Compliance With This Ordinance

No building, structure, land, or part thereof shall hereafter be used, occupied, altered, erected, constructed or reconstructed unless in conformity with this Ordinance. The only exceptions shall be those buildings, structures, land, or part thereof that were granted an occupancy permit, use permit, or special exception by the Town of Barclay and which have been properly occupied and used since that time.

2. PURPOSE AND INTENT

The zoning regulations as herein established have been made in accordance with segments of the Queen Anne's County Comprehensive Plan that relate to the Town of Barclay as adopted by the Barclay Town Commission. That plan was developed to promote the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Barclay and its environs. It was also developed to provide for the efficient and orderly growth and development of the Town of Barclay. Principal among the philosophies that were developed and identified during the comprehensive planning process was the concept that the "Village of Barclay" be protected and that the entire community be developed along the model and the scale of historic Barclay. Accordingly, those features that have made Barclay a successful and enjoyable community are to be encouraged. Among those features are the presence of single-family homes, adequate open space, and a diversity of building traditions based on historical styles and patterns.

In addition, these zoning regulations were developed to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities, for regulating the location and use of buildings, structures, and land for trade, industry, and residence, 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. They have been made with reasonable consideration, among other things, to the character of the Town of Barclay and its particular suitability for specific uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the incorporated territory of the Town of Barclay, Maryland.

3. PERMITS

No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning certificate (certificate of approval) issued by the Planning Commission. No zoning certificate shall be issued except in conformity with the provisions of the Ordinance, except after written order from the Board of Appeals.

No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a building permit by the Planning Commission. No building permit shall be issued without the applicant first presenting a duly authorized and issued zoning certificate.

3.1 Other Requirements

In addition to the building permit and zoning certificate, the following permits may be required by the Town Administrator and/or Zoning Inspector:

- A. Applications Approved by the Board of Appeals. The Zoning Inspector shall issue permits in conformance with the written authorization of the Board of Appeals concerning administrative review appeals, special exception appeals, dimensional variance appeals, or other appeals as authorized in this Zoning Ordinance.
- B. Demolition Permits. No building or other structures shall be razed, demolished, or removed, either entirely or in part, nor shall any of said activities be commenced, without a wrecking permit therefore.
- C. Grading Permits. As provided in the Queen Anne's County Sediment and Erosion Control Ordinance.
- D. Sign Permits. No sign shall be created, erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a sign permit.

- E. Subdivision Plat. If the permit involves the subdivision of land, an approved and duly recorded subdivision plat shall be required as provided in the Barclay Subdivision Regulations.
- F. Other Permits. Additional permits, including approvals by other agencies, may be required to enforce the provisions of this Ordinance.
- G. Permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, all development shall occur strictly in accordance with such approved plans and applications.
- H. Physical improvements to land to be subdivided shall not be commenced without a signed, recorded final plat, a bond, or letter of credit and a public works agreement approved by the Commissioners of Barclay.

3.2 Permit Application Requirements

All applications for permits shall be accompanied by such plans and information as the Town deems to be necessary to determine compliance and provide for enforcement of the Zoning Ordinance. The application materials listed in Appendix A shall be the minimum. Additional information may be required. It shall be the responsibility of the applicant to ensure all necessary information is provided in a timely manner.

A. Plot Plan Review and Approval

- 1. Prior to issuing a building permit for construction, expansion or change in use, a plot plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
- 2. The purpose of plot plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring plot plan approval shall be permitted only in accordance with all specifications contained on an approved plot plan, and shall not be undertaken until the plot plan is approved and all required plumbing, electrical and similar construction permits have been obtained subsequent to such approval.
- 3. The following development or land use activities within the Town shall require a plot plan review before being undertaken:
 - a) Construction or expansion of a single-family dwelling and ordinary accessory structures and related land use activities;
 - b) Landscaping or grading which is intended to be used in connection with a commercial or high density residential land use;
 - c) Exterior alterations or additions to existing structures that would increase the square footage of the existing structure by more than 500 square feet or have a cost greater than \$10,000;
 - d) All signs in conjunction with new development.

B. Site Plan Review and Approval

- 1. Prior to issuing a building permit of construction, expansion or change in use of a commercial or multi-family residential use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
- 2. The purpose of a site plan is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements.
- 3. Site plan applications shall include the information listed in Appendix A for preliminary and final site plans. 5 copies of the plan shall be submitted and other copies may be requested as necessary. The Planning

Commission may at its discretion waive any information or preliminary requirements that are not relevant to the proposed use and site and may require only a minor site plan be submitted.

4. The Planning Commission's review of the preliminary site plan shall include, but is not limited to, the following considerations:
 - a) Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access;
 - b) Location, arrangement, appearance, and sufficiency of off-street parking and loading;
 - c) Location, arrangement, size, design of buildings, lighting and signs;
 - d) Relationship of the various uses to one another and their scale and character;
 - e) Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands;
 - f) Adequacy of storm water and sanitary waste disposal.
 - g) Adequacy of structures, roadways, and landscaping in areas susceptible to flooding and ponding or erosion;
 - h) Compatibility of development with natural features of the site and with surrounding land uses;
 - i) Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulation of the Federal Emergency Management Agency;
 - j) Adequacy of open space for play areas, informal recreation, and the retention of natural areas such as wildlife habitats, wetlands, and wooded areas; and
 - k) Adequacy of pedestrian access.
5. The Planning Commission may require additional information which appears necessary for a complete assessment of the project.
6. Site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.
7. Upon receipt of the site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may be appropriate. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of the Chapter, and all other applicable federal, State, and County regulations. Notice of approval, approval with conditions, or disapproval of the site plan shall be given in writing to the applicant.
8. Construction of required improvements.
 - a) Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission or appropriate town review and approval agencies.
 - b) After construction has been completed, inspection of site improvements shall be made by the departments certifying to the applicable requirements as shown on the site plan and building permit.
9. Expiration and Extension.
 - a) Approval of site plans shall be for a one- (1) year period and shall expire at the end of such period unless building construction has begun.
 - b) Approval of building permits shall be for a one- (1) year period and shall expire at the end of such period unless final inspection has been scheduled.
 - c) Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one- (1) year extension may be given by the Planning Commission.
 - d) Such request shall be acknowledged and a decision rendered thereon not more than thirty (30) days after filing of said request in the Town office.
10. The following additional requirements shall be applicable to site plans required under this section:

- a) Compliance with applicable established design criteria, construction standards, and specifications for all improvements as may be required by the Planning Commission and this Zoning Ordinance;
- b) The building permit shall not be issued unless and until the Maryland Department of Transportation has approved the site plan as it relates to access point design details and parking lot circulation layout when the property abuts a State highway;
- c) If other federal, State, or County approvals are required, such approval(s) shall be obtained prior to the issuance of any building permit; and
- d) Any or all of the information required for a site plan may be waived if the Planning Commission finds that it is not needed to make a determination of zoning compliance.

11. Development Master Plan.

- a) A development master plan is a preliminary site plan by which, at the beginning of development design, the Planning Commission may consider, approve, or restrict major aspects of the development design without requiring an undue amount of final design or preliminary engineering work on the part of the developer. The development master plan is less detailed and less specific than a final site plan or subdivision plat in terms of the exact arrangement of buildings, lots, streets, parking areas, open spaces, access points, and any other detailed site design features. Frequently, for larger developments anticipated to be developed in phases over an extended period of time, a development master plan shall specify the phasing of such proposed development in sufficient detail as to facilitate preparation of individual site plans that correspond to the approved phases. This provides the Planning Commission the ability to review, understand, and approve the overall development proposal at the beginning of the development process. Subsequent owners in interest or development partners shall be bound by the approved development master plan. No building permits can be issued based upon a development master plan.
- b) There is no sunset provision for an approved development master plan. A development master plan shall be approved by the Planning Commission, dated and attested by signature of the chairperson, and an attested copy shall be recorded by the applicant with the Circuit Court of Queen Anne's County. An attested copy shall remain on file in the Town Office.
- c) An approved development master plan may be amended. However, the burden to show that such amendment is in the public interest rests with the applicant. Any potential amendment to an approved development master plan shall require a complete submission with supporting documentation of all information that may be needed by the Planning Commission to complete its review. Amendments shall be dated, attested, and filed with the Clerk of the Court. The applicant shall bear all costs associated with an amendment.
- d) A development master plan shall be required for consideration of a Planned Unit Development (PUD) which proposes multiple land uses and/or structures on a single parcel, such as a mobile home park or where large scale phased development is proposed where the development time frame is anticipated to exceed one year.

12. Storm Water Management Plan.

No site plan or building permit may be approved until a storm water management plan for the development shall have been approved. Such a storm water management plan shall be first submitted to the Planning Commission for review and the Queen Anne's County staff shall have certified that the plan is satisfactory and meets all the requirements of the Queen Anne's County Storm Water Management Ordinance. The Planning Commission shall accept the findings of the County and approve the Storm Water Management Plan.

13. Forest Conservation.

Projects, including subdivisions, that disturb more than forty thousand (40,000) square feet shall comply with the requirements of the Queen Anne's County Forest Conservation Ordinance.

14. Grading or Sediment Control Plans.

No building permit shall be issued until any applicable grading or sediment control plan shall have been reviewed and approved by a registered civil engineer and provided to the Planning Commission for its review and acceptance. All costs associated with the preparation and review of said grading and sediment control plans shall be born by the applicant.

4. DEFINITIONS

The following rules shall apply to this Ordinance:

- A. The words "shall" and "will" are mandatory;
- B. Unless the context otherwise specifies, words used in the present tense shall include the future; words used in the singular number include the plural; and words in the plural number include the singular;
- C. The word "building" or "structure" includes the other and any part thereof;
- D. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity;
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for";
- F. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or either/or, the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all the connected items, conditions, provisions, or events shall apply;
 - 2) "Or" indicates that the connected items, conditions, provisions, or events may apply separately or in any combination;
 - 3) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply separately but not in combination;
 - 4) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character; and
 - 5) Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning.

These additional definitions shall also apply in these regulations:

Accessory Structure or Use -	A subordinate structure or use that is clearly incidental to and customarily found in connection with the principal structure or use, and is located on the same lot as the principal structure or use;
Acre -	A commonly referred to measure of area which equals 43,560 square feet;
Aquaculture -	Scientifically based method for the rearing of freshwater and marine organisms for commercial harvest generally within an enriched, controlled environment;
Apartment -	A part of a building containing cooking facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family;
Area, Gross -	All the area within a development plan or plat including area intended for residential use, local access streets or alleys, off-street parking spaces, recreation areas, or floodplains;
Automobile Filling Station -	Any building, structure or area of land used for the retail sale of automobile fuels, oils and accessories and where repair service, if any, is incidental;
Automobile Repair / Service Shop -	Any building, structure or area of land used for major automobile repair, body work or servicing including the sale of fuels, oils, or parts;
Bed & Breakfast -	A private home that contains no more than five rooms for transient guests, a breakfast meal is served to guests, and the owner maintains a principal residence and fully equipped sleeping and food preparation rooms;

Board - Board of Appeals -	The Board established by the Town Commissioners that is authorized to grant special exceptions and variances, and to hear appeals from administrative decisions as provided in this Ordinance;
Boarder -	Non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration;
Boarding House -	A building other than a hotel or apartment where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or less persons unless approved by Planning Commission;
Breezeway -	A structure extensively open except for roof and supporting columns that connect a residence and an accessory building on the same lot;
Buffer Yard -	That space that is located between two properties or buildings and that is not included in the required setback or yard requirements;
Buildable Width -	The width of that part of a lot not included within the open spaces herein required;
Building -	Any structure having a roof and designed for shelter or enclosure of any person, animal, or property of any kind;
Building, Completely Enclosed -	Any building having no outside openings other than ordinary doors, windows, and ventilators;
Building Line -	A front, rear, or side yard line used to delineate that portion of a lot within which buildings and other structures shall be confined;
Building, Principal -	Any building in which is conducted or in which is intended to be conducted the main or principal use of the lot on which it is located;
Child Care Center -	This term shall have the same meaning as defined by the appropriate laws of the State of Maryland;
Child Care Home -	A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit;
Child Care Institution -	An institutional facility housing more than nine orphaned, abandoned, dependent, abuse, or neglected children, along with their adult supervision;
Circulation Area -	That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area;
Club, Private -	Buildings and facilities owned or operated by a corporation, association, person, or persons, for social, educational, or recreational purposes, but not primarily for profit which accrues to any individual and not primarily to render a service that is customarily carried on by a business;
Clinic -	An office building or a group of offices for one or more physicians, surgeons, dentists, or other medical practitioners engaged in treating outpatients only;
Cluster Subdivision -	A type of subdivision in which lots are clustered together on a portion or portions of a site with the remaining area to be retained as open space through agreements that prohibit future or additional development;
Combination -	An altering of existing parcel or lot lines to create a new or new series of lots or parcels of land. A combination of parcels shall be seen to exist whenever two or more parcels of land are involved in the action, even if the action results in the creation of the same number of parcels as there were on the original plats before the action was proposed;
Combination Office -	A use consisting of a combination on one lot of two or more principal uses. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises or individuals occupy the same lot, and all such enterprises or uses fall within the same principal use classification, this shall not constitute a combination use;
Commercial -	A type of activity where goods or services are sold or traded with the expectation of profit or gain;
Commission -	The Planning Commission of the Town of Barclay;
Comprehensive/Community Plan -	The Comprehensive Plan of Barclay, Maryland - a document consisting of written and mapped information, adopted by the Town Commissioners, and intended to guide the physical development of Barclay including all changes and additions to the Plan;
Convalescent Home -	A building where regular nursing care is provided for more than one (1) person not a member of the family who resides on the premises;
Convenience Store -	A retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to primarily sell food, beverages, and other household supplies to customers who purchase only a

	relatively few items (in contrast to a “supermarket”). It is designed to attract and depends upon a large volume of stop-and-go traffic. It may sell prepared foods and fuel for automobiles;
Country Inn -	A commercial operation of more than six rooms that may or may not provide meals to nonresident guests;
Court -	An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building;
Coverage -	The percentage of the lot covered by buildings, structures, and other impervious surfaces;
Day Care Center, Family -	This term shall have the same meaning as defined in the appropriate laws of the State of Maryland;
Density -	Number of principal dwelling units allowed per acre of gross area of a development;
Development-	Any construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; land improvement; subdivision of land; or any combination thereof. For purposes of this ordinance, development shall include redevelopment and conversion of land or structures;
Development Rights -	The number of dwelling units permitted on a lot or parcel. The number of development rights is controlled by the gross acreage of the lot or parcel;
Ditch -	An artificial watercourse, channel, or canal for drainage or movement of water;
Dog Kennel, Commercial -	Any place where more than two (2) adult dogs are kept for a boarding or other fee, where two (2) or more adult dogs are kept for breeding purposes, or where more than five (5) adult dogs are kept for any purpose;
Driveway -	That portion of the vehicle accommodation area that consists of a travel land bounded on either side by an area that is not part of the vehicle accommodation area;
Dry Hydrant -	A non-pressurized pipe system permanently installed in lakes, ponds, rivers, streams, and other waterways that provides a ready means of suction supply of water for fire protection.
Duplex -	A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground-floor entrance;
Dwelling -	A building or portion thereof designed and used for residential purposes;
Dwelling, Single-family -	A dwelling designed for or occupied exclusively by one family;
Dwelling, Two-family -	A dwelling designed for or occupied exclusively by two families living independently of each other;
Dwelling Unit -	A room or group of rooms located within a dwelling occupied or intended to be occupied as separate living quarters by one family;
Earth Satellite Antenna -	A parabolic dish antenna or other device or equipment of whatever nature or kind, including its structural supports, the primary use of which is to receive television, radio, microwave, or other electronic signals from space satellites. A permit from the Town of Barclay is required before such a device may be installed on any property. The placement and location of such devices shall be appropriate to the property, with the building and other codes enforced in Barclay, and in conformance with any federal law or regulation that governs such devices on private property;
Easement -	A grant of the use of a parcel of land to the use of the public or a corporation, or a person for a specific purpose that does not include title to the land;
Factory-Built or Modular or Manufactured Housing	A building or structure may be considered to be factory-built and not subject to the rules and regulations that pertain to mobile homes, trailers, or recreational vehicles when that building was never intended or designed to have a support system or other method to which wheels or tires could be directly attached to the structure and which served as the principal means of transport from the place of manufacture or assembly to the final destination. In addition, a factory-built building or structure is one that is designed to be permanently set on a foundation that complies with the appropriate building codes enforced in Barclay. Smaller factory-built structures and buildings may be used as accessory structures and may not require a permanent foundation. Typically, a factory built, modular, or manufactured house is relatively indistinguishable from a “stick built” or individually on-site constructed house. Materials of construction and general appearance lend themselves to housing that has a character and price similar to custom or residential tract housing;
Family -	Two (2) or more persons related by blood, marriage, adoption, or guardianship, occupying a dwelling unit and living together as a single housekeeping unit;
Farmers Market -	A retail market selling predominately locally produced fruits, vegetables, crafts, and meats;

Fence or Wall -	A barrier, other than natural vegetation, intended to mark a boundary or to enclose an area to provide screening or privacy;
Flood Plain -	Any lands that are susceptible to be inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development or any similar document prepared by an official agency of the United States Government such as the Soil Conservation Office or the Army Corps of Engineers;
Floodway -	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 one foot;
Floor Area -	Commercial, business, agricultural, 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 centerline of walls separating two buildings but not including (1) attic space providing headroom of less than seven feet; (2) basement space used only for storage or utilities; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces, and (6) accessory off-street loading berths;
Garage or Yard Sale -	A public sale conducted by an individual on his or her own premises for the purpose of selling of personal property; limited to 3 days in length and no more than 3 occasions annually;
Grade -	The average elevation of the finished ground at all the corners and/or other principal points in the perimeter wall of the building;
Grandfathered -	A property, building, or structure not meeting the requirements of this Ordinance at the time of its adoption may be considered to be "grandfathered" and be permitted to continue without change, alteration, or requirement for conformity to this Ordinance subject to the procedures and requirements of Article 9, Nonconforming Lots, Structures, and Uses;
Granny Flat -	Living quarters that are attached to a principal residential dwelling. The primary purpose of a granny flat is to permit the occupants of the residential dwelling to house not more than two members of their family that require substantial care or attention due to age and its general conditions. This shall be considered a temporary use that may not extend beyond the life of the occupants of the granny flat;
Guest House -	Living quarters within a detached accessory building located on the same premises with the main building for use 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;
Habitats -	Areas important for the use of nonhuman species; especially those that might be threatened and endangered as determined by either the Maryland Department of Natural Resources or that are on federal lists of threatened and endangered species;
Handicapped/Infirm House -	A residence within a single dwelling unit for individuals that are physically or mentally handicapped or infirm, together with those that are providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment;
Height -	The vertical distance from the highest point of a structure, excepting a chimney or antenna on a structure, to the average ground level of the grade where the walls or other structural elements intersect the ground;
Home Occupation -	Any occupation or activity that is clearly incidental and secondary to the use of the premises for dwelling and that is carried on wholly within a main building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than that allowed by Town of Barclay Town Ordinance for such uses and buildings. There shall be no other display or storage of materials, generation of substantial volumes of vehicular or pedestrian traffic, parking demand, other exterior indication of the home occupation or variation from the residential character of the building. In connection with the home occupation, only one person outside the resident family shall be employed and no equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. When within the above requirements, a home occupation includes, but is not limited to the following: art studio; dressmaking; professional office of a physician, dentist, lawyer, engineer, architect, accountant, consultant, salesperson, real estate agent, insurance agent, or other similar occupation, teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall

	not be interpreted to include tourist homes, animal hospitals, child care centers, tea rooms, or restaurants;
Hospitals -	A building or group of buildings, having room facilities for one or more overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, outpatient department, training facilities, central service facilities, and staff offices, providing, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation;
Hostels -	A facility that provides overnight accommodation for not more than fifteen people. The hostel shall be staffed at all times and no meals or food may be provided as part of the room rate;
Hotel -	A building in which lodging or boarding and lodging are provided for more than four (4) persons, primarily transient, offered to the public for compensation, and in which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, or clubrooms, public banquet halls, ballrooms, and meeting rooms;
Household	Not more than four (4) persons, not all related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living together as a single housekeeping unit;
Illumination -	Direct artificial lighting or indirect artificial lighting designed to reflect light from light sources erected for the purposes of providing light to the sign or other structure;
Intermediate Care Home -	A facility maintained for the purpose of providing accommodations for not more than seven (7) occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm;
Loading Space or Berth -	A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve feet by thirty-five feet and a vertical clearance of at least twelve feet;
Lot -	A contiguous area of land separated from other areas of land by separate description in a recorded deed or plat; or a parcel of land that may include one or more platted lots occupied or intended for occupancy by a single principal use or establishment;
Lot Area -	The total horizontal area of a lot as determined by the closure of the rear, side, and front lot lines;
Lot, Corner -	A lot located at the intersection of two or more roads. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees;
Lot, Depth of -	The mean horizontal distance between the front and rear lot lines;
Lot, Interior -	A lot other than a corner lot with only one street frontage;
Lot Line -	The boundary line of a lot;
Lot Line, Front -	A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way;
Lot Line, Rear -	A line connecting the rearmost points on the side lot lines;
Lot Line, Side -	A line defining the boundary of a lot other than the front and rear lot lines;
Lot of Record -	Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations;
Lot, Through -	A lot where both the front and rear yards adjoin a road. The determination of which yard of a through lot is the front yard shall be made by the Planning Commission based on the prevailing yard pattern in the neighborhood;
Lot Width -	The distance between the side lot lines measured at the front building restriction line;
Mobile Home, Trailer, or Recreational Vehicle-	A vehicle used or so constructed as to permit being registered and tagged with a vehicular license plate and operated as a conveyance upon the public streets and highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling, or sleeping places for one or more persons, or for the conduct of a business or profession, trade, or occupation or for selling or advertising purposes; excluding, however, vehicles used only for the transportation of materials, products or animals, and provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters, each of which is capable of being moved by its own power, or towed and transported by another vehicle. A trailer shall be deemed and regarded as such even though its license tags have been removed and/or mobility may have been eliminated by removal of its wheels and the substitution

	of rigid supports or other stable foundation. A trailer shall not be deemed to be an accessory building;
Mobile Home Park -	A lot, parcel, or tract of land which is being used, designed, or held out to accommodate parking for one or more mobile homes for continuing occupancy, including all accessory buildings, vehicles, and appurtenances used or intended as equipment for such mobile home park. A mobile home park does not include an automobile or sales lot on which unoccupied mobile homes may be parked for inspection and sale;
Motel -	A building or group of buildings in which lodging is provided for more than four (4) transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door;
Motor Vehicle Dealer -	A building, structure, or area of land used for the storage or display of motor vehicles for sale but not used for the storage of dismantled or wrecked motor vehicles;
Nonconforming Lot -	A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located;
Nonconforming Project -	Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned;
Nonprofit Organization-	Any organization engaging primarily in civic or community services including Lions, Kiwanis, Rotary, Optimists, and organizations of a similar nature which are not operated for profit. To be considered as operating as a nonprofit organization, the organization must be registered with either the federal or State government of Maryland and demonstrate proof of nonprofit status;
Non-tidal Wetlands -	These are lands defined as non-tidal wetlands under definitions acceptable to either the Maryland Department of Natural Resources or the U.S. Army Corps of Engineers;
Nursing Home -	A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities, or injuries who do not require extensive or intensive care such as is normally provided in a general or other specialized hospital; includes rest homes, convalescent homes, and homes for the aged. A nursing home does provide medical, nursing, convalescent, or chronic care in addition to room and board;
Owner -	The person, partnership, corporation, company, or other legal entity holding current legal title to a lot, tract, or parcel of land;
Parking Space, Off-street -	An all-weather surfaced area, not within a road right-of-way, permanently reserved for the temporary storage of one motor vehicle and connected with a road by an all-weather surfaced driveway, which affords satisfactory access for motor vehicles;
Perennial Stream -	A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographical quadrangle published by the United States Geological Survey, or as confirmed by field verification and documentation;
Place of Worship -	A building or premises where persons regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship;
Planning District -	The Comprehensive Plan has established these districts for the Town of Barclay. They identify individual areas that possess common design and development patterns. They are not zoning districts but they do govern the pattern of future development within each district;
Premises -	A lot, together with all buildings and structures thereon;
Public Utilities -	Uses or structures for the public purpose of power transmission and distribution (but not power generation), natural gas transmission and distribution (but not manufacturing or storage); water treatment and distribution, sewage collection and treatment, telephone service facilities, radio and television facilities (not including broadcasting studios), and rail or road rights-of-way (not including stations or terminals);
Recreation Area -	This is any common or public open space that can be used for the enjoyment of the out-of-doors. A recreation area may be either passive or active. A passive recreation area is any open space that can be used for walking, sitting, or casual sport activities. An active recreation area is one that has permanent equipment and supplies for recreation and that might be used for organized sports activity;
Residence, Multi-Family -	A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or

	attached to it by a common floor or wall (even the wall of an attached garage or porch) (e.g., townhouses and apartments);
Residence, Multi-Family Conversion -	A multi-family residence containing not more than four dwelling units and results from the conversion of a single building that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence;
Residence, Two-Family Conversion -	A two-family residence resulting from the conversion of a single building that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence;
Residue Land -	A designation of land on a subdivision plat that indicates a specifically delineated area currently not included as part of the subdivision. Residue land may not be used for future subdivision unless that portion of the land that is shown as residue land may be subdivided and plated under these and other regulations in its own right. Residue land must contain at least 3 acres;
Restaurant -	An establishment where food and/or drink are prepared, served, and consumed primarily within the principal building;
Right-of-Way -	A strip of land designated for the use of a street, highway, alley or walkway, or for any drainage or public utility purpose or other similar uses;
Road, private -	A road or street not in any State, county, municipal, or federal road system and one that is owned by private interests. Private roads are not permitted in Barclay;
Road, public -	Part of a State, county, municipal, or federal road system and an existing road or street that has been dedicated to one of the above systems by deed, easement, or by long-term use and maintenance. This term shall apply and include street, avenue, drive, circle, highway, or a similar term;
Rooming House -	Same as a boarding house;
Salvage Yard -	A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, equipment, vehicles, and the like or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof;
Setback -	The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a town, county, or State street right-of-way;
Sign -	Any structure or device, in whole or part, which uses symbolic representations to direct attention to identify or advertise any activity, person, group of people, or thing;
Sign Arch -	That arch within a line including the outer extremities of all letters, figures, characters, and delineations or within a line including the outer extremities of all letters, figures, characters and whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area;
Sign Area -	That area enclosed by the periphery connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting lines, etc. which are not a part of the main supports of the sign are to be included in determining sign area. On a two-sided sign, only one face is counted in computing area of the sign provided the faces are located not more than two (2) feet from each other;
Sign, Flashing -	Any 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 revolving illuminated sign shall be considered a flashing sign;
Site Plan -	A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions that have been adopted for such plats or may be required for such plats and site plans by the Town of Barclay;
Special Exception -	Permission by the Board of Appeals to establish a specific use that would not be appropriate generally or without restriction throughout a zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would comply with the purpose and intent of this Ordinance. Such uses may be approved within a zoning district if specific provision for such a special exception is made in this Ordinance;
Steep Slopes -	Slopes of 15% or greater incline sustained for 8 vertical feet;
Story -	That portion of a building other than a basement included between the surface of any floor and the surface of the floor or ceiling next above it;

Story, Half -	A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than sixty-percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story;
Street -	A way for vehicular traffic that provides primary access to abutting properties including the rights-of-way;
Street, Arterial -	A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and that carries high volumes of traffic
Street, Collector -	A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day;
Street, Cul-de-Sac -	A street that terminates in a vehicular turnaround;
Street, Local -	A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day;
Street, Line -	A dividing line between a lot, trace, or parcel of land and a contiguous street;
Street, Marginal Access -	A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties;
Structure -	Anything constructed or erected which requires location on the ground or attached to something having a location on the ground;
Tavern -	An establishment used primarily for the serving of liquor by the drink to the general public, and where food or packaged liquors may be served or sold only as an accessory to the primary use. Also called a bar or a lounge;
Use -	The purpose or activity for which land or any building thereon is designed, arranged, or intended or for which it is occupied or maintained;
Use, Principal -	The specific primary purpose for which premises are used;
Variance -	A modification of the terms of this Ordinance with regard to height, area, and the size of structures or size of yards and open spaces;
Warehouse -	A structure used for storage and/or sale of products at wholesale, and where the sale of a product at retail is incidental;
Wholesaling -	The selling of goods in relatively large quantities and usually at lower prices than at retail, especially such selling to retailers for resale to consumers;
Yard -	An open space other than a court on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The area between a lot line and the principal building;
Yard, Front -	A yard extending across the front of a lot between the side of lot lines and being the horizontal distance between the front lot line and the principal building or any projections thereof other than uncovered steps, balconies, terraces, or unenclosed porches;
Yard, Rear -	A yard extending across the rear of the lot between the side lot lines, and being the horizontal distance measured between the rear lot line and the rear of the principal building or any projection other than uncovered steps, balconies, terraces, or unenclosed porches;
Yard, Side -	A yard between the principal building and the side line of the lot, and extending from the front yard to the rear yard and being the horizontal distance between the side lot line and side of the principal buildings or any projection other than steps, balconies, terraces, or unenclosed porches;
Zoning District -	An area within which certain uses of land and structures are permitted and certain others are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established consistent with the terms of this Ordinance, and for the purpose of carrying out and enforcing its provisions.

5. ZONING DISTRICTS AND ZONING DISTRICT MAPS

5.1 Zoning Districts Established

The following zoning districts are hereby established for Barclay, Maryland:

- A. "TC" Town Center
- B. "R" Residential;
- C. "I" Light Industrial
- D. "A" Agricultural

5.2 Zoning District Map Established

The official boundaries of the zoning districts shall be shown on the map, designated as the Zoning District Map of Barclay, Maryland dated and signed by the Commissioners of the Town of Barclay, and attested by the Clerk upon adoption. The Zoning District Map, together with all explanatory matter thereon, is adopted by reference and declared to be part of this Ordinance. Amendments to zoning district boundaries or other matter portrayed on the Zoning District Map shall be promptly recorded on the maps after approval by the Town Commissioners. No changes in zoning district boundaries shall be made on the Zoning District Map except in conformity with this Ordinance.

Regardless of the existence of copies of the Zoning District Map that may from time to time be made or published, the Zoning District Map shall be located in the Town Office, and shall be the final authority as to the current zoning status of any property within jurisdiction of the Town.

The location of Zoning Districts are subject to the following rules of interpretation:

- A. The regulations pertaining to a zoning district shall extend throughout the whole area bounded by the zoning district lines;
- B. In as much as possible, zoning district boundaries shall follow the property lines recorded for each property and not force a single property to be governed by two or more sets of zoning regulations;
- C. Where a boundary line is shown to be located within a street, alley, railroad track, or other physical feature, it shall be deemed to be in the actual center of the feature;
- D. Where a boundary line is shown as being located a specific distance from a street or other physical feature, this distance shall control and shall be measured from the center of the feature; and
- E. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning District Map or under circumstances not covered under this Section, the Board of Appeals shall interpret the location of the zoning district boundaries. Prior to rendering a decision on such an issue, the Board shall solicit and receive a recommendation on the subject from the Planning Commission.

6. PURPOSE AND INTENT OF ZONING DISTRICTS

6.1 "TC" TOWN CENTER MIXED-USE DISTRICT

The intent of the Town Center District is to provide for a mix of land uses including residential, recreational, institutional, business and commercial uses within the historic town center. It is also the intent of this district to require and promote the integration of uses through shared parking, access drives, tasteful signage, landscaping, etc. Supplementary appearance, landscaping, screening, parking and loading, outdoor storage, and sign regulations apply in this district to ensure an attractive, inviting pedestrian oriented setting.

6.2 "R" SINGLE-FAMILY RESIDENTIAL DISTRICT

This zoning district is intended to provide for single-family or two-family, low-population density residential development together with such buildings, schools, churches, facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. Existing buildings that would generally be considered as single-family homes in that they were either built or could be converted into single-family dwellings are considered to be conforming buildings even when such buildings might contain two residential units or when such a property might be used for a combined residential use and commercial use such as a house, bed and breakfast or home occupation.

6.3 "I" Light Industrial

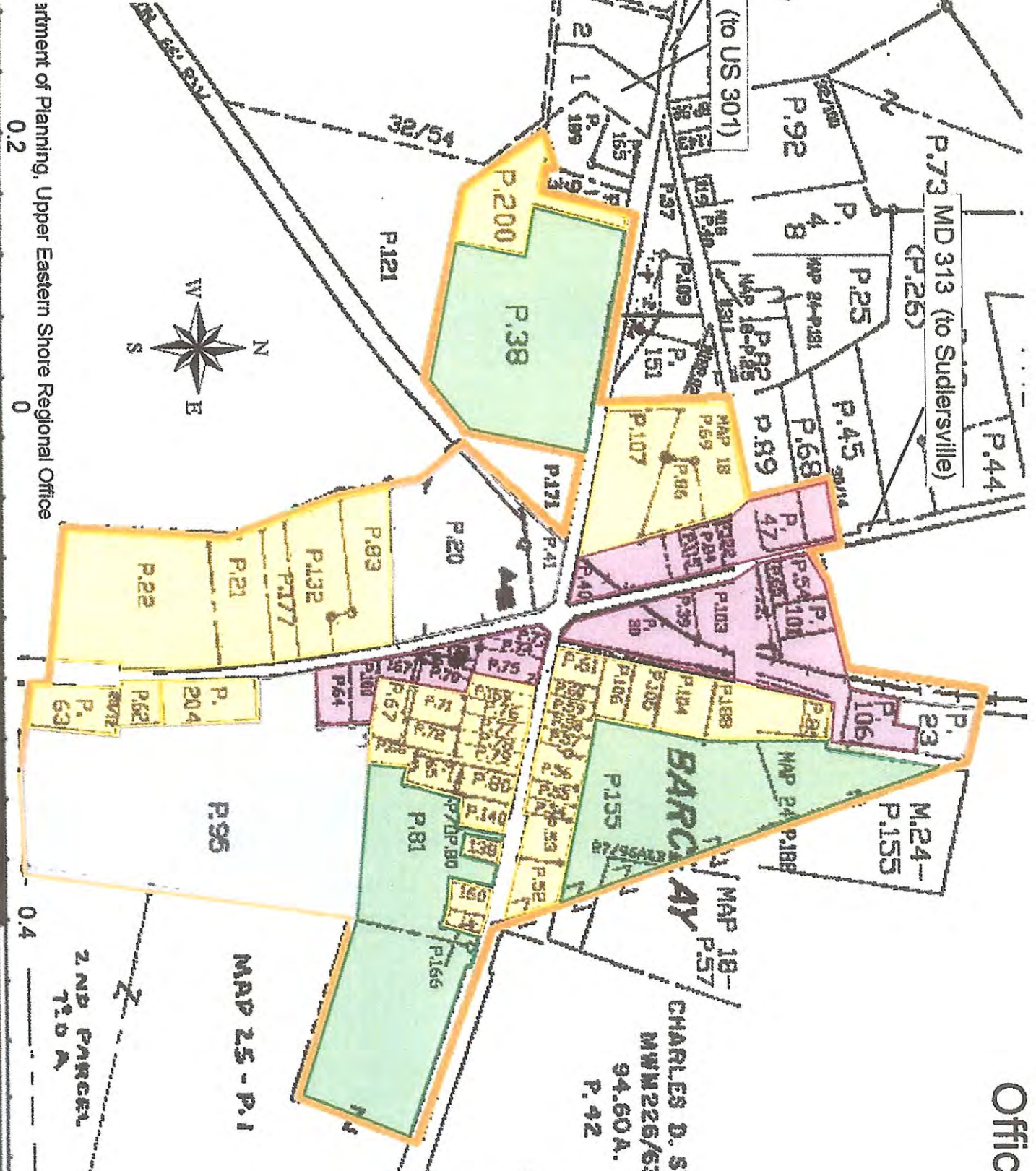
This zoning district is intended to provide for a range of light industrial uses that are compatible with adjacent uses to the extent that any adverse effects on health, safety, welfare, or the environment are avoided. Furthermore, this zoning district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees, and with access by major thoroughfares or railroads. Light industries include those which manufacture, process, store, package, or distribute goods and materials; and are, in general, dependent on raw materials refined elsewhere. Approved use requires that the buildings be located on the periphery of Town, be on parcels of land of at least 35,000 square feet, and be situated at least 50 feet from the neighboring parcel boundary

6.4 "A" Agricultural

Located within the municipal boundaries are parcels that are significantly larger lots than are normally located within Town limits (4 acres or more). The parcels, if subdivided, could represent as many as fifty new residences. Barclay does not envision such growth and prefers these parcels remain as agricultural use. However, agricultural use should be limited to raising crops, aquaculture, growing/selling nursery stock but should prohibit animal husbandry activity.

ZONING MAP

Town of Barclay Official Zoning Map



Robert M. G.
Commissioner

Sharon S. Cleary
Commissioner

James J. Walls
Commissioner

[Signature]
Attested: Town Manager

Date: 5/14/07

Zoning Districts

- Agriculture "A"
- Light Industrial "I"
- Town Center "TC"
- Single Family Residential "R"

7. USE REGULATIONS

7.1 Applicability of Regulations

Unless otherwise provided by law or in this Ordinance, no building or structure shall be constructed, erected, or extended and no building, structure, or land shall be used or occupied except for the purposes permitted in this Article. The Board of Appeals may make a determination that a use not enumerated here is considered such a similar use to one that is listed and that it meets the intent of this Ordinance that the suggested use that is not enumerated may be considered one of these enumerated uses provided that a positive recommendation has been provided to the Board of Appeals by the Planning Commission.

7.2 Official Listings of Use Regulations by Zoning Districts

The following are the types of permitted uses in each zoning district, the type of review and approvals required, and additional regulations:

“TC” TOWN CENTER MIXED-USE

The following are permitted by right:

- A. Single-family dwelling, detached; permitted by right;
- B. Two-family dwelling;
- C. One (1) accessory dwelling unit per lot of record;
- D. Boarders in dwelling, provided no more than three shall reside in a dwelling;
- E. Bed and breakfast operations in owner-occupied dwellings;
- F. Home-based business;
- G. Municipal or local government uses; and
- H. Garage or yard sales provided that no more than three (3) sales are held during a single calendar year and such sales cannot continue for more than three (3) days.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

- A. Multi-family dwelling;
- B. General offices and office buildings;
- C. Neighborhood centers that include retail sales establishments and commercial and service uses that support residential neighborhoods, such as: grocery stores, banks, restaurants, barber shops and beauty salons, gasoline sales, and similar small scale services that have traditionally been found in small towns and villages;
- D. Medical facilities, including doctors offices, clinics, and out-patient care facilities;
- E. Library or museum;
- F. Schools of any type;
- G. Place of worship;
- H. Public or nonprofit park and/or recreation area;
- I. Nursing home;
- J. Adult and retirements communities;
- K. One (1) accessory dwelling unit per lot of record;
- L. Small engine repair;
- M. Country inn;
- N. Beauty shops, barbershops, nail salons; and
- O. Home occupation.

“R” Single-Family Residential

The following are permitted by right:

- A. Single-family dwelling, detached;
- B. Two-family dwelling;

- C. An accessory apartment in a single-family dwelling provided that only one accessory apartment is created on a single residential lot, the accessory apartment is clearly subordinate to the principal dwelling, and the property owner obtains county health department approval for the additional use based on a review of the water and sewerage requirements for the accessory apartment;
- D. Boarders in dwelling, provided no more than three shall reside in a dwelling;
- E. Bed and breakfast operations in owner-occupied dwellings;
- F. Home occupations provided that the home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes, the home occupation is carried on wholly indoors and within the principal building or within an accessory building on the property, and there is no outside storage of any materials or goods used in the home occupation, there shall be no use of show windows or displays of advertising visible outside of the premises other than home occupation announcement signs as permitted, no external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;
- G. Municipal or local government uses except for prisons and other secure facilities that routinely hold more than 3 persons on a regular basis;
- H. Garage or yard sales provided that such sales cannot continue for more than three days, limited to 3 occasions per year.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

- A. Schools of any type;
- B. Fire and/or rescue services;
- C. Library or museum;
- D. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business;
- E. Place of worship;
- F. Public or nonprofit park and/or recreation area;
- G. Public utility lines and accessory structures to provide local service to the residents of Barclay; and
- H. Cemetery or memorial gardens provided that all applicable State and county requirements are met and all such approvals granted before application is made for a special exception.

“I” Light Industrial

The following are permitted by right:

- A. Mill work industries such as construction of cabinets, windows and doors;
- B. Making of funeral vaults and head stones;
- C. Public utility lines and accessory structures to provide local service to the residents of Barclay;
- D. Single-family dwelling, detached;
- E. Boarders in dwelling provided no more than three shall reside in a dwelling.
- F. Home occupations provided that the home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes, the home occupation is carried on wholly indoors and within the principal building or within an accessory building on the property, and there is no outside storage of any materials or goods used in the home occupation, there shall be no use of show windows or displays of advertising visible outside of the premises other than home occupation announcement signs as permitted, no external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;
- G. Municipal or local government uses except for prisons and other secure facilities that routinely hold more than 3 persons on a regular basis;
- H. Agricultural uses that are limited to raising field crops and nursery stock; and
 - I. Garage or yard sales provided that such sales cannot continue for more than three days, limited to 3 occasions per year.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

- A. Cemetery or memorial gardens provided that all applicable State and county requirements are met and all approvals granted before application is made for a special exception;
- B. Recreational enterprises;
- C. Golf courses;
- D. Funeral homes;
- E. Motel or hotel;
- F. Schools of any type;
- G. Fire and/or rescue services;
- H. Library or museum;
- I. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business;
- J. Nursing home;
- K. Place of worship;
- L. Public or nonprofit park and/or recreation area; and
- M. Public utility lines and accessory structures to provide local service to the residents of Barclay.

“A” Agricultural

The following are permitted by right:

- A. Agricultural uses that are limited to raising field crops and nursery stock;
- B. Aquaculture;
- C. Single-family dwelling, detached;
- D. Two-family dwelling;
- E. An accessory apartment in a single-family dwelling provided that only one accessory apartment is created on a single residential lot, the accessory apartment is clearly subordinate to the principal dwelling, and the property owner obtains county health department approval for the additional use based on a review of the water and sewerage requirements for the accessory apartment;
- F. Boarders in dwelling, provided no more than three shall reside in a dwelling;
- G. Bed and breakfast operations in owner-occupied dwellings;
- H. Home occupations provided that the home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes, the home occupation is carried on wholly indoors and within the principal building or within an accessory building on the property, and there is no outside storage of any materials or goods used in the home occupation, there shall be no use of show windows or displays of advertising visible outside of the premises other than home occupation announcement signs as permitted, no external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee; and
- I. Garage or yard sales provided that such sales cannot continue for more than three days, limited to 3 occasions per year.

The following uses are permitted by special exception after a recommendation by the Planning Commission and the approval of the Board of Appeals:

- A. Raising of horses or similar size family pets;
- B. Recreational enterprises;
- C. Golf courses;
- D. Funeral homes;
- E. Motel or hotel;
- F. Schools of any type;
- G. Fire and/or rescue services;
- H. Library or museum;
- I. Nonprofit club or institution, provided that the use shall not be operated as a private, gainful or profit business;
- J. Nursing home;
- K. Place of worship;
- L. Public or nonprofit park and/or recreation area;

- M. Cemetery or memorial gardens provided that all applicable State and county requirements are met and all such approvals granted before application is made for a special exception; and
- N. Municipal or local government uses except for prisons and other secure facilities.

7.2 Permissible Uses and Specific Exclusions

The presumption established by this Ordinance is that all legitimate uses of land are permissible within at least one zoning district in the jurisdiction of the Town. Therefore, because the list of permissible uses set forth in this ordinance cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses. However, before a property, building, or structure can be used for a similar but not enumerated use, the Board of Appeals must provide approval for that use to be considered a conforming use. Before the Board of Appeals can approve such a use, a positive recommendation must be received from the Planning Commission.

Notwithstanding the above paragraph and instruction all uses that are not listed in this ordinance, even given the liberal interpretation suggested, are prohibited. Nor shall this Ordinance be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- A. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the fire prevention code of the Town;
- B. Stockyards, slaughterhouses, rendering plants;
- C. Use of a travel trailer as a temporary or permanent residence. (Situations that do not comply with this provision on the effective date of this chapter are required to conform within one year.);
- D. Salvage yards
- E. Use of a motor vehicle parked on a lot and used as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Situations that do not comply with this subdivision on the effective date of this ordinance are required to conform within 30 days.); and
- F. Mobile homes and mobile home parks are excluded from all districts.

8. DIMENSIONAL REQUIREMENTS

8.1 Table of Dimensional Requirements for Principal and Accessory Uses

The Table of Dimensional Requirements for Principal and Accessory Uses lists the requirements for each district pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards subject to further applicable provisions of this Ordinance.

8.2 Lot Area or Yards Required

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

8.3 Exceptions of Minimum Lot Size and Lot Widths

If two (2) or more adjoining lots of record, one or both of which fail to meet the requirements of this Ordinance with regard to lot area and/or lot width, have continuous frontage and are in single ownership at any time after the application of the provisions of this Ordinance to such lots, and if such lots taken together would form one or more lots, each meeting the requirements of this Ordinance with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirements irrespective of subsequent change in ownership.

Subject to the provisions above, a building or other improvements may be erected on any lot which was of record prior to the effective date of this Ordinance, even if the lot is a nonconforming lot, provided the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this Ordinance.

8.4 Front Yards

When there is an existing building on each of two (2) lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when both such existing buildings are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth on which the proposed building is to be erected provided that the above reduction shall not apply to any special exception uses.

On through lots, at least the minimum required front yard shall be provided on each road.

8.5 Rear Yard Requirements for Triangular Lots

In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the front line shall be at least twice the minimum depth specified.

8.6 Height Exceptions of Maximum Regulations

Maximum height regulations shall not apply to church spires, chimneys, aerials, and other structures normally built or located above the roof and not devoted to human occupancy.

8.7 Traffic Visibility Across Corners (clear sight triangle)

On any corner lot, no wall, fence, or other structure shall be erected or altered, or no hedge, tree, shrub, or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines, and a straight line drawn between points on each such street line twenty-five (25) feet from the intersection of said street lines.

8.8 Accessory Buildings in Side and Rear Yards

Completely detached accessory buildings may occupy required side and rear yards, but shall not be located closer than five (5) feet to any side or rear property line.

8.9 Walls Not Parallel to Lot Lines

Where a wall of a building is not parallel with its corresponding lot line, the required width or depth of any yard on that side of the building shall be taken as the average width or depth, provided that said yard shall not be narrower at any point than three-fourths of the required width or depth.

8.10 Front and Side Yards of Corner Lots

On a corner lot the street side yard shall equal the required front yard for lots facing that street.

8.11 Front and Side Yards on Rights-of-Way

Where a right-of-way has been established for the future widening or opening of a Town or State road upon which a lot abuts, then the depth of a front or side yard shall be measured from the nearest boundary of the future right-of-way to the nearest point of the structure.

8.12 Fences

Other sections of this Ordinance notwithstanding, no fence in any residential area shall be over six (6) feet in height when along any property line or four (4) feet when in any front yard. Fences on “R” parcels that enclose side yard or rear yard storage areas may be up to eight (8) feet in height when they are located at least fifteen feet (15) from any property line. Fences that enclose or screen commercial activities must be opaque, eight (8) feet high, and be located at least fifteen (15) feet from any property line – subject to Planning Commission review and approval.

TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES

ZONING DISTRICT	MINIMUM DEPTH OF FRONT YARD	MINIMUM WIDTH OF EACH SIDE AND BACK YARD	MAXIMUM HEIGHT	MINIMUM SIZE/AREA PER RESIDENTIAL STRUCTURE	GROSS DENSITY, LOTS, OR UNITS/ACRE	MINIMUM LOT AREA	MINIMUM WIDTH OF LOT	MINIMUM DEPTH OF LOT
R-1 Residential								
- Detached Single Family Dwelling	15 feet*	15 feet*	40 feet 3 stories	1100 Sq. ft.	6	7,500 square feet	75 feet	100 feet
A-1 Agricultural								
- Detached Single Family Dwelling	30 feet	15 feet	40 feet 3 stories	1100 sq. ft.	NA	4 Acres	100 feet	100 feet
TC Town Center								
- Non-Residential Use	30 feet*	15 feet**	40 feet 3 stories	3000 sq. ft.	4	7,500 square feet	75 feet	100 feet
- Detached Single Family Dwelling	30 feet*	15 feet**	40 feet 3 stories	1000 sq. ft.	6	7,500 square feet	75 feet	100 feet
- Two Family Dwelling	30 feet*	15 feet**	40 feet 3 stories	3000 sq. ft.	4	7,500 square feet	75 feet	100 feet
I-1 Light Industrial								
- All uses	50 feet	25 feet	50 feet	50 feet 4 stories	1	35,000 square feet	200 feet	200 feet

* Front yards conforming to neighboring houses and streets for each lot of record existing at the time this ordinance is enacted.

** Side yards of less than 15 ft are permitted for each lot of record that predates the passage of this Ordinance.

Additional specific regulations may be found elsewhere in this Ordinance.

9. NONCONFORMING LOTS, STRUCTURES, AND USES

9.1 Purpose and Definition

Lots, structures, or uses lawfully existing at the time of the adoption of the Zoning Ordinance for the Town of Barclay, Maryland on August 14, 2006 or at the time of subsequent amendment or re-adoption, and which are rendered nonconforming by such adoption, amendment, or re-adoption, shall be permitted to remain or continue until removed or abated but shall not be encouraged to survive.

- A. Nonconforming Lot - A nonconforming lot has been legally subdivided and recorded in the Queen Anne’s County Land Records but does not comply with the yard or area requirements of this Ordinance. No structure which fails to conform to the minimum yard or setback requirements for the applicable zoning district shall be erected on any nonconforming lot, unless a variance is granted by the Board of Zoning Appeals.
- B. Nonconforming Structure - A nonconforming structure does not comply with the height, area, bulk, yard, or setback requirements of this ordinance for the zoning district in which it is located, unless a variance is granted by the Board of Zoning Appeals.
- C. Nonconforming Use of Land and/or Structure - A nonconforming use of land and/or structure does not

comply with the use regulations of this Ordinance for the zoning district in which it is located, unless a variance is granted by the Board of Zoning Appeals.

- D. Uses That Do Not Constitute Nonconforming Use - The casual, intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use, unless a variance is granted by the Board of Zoning Appeals.
- E. Entire Premises May Not Be Nonconforming - The existence of a nonconforming use in a part of a premises shall not be construed to establish a nonconforming use on the entire premises, unless a variance is granted by the Board of Zoning Appeals.
- F. Determination of Nonconformance - The Town Commissioners, or their designee, shall determine, based on fact, whether or not a nonconforming use exists. Such a determination may be appealed to the Board of Zoning Appeals.

9.2 Discontinuance of a Nonconforming Use

No land, structure, or portion thereof used in whole or in part for a nonconforming use in any zoning district which remains idle, unused, or abandoned for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the zoning district in which such land or structure is located.

9.3 Damage to a Nonconforming Structure or Use

A nonconforming structure or any conforming structure containing a nonconforming use which has been damaged by any act of God or accident may be restored. All rights as a nonconforming structure or use may be continued as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve months of the date of damage.

9.4 Expansion of or Addition to a Nonconforming Structure or Use

- A. No nonconforming structure may be modified so as to increase its nonconformity—except that exterior walls may be extended parallel to side lot lines, or form a 90 degree angle with the front of the structure, so long as the extension does not bring any part of the new wall closer to the property line, beginning from the point closest to such a property line. Additionally, no side wall extension shall continue beyond the existing rear wall of the structure, as measured from a point equal to the deepest existing incursion into the rear yard. These provisions shall have the purpose to allow the modernization and the “squaring up” of irregularly shaped buildings that have been expanded in a haphazard manner over time.
- B. No nonconforming use may be modified or expanded unless the applicant can successfully demonstrate to the satisfaction of the Board of Appeals that said modification or expansion is:
 - 1) in the public interest;
 - 2) shall not be detrimental to adjoining properties and the neighborhood at large;
 - 3) shall have first been reviewed by the Town Commissioners and found to constitute a reasonable and acceptable request;
 - 4) a denial shall have been determined to constitute an “undue hardship”; and
 - 5) the Board of Appeals shall have issued a variance for the proposed work.
- C. No nonconforming use shall be modified, expanded, or enlarged, unless a variance is granted by the Board of Zoning Appeals.

9.5 Maintenance

These regulations shall in no way compromise, impede, or diminish the ability of a property owner to maintain the appearance or structural integrity of a nonconforming structure.

10. OFF-STREET PARKING

10.1 General Requirements

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this section on parking so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

Whenever there is an alteration of a structure or a use that increases the parking requirements according to the standards of this Ordinance, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

No open space in an automobile parking compound shall be encroached upon by buildings, storage, or any other use; nor shall such space be reduced in area, except upon approval of the Planning Commission and then only after proof that by reason of reduction in floor area, meeting area, or other factors controlling the regulation of such parking facilities, the proposed reduction in off-street parking space is reasonable and in accordance with the standards of this Ordinance.

No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except when such reduction is in conformity with the requirements of this Ordinance. Reasonable precautions shall be taken by the owner of the particular uses to assure the availability of required facilities to the customers, employees, or other persons whom the facilities are designed to serve.

Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.

Where the computation of required parking space results in a fractional number, only the fraction of one-half or more shall be counted as one.

Required off-street parking spaces shall be on the same lot or premises with the principal use served or on an immediately adjacent lot provided the neighboring lot has been assigned the same zoning.

Each required parking space shall measure not less than nine (9) feet in width, and not less than eighteen (18) feet in length.

Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicles.

In no case shall parking areas for three (3) or more vehicles be designed to require or encourage cars to back into a public or private street in order to leave the lot.

10.2 Official Table of Parking Regulations for Specific Uses

TYPE OF USE	MINIMUM REQUIRED SPACES
single or two-family dwelling	2 for each dwelling unit
boarders in residence	1 for each bedroom
bed and breakfast	1 for each bedroom
commercial, retail	1 for each 100 square feet of gross floor area
restaurant, tavern, or nightclub	1 for each 50 square feet of floor area devoted to patron use
offices, clinics	1 for each 200 square feet of floor area
wholesale or warehouse	1 for each 2 employees; 1 for each motor vehicle used in the business; 1 for each 100 square feet of floor area devoted to patron sales use
automobile filling station	1 for each 2 employees; 1 for repair shop; plus 1 for each vehicle used in the business; plus sufficient space on the premises to provide for parking or storing vehicles left for service
Industrial	1 for each 2 employees; plus 1 for each motor vehicle used in the business
nonprofit club or institution	1 for each 10 members
nursing home	1 for each 2 patient beds
places of worship	1 for each 5 seats based on maximum capacity

10.3 Flexibility in Administration Required

The Town recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in this Ordinance may result in a development either with inadequate parking space or parking space in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. Therefore the approving authority may permit deviations from the presumptive parking requirements of this ordinance and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the purpose and intent of this Ordinance.

11. SIGNS

The purpose of this section is to permit signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, morals, and general welfare; to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance; to prevent the proliferation of signs which detract from the appreciation of the landscape, and to preserve and enhance the attractiveness of Barclay.

11.1 General Regulations

No sign shall be erected until the Planning Commission issues a zoning certificate, except for those signs specifically exempted in this ordinance. No sign shall, by reason of its intensity, color, location, or movement, interfere with traffic

lights, signals, or other controls; obscure the view of a road; or in any other manner impair public safety. Flashing or animated signs are prohibited, except those elements of a sign displaying time or temperature.

No sign, other than an official traffic sign, shall be located within the right-of-way of any road.

No sign shall be attached to a utility pole or any other unapproved supporting structure. No sign which requires a zoning certificate shall be attached to a tree.

These regulations do not apply to a sign on a truck, bus, or other vehicle which identifies the product, service, or activity for which the vehicle is used, and which is incidental to the primary business use of the vehicle for transportation.

Any free-standing sign shall be set back from the side and front lot lines a distance at least equal to the height of the sign or a minimum distance of ten (10) feet, whichever is greater.

11.2 Political Signs

Political signs or posters may be erected upon private property provided the person responsible for the erection or distribution of such signs, the property owner, or an agent of the property owner shall remove the signs or posters within fifteen (15) days after the elections to which they are addressed, unless such signs or posters shall continue to be addressed to an election to be held within the next ninety (90) days.

11.3 Application

Every application for a sign permit shall be accompanied by plans drawn to scale and including:

- A. The dimensions of the sign and its supporting structure, and the dimensions of and location on the building wall surface where the sign is to be attached to a building;
- B. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated; and
- C. The manner of illuminating and securing the sign to a building, structure, or ground.

11.4 Removal of Signs

Any sign associated with an activity on a vacated premises shall be removed from the premises, altered, or resurfaced by the owner or lessee within (1) year from the time such activity ceases, so that the sign will not display letters, numerals, symbols, figures, designs, or any other device for visual communication pertaining to the former activity.

11.5 Official Table of Signs Permitted and Regulated in the Zoning Districts

TYPE OF SIGN	MAXIMUM NUMBER ALLOWED PER USE	MAXIMUM SIGN AREA ALLOWED IN SQ. FT.	MAXIMUM HEIGHT IN FEET	ILLUMINATION PERMITTED	PERMIT REQUIRED	TIME LIMIT	ZONING DISTRICTS ALLOWED
Garage or Yard Sales Roadside Stands	3	6	6	No	No	Coincident with use	All Districts
Agricultural Products Produced on Premises	1	16	8	No	No	None	Residential
Political	b	16	8	No	No	End of Election Period	All Districts
Real Estate Sale or Lease or Rental	1 per road frontage	6	4	No	No	None	All Districts
Special Event but for Civic or Social or for Government Organizations Only	2	16	6	Yes	No	30 Days per Event	All districts
Special and New Business Promotions	b	16	25 (a)	Yes	No	30 Days per Event	Commercial and Industrial districts and Permitted Commercial Activities in Residential Districts
Special Decorative Holiday Displays	None	None	25 (a)	Yes	No	None	All Districts
Name and Address of Occupant, Owner, or Property	1	1	6	No	No	None	All Districts
Place Identification of Residential Facility or Development, Farm, or Historic Property	1	16	6	Yes	No	None	All Districts
Institutional Identification or Bulletin Board	1	16	8	Yes	No	None	All Districts
Home Occupation	1	1	6	No	No	None	All Residential and Commercial Districts
Public Interest of a Non- Commercial Nature and without Advertising	No Limit	2	8	No	No	None	All Districts
Construction Site to Show Contractors, Design, and Future Use	1	16	8	No	No	Till Project is Complete or Abandoned	All Districts
Permitted Business, Commercial, Industrial Establishments except Home Occupations	b	32	25 a	Yes	Yes	No	All Commercial and Industrial Districts and Permitted Commercial Uses in Residential Zones
Commissioners of Barclay sponsored signs	2	48	10	yes	No	No	All Districts

NOTES:
a. Or the Height of the Building, whichever is greater;
b. The Combined total of all signs on the premises per Establishment shall not exceed the Maximum Sign Area allowed per Type, and
c. Signs located on a Building Window are not included when determining the Maximum Number or Sign Area allowed.

12. LIGHTING

A. Purpose.

- (1) The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source.
- (2) With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated.
- (3) This section is not intended to apply to public street lighting nor to seasonal decorative lighting such as Christmas lights.

B. In General.

- (1) The following standards are required for all exterior lighting except for outdoor recreational uses specifically exempted under subsection D of this section.
- (2) The maximum light post height allowed is dependent on the amount of cut off provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions that are permitted provide adequate protection for neighboring residential property.

C. Exterior Lighting Standards.

- (1) Exterior lighting shall meet one of the following standards.
- (2) If a luminaire has no cutoff, then the maximum permitted height of the luminaire shall be:
 - Residential parking lots 12 ft.
 - Nonresidential parking lots 20 ft.
- (3) If a luminaire has a total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:
 - Residential parking areas 20 ft.
 - Nonresidential parking areas 30 ft.
 - Street Lights per requirement of State Highway Administration

D. Exemption for Specified Outdoor Recreational Uses.

Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of subsection C of this section provided that the Planning Commission, during a site plan review, is satisfied that the site plan indicates that the outdoor recreational uses meet all other requirements of this section and of this subtitle and the following conditions:

- (1) Lighting for the outdoor recreational uses specified above may not exceed a maximum allowed post height of 40 feet; and
- (2) Lighting for the outdoor recreational uses specified above may exceed a total cutoff angle of 90 degrees provided that the luminaire is shielded in either its orientation or by a landscaped buffer yard to prevent light and glare spillover to adjacent residential property.

E. Additional Regulations.

Notwithstanding any other provision of this section to the contrary:

- (1) Flickering or flashing lights may not be permitted; and

(2) Light sources or luminaires may not be located within buffer yard areas except on pedestrian walkways.

F. Exterior lighting plan.

Whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the Planning Commission in order to determine whether the requirements of this section will be met and that adjoining property will not be adversely impacted by the proposed lighting.

G. Complaints.

Complaints will be investigated and may result in a property owner being required to demonstrate compliance with the requirements of this section if it can be demonstrated that lighting was installed after the date this Ordinance became effective.

13. SUPPLEMENTAL REGULATIONS

13.1 HOME OCCUPATIONS

A home occupation shall be allowed as a permitted accessory use provided all of the following conditions are met. The Town Commission or its designee may grant permission to conduct the business if it meets these conditions:

- A. Employees Limited - Such use shall be conducted entirely by the inhabitants living in the principal dwelling and/or one employee and no others;
- B. Character of Dwelling to Remain Residential - Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof;
- C. Floor Area Allowed - The total floor area used for such purposes shall not exceed one-quarter (25%) of the floor area of the user's dwelling unit;
- D. Advertising - There shall be no exterior advertising other than identification of the home occupation. The area of this sign shall not exceed two square feet;
- E. Negative Impacts Prohibited - There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable beyond the property line;
- F. Exterior Storage Prohibited - There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation;
- G. Traffic Limited - The operation shall not generate objectionable traffic in the area and no additional off-street parking shall be required by the operation; and
- H. Principal Structure - Such an occupation shall be located only in the principal residential structure, and shall not be located in other buildings on the property; unless a special exception is granted by the Board of Appeals. Any special exception so granted must insure that the character of the property remains clearly residential in nature.

14. ADMINISTRATION

14.1 Zoning Certificate Required

No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a certificate issued by the Planning Commission. No zoning certificate shall be issued except in the conformity with the provisions of this Ordinance. A zoning certificate that specifies Planning Commission project approval shall be required prior to issuance of any building permit or occupancy permit. Issuance of a zoning certificate(s) may be required, following due process by the Board of Appeals.

14.2 Application for Zoning Certificate

All applications to the Planning Commission for zoning certificates shall be accompanied by an approved plot plan or site plan, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing and those proposed and any alterations envisioned. One copy will be returned to the applicant after the Planning Commission shall have marked such a copy as approved or disapproved. All building and occupancy permits must comply with the Town's building and maintenance code.

If work described in any zoning certificate has not been substantially completed within one (1) year from the date of issuance,

said certificate shall expire and the Planning Commission shall cancel it. Written notice shall be given to the persons making the initial application. If the work has not been fully completed within two (2) years, said permit shall expire and the Planning Commission shall cancel it. Written notice shall be given to the persons making the initial application.

14.3 Planning Commission – Special Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Planning Commission. It shall be the duty of the Planning Commission and they shall have the power to:

- A. Receive and examine all applications for zoning certification;
- B. Issue permits only where there is compliance with the provisions of this Ordinance, and with other Town ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals;
- C. Receive applications for special exceptions, and forward these applications to the Board of Appeals for action thereon;
- D. Issue stop, cease and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Planning Commission to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Planning Commission, and any person violating any such order shall be guilty of a violation of this Ordinance;
- E. With the approval of the Town Commissioners, or when directed by them, institute in the name of the Town an appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises;
- F. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance; and
- G. Record and file all applications for zoning certification with accompanying plans and documents. All applications, plans, and documents shall be a public record.

15. BOARD OF APPEALS

15.1 Establishment of Board

In order that the objectives of this Ordinance may be more fully and equitably achieved and a means for competent interpretation of this Ordinance provided, there is established a Board of Appeals for the Town.

15.2 Membership, Terms of Office

The Board shall consist of three (3) members. The terms of office of the members shall be three (3) years. Members shall be appointed and confirmed by the Town Commissioners, and removable for cause upon written charges and after public hearing.

15.3 Procedures

The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of Article 66B of the Annotated Code of Maryland and this Ordinance for the conduct of its affairs.

15.4 Meetings

Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Three members present shall constitute a quorum.

15.5 Records and Decisions

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed, in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by resolution in which three members present during the proceedings must concur. Each resolution shall contain a statement

of the grounds and any findings forming the basis of such action or decision. The Board shall notify the Town Commissioners and the Planning Commission of all decisions and resolutions.

15.6 Notice of Hearings

Upon filing with the Board of an application for a special exception, variance, or appeal from alleged error of the Planning Commission, the Board shall fix a reasonable time not less than thirty (30) days nor more than forty-five (45) days from the filing date for a public hearing thereon, and give notice as follows:

A. At least fifteen (15) days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time, and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal, in a least one (1) newspaper of general circulation within the Town;

B. Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in above, such posting to take place at least 15 days prior to the date fixed for the public hearing;

C. Give written notice of the time and place of such hearing to the applicant or appellant; and

D. At least 30 days before the date of the hearing on an application for a special exception, interpretation, or variance, the secretary of the Board shall transmit a copy of said application to the Planning Commission together with a notice of the aforesaid hearing.

15.7 Powers and Duties – Interpretation

Upon the appeal from a decision by the Planning Commission, the Board shall decide any question:

A. Involving the interpretation of any provision of this Ordinance including the determination of the exact location of any district boundary if there is an uncertainty with respect thereto; and

B. Where it is alleged there is an error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease and desist made by the Planning Commission in the enforcement of this Ordinance.

15.8 Powers and Duties - Variances

A. Upon the appeal from a decision by the Planning Commission, the Appeals Board shall have the power to vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions, whereby such strict applications would result unnecessary hardship depriving the owner of the reasonable use of the land or building involved; delete the yellow part

B. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised, and only under peculiar and exceptional circumstances;

C. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that the requirements and standards are satisfied;

D. The appellant must show that the variance will not be contrary to the public interest, and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate his appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:

- 1) That the granting of the variance shall be in harmony with the general purpose and intent of this ordinance, and shall not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
- 2) That the granting of the variance will not permit the establishment within a district of any use which is not permitted in that district;
- 3) There must be proof of unique circumstances: There are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building;

- 4) There must be proof of unnecessary hardship: If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance; and
- 5) That the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; one who purchases with or without the knowledge of restrictions cannot claim it; it must result from the application of the Ordinance; and evidence of variance granted under similar circumstances shall not be considered. The Board shall make written findings of fact regarding their decision. Based on these 5 tests. The Board may prescribe any safeguard that it deems to be necessary to secure substantially the objectives of the regulation, or provisions to which the variance applies.

15.9 Powers and Duties - Special Exceptions

The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions, and for no other use or purpose;

A. In granting a special exception, the Board shall make written findings of fact consistent with the provisions of this Ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards outlined in this Ordinance;

B. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:

- 1) In accord with the Barclay Comprehensive Plan, and consistent with the spirit, purposes, and intent of this ordinance;
- 2) Suitable for the property in question, and designed so as to be in harmony with, and appropriate in appearance with, the existing or intended character of the general vicinity; and
- 3) Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

C. The Board may impose conditions consistent with this ordinance regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance. The Board shall consider the recommendations of the Planning Commission, if any, prior to rendering a decision.

15.10 Actions of the Board in Exercising Powers Concerning Appeals

In exercising the powers concerning appeals, the Board may, in conformity with law and the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken.

15.11 Time Limitations on Board Appeals

A decision of the Board permitting the erection or alteration of a building shall be valid for a period of one year, unless a zoning permit for such erection or alteration is obtained within this period, and the erection or alteration proceeds to completion in accordance with the terms of the decision. No decision of the Board permitting the use of a building or land shall be valid for a period longer than one year, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

15.12 Who May Appeal to the Board

Any of the following persons may, jointly or severally, appeal a decision of the board of appeals or a zoning action of a legal body to the Town Board of Appeals:

- 1) a person aggrieved by the decision or action;
- 2) any taxpayer;

- 3) any officer, department, board, or bureau of the local jurisdiction

15.13 Rules and Procedures for Filing Interpretation and Variance Appeals and Special Exception Applications

The following are the general rules and procedures for appeals and applications:

- A. Any appeal shall be made by filing with the Board of Appeals within thirty (30) days after a decision is rendered:
 - 1) All appeals and applications made to the Board shall be in writing and on standard forms as proscribed by the Board;
 - 2) All appeals and applications shall refer to the specific provisions the Ordinance involved;
 - 3) Interpretation appeals are those appeals concerning the interpretation of any provisions of this Ordinance. The decisions in these appeals shall exactly set forth the interpretation that is claimed;
 - 4) Variance Appeals are those appeals for a variance from the strict application of this Ordinance. The application for this form of decision shall refer to and include a copy of the zoning certification. Application denied by the Planning Commission together with a statement with any supporting data regarding the requirements of this ordinance;
 - 5) Special Exception Applications shall include a copy of a zoning certificate application with all information required therein, and a statement with any supporting data regarding the merits of the proposed use at the proposed location, and how the proposal complies with the general and specific requirements of this Ordinance.

15.14 Review by the Planning Commission on Applications for Special Exceptions, Variances, and Interpretations

The Board shall request an advisory opinion from the Planning Commission on any application for a special exception or variance. The Commission shall submit a report of such advisory opinion prior to the decision by the Board on an application.

Advisory opinions of the Commission regarding special exceptions, variances, and interpretations of the Comprehensive Plan, the Zoning Ordinance, or the Subdivision Regulations shall be rendered within sixty (60) days after submission to it; otherwise, such special exception, variance, or interpretation shall be deemed to have been recommended for approval.

15.15 Decisions by the Board

Decisions by the Board on special exceptions, variances, and interpretation appeals shall be rendered in writing within thirty (30) calendar days of the hearing on said exception, variance, or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

15.16 Appeal to Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer of the Town, or any officer, department, board, bureau of the Town, may appeal the same to the Circuit Court of Queen Anne's County.

16. AMENDMENTS, REMEDIES AND PENALTIES AND SEPARABILITY

16.1 Power of Amendment

The Town Commissioners may from time to time amend, supplement, change, modify, or repeal this Ordinance including the Zoning Map. When doing so, the Town Commissioners shall proceed in the manner prescribed in this Article.

16.2 Who May Initiate Amendments, Remedies, and Penalties

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Commissioners on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals Originated by the Town Commissioners - The Town Commissioners shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Commissioners to the Planning Commission. Within sixty (60) days of the submission of said proposal, the Commission shall submit to the Town Commissioners a report containing the Commission's recommendations including any additions or modifications to the original proposal;

B. Proposals Originated by the Planning Commission -The Planning Commission may at any time transmit to the Town Commissioners any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance; and

C. Proposals originated by a petition submitted by a citizen-each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification shall be submitted on forms provided therefore to the Town Clerk. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission. Within sixty (60) days following a public hearing, the Planning Commission shall submit a report to the Town Commissioners containing the Planning Commission's recommendations including any additions or modifications of the original proposal. Failure to submit a report within thirty (30) days shall be deemed to be a recommendation of approval of the petition by the Commission. The Town Commissioners shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed, or until sixty (60) days have elapsed, whichever may occur first.

16.3 Public Hearing Notice

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Town Commissioners in relation thereto at which parties in interest and citizens shall have the opportunity to be heard. Notice shall be given as follows:

A. The Town Commission shall cause public notice to be published notice of time and place of a public hearing, together with a summary of the proposed regulation, restriction, or boundary, in at least one newspaper of general circulation once a week for 2 successive weeks.

B. When such hearing concerns a zoning map change, post in a conspicuous place on the property involved a notice of pending action containing the same information as in above, such posting to take place at least fifteen (15) days prior to the date fixed for public hearing;

16.4 Fees

All applicants for zoning amendments shall, at the time of making application, pay to the Town Clerk for use of the Town, a fee in accordance with a fee schedule adopted by resolution of the Town Commissioners upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commissioners.

16.5 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the appropriate authorities of the Town of Barclay, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

16.6 Fines and Penalties

For any and every violation of the provisions of this Ordinance:

A. The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist;

B. The owners, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist; and

C. The general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be guilty of a municipal infraction and liable to a fine or penalty not to exceed one hundred (\$100) dollars, payable to the Town within twenty (20) days of receipt of a citation of violation.

Whenever any such person specified in paragraph 16.5 above shall have been notified by citation in writing from the Planning Commission that he is violating this Ordinance, such person shall commence correction of all violations within five days after notice and correct all violations within forty (40) days of notice. If corrections are not commenced within five days (5) or completed within forty (40) days, or if such person specified in the paragraph above has not within fifteen (15) days filed notice with the Town of intention to stand trial for the offense, the person is liable to an assessed additional fine not to exceed two hundred (\$200) dollars daily, at which time the Town may request adjudication of the case through the District

Court.

16.7 Separability

It is hereby declared to be the legislative intent that:

A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective; and

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

Appendix A

Site Plan requirements

1. ***Preliminary Site Plan.*** The preliminary site plan shall show:
 - (1) the proposed title of the project and name of the engineer, architect, designer or landscape architect, planner and the developer.
 - (2) the north point, scale and date. the scale of the site plan shall be as follows:
 - (a) for projects containing over two hundred (200) acres, not more than two hundred (200) feet to one (1) inch.
 - (b) for projects containing 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 fewer than fifty (50) acres, not more than fifty (50) feet to one (1) inch.
 - (d) for project containing ten (10) acres or fewer, not more than twenty (20) feet to one (1) inch.
 - (3) 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.
 - (4) the approximate location and sizes of storm sewers, culverts, and other underground structures in or near the project.
 - (5) proposed changes in zoning, if any.
 - (6) the general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage, and sanitary facilities.
 - (7) the general location of proposed lots, setback lines and easements, and proposed reservations for parks, parkways, walkways, cycleways, playgrounds, school sites and open space.
 - (8) the location of buildings with respect to each other, to lot lines and to major excavations shall be drawn to scale but full dimensioning is not required on the preliminary plan.
 - (9) the approximate height of proposed buildings and structures (accessory and main) shall be shown.
 - (10) preliminary plans and elevations of the several buildings, as may be necessary.

- (11) general location, height and material of all fences, walls, screen planting and landscaping and management thereof.
- (12) general location, character, size, height and orientation of proposed signs, and management thereof.
- (13) A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage proposed to be devoted to the various uses, including off-street parking, streets, parks, and other reservations.
- (14) 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 and net.
- (15) A schedule of construction or timetable.
- (16) The developer shall provide a statement detailing the means by which any p.u.d. and all its various aspects shall be managed. this shall include deed restrictions and covenants designed to insure perpetuity of agreements.
- (17) The developer shall provide a complete topographic drawing of the proposed plan to specifications acceptable to the soil conservation service. the developer, after consultation with the soil conservation service, will develop a complete sediment and storm water control plan to be reviewed and approved by the Queen Anne's County soil conservation district.
- (18) The developer shall comply with all requirements of the forest conservation act and provide such information, plans, and timetables as may be required by the department of natural resources. comments shall be obtained by the planning commission from the department of natural resources prior to site plan approval. however, comments must be received from the department of natural resources in a timely manner not to exceed thirty (30) days after submission by the planning commission.
- (19) location of habitat protection areas, if any.
- (20) location of all contiguous forested areas adjacent to the site.
- (21) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed. a disturbed area is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation.
- (22) Commercial uses must also include the maximum number of employees for which buildings are designed, number and location of off-street parking spaces, location and extent of materials storage and waste storage areas, loading and unloading areas, fences, screens, and/or buffers, type and location of outdoor lighting, type and location of signs, and other information that the planning commission may require to facilitate its review.
- (23) A forest management plan, including comments of the bay watershed forester, when a proposed development site contains or will contain forest or developed woodland areas, as specified in the Queen Anne's County forest conservation program.
- (24) A habitat protection plan, including the comments of the Maryland Department of Natural

Resources, when a habitat protection area is on or adjacent to the site.

- (25) The planning commission may require additional information, as necessary, to facilitate its review.

2. ***Final Site Plans.*** Following approval of a preliminary site, the developer shall submit a final site plan that shall include copies of all approved elements of the preliminary site plan including corrections and modifications that are required. Final site plans shall also include the following information:

- (1) Final site plans shall be drawn to scale and fully dimensioned and submitted in reproducible form and suitable for recordation including signature blocks for the developer, the planning commission chairperson, and a notary public.
- (2) All easements and deed restrictions shall be indicated on the site plan.

Plot Plan requirements

Plot Plans shall

- (1) be prepared at a scale appropriate to the size of the lot and the construction that is proposed clearly identifying the scale and orientation toward North.
- (2) be prepared by the applicant following consultation with the Planning Commission to ensure all required information will be provided in an easily understood and clearly described manner.
- (3) include the owner's name and mailing address
- (4) include the applicant's name and mailing address, if other than the owner
- (5) show all adjoining parcels, their tax map and parcel designation, and owner's names.
- (6) show all adjoining named roads and rights-of-way
- (7) show all easements or development restricted areas, including septic reserve areas and proposed well locations.
- (8) the location(s) and limits of all existing structures, including fences, decks, and accessory buildings.
- (9) the locations of any driveways and access paths.
- (10) the locations of electric, telephone, cable and other existing utilities on or serving the property.
- (11) the nature and limits of the proposed development or construction clearly dimensioning all setbacks to front, side, and rear lot lines.

- (12) the location(s) of any non-tidal wetlands, habitat areas, or forested areas.

Master Development Plans

Master Plans shall

- (1) be prepared at a scale suitable to the area of the site under consideration so that it may be clearly and conveniently shown on standard E size engineering sheets.
- (2) be clearly marked: Master Development Plan
- (3) existing site information including area, zoning, ownership information
- (4) include existing topography and land cover information
- (5) show all proposed land uses, general proposed lot sizes and locations, and all proposed circulation systems.
- (6) all proposed public areas and forested areas
- (7) all proposed open spaces and other developmentally restricted areas
- (8) summary computations in tabular form
- (9) all adjoining parcels, including identifiers and ownership information
- (10) all adjoining roads and rights of way
- (11) all adjoining land uses and zoning
- (12) all proposed development phasing clearly labeled
- (13) proposed project name

ORDINANCE NO. #14-01

INTRODUCED BY: Brian DeMoss

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF BARCLAY TO ADD A ZONING ADMINISTRATOR, TO REASSIGN ADMINISTRATION AND ENFORCEMENT DUTIES AND RESPONSIBILITIES WITH REGARD TO THE ZONING ORDINANCE, TO COMPLETE THE TABLE OF CONTENTS, AND TO CORRECT SOME MINOR ERRORS IN THE ORIGINAL TEXT

WHEREAS, Md. Code Ann., Land Use Article §4-101 et seq. empowers the Town Commission of Barclay to enact and amend a municipal zoning ordinance and to provide for its administration and enforcement; and

WHEREAS, The Barclay Planning Commission held a duly advertised public hearing on this ordinance and submitted its recommendations to the Town Commission.

SECTION ONE: NOW, THEREFORE be it hereby enacted and ordained that this ordinance be adopted and the document entitled the Barclay Zoning Ordinance is hereby amended as set forth herein.

KEY	
<u>Underlining</u>	Added to existing ordinance by amendment.
Strikethrough	Deleted from existing ordinance by amendment.
***	Existing ordinance unaffected.

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3.1 Other Requirements

In addition to the building permit and zoning certificate, the following permits may be required by the Town ~~Administrator~~Manager and/or Zoning ~~Inspector~~Administrator:

- A. Applications Approved by the Board of Appeals. The Zoning ~~Inspector~~Administrator shall issue permits in conformance with the written authorization of the Board of Appeals concerning administrative review appeals, special exception appeals, dimensional variance appeals, or other appeals as authorized in this Zoning Ordinance.

* * *

14.3 ~~Planning Commission~~Zoning Administrator – Special Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the ~~Planning Commission~~Zoning Administrator. It shall be the duty of the ~~Planning Commission~~Zoning Administrator and they shall have the power to:

* * *

- D. Issue stop, cease and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the ~~Planning Commission~~Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the ~~Planning Commission~~Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance:

* * *

14.4 Designation of Zoning Administrator

The Town Commission shall designate a person and/or firm to act as Zoning Administrator.

* * *

15.6 Notice of Hearings

Upon filing with the Board of an application for a special exception, variance, or appeal from alleged error of the Zoning Administrator and/or the Planning Commission, the Board shall fix a reasonable time not less than thirty (30) days nor more than forty-five (45) days from the filing date for a public hearing thereon, and give notice as follows:

* * *

- D. At least 30 days before the date of the hearing on an application for a special exception, interpretation, or variance, the secretary of the Board shall transmit a copy of said application to the Zoning Administrator and the Planning Commission together with a notice of the aforesaid hearing.

15.7 Powers and Duties – Interpretation

Upon the appeal from a decision by the Zoning Administrator and/or the Planning Commission, the Board shall decide any question:

* * *

- B. Where it is alleged there is an error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease and desist made by the Zoning Administrator and/or the Planning Commission in the enforcement of this Ordinance.

* * *

15.9 Powers and Duties - Special Exceptions

The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions, and for no other use or purpose:

* * *

C. The Board may impose conditions consistent with this ordinance regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance. The Board shall consider the recommendations of the Zoning Administrator and/or the Planning Commission, if any, prior to rendering a decision.

* * *

15.12 Who May Appeal to the Board

Any of the following persons may, jointly or severally, appeal a decision of the ~~board of appeals~~ Zoning Administrator and/or the Planning Commission or a zoning action of a legal body to the Town Board of Appeals:

- 1) a person aggrieved by the decision or action;
- 2) any taxpayer; and/or
- 3) any officer, department, board, or bureau of the local jurisdiction.

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16.2 Who May Initiate Amendments, Remedies, and Penalties

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C. Proposals originated by a petition submitted by a citizen-each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification shall be submitted on forms provided therefore to the ~~Town Clerk~~ Zoning Administrator. On receipt of said petition, the ~~Town Clerk~~ Zoning Administrator shall transmit a copy of the petition to the Planning Commission. Within sixty (60) days following a public hearing, the Planning Commission shall submit a report to the Town Commissioners containing the Planning Commission's recommendations including any additions or modifications of the original proposal. Failure to submit a report within thirty (30) days shall be deemed to be a recommendation of approval of the petition by the Commission. The Town Commissioners shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed, or until sixty (60) days have elapsed, whichever may occur first.

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16.4 Fees

All applicants for zoning amendments shall, at the time of making application, pay to the ~~Town Clerk~~ Zoning Administrator for use of the Town, a fee in accordance with a fee schedule adopted by resolution of the Town Commissioners upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commissioners.

16.5 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is ~~sued~~ used in violation of this Ordinance, the Zoning Administrator and/or the appropriate authorities of the Town of Barclay, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.