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Subdivision Regulations

Town of Keedysville

Washington County Maryland

May 2002

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PREFACE

At the request of the Town of Keedysville, the Maryland Department of Planning updated the Town's Subdivision Ordinance.

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Article I: Title, Purpose, Interpretation, Separability, Applicability and Fees

1.01 Title – This document shall be known as the Town of Keedysville Subdivision Regulations.

1.02 Purpose - The purpose of these regulations are to regulate and control the division of land located within Keedysville in order to promote the public health, safety, and general welfare of the residents of the Town of Keedysville. The Regulations also implement requirements of the State of Maryland under Article 66B of the Annotated Code of Maryland to:

- a.) Concentrate development in suitable areas
- b.) Protect sensitive areas
- c.) Conserve and reduce the consumption of natural resources

1.03 Jurisdiction - All lands within the incorporated limits of the Town of Keedysville shall be subject to the provisions of this ordinance. No such land shall be subdivided and offered or negotiated for sale, sold, or ownership transferred except in accordance with the provisions of this ordinance.

1.04 Effective Date - The provisions of these Regulations will be in full force 5 days after the adoption date.

1.05 Separability Clause - Should any article or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.06 Interpretation and Application of Regulations - In their interpretation and application the provisions of these regulation standards shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever these regulations are at variance with the requirements of any lawfully adopted laws, rules, regulations, ordinances, deed restrictions; or covenants, the most restrictive or that imposing the higher standard, shall govern.

1.07 Fees - The Mayor and Town Council shall establish a schedule of fees to cover the cost of reviewing the plans and plats described herein. The Development Coordinator shall collect fees for this process for the Town of Keedysville at the time of filing.

1.08 Repeal of Conflicting Ordinances - All ordinances and regulations or parts thereof which are in conflict or inconsistent with the provisions of these Land Subdivisions Regulations are hereby repealed to the extent necessary to give these regulations full force and effect; except, that if a conflict occurs between these regulations and the official Keedysville Zoning Ordinance. Then the Planning Commission will make a decision.

1.09 Municipal Liability - The granting of a permit or approval of a subdivision and/or land development plan in any identified flood plain, mined area, slopeland, or other area shall not constitute a representation, guarantee, or warranty of any kind by the Town of Keedysville or by any official or employee thereof the practicability or safety of the proposed use, and shall create no liability upon the Town, its officials or employees.

Article II : Control, Enforcement, and Penalties

2.01 Subdivision Control - It shall be unlawful for the owner of any land that lies within the subdivision control jurisdiction of Keedysville to subdivide any lot, tract, or parcel of land unless and until the following steps are completed.

- a.) A plat of such subdivision is made in accordance with the regulations set forth herein;
 - b.) Approval is secured thereof from the Planning Commission as provided herein; and
1. No land in a subdivision created after the adoption of this ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon until the Final Plat or such subdivision has been recorded in accordance with these regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed as here in after provided except that after approval of a Preliminary Plat, an applicant may offer such land for sale provided that the contract of sale shall be conditioned upon the approval and recordation of the Final Plat and that this condition is stated upon the contract of sale.
 2. No plat of any subdivision shall be recorded until it has been approved by the Planning Commission as provided herein and witnessed by the signature of the Chairperson; and the Chairperson shall not sign any plat unless he/she is satisfied that the requirements of these regulations have been complied with.
 3. The applicant shall cause copies of said plat to be recorded in the office of the Clerk of the Circuit Court of Washington County and proof thereof provided to the Town of Keedysville.

2.02 Enforcement - These regulations shall be enforced by the Development Coordinator or designee. If he shall find that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation and take such action as may be necessary to prevent the violation of these regulations, including obtaining a court injunction to discontinue the transfer, sale, or negotiations for sale of illegal lots or parcels.

2.03 Penalties for Violation -Whoever, being the owner or agent of the owner of any land located within the subdivision control jurisdiction of Keedysville transfers, sells, offers to sell, agrees to sell, or negotiates to sell, or otherwise conveys any such land by reference to, of exhibition of, or any other use of plat of a subdivision before such plat has been approved and recorded as required in **Article 2.01** hereof shall be guilty of a Municipal Infraction. Upon conviction thereof, the offender shall be subject to penalties as addressed in the Keedysville Town Code, Municipal Infractions. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

1. Violations by a landowner or his agent of requirements and restrictions, which the Planning Commission may impose as conditions for approval of a subdivision plat, shall constitute a Municipal Infraction. Any person convicted of such violation shall be subject to penalties as addressed in the Keedysville Town Code, Municipal Infractions.

Article III: Standard Regulations

3.01 Street Design - The following general standards shall apply:

1. The minimum standard for road construction in a subdivision is as follows: eight inches (8") of crusher run #6 after compaction for the road base in two four inch (4") courses and 4 inches of bituminous concrete in two layers. A two and one half inch (2 ½") layer of bituminous concrete binder (base) course paving plus the curbing on both sides of the street must be completed prior to the selling of the first lot in the designated area and the final one and one half inch (1 ½") of bituminous concrete surface course after sixty percent of the lots are sold in the designated development area. A tack coat shall be provided for between asphalt layers. This standard is for Minor/Local roads only. The Town Engineer and Planning Commission shall approve the width of the road and will be thirty feet (30 ft.) wide from inside of curb to inside of curb unless other widths are approved by the Planning Commission. (See detail figure 3-1)
2. All utility lines (water, sewerage, gas, electric, telephone, cable television) must be placed at each lot prior to the two and one half inch (2 ½") layer of bituminous concrete binder (base) course paving. The Town Engineer and Planning Commission shall approve the water lines, sewer lines, fire hydrant locations and stormwater system.
3. All adjacent applicable roadway shoulders' slopes shall be graded to a 3.5:1 run to rise away from road surface prior to any asphalt paving.
4. The Subdivider shall be responsible for road construction. The obtaining of a bond in accordance with Article 7.04 3(b) of the Subdivision Ordinance shall be enforced by the Town. A schedule of the road construction process shall be established and approved by the Town Engineer and Planning Commission.
5. Included in the subdivision site plan shall be engineered drawings, which shall include profiles and cross section views of roads, drainage, and all utilities. The Town Engineer shall determine the frequency of cross section. The minimum frequency shall be in fifty-foot (50') intervals or any significant structure or natural or man-made drainage swale. The site plan shall include existing and proposed contours at intervals of two-feet (2') vertical or less.
6. The Subdivider shall maintain roads until they are completely finished; then the Town may accept them. Maintenance of roads includes snow and ice removal and the repair of roadway surface due to normal wear. This includes repairing potholes and all drainage facilities before the Town gains acceptance.
7. The Town Engineer and Planning Commission shall approve the placement of curbs to control parking and stormwater. Curbs shall be constructed of concrete.
8. The developer shall submit a timetable of road construction with the final plat to be approved by the Town Engineer and Development Coordinator.
 - a.) The alignment, character, extent, width, and location of all streets within or bordering the subdivision shall conform to the Comprehensive Plan for Keedysville and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- b.) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
 - i. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - ii. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- c.) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- d.) Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require marginal access streets at a distance from such right-of-way suitable to the appropriate use of the intervening land, as for park purposes in residential districts or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. To these ends, the Planning Commission may require the subdivision to be designed so as to limit the number of street intersections and to limit access from abutting properties to arterial streets and highways.

3.02 Street Right-of-Way widths shall not be less than as follows:

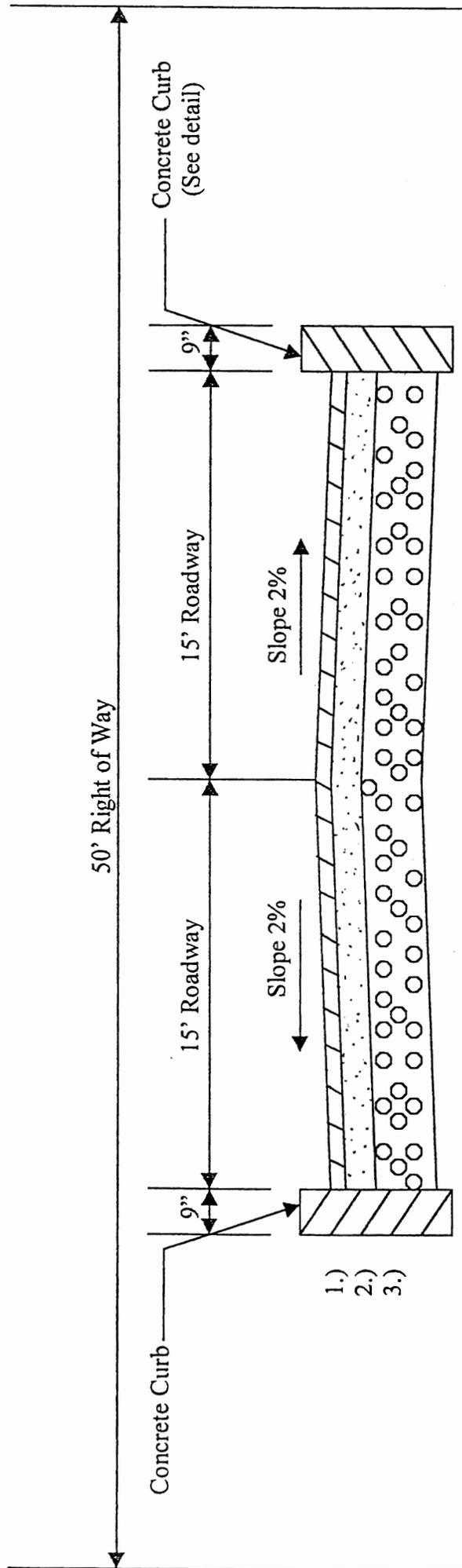
<u>Street Type</u>	<u>Right-of-Way</u>
Arterial	80 Feet
Collector	60 Feet
Minor/Local	50 Feet
Marginal Access	50 Feet
Alley	25 Feet

1. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the Street shall be platted within such tract.
2. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter, right of way, of at least eighty (80') feet, and a street right of way diameter of at least one hundred (100) feet.
3. The Planning Commission may require a suitable turn-around when a street is temporarily dead-ended and over one hundred and fifty (150) feet from its nearest intersection.
4. Street grades, curves and intersections shall be subject to the approval of the Planning Commission and Town Engineer, and in general shall conform to the following specifications:
 - a. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

- b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- c. When a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve shall be introduced having a centerline radius of curvature not less than four hundred (400) feet on arterial streets, three hundred (300) feet on collector streets, and two hundred (200) feet on minor streets.
- d. All changes in grade shall be connected by vertical curves to current stop distance design criteria as approved by the Planning Commission.
- e. Clear visibility, measured along the road centerline, shall be provided for at least three hundred (300) feet on arterial streets, two hundred (200) feet on collector streets, and one hundred (100) feet on minor streets.
- f. No street grade shall be less than 0.75 percent, and wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	6
Collector	10
Minor	10
Marginal Access & Alleys	10

- g. Streets shall be laid out so as to intersect at right angles and no street shall intersect any other street at less than ninety (90) degrees.
 - h. Property lines at street intersections shall be rounded with a radius of fifteen (15') feet, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-off or chords in place of rounded corners.
5. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access, such as fire/rescue service, off-street loading, unloading, and parking consistent with and adequate of the uses proposed.
 6. Proposed streets which are obviously in alignment with others already existing and named shall bear the name of the existing streets duplicate, or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place or court.
 7. All Collector and Arterial streets shall be constructed to standards approved by the Town Engineer and Planning Commission.



Typical Roadway Section

Pavement Schedule

- 1.) Bituminous Wearing Coarse, 1 1/2" Depth
- 2.) Bituminous Binder Coarse, 2 1/2" Depth
- 3.) 8" Aggregate Base Coarse (subbase material) Clean CR-6 place stone in two (2) 4" layers.

Figure 3-1

3.03 Planned Residential Development- Planned Residential areas provide flexibility in developing larger unused tracts. The areas would be residential in nature, permitting limited types and amounts of supporting commercial uses. There are two techniques for Planned Residential Developments, Cluster and Open Space Developments.

1. **Cluster Developments** permit developers to group homes together on smaller lots in exchange for setting aside areas of permanent open space.
2. **Open Space Development** is a complete approach to designing residential subdivision which considers the significant physical features of the site in determining the development which the site can support.

a.) Four Steps for Planned Residential Development (See figures 3-2, 3-3, 3-4, 3-5)

1. Identifying the land that should be permanently protected and land for potential development.
2. Locating potential House Sites
3. Aligning Streets and Trails
4. Drawing in the Lot Lines

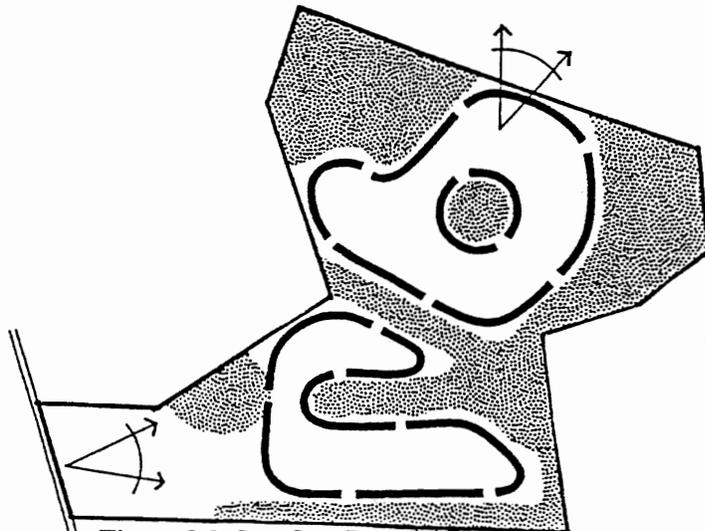


Figure 3-2 Step One, Potential Development Areas

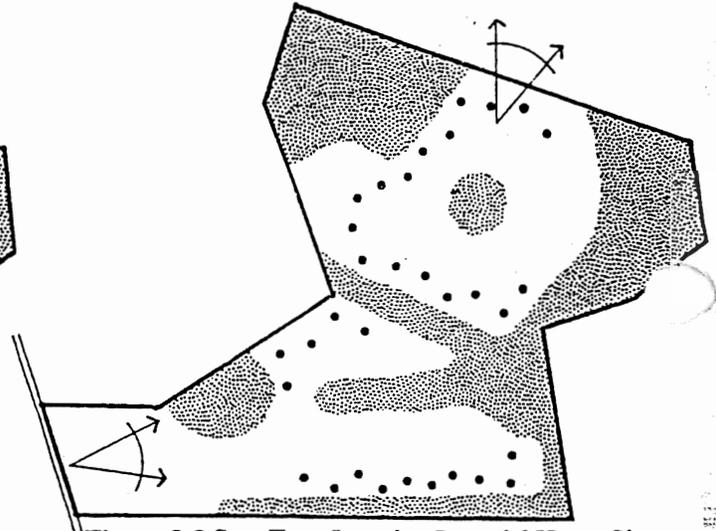


Figure 3-3 Step Two, Locating Potential House Sites

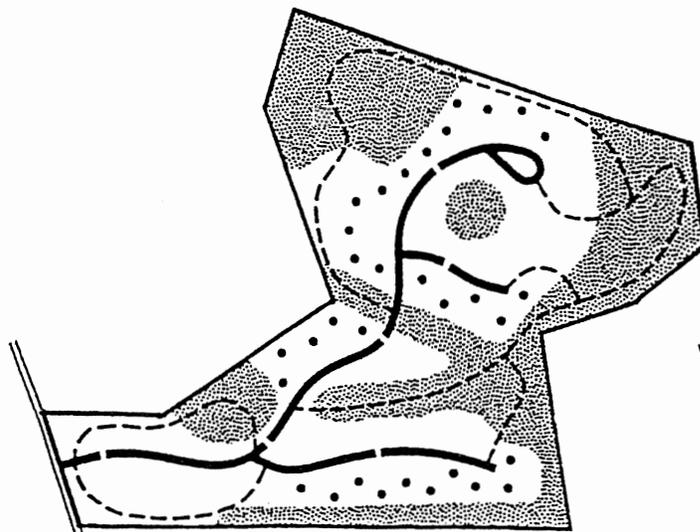


Figure 3-4 Step Three, Aligning Streets and Trails

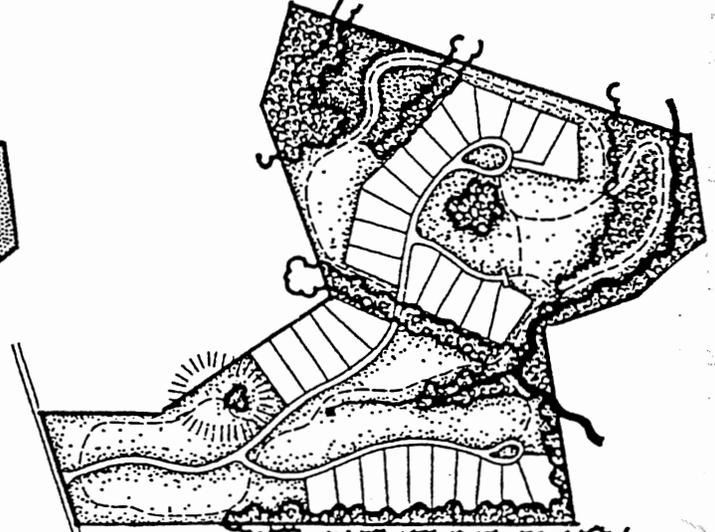


Figure 3-5 Step Four, Drawing in the Lot Lines

3. Development Regulations:

Area, yard, and building requirements shall be as set forth in the Zoning Requirements section in Article 4 of the Keedysville Zoning Ordinance. Regardless of these requirements, the Planning Commission in approving subdivision plats may permit modifications in lot area, lot width, lot coverage, yards (building restriction areas) including zero lot lines, or other requirements in all zones. Proposed streets and right of ways maybe modified in order to decrease the overall width. The Planning Commission and Town Engineer shall approve the final design.

4. Public Water and Sewer:

Cluster Developments/Open Space Developments are not permitted unless public water and public sewer are provided.

5. Open Space Ownership and Responsibility:

a.) Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Open space areas may be owned, reserved, and maintained by any of the following:

i.) Dedication of open space to the Town or an appropriate public agency willing to accept the dedication.

ii.) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

iii.) Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.

iv.) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide maintenance responsibility.

b.) Maintenance of natural areas is limited to the removal of litter, dead tree and plant materials, and brush. Natural watercourses shall be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain level.

c.) Maintenance of recreational areas is limited to insuring that no hazards, nuisances, or unhealthy conditions exist.

d.) Pedestrian amenities shall be maintained in a clean and safe condition.

3.04 Traditional Neighborhood Design Overlay Zone

The intent of the TND zone is to implement the recommendation of the Comprehensive Plan to use traditional "small town" or neighborhood design standards to create attractive living environments. Requirements shall be as set forth in the Zoning Requirements section in Article 5 of the Keedysville Zoning Ordinance.

3.05 Highway Buffer – A non-development buffer shall be maintained 50 feet from a State of Maryland Highway right-of-way. This includes the structure and it's surrounding lot. The buffer should include the planting of evergreen trees parallel to the right of way. The Planning Commission & the MD Department of Natural Resources Forest Service Division, must approve a site plan detailing the buffer. This buffer is used to maintain a rural setting for the motorists, the lot owner, and reduce noise.

3.06 Easements –

1. **Existing Developmental Easement**- A non-developmental easement shall be maintained when a new subdivision is proposed for development adjacent to an advanced subdivision. The easement shall be no less than 100 feet in width and shall not be subject to development, but may be utilized as Open Space meeting the requirement of **Article III, Section 3.08**.
2. Easements across lots or centered on lot lines shall be provided for utilities where necessary and shall be at least twenty-five (25) feet wide.
3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such further width or construction, or both, as will be adequate for the purpose, as approved by the Planning Commission. To aid in its review, the Planning Commission will require the submission by the Subdivider of a storm water runoff analysis for the proposed development certified by a professional civil engineer. The analysis may include the establishment of the 100-year and 500-year floodplains.

3.07 Blocks -

1. The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs, contemplated, zoning requirements as to lot sizes and dimensions, **Article 3.01 to 3.07** in these regulations, needs for convenient access, circulation, control and safety of street traffic, and limitations and Opportunities of topography among others.
2. Block length shall not exceed sixteen hundred (1,600) feet, or be less than four hundred (400) feet, except that in unusual situations this provision may be waived by the Planning Commission.
3. Pedestrian crosswalks not less than ten (10) feet wide may be required where deemed essential by the Planning Commission to Provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

3.08 Public Sites and Open Spaces

1. Where a proposed park, playground, school, street or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.
2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood developments, the Planning Commission may require the dedication for public use, or reservation by deed covenant for common use by all of property owners in the subdivision, of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.
3. Open Space Dedication:
 - a.) Consideration shall be given to the arrangement and location of Open Spaces to take advantage of physical characteristics of the site and to place Open Spaces within easy access and view of dwelling units, at the same time preserving and, where applicable, enhancing natural features.
 - i.) The property dedicated for Open Space shall not have a slope greater than 25%.
 - ii.) The property dedicated for Open Space shall be no less than 10% of the total area to be developed.
4. Open Space Ownership and Responsibility:
 - a.) Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Open space areas may be owned, reserved, and maintained by any of the following:
 - i.) Dedication of open space to the Town or an appropriate public agency willing to accept the dedication.
 - ii.) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
 - iii.) Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.
 - iv.) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide maintenance responsibility.
 - b.) Maintenance of natural areas is limited to the removal of litter, dead tree and plant materials, and brush. Natural watercourses shall be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain level.
 - c.) Maintenance of recreational areas is limited to insuring that no hazards, nuisances, or

unhealthy conditions exist (high grass, compost, litter, construction equipment/material, recreational equipment).

d.) Pedestrian amenities shall be maintained in a clean and safe condition.

Article IV Definitions

4.01 General Interpretation - For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense.
3. The singular number includes the plural; the plural number includes the singular.
4. The word shall is mandatory; the word may is permissive.
5. The word lot includes the words plot or parcel.

4.02 Definitions - For the purpose of these regulations the following definitions shall apply:

Approval, Final - Final Approval is the official action of the Planning Commission taken on a tentatively approved Preliminary Plat after all requirements, conditions, engineering plans, etc... have been completed and the required improvements have been installed or bonds properly posted to guarantee their completion.

Comprehensive Plan - The current Town of Keedysville Comprehensive Plan and amendments.

Cul-de-Sac - The terminus of a public street which is at least 80 feet in diameter of pavement and 100 feet of property diameter, and designed to allow the turning around of motor vehicles.

Development Coordinator - The municipal officer so designated by the Keedysville Mayor and Council.

Drainage Rights-of-Way - The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Easement - A grant of the use of a parcel of land for the use of the public, a corporation or person for a specific purpose, without including title to the land.

Engineer, Registered Civil - A civil engineer licensed by the State of Maryland.

Flood Plain - A relatively flat or low land area adjoining a river, stream or water-course which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source; and, specifically including those areas subject to flood by waters of the 100 year flood as shown on the U.S. Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Map for Keedysville.

Flood Way - The designated area of a flood plain required to carry and discharge flood waters.

Improvements - Those physical additions, installations, and changes, such as streets, curbs, sidewalks, water main, sewers, drainage facilities, street trees, public utilities, and other appropriate items required to render land suitable for the use proposed.

Lot- A parcel or portion of land separated from other parcels or portions by description on a subdivision plat, or record of survey map or by metes and bounds for the purpose of sale, lease or separate use.

Monument- a boundary or position marker that shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the Planning Commission, who shall also approve the material, size, and length of such monuments.

Owner- Any individual, firm, association, syndicated, partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

Performance Guarantee- Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat including but not being limited to performance bonds, escrow agreements and other similar collateral or surety agreements with surety to be approved by the Planning Commission. **Article 7.04 3(b)**

Planning Commission- The Planning and Zoning Commission of Keedysville, Maryland.

Plat - A plat is the finished map or layout of subdivision.

Plat, Final - The final map or layout of all or a portion of the subdivision which is submitted to the Planning Commission for final approval in according with these regulations and which, if approved, shall be filed with the office of the Clerk of the Circuit Court of Washington County.

Plat, Preliminary - A preliminary map or layout indicating the proposed layout of the subdivision which is submitted for Planning Commission consideration and conditional approval and which meets the requirements of **Article V.** of this Ordinance.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer, drainage ditch, or other special use. The usage of the term "right-of-way" for land plotting purposes in the Town shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Sketch Plan - An optional subdivision procedure to ensure the subdivider has the opportunity to consult early and informally with Town agencies and officials and in accordance with **Article V.**

Streets and Alleys - The term street shall mean a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. Arterial streets and highways are those which are used primarily for fast or heavy traffic.

2. Collector streets are those which carry traffic from minor streets to the major arterial streets and highways including the principal entrance streets of a major residential development and streets for circulation within such a development.
3. Minor streets are those which are used primarily for access to the abutting properties.
4. Marginal access streets are minor streets, which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic. They do not provide access to properties between the arterial highway and the marginal access streets.
5. Alleys are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Subdivider - Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under this ordinance to effect a subdivision of land thereunder for himself or another.

Subdivision - The term subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, except that for purposes of these regulations, the transfer or sale of land between owners of adjoining properties which does not involve the creation of any new buildable lots under the terms of the Keedysville Zoning Ordinance shall not constitute a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

Surveyor, Registered Land - A land surveyor licensed by the State of Maryland.

Zoning Ordinance - The officially adopted Zoning Ordinance of the Town of Keedysville, together with any and all amendments thereto.

Article V: PROCEDURE FOR SUBMISSION AND REVIEW OF PLATS

5.01 Introduction - The procedures contained hereinafter provide for a three-step process in the review of plats for proposed subdivisions. These three steps consist of:

1. Submission and review of a Sketch Plan (optional).
2. Submission and review of a Preliminary Plat.
3. Submission and review of a Final Plat.
 - a.) The first step, involving submission and review of a Sketch Plan of a proposed subdivision, shall be optional and shall not be a prerequisite for approval of the Preliminary or Final Plats.
 - b.) This optional procedure is highly recommended to any potential applicant because it provides an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing Preliminary and Final Plats.
 - c.) Steps 2 and 3 above, involving submission and review of Preliminary and Final Plats shall both be mandatory; except, that in certain cases the Planning Commission, with concurrence of the Mayor & Town Council, may grant a procedural waiver, consistent with the provisions of Article VI.

5.02 Purpose of the Sketch Plan - The purpose of the "Sketch Plan" is to afford the Subdivider the opportunity to consult early and informally with the Planning Commission, Development Coordinator, County Health Department, Soil Conservation Service, and other agencies before preparation of the Preliminary Plat and formal application for approval.

1. During the "Sketch Plan" procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning Commission to help him/her analyze the proposed development and to plan more effectively for its sound coordination with the community. This procedure also affords the administrative personnel and Planning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be most easily resolved.

5.03 Procedures for Submission and Review of the Sketch Plan

1. The Subdivider may submit a Sketch Plan prepared in accordance with the provisions of this ordinance to the Planning Commission in care of the Development Coordinator.
2. If the Subdivider chooses to submit a Sketch Plan to the Planning Commission, he shall file such copies as the Development Coordinator may request. The Development Coordinator may distribute copies to the following:
 - ◆ One copy to the County Health Department
 - ◆ One copy to the County Planning Commission
 - ◆ One copy to the Soil Conservation Service.

Additional copies to such officials as the Planning Commission may designate.

3. Within thirty (30) days of its last regularly scheduled meeting receipt of the complete submission, the Planning Commission shall:
 - a.) receive and review the reports by the Development Coordinator, the County Health Department, the County Planning Commission, the Soil Conservation Service and other agencies, if applicable; and:
 - i.) Provide the Subdivider an opportunity to be heard and discuss the submission with the Subdivider if he so desires.
 - ii.) Inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Planning Commission finds that the plans and data do not meet the objectives of these regulations it shall express its reasons therefor.
 - iii.) The Planning Commission's review of any subdivision shall include consideration of the provisions, standards, policy and plans contained in **Articles 7 and 8** of this ordinance, the Town's Comprehensive Plan and generally accepted planning and design practices.

5.04 Conditional Approval of Preliminary Plat - The purpose of the Preliminary Plat is to require formal, but conditional approval in order to determine what changes and decisions must be made prior to submission of the Final Plat.

1. The Preliminary Plat and all information and procedures shall comply in all respects with the provisions of these regulations before conditional approval may be given, except where a waiver therefrom may be specifically authorized in accordance with the provisions of Article VI hereof.

5.05 Procedures for Submission and Review of Preliminary Plat- The following procedures shall be used:

1. The Preliminary Plat shall be prepared in accordance with the following regulations and shall be submitted prior to the completion of the final surveys of streets and lots, and before any street grading or street construction has been started, and before any map of said subdivision is made in final form for recording.
2. The Preliminary Plat and supplementary material specified shall be submitted to the Planning Commission, with the written application on forms provided by the Planning Commission for its study, review and recommendations. Such material shall be filed with the Planning Commission in care of the Development Coordinator.
3. The Subdivider shall file five copies plus an original as the Development Coordinator may request. The Development Coordinator may distribute copies to the following:
 - ◆ One copy to the County Planning Commission
 - ◆ One copy to the County Health Department
 - ◆ One copy to the Soil Conservation Service
 - ◆ One copy to each utility company which would be responsible for providing utility service to the proposed development
 - ◆ One copy to the Boonsboro-Sharpsburg Fire Department

Additional copies to such officials as the Planning Commission may designate.

4. Within sixty (60) days of receipt of the complete submission by the Planning Commission, the Planning Commission shall:
 - a.) Receive and review the reports by the Development Coordinator, the County Health Department, the County Planning Commission, the Soil Conservation Service, appropriate utilities and other agencies if applicable.
 - b.) Provide the Subdivider an opportunity to be heard and discuss the submission with the Subdivider if he so desires.
 - c.) Inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations.
 - d.) The Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.
5. The action of the Planning Commission shall be noted on two copies of the Preliminary Plat including any special conditions attached to such action and attested to by the signature of the Commission chairmen or acting chairman. One copy shall be returned to the Subdivider and the other retained by the Planning Commission.

5.06 Conditional Approval - Conditional Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval of the Preliminary Plat as a guide to the preparation of the Final Plat. Upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any, the Final Plat shall be submitted for the approval of the Planning Commission and for recording with the Clerk of the Circuit Court.

5.07 Final Plat Submission - Should the Subdivider fail to submit the Planning Commission a Final Plat affecting all or a part of the area covered by the Preliminary Plat within one year of the date

of the Conditional Approval, the Conditional Approval shall expire and the Subdivider shall begin the subdivision process under this ordinance anew.

5.08 Approval of Final Plat - The Final Plat shall conform substantially to the Preliminary Plan as approved. However, it may constitute only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at the time, provided that such portion conforms to all requirements of these regulations.

1. A Final Plat shall be submitted conforming to the changes recommended during the Preliminary Plat procedure. The Final Plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where waiver therefrom may be granted in accordance with the provisions of Article VI hereof.
2. The Planning Commission shall require to be submitted in conjunction with the Final Plat, a notarized statement of intent describing generally the manner and sequencing of the development of the subdivision. When the Planning Commission requires such a statement of intent, it shall be attached as an addendum to the plat, and if the plat is approved shall be recorded with the plat.

5.09 Procedures for Submission and Review of the Final Plat - The following procedures shall be used:

1. The Final Plat and other exhibits required for approval shall be prepared as specified in Article V. and shall be submitted to the Planning Commission in care of the Development Coordinator, within twelve (12) months after approval of the Preliminary Plat.
2. The Subdivider shall file a minimum of five copies, and such additional as the Development Coordinator may request. The Development Coordinator may distribute copies to the following:
 - ◆ One copy to the County Health Department
 - ◆ One copy to the County Planning Commission
 - ◆ One copy to the Soil Conservation Service
 - ◆ One copy to each utility company which would be responsible for providing utilities to serve the proposed subdivision
 - ◆ One copy to the Boonsboro-Sharpsburg Fire Department

Additional copies to such officials as the Planning Commission may designate.

3. Within thirty (30) days following receipt of the complete submission, the Planning Commission shall:
 - a.) Receive and review reports by the Development Coordinator, County Health Department, County Planning Commission, Soil Conservation Service and other agencies, if applicable.
 - b.) Provide the Subdivider an opportunity to be heard, and discuss submission with the Subdivider if he so desires.
 - c.) Determine whether the Final Plat meets the objectives and requirements of this ordinance and other regulations; and,
 - d.) Inform the Subdivider in writing of the decision including required changes in the Final Plat, if any, and the reason for the decision.
4. Approval shall not be final until:

- a.) One exact copy of the approved Final Plat on lined or mylar and one additional reproducible copy with the required signatures as specified by the Planning Commission and the Development Coordinator, shall be submitted to the Planning Commission.
- b.) The applicant shall then file the lined or mylar copy for record with the Clerk of the Circuit Court of Washington County, providing promptly thereafter a written receipt to the Planning Commission indicating that the plat has been filed.
- c.) Shall distribute other prints to official agencies as may be required by the Planning Commission. Such agencies shall include but not be limited to: the utility companies which will be responsible for serving the subdivision; and the local office of State Department of Assessment and Taxation.

Article VI: Waivers

6.01 Waiver for Exceptional Conditions -The Planning Commission, in concurrence with the Mayor & Town Council, may grant a waiver from the provisions of these regulations where:

1. Such waiver would not be contrary to the public interest in the judgment of the Planning Commission.
2. Owing to exceptional conditions of the land involved a literal enforcement of these regulations would result in unnecessary hardship; and
3. Such waiver would not have the effect of substantially impairing the purpose and intent of these regulations or the Comprehensive Plan of the Town of Keedysville.

In granting any waiver from the terms of these regulations, the Planning Commission may prescribe such conditions and safeguards as it shall deem necessary to fulfill the purpose and intent of these regulations. Violations of such conditions upon which any waiver is granted shall be deemed a violation of these regulations and punishable under the provisions of Article II.

6.02 The Planning Commission, providing that the following requirements shall be met may waive through a Procedural Waiver - The requirements for the Preliminary Plat procedure:

1. The proposed subdivision involves the division of a lot, parcel, or tract into four or fewer lots, parcels, or tracts; and
2. The lots, parcels, or tracts thus created each have frontage on an existing improved public road or roads; and
3. There is not created by the proposed subdivision any new road or roads.

Article VII: REQUIRED INFORMATION SKETCH PLANS AND PLATS

7.01 Introduction - The procedures which must be followed in order for an applicant to have a proposed subdivision reviewed and approved by the Planning Commission are set forth in Article V of these regulations. The purpose of this section is to set forth the requirements for data and information, which must be contained on the Sketch Plan and Plats.

- i.) Names of record owners of adjoining unplatted land.
 - j.) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
 - k.) Certification and signature by registered land surveyor or civil engineer, certifying to accuracy of survey and plat.
 - l.) Certification of title and signature showing that Subdivider is the landowner. If the owner of the land is a corporation, the signatures of the president and secretary shall appear.
 - m.) Statement by owner dedicating streets, right-of-way and any sites for public uses.
 - n.) Title, scale, north arrow, and date.
 - o.) Location of existing buildings, the outline of all wooded areas, areas subject to flooding including information on elevations and boundaries of the 100 year flood plain as defined by the U.S. Department of Housing and Urban Development rate maps as defined herein.
2. Cross sections and profiles of streets showing grades approved by the Development Coordinator and Town Engineer. The profiles shall be drawn to Town standards scales and elevations and shall be based on a datum plan approved by the Development Coordinator and Town Engineer.
 3. A Certificate and signature by the Development Coordinator certifying that the Subdivider has complied with one of the following alternatives:
 - a.) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving Conditional Approval of the Preliminary Plat, or
 - b.) A certificate by the Town Engineer shall be furnished stating that the improvements required to be accomplished by the Subdivider have been satisfactorily completed; or, in lieu thereof, the Subdivider shall furnish to the Town a bond or other form of performance guarantee acceptable to both the Town Attorney and the Planning Commission, to assure the accomplishment of such improvements within the period of time fixed by the Commission in an amount recommended by the Town Engineer, and approved by the Commission, to be adequate to cover the total estimated costs of the required improvements, such as street, curb/gutter, storm water management, water/sewer requirements, lighting requirements, or in the alternative, a receipt from the Town Clerk, showing that prepayment has been made in the amount so fixed.
 4. The signature of the chairman or the secretary of the Planning Commission.
 5. Protective Covenants in form for recording.
 6. As a condition of final submission or site plan approval, the Planning Commission may require an applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities and other improvements, including land and easements, located off-tract of the property limits of the subdivision or

development but necessitated or required by the development. Necessary improvements are those clearly and substantially related to those clearly and substantially related to the development in question. The Planning Commission shall provide in its resolution of approval the basis of the required improvements. The capacity and design of proposed improvements shall be based upon the circulation plan element and utility service plan element of the adopted Comprehensive Plan. The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the following criteria.

7. Other Data: Such other certificates, affidavits, endorsements, maps and plans of all improvements, and other provision as may provision as may be required by the Planning Commission in the enforcement of these regulations.

Article VIII Environmental Regulations

8.01 Purpose- In order to provide for the health, safety, and welfare of the present and future population of Keedysville, the Planning Commission shall refuse to approve any proposed subdivision when such subdivision would bring about the development of land which is unsuitable for such development due to flooding, lack of drainage, excessive slope, excessive erosive action by water, unstabilized slope or fill, inadequate access or other conditions which may cause danger to life, health, or when the lands involved would in its opinion become unsuitable through the development proposed.

8.02 General Regulations- Proposed development projects that contain environmentally sensitive areas shall be subject to measures to protect, mitigate impacts upon, and enhance these resources. An Environmental Impact Assessment Report shall be prepared addressing identification, protection impact mitigation, and enhancement of environmental resources of the project site and its vicinity

8.03 Boundaries – All areas determined by the Planning Commission to contain any resources of sensitive environmental value shall be subject to mitigation and enhancement and, whenever possible, protected and preserved as undeveloped space.

8.04 Woodland Areas and Unique Vegetation – Forest areas and its vegetation shall be protected as much as possible on a development site in order to preserve the existing natural setting.

8.05 Flood Hazard Areas –

1. If any grading, construction, or expansion of structures, or storage of hazardous materials is proposed within the officially designated 100 Year Floodplain, the Development Coordinator shall require that the applicant provide evidence of compliance with the Town of Keedysville Floodplain Ordinance, as amended.
2. If the Development Coordinator has reason to believe that a proposed development would include areas subject to a 100 Year Flood that was not studied as part of the Official Floodplain Maps, then the Development Coordinator may require an applicant to provide a detailed study of the extent of the 100 Year Floodplain on portions of the subject property proposed for development.
3. Where not prohibited by this or any other laws or ordinances, land located in flood plain areas may be platted for development with the provision that the Subdivider construct all buildings and structures to preclude flood damage in accordance with this and any other laws ordinances regulating such development.

4. No subdivision or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the 100 year flood plain elevation.
5. Building site for residences or any other type of dwelling accommodation shall not be permitted in any floodplain area. Sites for these uses may be permitted outside the floodplain area if the lowest habitable floor level is above the elevation of the 100 year flood plain.
6. Building sites for structures or building other than for residential uses shall also not be permitted in any floodplain area. However, the subdivision and/or development of areas or sites for non-residential purposes shall be permitted outside any floodplain provided all structures are designed to withstand the hydrostatic pressure of the 100 year flood.
7. If the Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
8. When a Subdivider does not intend to develop the plat himself and the Planning Commission determines that additional controls are required to insure safe development, it may require that Subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

8.06 Non-Tidal Wetlands-

1. **Description:** Wetlands are defined as areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.
2. **Regulations:** A buffer of at least twenty-five feet shall be maintained in all areas adjacent to wetlands. This buffer shall be used to best protect and preserve non-tidal wetlands within Keedysville Town Limits. This area may be used to meet the requirements of **Article III, Section 3.08 Public Sites and Open Space**. This area may be developed with a walking/biking trail as to conform with the intent of the Comprehensive Plan. The proper location for such proposal shall be at the discretion of the Planning Commission and the Development Coordinator.

8.07 Steep Slopes -

1. **New Slopes:** If any new slope will be created of greater than 3:1, the applicant shall provide a written description of the measures that will be used to stabilize such slope, together with a legally binding timetable in for the implementation of such measures.
2. **Over 25 Percent Slopes:** Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 25 percent shall require special exception approval by the Board of Appeals. When special exception approval is required, the applicant shall:
 - a.) show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces,
 - b.) submit a plan showing that stormwater runoff will be properly controlled,
 - c.) submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the Town or its designee, and

- d.) submit a detailed grading plan.
- e.) Submission of structural design by a Professional Engineer may be required for principle structures on lots that have been filled or require excessive backfill.

Slopes on Proposed Lots:

1. This Section shall only apply to a lot submitted for subdivision approval after the adoption of this Ordinance, and which includes over 500 square feet of natural slopes of over 25 percent.
2. As part of the subdivision plan, the applicant shall designate a “buildable area”. The buildable area shall be the proposed maximum extent of portions of the lot where construction of a principal building shall be permitted. The applicant may voluntarily propose a smaller buildable area than is permitted by this Ordinance.
3. If the subdivision plan shows a buildable area that includes natural slopes over 25 percent, then the minimum lot area for those lots shall be increased to one and one half the size that would otherwise be required.

8.08 Rare and Endangered Species –

1. **Description:** Any area previously or currently identified during site review and planning design as containing rare and endangered species/ habitat.
2. **Regulations:** The applicant should consult the Department of Natural Resources Natural Heritage and Environmental Review to identify any valuable habitats on or near the project site. If any endangered habitats are detected then those areas are off limits for structural building.

8.09 Stream Buffers -

1. **Setback:** No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:
 - a.) within 50 feet of the centerline of a perennial waterway, and
 - b.) within 25 feet of the centerline of an intermittent waterway.
2. **Crossings:** Within 50 feet of the centerline of a perennial waterway, streets and driveways shall be limited to those approximately perpendicular crossings that are absolutely necessary for public safety or to provide reasonable use of adjacent properties.
3. **Existing Vegetation:** Existing natural vegetation shall be preserved to the maximum extent possible. An applicant for a permit for activity within such area shall: a) specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation, and b) be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full.

4. New Trees and Vegetation: If existing trees do not exist along a perennial waterway, and if a new principal building and/or vehicle parking area is proposed adjacent to such waterway, then the applicant shall: 1) plant an average of one deciduous shade tree along such waterway for each 50 feet of distance along the waterway, and b) plant new grass, shrubs or similar vegetation along the bank of the waterway if such does not already exist.

8.10 General Planting & Buffer Requirements –

1. Plant Type- A mixture of flowering and/or decorative evergreen and deciduous trees may be planted. The evergreens should be used along the perimeter of the lot for screening, and the deciduous trees for shade within the lot. The areas beneath the trees should be mulched, as well as beds planted with shrubs or ground cover.
2. Planting Specifications- All deciduous trees shall have a minimum two-inch circumference at its trunk, shall be nursery grown; shall be uniform in size and shape; and have straight trunks. Evergreen trees shall be a minimum of five feet in height. All trees shall be properly planted and staked according to a plan approved by The Planning Commission & the MD Department of Natural Resources Forest Service Division.
3. When Required- Every development shall provide sufficient buffering when topographical or other barriers do not provide proper screening and when the Planning Commission determines that it is necessary to preserve a natural setting.

Article IX Required Improvements

9.01 Required Improvements - Monuments, utility and street improvements shall be provided by the Subdivider in each new subdivision in accordance with the standards and requirements described in the following schedule:

9.02 Public Water and Sewer Systems- Connection to a public water distribution system as approved by the Town of Keedysville is required for each lot. Connection to a public sewer system as approved by the Town of Keedysville. Minimum standards for water service shall be provided throughout new subdivisions. A minimum pressure in the water main shall be sixty pounds per square inch (60 PSI) and a minimum pressure of fifty pounds per square inch (50 PSI) shall be maintained at any house connection. A minimum fire flow at all fire hydrants shall be 1,000 gallons per minute with a residential pressure of twenty pounds per square inch (20 PSI).

All sanitary sewer systems located in flood plain areas, whether public or private, shall be floodproofed. All water systems located in flood plain areas, whether public or private, shall be floodproofed. If there is an existing public water supply system on or near the subdivisions, the Planning Commission shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

9.03 Storm Sewer System- Storm sewer system and other drainage improvements as approved by the Planning Commission and; Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The Planning Commission may require a primarily underground system to accommodate frequent floods and

secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

1. In determining the proper drainage of any subdivision, the Planning Commission shall take into consideration and, if possible, make provision for future drainage problems which may arise, and shall not be restricted in imposing conditions or regulation respecting drainage problems to the particular subdivision under consideration.
2. The subdivider shall provide for the construction of all necessary structures and storm drainage facilities required beyond the immediate boundary of the subdivision in order to conduct runoff to an acceptable point of disposal.

9.04 Street Names and Lighting- Street name signs and lighting as required by the Planning Commission in order to provide proper safety. The Planning Commission may also choose the type of light fixture.

9.05 Meandering Streets- Access streets through Subdivisions shall meander as much as possible in order to reduce the speed of vehicles in that particular Subdivision as long as the physical environment of the Subdivision allows.

9.06 Curbs and Gutters- Marginal Access streets: 50-foot right-of-way, including a 30-foot pavement, two concrete curbs, two 4-foot sidewalks when required, and two grassed utility areas.

1. **Arterial streets:** cross sections in accordance with the Comprehensive Plan or as determined by the Planning Commission.
2. **Collector streets:** 60-foot right-of-way, including a 36-foot pavement, two standard 2-foot curb and gutter sections, two 4-foot sidewalks when required, two grass and utility areas, and two grass utility areas.
3. **Minor streets:** 50-foot right-of-way, including a 30 foot pavement, two standard 2-foot curb and gutter sections, one 4 foot sidewalk when required, two grass and utility areas.

9.07 Sidewalks- Sidewalks may be waived by the Planning Commission unless deemed necessary to provide safe pedestrian circulation and access to schools, playgrounds, shopping centers and other community facilities.

9.08 Monuments- Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the Planning Commission, who shall also approve the material, size, and length of such monuments.

9.09 Fire Hydrants- Fire hydrants shall be located no more than 1000 feet apart and shall be within 500 feet of any structure.

9.10 Widening or Realignment of Existing Roads- Where the subdivision borders an existing street and the comprehensive plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Commission may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes."

A RESOLUTION REVOKING THE EXISTING ZONING ORDINANCE
AND ZONING MAP OF THE TOWN OF KEEDYSVILLE AND RE-ENACTING
AN ORDINANCE ENTITLED "ZONING ORDINANCE"

Recital

The Town of Keedysville is a municipal corporation existing under and by virtue of the laws of the State of Maryland. Pursuant to the provisions of Article 66B of the Annotated Code of Maryland and the existing Zoning Ordinance of the Town of Keedysville and, in general, the laws of the State of Maryland, the Mayor and Council, as the duly constituted legislative body are charged with updating and revising Comprehensive Plans and Zoning Ordinances, and updating same to meet the current needs of the citizenry of the municipality.

Pursuant to the provisions of the Annotated Code of Maryland and the Zoning Ordinance of the Town of Keedysville, the Planning Commission has recommended a revision of the Zoning Ordinance and Zoning Map.

The Mayor and Council as the duly constituted legislative body of the municipality have elected to adopt the following Ordinance entitled "Zoning Ordinance".

Each and every paragraph of this Recital is incorporated in the remainder of this Resolution and constitutes a part thereof. Each and every paragraph of the remainder of the Resolution is included in this recital and made a part hereof.

NOW, THEREFORE, be it RESOLVED, ENACTED and ORDAINED by the Mayor and Council of the Town of Keedysville, Maryland, as its duly constituted legislative body, that the existing Zoning Ordinance be and is hereby repealed and revoked.

Be it further **RESOLVED, ENACTED and ORDAINED** that the following Ordinance be and is hereby adopted:

00007 0550

CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Be it further **RESOLVED, ENACTED** and **ORDAINED** that the effective date of this Ordinance is and shall be the date of passage of same.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Amy Simmons
Amy Simmons, Town Clerk

MAYOR AND COUNCIL OF THE
TOWN OF KEEKDYSVILE

K. Lee Brandenburg, II
K. Lee Brandenburg, II, Mayor

DATE OF INTRODUCTION: 11-2-98

DATE OF PASSAGE: 11-2-98

EFFECTIVE DATE: 11-2-98

MAILED DEC 29 1998

Record and return to: Mrs. Amy Simmons, Town Clerk
Town of Keedysville
Town Hall
Keedysville, MD

*ZONING
ORDINANCE*

*TOWN OF
KEEDYSVILLE*

Washington County, Maryland

The preparation of this document was funded in part by a grant by the Appalachian Regional Commission as administered by the Maryland Office of Planning.

4/23/98 11:35

Sally Taylor
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PREFACE

At the request of the Town of Keedysville, the Maryland Office of Planning updated the Town's Zoning Ordinance. The preparation of this document was financed in part through a Consolidated Technical Assistance Grant from the Appalachian Regional Commission as administered by the Maryland Office of Planning.

Town and State officials at the time of preparation of this Zoning Ordinance were:

Keedysville Mayor and Town Council

Ralph B. Taylor, Mayor
Lee Brandenburg, Vice Mayor
Bobby Slick
Lillian Kephart
Jimmy Kerns

Keedysville Planning Commission

Matt Hull
Robert Edwards
Tim Robertson
Albert Resh
Lillian Kephart, Ex-Officio

Maryland Office of Planning

Ronald M. Kreitner, Director
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An Ordinance adopted by the Mayor and Council of Keedysville, Washington County, Maryland on the _____ day of _____, 1998, regulating and restricting the height and size of buildings and other structures; establishing building lines, minimum frontages, depths and areas of structures; establishing building lines, minimum frontages, depths and areas of lots, the percentage of lots which may be occupied, the size of yards, courts and other open spaces; the density of population and the location and use of buildings, signs, structures and land for trade, industry, residence, recreation, public activities and other purposes within the Town of Keedysville; dividing the town into districts for regulating the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and providing for the administration and enforcement thereof.

ARTICLE 1: TITLE, PURPOSE, INTERPRETATION, APPLICABILITY
AND SEPARABILITY

100 Short Title

This Ordinance shall be known and may be cited as the "Keedysville Zoning Ordinance."

101 Purpose

The purpose of this Ordinance is to promote the public health, safety morals or the general welfare of the present and future inhabitants of Keedysville, by :

- A. Giving reasonable consideration, among other things, to the character of districts and their suitability for particular uses.
- B. Encouraging orderly development and the most appropriate use of lands.
- C. Conserving the value of land and buildings.
- D. Promoting the conservation of natural resources.
- E. Preventing environmental pollution.
- F. Promoting health and the general welfare.
- G. Protect sensitive areas.
- H. Providing for adequate light and air.

- B. If a court of competent jurisdiction finds the application of any provision 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 court's decision, and the application of any such provision to other persons, properties or situations shall not be affected thereby.

- a. "Adult materials" shall be defined as books, films, videotapes (including those offered on coin or token operated machines), magazines or similar printed materials, and/or paraphernalia which is distinguished or characterized by a clear emphasis on the depiction, display, or description of uncovered male or female genitals.

2. Adult Live Entertainment Use

A commercial use or club involving employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation paid to the entity operating the use or to persons involved in such display.

3. Adult Theater

A use involving the display of film or videotape "adult materials" to 3 or more persons at a time in a room and that is related to some form of monetary compensation by the persons viewing such matter.

203 Agriculture

The cultivation of soil and the raising and harvesting of products of the soil, including customary soil and water conservation practices, but not including the raising or keeping of livestock, poultry, pigs, horses, sheep or the like.

204 Alley

A right-of-way, other than a street, used for vehicular access to the side or rear of abutting property.

205 Alterations

As applied to a building or structure, a change or re-arrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

206 Area

206.1 Building Area: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, steps, eaves and gutters.

214 Child Care Center

A facility licensed by the State of Maryland where care is given to children under age 18, or persons with physical handicaps, or persons who need oversight because of old age or mental retardation, and which routinely involves care and housing for less than 18 hours per day per person.

215 Clubs and Lodges

A building or area of land that: a) is routinely used by a recreational, civic, social, fraternal, religious, political, labor union or similar organization for meetings, socializing and recreation; b) is limited to use by bona fide members and their occasional guest, except for persons specifically invited for special celebrations; c) which is not open to the general public and; d) which is not operated for-profit business. Any use such as a tavern, restaurant or retail sales shall only be permitted if all of the requirements for such use are also met.

216 Drive-in Restaurant

A restaurant designed and intended exclusively or primarily for the sale of "take-out" food to be consumed by the customers in their motor vehicles or off the premises.

217 Dwelling

A building or portion thereof arranged or designed to provide one or more dwelling units.

- A. Dwelling Unit: A dwelling or portion thereof providing complete living facilities for one (1) family; provided, however, that this term shall not be deemed to include rooming, boarding or lodging houses, or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.
- B. Single-Family Detached Dwelling: A building, commonly known as a single family house, designed for and occupied exclusively as a residence having one dwelling unit from ground to roof and open space on all sides; where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof.
- C. Two-Family Detached ("Duplex") Dwelling. A single building containing two dwelling units separated by a party-wall, and intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.

addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "Group Home for the Handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

221 Highway Service Plaza

A business occupying not less than ten (10) acres of land at or near an interchange of a limited access highway and intended primarily to provide services for travelers, which may include food, lodging and incidental servicing of motor vehicles and trucks.

222 Home, Professional Office, Home Occupation

An office or business conducted in a dwelling or accessory building, or in both, the activity being clearly incidental and secondary to the use of the premises for residential purposes.

223 Hotel, Motel or Motor Hotel

A building or group of buildings containing sleeping rooms for the accommodation of transient guests.

224 Lot

A parcel or plot of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded deed filed among the Land Records of Washington County.

- A. Lot, Corner: A lot abutting two or more streets at their intersections, where the interior angle of the intersection does not exceed one-hundred thirty-five degrees (135).
- B. Lot, Width: The width of a lot measured at the building setback line.
- C. Lot, Depth: The depth of a lot as measured by the average horizontal distance between the front lot line and the rear lot line.

225 Lot Line

Any boundary line of a lot.

230 Nonconforming Use

A use of a building or lot that does not conform to use regulations prescribed by this Ordinance for the district in which it is located, but which was lawfully in existence at the effective date of this Ordinance.

231 Person

A corporation, institution, partnership, trust, association or any other legal entity as well as a natural individual.

232 Planning Commission

The legally-constituted Planning Commission of the Town of Keedysville

233 Rooming, Boarding or Lodging House

A building or part of a building (other than an institutional building), occupied or intended to be rented and occupied by three or more roomers, boarders or lodgers.

234 Sectional ["double-wide") Dwelling

A single-family detached dwelling-unit manufactured in two or more sections, designed for permanent occupancy, and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this Ordinance, "Sectional dwelling" includes modular, pre-fabricated and other similar types, but mobile homes and travel trailers are not considered to be "sectional dwellings."

235 Sewage Disposal System

A. Centralized Sewage Disposal System: A utility system serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State health regulations.

B. Private Sewage Disposal System: A system of sewers, pipes, treatment tanks or other facilities serving only a single dwelling-unit or a single business, commercial, industrial or other establishment, which is designed and operated for the collection, treatment and disposal of sewage in compliance with County and State health regulations.

238 Street

A strip of land, including the entire width of the right-of-way between street lines, used or intended for use by the public for vehicular travel or to provide vehicular access to three (3) or more abutting lots or principal uses.

239 Street Line

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that where a future right-of-way width for a street is officially established pursuant to Article 66B of the Annotated Code, then the street line shall be the side of the future right-of-way so established.

240 Structure

A combination of materials assembled, constructed or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall include any part thereof.

241 Travel Trailer

A portable or vehicular unit (a) having a width not exceeding eight (8) feet and a length not exceeding thirty-two (32) feet; (b) built on a chassis or designed to be transported on a truck or other vehicle; and (c) designed for temporary use as a dwelling-for travel, recreation, vacation or similar short-term uses.

242 Use

Any activity, occupation, business or operation conducted, or intended to be conducted, in a building or other structure or on a tract of land.

243 Video Store

An establishment renting video cassette or disc recorder/players and video tapes or disc with incidental sale of these items.

244 Water Supply System

- A. Centralized Water Supply System: A utility system serving two (2) or more dwelling-units, business, commercial, industrial or other establishments, which is designed and operated to supply potable water, in compliance with County and State health regulations.
- B. Private Water Supply System: A utility system serving only one (1)

ARTICLE 3 : ZONING DISTRICTS AND USE REGULATIONS

300 Zoning Districts and Map

- A. For the purpose of this Ordinance, zoning districts are hereby established as follows:
- SR - Suburban Residential District
 - TR - Town Residential District
 - NC - Neighborhood Commercial
 - TND - Traditional Neighborhood Design (overlay zone)
- B. For the purposes of this Ordinance, the zoning districts established by subsection A. shall be of the number, size, shape and location shown on the Town "Zoning Map" adopted and included in its entirety as a part of this Ordinance.
- C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map, which shall be maintained at town hall in the office of the Town Clerk, shall be the final authority as to the current zoning status of land, buildings and other structures.

301 Interpretation of District Boundaries

- A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:
1. Boundaries drawn approximately along the center-lines of streams, drainageways, streets, roads, alleys, or railroads or other rights-of-way shall be construed to follow such center-lines.
 2. Boundaries drawn approximately parallel to the centerlines of streams, drainageways, streets, roads, alleys or railroad or other rights-of-way, or parallel to property lines shall be construed to lie parallel to such centerlines or property lines at the distance therefrom noted upon the zoning map.
 3. Boundaries drawn approximately along platted lot lines or other property lines shall be construed to follow such lines.
 4. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.

- G. Any use lawfully existing on the effective date of this Ordinance which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of operations or structure existing on the effective date of this Ordinance shall require a special exception granted by the Board of Appeals pursuant to Article 10.

303 Newly Annexed Areas

- A. All areas annexed to the Town after the effective date of this Ordinance shall automatically be classified in the SR-Suburban Residential District, provided that the Mayor and Town Council may, after public notice and hearing pursuant to Article 10, provide for the classification of such annexed areas or part thereof in another zoning district or districts, effective upon the date of such annexation.
- B. If the Mayor and Town Council do not provide in advance for the zoning classification of newly-annexed areas in the manner provided in subsection A., above, the Planning Commission shall, within six (6) months of the date of such annexation, prepare and recommend to the Mayor and Town Council comprehensive development plans and recommendations for zoning of such annexed areas.

304 Legislative Intent and Purposes for Zoning Districts

- A. As an aid in interpreting the provisions of Section 305, the Mayor and Town Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Town Comprehensive Plan:
 - 1. Suburban Residential District - This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require this type of development. Development is thus permitted at moderate density.
 - 2. Town Residential Districts - This district provides for the continuation of the Town's core area which generally contains a mixture of residential, commercial and public service uses.

ZONING DISTRICTS

305 Table of Use Regulations

SR TR NC

A. RESIDENTIAL USES

- | | | | | |
|----|---|----|----|----|
| 1. | Single family detached dwellings, including pre-fabricated ("sectional") dwellings. | P | P | N |
| 2. | Two-family detached ("duplex") dwellings. | SE | P | N |
| 3. | Single-family attached ("townhouse") dwellings. | SE | SE | N |
| 4. | Multi-family ("apartments") dwellings. | N | SE | N |
| 5. | Bed and Breakfast. | N | P | P |
| 6. | Dwelling unit in conjunction with a principal non-residential use. | SE | P | P |
| 7. | Conversion of a single-family dwelling or other building into not more than two dwelling-units, provided that the lot area per dwelling-unit and yard, building and other requirements for dwellings in the zoning district shall not be reduced thereby, and further provided that no structural alteration of the building's exterior shall be made except as necessary for safety. | SE | SE | N |
| 8. | Conversion of a dwelling or other structure into an apartment containing more than two dwelling-units. | SE | SE | SE |

ZONING DISTRICTS

305 Table of Use Regulations

SR TR NC

9.	Rooming, boarding or lodging houses.	N	SE	N
10.	Cluster Residential Development, subject to the provisions of Section 503.	P	P	N
11.	Child care.	SE	SE	P
12.	Customary home occupations and home professional offices, provide that:	SE	P	P
	a. Such occupational or office shall be conducted only by members of the immediate family residing on the premises, plus not more than two (2) non-resident employees; and			
	b. Such occupation or office shall not occupy an area greater than 25 percent (25%) of the ground floor area of the proposed residential buildings; and			
	c. No display of goods or storage of materials or advertising, except identification signs as provided in sub-section 707.8 shall be visible from any street or adjoining property.			
13.	Non-commercial parking garage or parking area intended to fulfill the off-street parking requirements specified in Article 6, provided that such garage or area shall be exclusively for use by residents of nearby dwellings.	P	P	N
B.	<u>Public or Private Recreational Use</u>			
1.	Parks designed or intended for passive recreational or open space.	P	P	P

2. Areas designed, equipped or intended for non-commercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.
3. Private or membership clubs or lodges not operated commercially, or conducted primarily as a business enterprise.
4. Indoor recreation facilities, including but not limited to bowling alleys, theaters, skating rinks, tennis courts and the like.

SE SE N

SE SE N

N N SE

C. INSTITUTIONAL, EDUCATIONAL AND UTILITY USES

1. Churches and other places of worship.
2. Medical or dental offices or clinics for out-patient treatment; including accessory laboratory facilities.
3. Essential utility equipment, as defined in Article 2, provided that before construction begins on any overhead electric power line of 34.5 KV or greater capacity, on any telephone trunk line including microwave facilities, or any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.

SE SE N

SE SE P

SE SE SE

ZONING DISTRICTS

305 Table of Use Regulations

SR TR NC

- 4. Civic buildings, including community centers, museums, post offices, libraries, fire stations and public office buildings erected or used by Federal, State, County or municipal governments or agencies thereof, except educational buildings and uses.
- 5. Public or private elementary or middle schools.

SE SE P
SE SE N

D. RETAIL AND COMMERCIAL SERVICES USES

- 1. Automobile service stations, except highway service plaza, as defined in Article 2.
- 2. Business services, including: banks, credit unions, savings and loan and similar financial institutions; business and professional offices, real estate and insurance agencies; telephone central offices and switchboards.
- 3. Convenience store.
- 4. Clubs/lodges.
- 5. Funeral homes, mortuaries and the like.
- 6. Greenhouses and nurseries, including sales facilities.

N N SE
N SE P
SE SE SE
N SE SE
SE SE N
N N SE

ZONING DISTRICTS

SR TR NC

7.	Hotels, motels, and the like.	SE	SE	SE
8.	Printing, photographic processing, blueprinting and similar reproduction services.	N	P	SE
9.	Parking lot or garage as a commercial enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least three (3) feet high or by dense evergreen plantings of equal height.	N	SE	SE
10.	Personal service businesses, including: barber shops, beauty salons, cold storage lockers, photography studios, repair shops for appliances, bicycles, electronic equipment, guns, locks, shoes, or watches, self-service dry cleaning or laundromats, tailoring or dressmaking, craft stores or antique shops.	SE	P	P
11.	Restaurants and the like, except drive-in restaurants as defined in Article 2.	SE	P	P
12.	Drive-in restaurants.	SE	N	SE
13.	Retail businesses intended primarily for neighborhood convenience shopping, including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands, meat markets, and pharmacies.	N	SE	P

ZONING DISTRICTS

305 Table of Use Regulations

SR TR NC

14. Taverns and the like, subject to the requirements of the Board of License Commissioners of Washington County pursuant to Article 2B of the Annotated Code of Maryland.

N SE SE

15. Video store.

N P P

E. MISCELLANEOUS AND ACCESSORY USES

1. Agriculture, as defined in Article 2.

P P P

2. Signs, subject to the provisions of Article 7, including:

- a. On-premises identification signs subject to Section 707.B.
- b. On-premises advertising signs subject to Section 707.C.
- c. Off-premises direction signs subject to Section 708.B.
- d. Off-premises business advertising signs subject to Section 708.C.1.
- e. Off-premises commercial advertising signs subject to Section 708.C.2.
- f. Temporary signs subject to Sections 707.D and 708.D.

A A A
N A A
SE P P
N N SE
N N N
P P P

3. Junkyards.

N N N

4. Sanitary landfills.

N N N

ZONING DISTRICTS

SR TR NC

5.	Other uses substantially similar in character and impact to uses ordinarily permitted by this Ordinance by right or by special exception within the same Zoning District.	SE	SE	SE
6.	Accessory uses, including:			
a.	Accessory uses as defined in Article 2.	A	A	A
b.	Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas required by this Ordinance.	A	A	A
	- If rear yard is adjacent to front yard.	SE		
c.	Temporary buildings accessory to a construction project.	A	A	A
d.	Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in Section 406 and height requirements of Section 409.	A	A	A
e.	Off-street parking, subject to the provisions of Article 6.	A	A	A

ARTICLE 4: LOT AREA & YARD REGULATIONS

400 General Dimensional Requirements

- A. The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in Section 401, Table of Dimensional Requirements for Principal Uses, subject to any further applicable dimensional requirements or exemptions specified elsewhere in this Ordinance.
- B. The minimum lot area specified in Section 401 are based upon the availability of a centralized water supply system and a centralized sewage disposal system.
- C. Measurements of minimum land area and yards pursuant to Section 401 shall not include any land within the right-of-way of any existing or proposed street.
- D. The uses listed in Section 401 shall only be permitted in any Zoning District in accordance with the provisions of Section 305.

402 Exceptions to Minimum Lot Sizes

A building may be constructed, provided the yard requirements in Section 404 are observed, on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed; provided, however, that this exception shall not apply to any two or more contiguous lots in a single ownership at or subsequent to the effective date of this Ordinance, in any case where a re-parceling or replotting could create one or more lots which would conform to the above provisions.

403 Lot Area or Yard 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 after 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.

401 Table of Dimensional Requirements for Principal Uses (with centralized water supply and centralized sewage disposal systems).

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit (sq. ft.)	Minimum lot width feet	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard Width
A. Residential Uses							
1. Single-family detached dwellings	SR TR	18,000 10,000	18,000 10,000	100 80	20 15	15 10	25 20
2. Two-family detached ("duplex") dwellings	SR TR	20,000 18,000	10,000 9,000	100 100	20 15	15 10	25 20
3. Single-family attached ("townhouse") dwellings	TR	12,000	4,000	20	15	15	15
4. Multi-family ("apartment") dwellings	TR	22,000	3,600	200	15	15	15
5. Bed and Breakfast	SR, TR	5,000	5,000	50	10	8	15
6. Dwelling unit in conjunction with a principal non-residential use	Any District	NA	5,000	50	10	5	10
7. Conversion of a building to two dwelling units, pursuant to Section 305.A.8	Any District	10,000	5,000	60	10	5	10
Conversion of a building to more than two dwelling units, pursuant to Section 305.A.9	TR	20,000	3,600	180	10	10	10

401 Table of Dimensional Requirements for Principal Uses (continued)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit (sq. ft.)	Minimum lot width feet	Minimum Yard Width
					Front Side Rear
9. <u>Planned (cluster) Residential Development</u> ----- See Section 503-----					
B. <u>Recreational and Institutional Uses</u>					
1. Private clubs (see Section 305.B.3)	Any District	43,560	--	40	50
2. Day care centers or nursery schools	SR TR	130,680 43,560	-- --	50 40	50 30 50
3. Other recreational and institutional uses (see Sections 305.B and 305.C)	Any District	20,000	--	20	15 25
C. <u>Retail and Commercial Services Uses</u>					
1. Convenience store	SR, NC	20,000	--	20	15 25
2. Funeral homes (305.D.3)	Any District	43,560	--	40	30 50
3. Clubs/lodges	TR	20,000	--	20	15 25
4. Other commercial uses (see Section 305.3)	Any District	20,000	--	20	15 25
5. Video store	TR	10,000	--	15	10 20

401 Table 6. Dimensional Requirements for Principal Uses (continued)

Use	Zoning District	Minimum total lot or land area per use (sq. ft.)	Minimum lot or land area per dwelling unit (sq. ft.)	Minimum Yard Width		
				Minimum lot width feet	Front	Side Rear
D. <u>Other Uses</u>						
1. Uses permitted pursuant to Sections 305.D and 305.E	Any District	20,000	--	100	20	15 25

- Notes: a. Required side-yard dimension applies to each side of the lot; except that no side-yard shall be required adjoining any lot line that coincides with a party-wall in an attached dwelling or other use.
- b. Gross density shall not exceed six (6) dwelling units per acre.
- c. Gross density shall not exceed eight (8) dwelling units per acre.
- d. Gross density shall not exceed ten (10) dwelling units per acre.

404 Front, Rear and Side Yard Reduction

When there is an existing building on each of the lots adjoining the lot on which a building is proposed to be erected, and where each such existing building lies within one hundred (100) feet of such proposed building and lies nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when each such existing building is within 100 feet of the proposed building, then 1) the average of the existing front yard depths of such adjoining lots shall be the minimum required front yard depth for the lot on which the proposed building is to be erected. or 2) the building may be erected to align with one of the existing buildings front, rear and side yard depths that adjoin the lot.

405 Permitted Projections Into Required Yards

- A. Subject to Section 406, the provisions of Section 401 shall not apply to fences or walls which are less than six (6) feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor level of the ground story.
- B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and ladders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.
- C. The yard requirements of Section 401 shall not apply to off-street parking areas or to accessory signs, except as expressly provided in Articles 6 and 7, and except as provided in Section 406.

406 Traffic Visibility at Corners

On every corner lot, abutting the intersection of two streets, a triangular area within, the lot shall remain clear of any structure, wall, fence, planting or other visual obstruction which might cause danger to traffic by obscuring the view across the lot between the height of two (2) feet and seven (7) feet above the level of the intersecting streets; such triangular area shall be delineated by a line drawn across the lot to connect points on the two street lines at a distance of twenty-five (25) feet from the intersection of the street lines.

407 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.

ARTICLE 5: SENSITIVE AREAS/DEVELOPMENT STANDARDS

500 Flood Plain

A. Purpose: The purposes of this section are to minimize property damage, encourage appropriate construction practices to minimize future damage, protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the state, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified flood plains and by the issuance of permits for those activities that comply with the objectives of this section.

B. Administration: The Zoning Administrator shall only issue permits approval when an application has met all criteria set forth in the 'Town of Keedysville' Flood Plain Management Ordinance as amended.

501 Stream Buffers

A. Setback: No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:

- 1) Within 50 feet of the centerline of a perennial waterway, and
- 2) Within 25 feet of the centerline of an intermittent waterway.

B. Existing Vegetation: Within the areas specified in section 501 a, existing natural vegetation shall be preserved to the maximum extent possible. An application for a permit for activity within such area shall: a) specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation, and b) be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full and must be approved by a cognizant government authority..

502 Steep Slopes

A. Over 25 Percent Slope: Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 25 percent shall require special exception approval by the Board of Appeals. When special exception approval is required, the applicant shall:

1. Show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces;

No land or structure in any Zoning District shall be used or occupied in any manner that created any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, electromagnetic or other condition in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

- A. Performance Standard Procedure -- With the exception of residential uses as listed in Section 305.B, the applicant for a zoning permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards specified herein and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards. Where there is reason to believe that the nature of the proposed use would make it difficult to comply with the applicable standards, the Zoning Administrator may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this Section, provided, however, that no applicant shall be required to reveal the secret details of industrial or trade data and may specify that the plans or other information submitted pursuant to this section shall be treated as confidential matter.
- B. Standards Applicable to Other Uses -- Regardless of whether or not a use is required to comply with the procedure specified in sub-section A, above, every use shall comply with the performance standards themselves.
- C. Standards for Noise and Vibration Control -- All uses shall comply with COMAR 26.02.03, "Control of Noise Pollution", as adopted by the Secretary of the Environment pursuant to 3-401 of the Environment Article, Annotated Code of Maryland.
- D. Standards for Air Quality Control -- All uses shall comply with COMAR 26.11, "Air Quality", as adopted by the Secretary of the Environment pursuant to Title 2 and Title 4, of the Environment Article, Annotated Code of Maryland.
- E. Standards for Water Supply, Sewerage, Storm Water and Refuse Disposal All uses shall comply with COMAR 26.04.01 "Quality of Drinking Water in Maryland"; COMAR 26.04.02, Sewage Disposal and Certain Water Systems for Homes and Certain Establishments Where Public Sewage Systems is Not Available"; COMAR 26.04.04, Water Supply and Sewerage System in the Subdivision of Land in Maryland"; COMAR

- D. To offer planned, strategically-located open spaces to encourage social interaction, recreation, and sensitive areas protection.
- E. To create attractive living areas that will reduce pressure and demand for sprawl development.

D. Zoning Approval

No property shall have an TND overlay zone except upon an approved application under the terms of this Ordinance. Applications for TND shall only be accepted from the property owner or the owner's agent. Town of Keedysville shall not affix an overlay zone to the Zoning Map upon its own initiative.

Approval of the TND overlay zone shall adhere to the requirements of Section II and requires Planning Commission approval.

Approval of the TND zone requires express findings of fact by the approving authority that approval of the application for TND:

- A. Satisfies the stated purpose, goals, and objectives at Section 509 A and B of this Ordinance;
 - B. Supports and is consistent with the Comprehensive Plan;
 - C. Supports and positively reinforces the character of the neighborhood in which it is proposed; and
 - D. Will not have adverse impacts on the adequacy of public facilities and services in the community.
- E. Locations and Zone Boundaries. TND may be located in any area described in the Comprehensive Plan as potentially suitable for traditional small-town development.
- F. Permitted Uses

The following uses shall be permitted by right in TND zones, subject to the supplemental provisions in this ordinance.

- A. Single-family detached, two-family detached (duplex) or subject to the provisions of Section 509 H-I.

- D. All buildings shall be set back 0 to 25 feet from the front lot line.
 - E. Residential buildings shall be set back the aggregate of 20 feet, all of which may be allocated to one side.
 - F. All residential and accessory buildings, except as otherwise provided, shall have a setback of no less than 20 feet from the rear lot line. Garages accessed through a rear alley shall have a zero-foot setback.
 - G. At least 70% of the net building area shall be designated for single-family residential development.
 - H. At least 10% of the net building area shall be designated for open space.
2. Provisions governing commercial land use, lots and buildings.
- A. No more than 4% of the gross land area may be reserved for commercial use.
 - B. Buildings on commercial lots shall have the facades within five feet of the frontage line along at least 70% of their length. When such buildings are adjacent to existing development, facades shall be built within a distance of the frontage line that equals the average of five feet and the setback distance of adjacent development.
 - C. Building coverage shall not exceed 70% of the lot area.
- I. Provisions governing streets and transportation
- A. A Comprehensive pedestrian and bicycle circulation system may link all uses, with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
 - B. All roads shall connect with other roads within the subdivision and roads must be placed to link in a grid pattern to facilitate neighborhood blocks, unless the applicant presents evidence satisfactory to the Planning Commission that it is not possible for all roads to connect or to be placed in a grid pattern. The use of alleys to provide rear access to lots fronting on public roads is encouraged.

- E. Front porches are encouraged on all single-family detached homes.
- F. Exterior materials shall be natural in appearance, with preference given to wood, wood siding, stone, brick or stucco, or to contemporary materials and details that closely replicate such traditional materials.
- G. Similar land use categories shall generally face across the streets, dissimilar categories may abut at rear lot lines.
- H. Shade trees and other plant materials shall be provided along street frontages occupied by homes and can be provided within sidewalks.
- I. All deciduous trees planted shall not be less than six feet in height and of one-and-one-half inch caliper.

K. Site Plan

An approved site plan for TND development shall be required and shall follow the procedural and substantive requirements for plan submittal, review, and approval, as set forth in the Subdivision Ordinance.

L. Developer Incentives

Bonus Provision

The Planning Commission may allow and approve more than the number of dwelling units permitted in Section 509, G-1, upon the Planning Commission's determination that the proposed development, through the quality of its site design and architecture, displays sensitivity to the purposes of this Section. The Planning Commission may require renderings, scale models, topographical exhibits, description of housing types, and material selection. The following amenities and characteristics shall serve as guidance for determination of the bonus percentage to be allowed.

- (a) No cul-de-sacs in the subdivision: 3% bonus.
- (b) Parking facilities are provided behind all dwelling units: 2% bonus.
- (c) If a stormwater management pond is used, the ratio is restricted to 6:1 maximum: 2% bonus.
- (d) No roof line ratios are less than 12:10: 2% bonus.

B. Authority and Applicability

1. The application of this Section 508 shall be based upon the authority conferred by Section 8 in Article 66B of the Code of Public General Laws of Maryland, the relevant portions of which are incorporated herein and made a part hereof by reference.
2. The provisions of this Section 508 shall become effective on and from the effective date of the Resolution by which the Mayor and Council appoint a historic district commission to exercise the powers and perform the duties as specified for such Commission by said Article 66B and as further specified hereinafter.

C. Historic District Commission Organization

1. The Historic District Commission shall elect from its membership a Chairman, a Vice-Chairman, and a Secretary. The Chairman, or in the Chairman's absence, the Vice-Chairman, shall preside over the Commission's meetings, and shall have the right to vote on motions therein.
2. The Historic District Commission shall adopt bylaws for the transaction of its business. The bylaws shall specify the time and place of regular meetings and shall provide for the calling of special meetings by the Chairman or by at least two (2) members of the Commission.
3. All meetings of the Historic District Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Commission before it reaches a decision on any matter. The Commission shall keep an open record of its resolutions, proceedings and actions which shall be kept available for public inspection during reasonable business hours.
4. Certificates of Appropriateness shall be issued upon a majority vote of the members of the Historic District Commission and shall be signed by the Chairman, or Vice-Chairman, and by the Secretary.
5. The Historic District Commission may request the advice and assistance of the Planning Commission, the Washington County Historic Society, the Maryland Historical Trust or any other person or organization with a relevant interest.

2. At the Historic District Commission's first regular meeting more than seven (7) days following receipt of the application, the Commission shall review and shall either approve or disapprove said application; provided, however, that if the Commission requires the applicant to submit additional information, the Commission's action may be postponed until the first regular meeting following receipt of said information.
 3. If the Commission approves the application, a Certificate of Appropriateness shall be issued to the appliance and a copy furnished to the Town's Building Inspector, if any. Said Certificate shall explicitly describe the nature of the changes approved by the Commission or shall include and make reference to other plans, specifications or other documents showing or describing the approved changes.
 4. If the Commission disapproves the application, a written record of such action and the reasons therefore, including the modifications, if any, that would be necessary to secure the Commission's approval, shall be furnished to the applicant. The applicant shall have the right to re-submit a modified application.
 5. Any person aggrieved by any decision of the Historic District Commission shall have the right to appeal said decision to the Circuit Court of Washington County, as provided by law.
 6. The failure of the Historic District Commission to act upon an application within 45 days from the date the application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this 45 day period is agreed upon mutually by the applicant and the Commission, or unless the application has been withdrawn.
- G. Criteria for Reviewing Applications - In reviewing applications for changes, the Historic District Commission shall consider:
1. The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
 2. The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.
 3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used.
 4. The height of any proposed new buildings or modifications to

3. The Historic District Commission shall be strict in its judgment of plans for those structure deemed to be valuable according to studies performed for districts of historic or architectural value. The Commission shall be lenient in its judgment of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures of the surrounding area.
4. The Historic District Commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period.
5. The Historic District Commission shall not disprove an application except on the basis of the criteria specified in Sub-Section G, above.

509 Adult Uses

1. See definition in Section 202.
2. No adult use shall be located within any of the following:
 - a. 1,000 lineal feet of the lot line of any library, public park, or other public recreational area, or residential district, regardless of municipal borders.
 - b. 1,500 lienal feet of the lot line of any primary or secondary school, child day care center, church or similar place of worship, or existing dwelling unit, regardless of municipal borders.
 - c. Any district other than NC.
3. A 30 feet wide buffer yard shall be provided along the side and rear lot lines, with a full evergreen screen of evergreen trees.
4. No pornographic material, display or words shall be visible from outside of the establishment. No use shall be used for any purpose that violates Federal, State or City criminal law.
5. An adult use shall not be combined with the sale or consumption of alcoholic beverages.
6. A minimum lot area of 2 acres shall be required.
7. For public health reasons, private viewing booths are prohibited.

ARTICLE 6, OFF-STREET PARKING AND LOADING

600 Required Off-Street Parking Space

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this Ordinance, is established, erected, enlarged or altered for use for any of the following purposes in any district; for uses not specifically listed, the requirements for the most similar use listed shall be followed:

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each
A. <u>RESIDENTIAL USES</u>		
1. Single family, two-family and multi-family dwellings	0.5 dwelling unit (2 spaces per unit)	----
2. Conversions, rooming houses	1 dwelling unit	-----
3. Home occupations, home professional offices	Non-resident employee	100 sq. ft. of floor space used for the occupation or office
4. Bed and Breakfast	Room used for transient visitors	
B. <u>PUBLIC OR PRIVATE RECREATIONAL USES</u>		
1. Private or membership clubs or lodges	6 members or 6 persons of total capacity	Full-time employee
2. Bowling alleys	0.25 lanes (4 spaces per lane)	Full-time employee

3. Professional offices such as real estate, insurance, consultants	200 sq. ft. of gross floor area	Full-time employee
4. Retail stores and business	100 sq. ft. of area used for serving customers	Two full-time employees
5. Funeral homes	4 seats for patron use or 50 sq. ft. of gross floor area Rental room or suite	Full-time non-resident employee
6. Hotels, motels	Rental room or suite	Full-time employee
7. Personal service businesses such as barber shops, photo shops, appliance repair	100 sq. ft. of floor area used for serving customers	Two full-time employees
8. Restaurants, taverns	3 seats for customers	Two full-time employees
9. Drive-in restaurants	100 sq. ft. of gross floor area	Table or booth, plus one space for each two counter stools, plus one space for
10. Self-service laundromats	Washing or dry-cleaning machine	Two full-time employees
11. Shopping centers and neighborhood convenience centers	167 sq. ft. of retail sales area (6 spaces per 1,000 sq. ft.)	-----

601 General Regulations Applying to Required Off-Street Parking Facilities

- A. Existing Parking -- Structures and uses in existence at the effective date this Ordinance shall not be subject to the requirements of this Article so

of the types of uses identified in Section 600, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.

- G. Location of Parking Spaces -- Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet walking distance of the principal use.
- H. Fractional Spaces -- Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

602 Design Standards

The design standards specified in this Section shall be required for all new off-street parking facilities with a capacity of four (4) or more vehicles. Such facilities shall be designed so that their use shall not constitute a nuisance, or hazard, or unreasonable impediment to traffic.

- A. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Width	Stall Depth	Aisle Width	
			One-Way	Two-way
<u>1. Automobile parking</u>				
90	10'	20'	22'	24'
60	10'	21'	18'	21'

Angle of Parking	Width	Stall Depth	Aisle Width	
			One-Way	Two-way
45	10'	20'	15'	18'
30	10'	18'	12'	15'
Parallel	8'	22'	12'	18'

2. Automobile and trailer parking

30	10'	53'	15'	----
----	-----	-----	-----	------

(8,000) and twenty-five thousand (25,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty-five thousand (25,000) square feet or fraction thereof.

3. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, with a gross floor area between five thousand (5,000) and ten thousand (10,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty thousand (20,000) square feet or fraction thereof.
- B. Each required off-street truck-loading berth shall be at least fifty-five (55) feet long, measured perpendicular to the loading dock, shall be at least fourteen (14) feet wide, and shall provide a minimum overhead clearance of sixteen (16) feet.
 - C. Each required off-street truck-loading berth shall have unobstructed access to a public street. Such access may be combined with access to an off-street parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-street parking spaces or intrude into any street right-of-way. No off-street loading berth shall be located in any required front yard.
 - D. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except that berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of berths in such joint facilities shall not be less than the total required separately for all such establishments.

702 Permit Requirements

- A. No on-premises sign over six square feet in area and no off-premises sign (except governmental sign) of any size shall be erected, affixed, painted, hung, or otherwise displayed, altered or repaired, unless a permit therefor has been issued.
- B. All signs of any size must comply with all the regulations contained herein, regardless of whether a permit is required.
- C. No permit shall be required for the repainting or re-papering of a sign which conforms to the provisions of this Ordinance. Signs on theaters advertising changes in program shall not require permits except for the initial installation thereof.

703 Measuring Sign Area

- A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing square-foot area of a double-faced sign, only one side shall be considered, provided both faces are identical.

704 General Sign Regulations

- A. No sign shall project more than three feet above the roof nor more than 14 inches out from the wall to which it is attached. Signs not exceeding four square feet in area may be placed perpendicular to a building face it attached to and below a canopy projection from said building.
- B. Signs shall not exceed the height limit permitted for structures in the zoning district in which they are located, except that the Board of Appeals may authorize a special exception to such use provided that:

signs, or the full view of the traffic in all directions at driveways, entranceways or any other public road intersection.

- B. No signs except official traffic signs shall be located within the right-of-way of any street or road or on any slope or drainage easement for a street or road.
- C. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal.
- D. Tacking, painting, posting or otherwise affixing of signs or posters on the walls of buildings, barns, sheds, trees, posts, poles, fences, walls or other structures is prohibited except as hereinafter provided.
- E. Signs shall not obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress for any building or structure.

706 Nonconforming Signs

- A. Nonconforming signs, once removed, shall be replaced only with conforming signs; however, non-conforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the general wording or content of the sign.
- B. Every sign, billboard and other outdoor advertising medium erected in the Town prior to the adoption of the Ordinance may continue to be maintained despite lack of conformity with all of the provisions of this Ordinance, for a period of seven years after the adoption thereof, after which the owner of every such sign, at his own expense, shall cause the same to be brought into strict conformity with all the requirements of this ordinance, or shall remove the same; provided, however, that the Board of Appeals may grant permission as a special exception upon application by said owner for the continued use and maintenance of such sign without conforming to the requirements of this ordinance where to require cessation of use would in the documented opinion of the Board impair the property rights of any person to such an extent as to be an unconstitutional taking of property. The work of bringing such sign into conformity with such requirements shall constitute either repair, alteration or relocation, and therefore, shall require the owner of such sign to obtain a permit.

than one street, in which case one such sign may be erected on each street frontage.

2. Accessory signs identifying permitted non-residential uses, which signs may include business advertising signs as defined in Article 2, provided that:

- (a) The aggregate area of all signs attached to or painted on a building shall not exceed ten (10) percent of the area of the building face to which they are attached or painted, or one hundred (100) square feet, whichever is less.
- (b) Free-standing signs identifying a single building or a shopping center or other principal use shall be permitted in accordance with the following schedule:

<u>Total Street Frontage</u>	<u>No. Signs Permitted</u>
1 to 1,000 feet	1
Each full additional 1,000 ft.	1

- (c) The area of any free-standing accessory sign shall not exceed one (1) square foot for each lineal foot of street frontage of the property occupied by the principal use, and in no case shall the area of a sign exceed two hundred (200) square feet.

D. Temporary Signs

1. A temporary sign advertising sale or lease of the land or building upon which such sign is displayed, provided that the area of any such sign shall not exceed six square feet and not more than one such sign shall be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement or renting of the property.
2. A temporary sign advertising the development of the property upon which it stands or the opening of a [now]

C. Advertising Signs

1. Off-premises business advertising signs as defined in Article 2, subject to the following restrictions:
 - (a) No such sign shall be placed nearer than two hundred (200) feet to any residence, or nearer than twenty-five (25) feet to any street right-of-way line or nearer than fifty [50] feet to any other property line.
 - (b) No such sign shall be placed closer than three hundred (300) feet to any intersection on a dual highway or closer than one hundred (100) feet to the intersection of any other streets, except that such signs may be placed on a building at such intersections in such a manner as not to cause any greater obstruction of vision that caused by the building itself.
 - (c) No such sign shall have an area larger than four hundred (400) square feet.
 - (d) No such sign shall obstruct the view from state highways or county primary roads to areas or structures of scenic or historic interest.
 - (e) No more than two [2] such off-premises signs shall be permitted for a single business or commercial industrial use.
2. Commercial advertising signs as defined in Article 2 subject to the restrictions contained above in sub-paragraphs 1-a through 1-e inclusive, and the restrictions contained in Articles 3 and 4.

D. Temporary Signs

1. Temporary signs for political campaigns, or directing patrons, members or audience to exhibits, shows, or events, subject to the following requirements:
 - (a) No such sign shall exceed 12 square feet in area.
 - (b) Signs shall be removed within five days after the date of the election, exhibit, show or event; otherwise, the Town may cause such sign to be removed with the cost of said

ARTICLE 8: NONCONFORMITIES

800 Continuation

Except as otherwise provided in this Article and in Section 702, the lawful use of an structure or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, and becomes a nonconforming use as defined in Article 2.

801 Alteration or Extension

- A. Structural alterations of a building or structure, or the use of a structure, building, parcel, lot, or tract of land which does not conform to the provisions of this Ordinance shall be allowed only if the building or structure to be altered or the structure, building, parcel, lot, or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.
- B. Upon application, the Board of Appeals may approve the structural alteration of a building or structure, or the extension of use of a structure, building, parcel, lot or tract of land which is not in conformance with the provisions of the Ordinance provided.
 - 1. The alteration or extension of structure or use shall be restricted to an additional area not exceeding thirty-five (35) percent of those existing buildings, structures, parcels, lots, or tracts of land devoted to the nonconforming structure or use .
 - 2. The alteration or extension shall not be in violation of the setback, yard and height regulations in the district in which the structure or use is located.

802 Restoration

- A. Structures damaged by fire or other causes to the extent of more than seventy-five (75) percent of the market value of the structure shall not be repaired, reconstructed or used for the same nonconforming use without the approval of the Board of Appeals granted as a special exception pursuant to Article 10.
- B. Structures damaged to the extent of seventy-five (75) percent or less of the market value may be reconstructed, repaired or used for the same nonconforming use without action by the Board of Appeals.

ARTICLE 9: ADMINISTRATION

900 Zoning Administrator – Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be recommended by the Planning Commission and appointed by the Mayor and Town Council. Members of the Keedysville Planning Commission and the Mayor and Town Council are ineligible for the Zoning Administrator position. It shall be the duty of the Zoning Administrator and he shall have the power to:

- A. Receive and examine all applications for zoning permits .
- B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals.
- C. Receive applications for special exceptions, promptly submit these applications to the Planning Commission for their comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.
- D. Following refusal of a permit, to receive applications for interpretation, appeals, and variances and promptly forward these applications to the Board of Appeals for action thereon.
- E. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- F. Issue stop, cease and desist orders and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or be certified mail upon persons, firms or corporations deemed by the 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 Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance.
- G. With the approval of the Mayor and Town Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation 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.

903 Fees

All applicants for zoning permits, special exceptions and interpretation and variance appeals shall at the time of making application, pay to the Zoning Administrator for the use of the Town a fee in accordance with a fee schedule adopted by resolution of the Mayor and Town Council upon the enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Town Council.

904 Life of a Permit

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit.

If not, the permit shall be considered null and void.

ARTICLE 10: BOARD OF APPEALS

1000 Establishment of Board

To provide for the competent interpretation and the full and equitable achievement of the purposes of this Ordinance, there is hereby established a Board of Appeals.

1001 Membership, Terms of Office

The Board shall consist of three members. The terms of office of the member shall be three years. Members shall be appointed by the Mayor and Town Council, and shall be removable for cause upon written charges and after public hearing. The Mayor and Town Council shall designate one alternate member for the Board who shall be empowered to sit on the Board in the absence of any regular member of the Board.

1002 Procedures, Meetings, Records and Decisions

- A. Procedures -- The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this Ordinance and of Article 66B of the Annotated Code of Maryland.
- B. 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. Two members present shall constitute a quorum
- C. 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 two 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 Mayor and Town Council, Planning Commission and Zoning Administrator of all decisions and resolutions.

insurious 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. That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which 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 or create 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.
4. 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; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

- D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provisions to which variance applies.

1006 Powers and Duties - Special Exceptions

- A. 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. The Board shall not grant a special exception except in conformance with the conditions and standards of this Ordinance.
- B. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. 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 Town's Comprehensive Development Plan and consistent with the spirit, purposes, and intent of this Ordinance.
 2. Suitable for the property in question, and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 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 whatever conditions 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 recommendations of the Planning Commission, if any, prior to rendering a decision.

1007 Rules for Filing Appeals and Applications

A. General Rules

1. Any appeal shall be made by filing the same with the Zoning Administrator within 30 days after the date of the Zoning Administrator's decision.
2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.
3. All appeals and applications shall list names and addresses of all adjoining owners including those across the streets from the subject property.

B. Interpretation Appeals

Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that is claimed.

C. Variance Appeals

Appeals for variance from the strict application of this Ordinance shall include the zoning permit application denied by the Zoning Administrator together with a statement with any supporting data regarding the requirements listed in Section 1005.

1010 Decisions by the Board

- A. Decisions by the Board on special exception, variances and interpretation appeals shall be rendered within 10 calendar days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.
- B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with lay and the provisions of this Ordinance, reverse or affirm, wholly or in part, 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.
- C. In making its decisions pursuant to the authority conferred by this Ordinance, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board may give consideration, among other things, to the following:
1. The orderly growth of a community, as expressed in the Comprehensive Development Plan or otherwise.
 2. The number of people residing or working in the immediate area concerned.
 3. Traffic conditions and facilities.
 4. The effects of such use upon the peaceful enjoyment of people in their homes.
 5. The conservation of property values.
 6. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
 7. The most appropriate use of land and structure.
 8. Decision of the courts.
 9. The purpose of these regulations as set forth herein.

ARTICLE 11: AMENDMENTS , REMEDIES AND PENALTIES

1100 Power of Amendment

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

1101 Who May Initiate

Proposals to amend, supplement, change, modify, or repeal may be initiated by the Mayor and Town Council on their 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 Mayor and Town Council - The Mayor and Town Council shall refer every proposed amendment to the Planning Commission. Within thirty (30) days of the referral of said proposal, the Planning Commission shall submit to the Mayor and Town Council a report containing the Commission's recommendations, which may include 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 Mayor and Town Council any proposal for amending this Ordinance.
- C. Proposals Originated by a Citizen's Petition
 1. Each petition by one or more owners of property to be affected by a proposed amendment shall be submitted to the Zoning Administrator on forms provided therefor. The Zoning Administrator shall transmit such petitions to the Mayor and Town Council, and a copy thereof to the Planning Commission.
 2. The Planning Commission may, at its discretion, notify the Mayor and Town Council of their intention to conduct promptly a public hearing on such petition. Within thirty (30) days following receipt of such petition, or, if a public

provided, the Mayor and Town Council shall make finding of facts in each specific case including, but not necessarily limited to, the following matters:

- A. The report and recommendations of the Planning Commission.
- B. Population change in the area of the proposed change.
- C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.
- D. Present and future transportation patterns in the area.
- E. Compatibility with existing and proposed development of the area.
- F. The relationship of the proposed change to the adopted Plan for the Town.
- G. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.

1105 Action by the Mayor and Town Council

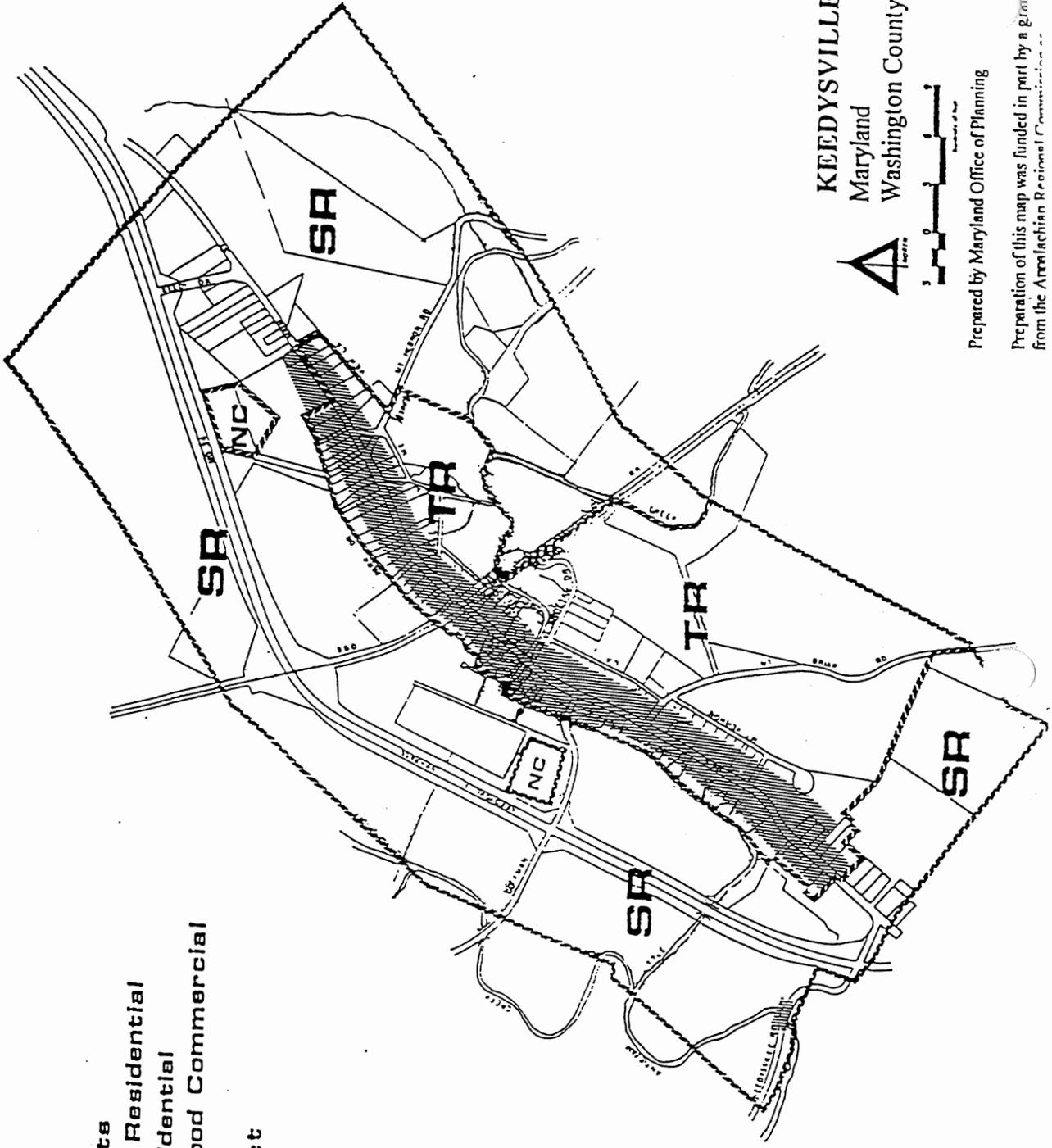
- A. The Mayor and Town Council may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept .
- B. The Mayor and Town Council upon the zoning or rezoning of any land pursuant to the provisions of this Article, may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations, and changes to be made on the subject land to assure conformity with the intent and purpose of the Ordinance.

1106 Enforcement and Remedies

- A. As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, 1970 Edition, a violation of this Ordinance is declared to be a misdemeanor.
- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who

ZONING MAP

- Zoning Districts**
- SR - Suburban Residential
 - TR - Town Residential
 - NC - Neighborhood Commercial
- Historic District**



KEEDYSVILLE
Maryland
Washington County

Prepared by Maryland Office of Planning

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