EASTON ZONING ORDINANCE

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ARTICLE I

LEGAL FRAMEWORK

SECTION 101 TITLE

These regulations shall be known and may be cited as the ZONING ORDINANCE OF THE TOWN OF EASTON. The Ordinance includes both the text of the regulations and the Official Zoning Map which is located in the Office of the Town Planner, Town Office, Easton, Maryland.

SECTION 102 LEGISLATIVE AUTHORITY

These regulations are established in accordance with the provisions of Article 66B of the Annotated Code of Maryland.

SECTION 103 STATEMENT OF LEGISLATIVE INTENT

A. These regulations are adopted with the intent that they will implement the policies of the Comprehensive Plan; will control congestion in the streets; will secure the public safety; will promote health and the general welfare; will provide adequate light and air; will promote the conservation of natural resources; will prevent undue concentration of population; and will facilitate the adequate provision of transportation, water, sewerage, schools, recreation, soil conservation, landscaping, parks, and other public facilities and services.

B. These regulations are made with reasonable consideration of, among other things, the character of the Town; the suitability of its various areas for particular uses; the desire to enhance the value of buildings and encourage the orderly development; and the most appropriate use of land throughout the jurisdiction.

effect to any permit, application, approval or pending matter which has been, or is hereafter deemed to be, abandoned or terminated under the provisions of this Ordinance or any prior Ordinance which is applicable.

SECTION 107 Official Zoning Map

A. The incorporated areas of the Town are hereby divided into zones, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

B. The Official Zoning Map shall be identified by the signature of the Mayor and Council attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 107 of the Zoning Ordinance of the Town of Easton, Maryland," together with the date of the adoption of this ordinance.

C. If, in accordance with the provisions of this ordinance and Article 66B, Revised, Annotated Code of Maryland, changes are made in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made or noted by ordinance number on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Town Council, together with an entry in the amending ordinance as follows: "On (date), by official action of the Town Council, the following (change or changes) were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and Council and attested by the Town Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered or noted upon the Official Zoning Map. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been noted on said map.

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 809 of this Ordinance.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Town Planner, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the Town.

SECTION 108 Replacement of Official Zoning Map

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning map or ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Mayor and Council. The new Official Zoning Map shall be identified by the signatures of the Mayor and Council attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Easton, Maryland."

SECTION 109 Official Critical Area Overlay District Maps

A. Official Critical Area Overlay District Maps shall be prepared and maintained as part of the Official Zoning Map of the Town. They shall delineate the extent of the Critical Area Overlay District ("CAO") that shall correspond to the Chesapeake Bay Critical Area. Within the designated Critical Area District, all land shall be assigned one of the following land use management classifications: Intensely Developed Area (IDA), Limited Development Area (LDA), and Resource Conservation Area (RCA). The Critical Area Overlay District Maps may be amended by the Town in compliance with the amendment provisions in this Ordinance, the Maryland Critical Area Law and Critical Area Criteria, contained in COMAR 14.15 or its successor regulations.

B. The Town may elect to adjust the Critical Area Boundary to delete areas of the Town from the Critical Area Overlay District only at such times as new Official Wetland Maps are adopted by the State of Maryland or an area of the Critical Area has been approved for exclusion by the Critical Area Commission. The Town may also elect to add areas to the Critical Area at any time. Such changes shall be treated as amendments to the Critical Area Overlay District ("CAO") on the Official Critical Area Overlay District Maps for the Town.

ARTICLE II

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SECTION 201

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following town limits shall be construed as following town limits;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, creeks, lakes, or other bodies of water shall be construed to follow such center lines;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections 201 A through 201 E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

G. Where a lot of one acre or less is divided by one or more zone boundary lines, and where more than fifty percent of said lot lies within a more intensive use district, the

lot shall be considered as entirely within the more intensive use district. This provision shall not be interpreted to, in effect, rezone any area to a less intensive use. This provision shall not apply to any lot of more than one acre, and in such cases, the provisions of each zoning district shall apply.

Lot line

ARTICLE III

APPLICATION OF REGULATIONS

SECTION 301

The regulations set by this Ordinance within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered internally or externally, unless in conformity with all the regulations herein specified for the zone in which it is located.

B. No building or other structure shall hereafter be erected or altered:

(1) to exceed the height;

(2) to accommodate or house a greater number of families;

(3) to occupy a greater percentage of lot area;

(4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any manner contrary to the provisions of this Ordinance.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly

required for any other building, except in accordance with Sections 601 and 602.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE IV

INTERPRETATIONS AND DEFINITIONS

SECTION 401 INTERPRETATIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

A. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender unless the context plainly indicates the contrary.

C. The word shall is mandatory, the word may is permissive.

D. The words used or occupied include the words intended, designed, or arranged to be used or occupied.

E. The word lot includes the words plot or parcel.

F. The word Town means the Town of Easton, Maryland.

G. A building or structure includes any part thereof.

H. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two or more items, conditions, provisions, or events connected by the conjunction and, or, or either/or, the use of the conjunction is defined as follows:

(1) And means that all the connected items, conditions, provisions and events apply together and not separately.

(2) Or means that the connected items, conditions, provisions, or events apply separately or in any combination.

(3) Either/or means that the connected items, conditions, provisions or events shall apply separately but not in combination.

I. The word includes does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.

SECTION 402 DEFINITIONS

In this Ordinance, the following specific terms are used as defined unless otherwise apparent from the context:

Abutting - Having property or zoning lines in common.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Afforestation - means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

Agriculture - The use of land for the purposes of farming, dairying, pasturing, agriculture, horticulture, floriculture, fish culture, and animal and poultry husbandry as well as the customary accessory buildings for the storage of agriculture products and equipment. The processing, packaging or manufacture of agricultural products is not included.

Airport - Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and any accessory structures or uses.

Alley - A public way affording a secondary means of access to the rear or sides of the lot.

Alteration - Any change, addition, or modification in construction or occupancy of an existing structure.

Alteration, structural - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Anadromous fish - means fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Antenna - A wire or set of wires or other materials used in transmitting and receiving electromagnetic waves and including the supporting structure; includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes.

Bar and/or cocktail lounge - (See also **Restaurant, Nightclub** and **Tavern**) Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five (25%) percent of the gross receipts.

Bed and Breakfast Inn - A single family owner occupied dwelling which is used for the lodging of overnight guests, none of whom shall remain for more than five (5) consecutive nights.

Bedroom - A room in a dwelling unit planned and intended for sleeping separable from other rooms by a door.

Boarding House - An establishment with lodging where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Buffer (spelled with a capital B) - means a naturally vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area Overlay District ("CAO"), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Buffer Exemption Area - means areas within the designated Buffer which are largely or totally developed and which include lots less than 200 feet deep the development of which is grandfathered under the provisions of COMAR 14.15.02.07.

Buffer area or yard - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building area - The area of a lot remaining after all setback lines are established.

Building envelope - That area within the required setback lines for the given lot.

Building Inspector - The governmental official of the Town of Easton charged with administering the Town's Building Code and issuing building permits, or his or her designee.

Building line - The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

Car wash - An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Club - Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Cluster development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

Commercial - When used in conjunction with a use shall mean the use is open to the general public and a fee is charged by the owner, lessee, or licensee for a service or a product.

Community piers - means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Condominium - An estate in real property consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment or office, established pursuant to Section 11-101 of the Maryland Annotated Code Real Property Article. A condominium may

include, in addition, a separate interest in other portions of such real property.

Conservation easement - means a non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

Convenience store - Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same (not including gasoline sales) and having a gross floor area of 5,000 square feet or less.

Critical Area - means all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;

b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission - means the Maryland Chesapeake Bay Critical Area Commission.

Cul-de-sac - A local street, one end of which is closed and consists of a circular turn around.

Day Care Center - Small Group - Any arrangement that provides day care for children on a regular basis, with not less than nine (9) and not more than twelve (12) clients including any relatives of the care provider.

Day Care Center - Group - Any arrangement that provides day care for children on a regular basis, with thirteen (13) or more clients including any relatives of the care provider.

Day Care Facility - Family - Any arrangement that provides day care for children on a regular basis for eight (8) or fewer clients including any relatives of the care provider.

Deck - An open air structure above grade, but not more than thirty (30) inches above grade, and immediately adjacent or attached to the principal structure.

Density - means the number of dwelling units per acre of gross area of a development tract.

Development - Any activity, other than normal agricultural activities, which materially affects the existing condition or use of any land, or any structure.

Developed Woodlands - means areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Development activities - means any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

District - (See **Zone**).

Domiciliary Care - Any premises which admits aged or disabled persons for a fee to a protective environment, who, because of advanced age or physical or mental disability, are not gainfully employed.

Drainageways - are defined as minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

Dwelling - Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent or room in a hotel or motel.

Dwelling, multi-family - A building designed for or used by three (3) or more families provided that the number of families does not exceed the number of units provided. Multi-family dwelling shall also include any "large group homes" for individuals suffering from a "mental disorder" as those terms are defined in the General Health Article of the Maryland Annotated Code.

Dwelling, single-family, detached - A residential building containing not more than one (1) dwelling unit used by one family entirely surrounded by yards. Single family dwelling shall also include any "group home" or "small group home" for, respectively, persons affected by "developmental disabilities" or individuals suffering from a "mental disorder" as those terms are defined in the Health General Article of the Maryland Annotated Code.

Dwelling, two-family - A detached building designed for or used by not more than two (2) families or housekeeping units. Included in this definition are what are commonly known as duplexes.

Dwelling unit - One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement - A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Environmental Assessment - means a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on this site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Exclusion - means an act of the Mayor and Council, approved by the Critical Area Commission, that exempts an area of the Town from the Zoning and Subdivision provisions applicable only to the Critical Area Overlay District ("CAO").

Exemption - means an act of the Mayor and Council, approved by the Critical Area Commission, that relieves certain areas of the Town from the Buffer provisions of the Critical Area Overlay District ("CAO").

Facade - The exterior elevation of a building exposed to public view or that wall viewed by persons not within the building.

Family - An individual, or two or more persons related by blood or marriage, or a group of not more than three persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

Fence - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fisheries activities - means commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product

storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Floodplain - Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Floor area, gross - The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Forest - means a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.

Forest management - means the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

Forest practice - means the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Funeral home - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

a. embalming and the performance of other services used in preparation of the dead for burial;

b. the performance of autopsies and other surgical procedures;

c. the storage of caskets, funeral urns, and other related funeral supplies; and

d. the storage of funeral vehicles.

Funeral homes shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, private - A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, public - A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Garage, repair - A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Grade - The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grandfathered - Describes the status accorded certain properties and development activities that are of record prior to the date of adoption of the Zoning Ordinance or provisions of the Zoning Ordinance.

Granny Flat - A second dwelling contained within or on the same lot of the principal dwelling on a single residential lot.

Group Home - Any residential structure used to provide assisted community living for persons with physical, mental, emotional, familial or social difficulties. More specific definitions for Group Homes are given below:

Group Home For Developmentally Disabled Persons - A home designed to accommodate up to eight developmentally disabled persons which is licensed by the State of Maryland as a "public group home", a"non-profit private group home" or an "alternative living unit" pursuant to Maryland Annotated Code Health General Article Section 7-101 et seq.

Large Private Group Home For Persons Suffering From a Mental Disability - A home designed to accommodate between nine and sixteen persons suffering from a mental disability which is licensed by the State of Maryland as a "large private group home" pursuant to Maryland Annotated Code Health General Article Section 10-101 et seq.

Small Private Group Home For Persons Suffering From a Mental Disability - A home designed to accommodate between four and eight persons suffering from a mental disability which is licensed by the State of Maryland as a "small private group home" pursuant to Maryland Annotated Code Health General Article Section 10-101 et seq.

Specialized Group Home - A residential structure (other than those defined above) used to provide assisted community living for persons with physical, mental, emotional, familial or social difficulties and operated by a non-profit organization.

Gross leasable area - The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Ground Coverage - (See **lot coverage**).

Growth Allocation - means:

a. A fixed area of land within the Town's Critical Area Overlay District which may be converted to more intense management areas to accommodate land development; also

b. An act of the Mayor and Council, which provides for conversion of a property or properties located in a Resource Conservation Area (RCA) and/or the Limited Development Area (LDA) in the "CAO" Critical Area Overlay District to another land management classification which allows an increase in the permitted density.

Habitat Protection Areas - includes the Buffer, Non-Tidal Wetlands, Habitats of Threatened and Endangered Species, Plant and Wildlife Habitats, Anadromous Fish Spawning Propagation Waters and Habitats of Species in Need of Conservation, as defined in COMAR 14.15.09.

Hazardous substances - Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any persons handling or otherwise coming into contact with such material or substance, or any substance defined as a Hazardous Substance by State or Federal Law.

Hedge - A group of plants, planted in a row or grouping designed to have the same effect as a fence.

Height - The vertical distance to the highest point of the structure measured from grade.

Helipad - An area, whether open land or part of a building, used for the landing and take-off of helicopters.

Highly erodible soils - Soils with a slope greater than 15 percent; or those soils with a K value greater than 0.35 with slopes greater than 5 percent.

Home occupation - An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Included in this definition are home professional offices whereby the office of an artist, writer, doctor, lawyer, dentist, architect, engineer, accountant, real estate or insurance agent, salesman, surveyor or other similar offices is located within the home of the practitioner.

Homeowners association - A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining commonly owned properties.

Hospital - An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

Hotel (See also **motel**) - A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Houses of worship - A structure that people regularly attend to participate in or hold religious services, meetings, and other activities.

Hydric soils - means soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Impervious surface - A surface that has been compacted or covered with a layer of material so that it is highly

resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Indoor Recreation Facility - A building or group of buildings whereby the primary activity involved is the practice of such recreational activities as basketball, tennis, racquetball, weight lifting, aerobics, swimming, etc.

Industrial park - A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open spaces and screening.

Junk - Articles that have outlived their usefulness in their original form, and are commonly gathered up and sold to be converted into another product, either of the same or of a different kind.

Junk Yard - Any land or building or part thereof used for the abandonment, sale, storage, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials, or the abandonment, demolition, dismantling, storage, salvaging or sale of automobiles or other vehicles not in running condition, or machinery, or parts thereof.

Kennel - Any building or buildings or land designed or arranged for the care of three (3) or more dogs and/or cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

Kennel, commercial - An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Land Clearing - means any activity that removes the vegetative ground cover.

Landfill - A type of operation in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

Lot - A parcel of land undivided by any street and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use, or development. (See Figure 4.1).

Lot area - The total horizontal area within the lot lines of a lot.

Lot, corner - A lot having continuous frontage on two or more intersecting streets. Notwithstanding any other provision of this Ordinance, corner lots shall be deemed to have two fronts and two sides for the purpose of meeting setback requirements.

Lot coverage - The maximum area of a lot which may be covered by all buildings and structures. Lot coverage is determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surfaces of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot depth - The average horizontal distance between the front and rear lot lines.

Lot, flag - A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot frontage - The front of a lot shall be construed to be the portion nearest to any public street or way. For the purpose

of determining setback requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot, interior - An interior lot is a lot other than a corner lot.

Lot line - The boundary line of a lot. (See Figure 4.1).

Lot line, front (See also **yard, front**) - The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more easements, the front lot line shall be the nearest street line. (See Figure 4.1).

Lot line, rear - That lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line (See Figure 4.1).

Lot line, side - Any lot line not a front or rear lot line. (See Figure 4.1).

Lot of record - A lot which is part of a subdivision recorded in the office of the Clerk of Circuit Court, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through - A lot having its front and rear yards each abutting on a street.

- A business that sells alcoholic beverages for consumption off-premises. For the his Ordinance, the term "liquor store" does not include grocery stores or tores in which beer and/or wine is offered for sale as a minor part of an overall ry of goods.

– A large, specialized type of house of worship which includes such non- essory uses as retail sales, residential uses, amusement parks, and sports and acilities, as an integrated part of the development.

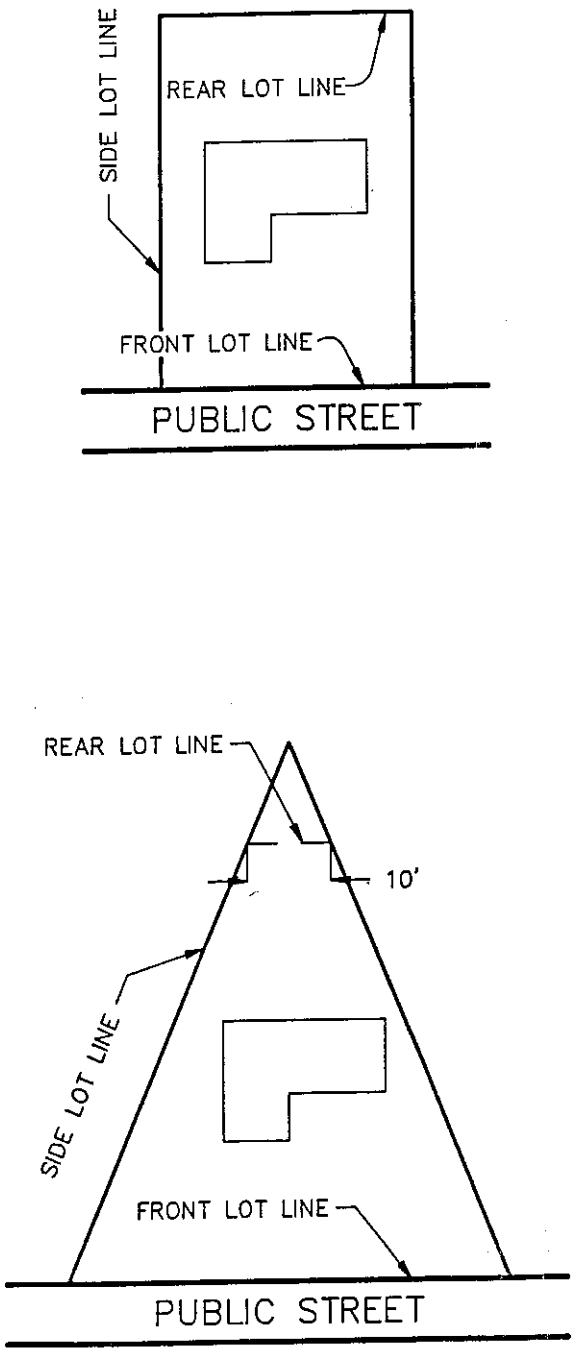

FIGURE 4.1

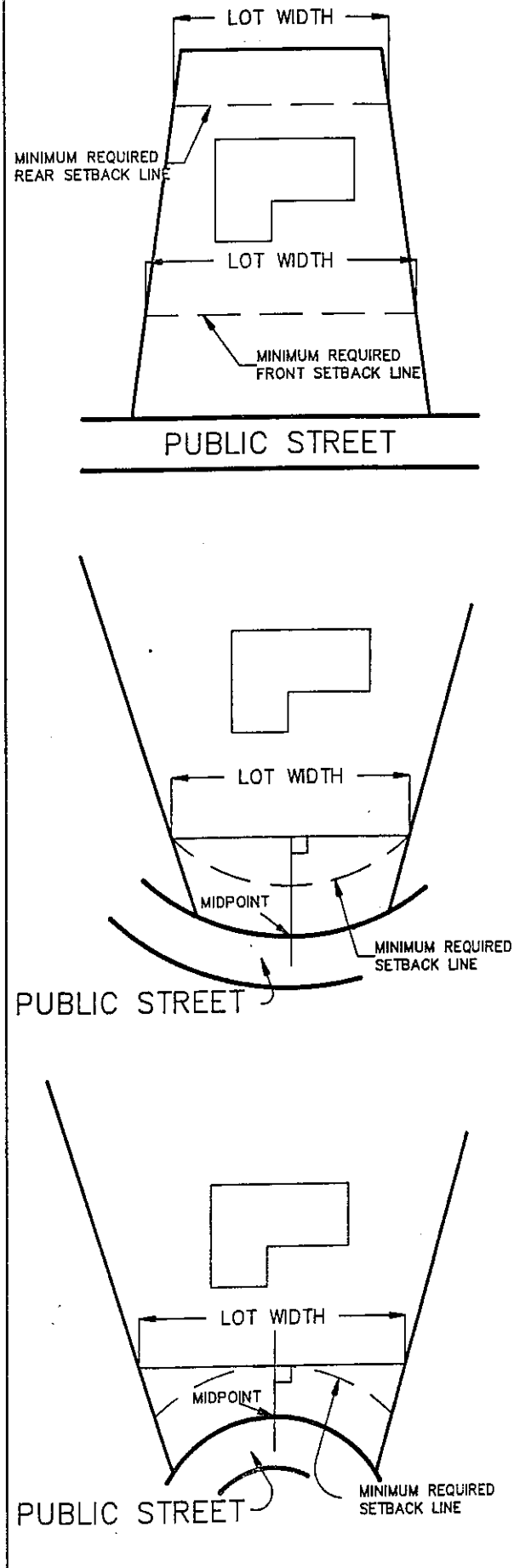

FIGURE 4.2

Lot, width - The horizontal distance between the side lot lines of a lot measured at the minimum front and rear setback lines. (See Figure 4.2).

Maintenance guarantee - A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance and regulation, or to maintain same.

Manufactured housing (See also **mobile home**) - A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufactured housing park - A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Marina - means any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

Mean High Water Line - means the average level of high tides at a given location.

Miniwarehouse (See **self-service storage facility**).

Mobile home (See also **manufactured housing**) - A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Mobile Medical Facility - A temporary use which involves a trailer or mobile unit which houses medical equipment which is customarily moved from location to location when needed.

Multiple use (See also **shopping center**) - Two or more uses contained either within one building or in more than one building on an approved lot provided that if any commercial uses are involved, the total is less than 10,000 square feet gross floor area.

Motel (See also **hotel**) - A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room.

Natural Vegetation - means plant communities that develop in the absence of human activities.

Natural features - means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

Nonconforming lot - A lot which lawfully existed prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the use in which it is located.

Nonconforming structure - An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for use that does not conform to the use regulations of this Ordinance, for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming use - A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Non-tidal wetland (See also **wetland**)- A wetland that is not influenced by tides.

Nursing Home (or Rest Home, Convalescent Home, or Home for the Aged) - A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illness, disease, deformities, or injuries who do not require extensive or intensive care such as provided in a general or other specialized hospital. A nursing home provides medical, nursing, convalescent, or chronic care in addition to room and board.

Office - A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office park - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Offsets - means structures or actions that compensate for undesirable impacts.

Open space - Undeveloped land used for recreation, resource protection, amenity, and/or buffers and protected from future development.

Open space, common - Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Open storage - Outdoor storage that is neither screened nor buffered from view from any public way.

Open Water - Tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

Outdoor recreation area - An area where such recreational activities as golf, tennis, swimming, etc., are pursued out of doors.

Outdoor or Outside storage - The keeping, in an unroofed area, of any goods, junk, material, merchandise, or inoperable vehicles in the same place for more than 24 hours. Goods or materials kept at an active construction site or automobiles, trailers, boats, etc., whose display is an essential part of the business shall not be considered outside storage.

Pad, development - The area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

Park - Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking lot or parking area - An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. The parking area includes the required maneuvering space but not the ancillary access drive.

Parking, shared - The development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.

Parking space - An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

Performance guarantee (See also **maintenance guarantee**) - A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, the Subdivision Regulations, and the approved plans and specifications of a development.

Photocopy service - A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

Physiographic features - The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Planned unit development (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planning and Zoning Commission (or Planning Commission) - The Easton Planning and Zoning Commission.

Principal building - A building in which the primary use of the lot on which the building is located is conducted.

Principal use - The main use of land or structures, as distinguished from a secondary or accessory use.

Print shop - A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Private Clubs and Lodge - Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the general public.

Public Utility - Any activity or use which provides and offers such services to the general public as vehicular and pedestrian circulation systems, storm sewers, water, sewerage, sewage treatment, electricity, gas, or communications. Excluded from this definition are the general offices for any entity which provides such services.

Recycling collection station - A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Recycling processing center - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored flattened, crushed, or bundled. Such materials may then be transported off site to be recycled or they may be recycled, reprocessed, and treated on site to return such products to a condition in which they may again be used for production.

Redevelopment - The process of developing land that is or has been developed.

Reforestation - The establishment of a forest through artificial reproduction or regeneration.

Restaurant, carry-out - An establishment that sells prepared food and/or beverages that are delivered to and/or consumed by customers off the premises.

Restaurant, fast food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Fast food restaurants may also include drive-thru windows.

Restaurant, nightclub (See also **Bar** and **Tavern**) - A commercial establishment dispensing alcoholic beverages for consumption

on the premises which also serves at least two (2) complete meals per day and in which dancing is permitted or entertainment is provided.

Restaurant, sit down - A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Retirement Community - A residential facility for four or more elderly persons (aged 62 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments, and counseling.

Right-of-way - A strip or area of land occupied or intended to be occupied by a crosswalk, railroad, utilities, private or public ways of access, or other special uses.

Road, public - All public property reserved or dedicated for street traffic.

Road, private - A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to private driveways.

Satellite dish antenna - a round parabolic antenna intended to receive signals from orbiting satellites and other sources.

School - A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Screening (See also **buffer area**) - The method by which a view of one site from another adjacent site is shielded, concealed,

or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Self-service storage facility - A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service station (See also **garage, repair**) - Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback - A line beyond which no building or structure is permitted to extend. All setbacks extend from property line to property line.

Shopping center - A grouping of retail business and/or service uses comprising 10,000 square feet gross floor area or more on a single site with common parking facilities.

Sign - A structure or device designed or intended to convey information to the public in written or pictorial form. **More specific sign definitions are given below.**

> **banner** - Any sign of lightweight fabric or similar material.
>
> **building sign** - Any sign attached to any part of a building, as contrasted to a freestanding sign.
>
> **commercial message** - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

decorative flag - A specific type of flag which is distinguished from the general definition of "flag" in that it does not relate to any government, political subdivision, or other entity. Such a flag shall contain no generally recognized commercial symbol and no written message.

flag - Any fabric, banner, or bunting containing distinctive colors, patterns,or symbols, used as a symbol of government, political subdivision, or other entity.

freestanding sign - A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

incidental sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

multiple signs - A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.

nonconforming sign - Any sign that does not conform to the requirements of this Section.

pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

portable sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons

used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

projecting sign - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

roof sign - Any sign affixed to or erected and constructed wholly on and over the roof of a building or supported by the roof structure. The roof structure shall also include fake roof structures.

sidewalk sign - A freestanding sign of six (6) square feet or less designed to convey information to pedestrian rather than vehicular traffic. Such sign shall not extend out from the building line more than three (3) feet and in no case nearer to the curb than six (6) feet; and provided further that no sign having sharp or dangerous projections shall be permitted.

street frontage - The lineal distance for which a building fronts on lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

temporary sign - Any sign that is used only temporarily and is not permanently mounted.

wall sign - Any sign attached parallel to, but within six inches of, a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

window sign - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an

activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This definition shall not include the display of merchandise provided that such display does not contain any advertising.

Site plan - A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Sketch plan - A conceptual plan prepared in accordance with the provisions of the Town of Easton Subdivision Regulations, whose purpose is to provide the applicant with an opportunity to resolve problems early in the development review process and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat.

Special Exception - A grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in this Ordinance exist, that the use conforms to the Comprehensive Plan for the Town of Easton and is compatible with the existing neighborhood.

Special Office Use - The use of certain historically and architecturally significant structures for offices under the conditions outlined in Section 608.4(2) of this Ordinance.

Steep slopes - means slopes of 15 percent or greater incline.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the

exterior walls of such story, or if it is used for business or dwelling purposes.

Street - A public way which provides a means of access to abutting property. The term shall include road, street, avenue, drive, circle, highway, or similar term. **More specific street definitions may be found in the Town of Easton's Subdivision Regulations.**

Street line - The line dividing a street from a lot.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, poster panels and fences in excess of forty-eight (48) inches in height.

Subdivision - The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Tavern (See also **bar and Restaurant, nightclub**) - An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Temporary use - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

Tidal Wetlands - State wetlands that are defined as any land under the navigable waters of the state below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that defined as any land not considered "state wetlands" bordering or lying beneath tidal waters, that

is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

Topography - The existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

Tower (See also **antenna**) - A structure on which is attached antennas intended for transmitting or receiving television, radio, telephone communications.

Townhouse - One of three or more residential buildings having a common or party wall separating dwelling units.

Town - The Town of Easton.

Town Engineer - The Easton Engineer or his or her designee.

Town Planner/Codes Administrator (or Town Planner or Planner) - The designee of the Town Engineer charged with the responsibility for administering the Town's planning and zoning programs.

Tributary streams - Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of Easton.

Variance - A modification only of density, bulk, or area requirements where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the

applicant, a literal enforcement of this Ordinance would result in unnecessary hardship or practical difficulty.

Warehouse - A building used primarily for the storage of goods and materials.

Warehousing and distribution - A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Water-dependent facilities - Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of Easton has determined require location at or near the shoreline within the Buffer.

Wayside Stand - A structure of 400 square feet or less of floor area used seasonally for the display and sale of locally grown agricultural products and containing no space for customers within said structure.

Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wildlife corridor - A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

Yard - Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. (See Figure 4.3).

Yard, Front - A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof. On corner lots, the front yard shall be considered as parallel to all streets.

Yard, rear - A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

Yard, side - A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lot lines.

Zero lot line - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zone - A portion of the territory of the Town, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings.

Zoning Administrator (or Zoning Inspector) - The governmental official of the Town of Easton charged with administering the Easton Zoning Ordinance or his or her designee.

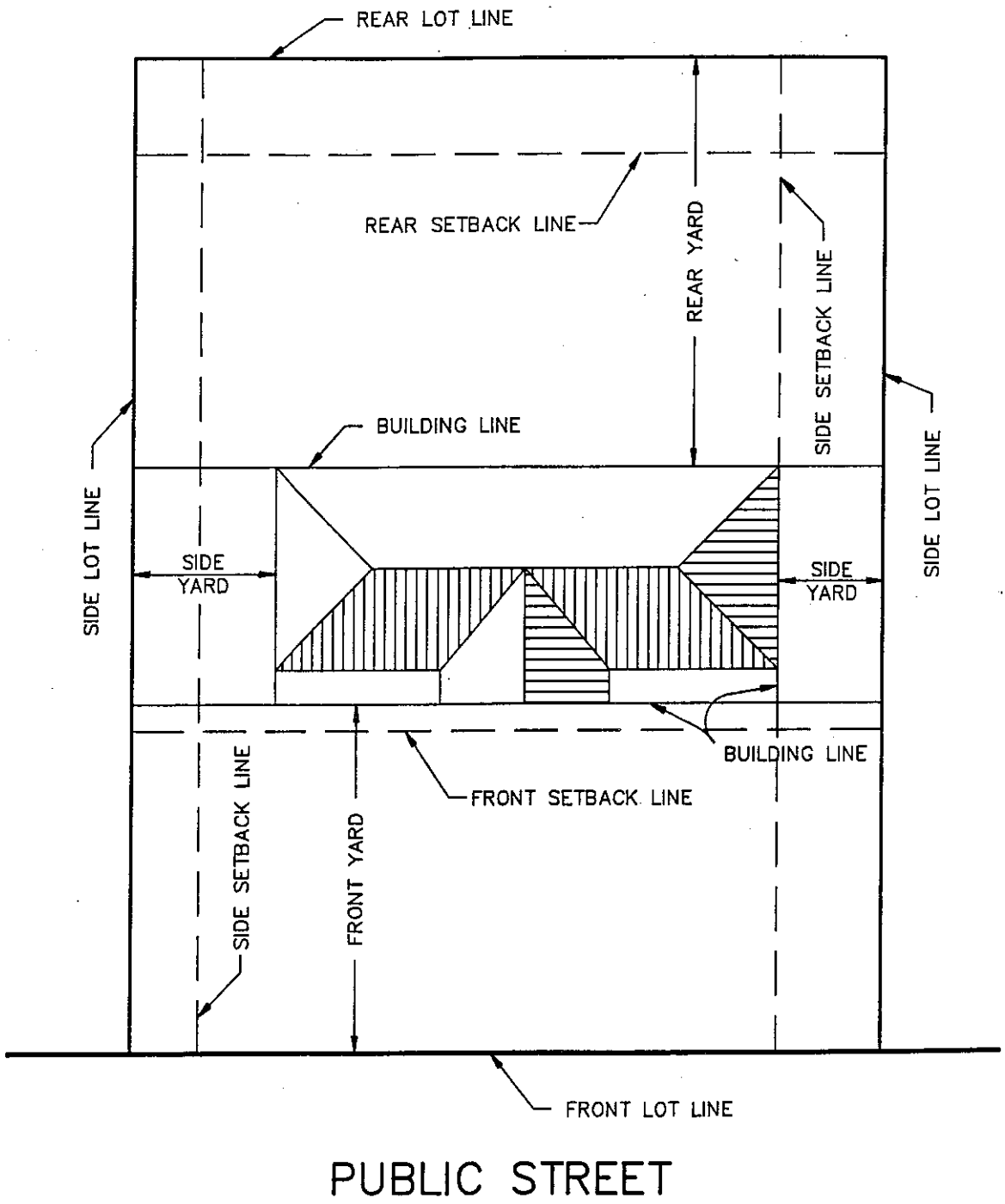
REAR LOT LINE
REAR SETBACK LINE
REAR YARD
SIDE SETBACK LINE
SIDE LOT LINE
BUILDING LINE
SIDE LOT LINE
SIDE YARD
SIDE YARD
BUILDING LINE
FRONT SETBACK LINE
SIDE SETBACK LINE
FRONT YARD
FRONT LOT LINE
PUBLIC STREET

FIGURE 4.3

ARTICLE V

DISTRICT REGULATIONS

Consistent with the authority granted by Article 66B of the Maryland Code, the Town Council has divided all lands within the corporate limits into the following zoning districts. Sections 501 through 510 set forth the uses, standards and regulations for each district. The uses, standards and location of each district are generally consistent with the guidelines of the Comprehensive Development Plan for the Town.

Table 5.1 below lists the permitted, special exception, and temporary uses for each base zoning district. Uses marked with an asterisk (*) indicate that use is subject to supplemental performance and/or development standards as detailed in Section 608. Sections 501 through 509 below set forth the purpose as well as the principal accessory uses and development standards for each base zoning district. Section 510 details the permitted uses and development standards for all special districts within the Town.

If any use is proposed which is not expressly identified in Article V - District Regulations or Table 5.1 - Table of Permissible Uses, the Town Planner shall make a determination as to which use it is most similar in character and <u>may</u> permit the unlisted use as a Special Exception in any zone(s) in which the similar use is permitted. The unlisted use may not be permitted in any zone in which the similar use is not permitted, either by right or by Special Exception.

TABLE 5.1
TABLE OF PERMISSIBLE USES

	ZONE									
USE	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	NOTES
RESIDENTIAL USES										
Bed and Breakfast *	SE	SE	SE	SE	SE	SE	--	--	--	
Boarding House	--	--	--	--	SE	SE	--	--	--	
Domiciliary Care	--	SE	SE	SE	--	--	--	--	--	
Family Day Care *	P	P	P	P	--	--	--	--	--	
Granny Flats	--	--	--	--	--	--	--	--	--	
Group Home For Developmentally Disabled Persons	P	P	P	P	--	--	--	--	--	
Home Occupations *	SE	SE	SE	SE	SE	SE	--	--	--	
Large Private Group Home For Persons Suffering From a Mental Disability	SE	SE	SE	SE	--	--	--	--	--	
Manufactured Housing Subdivision or Parks *	--	--	--	SE	--	--	--	--	--	
Multifamily Dwellings (Apts/Condos/Townhouses) *	--	SE	SE	SE	SE	--	--	--	--	
Single Family Detached	P	P	P	P	SE	--	--	--	--	
Small Private Group Home for Persons Suffering From a Mental Disability	SE	SE	SE	SE	--	--	--	--	--	
Specialized Group Home	--	--	--	--	SE	SE	SE	SE	SE	
Two family or Duplex *	--	P	P	P	SE	--	--	--	--	
COMMERCIAL USES										
Accessory Apartment in Commercial Building *	--	--	--	--	P	P	--	--	--	
Animal Hospital or Veterinary Clinic *	--	--	--	--	--	SE	SE	SE	SE	
Antique Shops	--	--	--	--	P	P	P	--	--	
Appliance Stores	--	--	--	--	SE	P	P	--	--	
Auction Houses	--	--	--	--	--	SE	--	--	--	
Auto Supplies	--	--	--	--	P	P	--	--	--	

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Auto Sales or Showroom *	--	--	--	--	--	P	SE	--	--	
Automotive Repair Garage *	--	--	--	--	--	SE	--	SE	SE	
Bakery	--	--	--	--	P	P	--	--	--	
Banks, Drive-Thru	--	--	--	--	SE	P	P	--	--	
Banks, Brokers & Other Financial Institutions	--	--	--	--	P	P	P	--	--	
Bars or Taverns	--	--	--	--	--	--	--	--	--	
Beauty/Barber Shops	--	--	--	--	P	P	--	--	--	
Blueprint/Photocopy Service/Print Shop	--	--	--	--	P	P	P	--	--	
Bowling Alley	--	--	--	--	--	P	P	--	--	
Building Materials or Lumber Yard	--	--	--	--	--	SE	SE	--	--	
Bulk Mailing Services	--	--	--	--	--	SE	P	SE	SE	
Business Services such as advertising services, communications equipment, employment agencies, etc.	--	--	--	--	P	P	P	P	--	
Business Equipment Sales & Service	--	--	--	--	P	P	P	--	--	
Candy, Nut, or Confections Store	--	--	--	--	P	P	--	--	--	
Car Wash	--	--	--	--	--	P	--	--	--	
Catalog Showrooms	--	--	--	--	P	P	P	--	--	
Catering	--	--	--	--	P	P	--	--	--	
Christmas Tree Sales *	T	T	T	T	--	T	--	--	--	
Cleaners/Dryers	--	--	--	--	P	P	--	--	--	
Clothing Alteration	--	--	--	--	P	P	--	--	--	
Commercial Kennel	SE	--	--	--	--	--	--	--	--	
Commercial Stable	SE	--	--	--	--	--	--	--	--	
Commercial Parking Lot or Garage	--	--	--	--	SE	SE	--	--	--	
Commercial Art	--	--	--	--	P	P	--	--	--	

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Construction Equipment Sales or Rental	--	--	--	--	--	P	--	SE	P	
Construction Supply & Services	--	--	--	--	--	P	--	--	SE	
Convenience Stores *	--	--	--	--	--	P	--	--	--	
Day Care, Group *	SE	SE	SE	SE	--	P	--	SE	SE	
Day Care, Small Group *	SE	SE	SE	SE	--	P	--	--	--	
Delicatessens	--	--	--	--	P	P	--	--	--	
Department Stores	--	--	--	--	P	P	SE	--	--	
Discount Stores	--	--	--	--	P	P	SE	--	--	
Donut, Pretzel, Cake Shops	--	--	--	--	P	P	--	--	--	
Drive-in Theater	--	--	--	--	--	SE	--	--	--	
Drug Stores	--	--	--	--	P	P	SE	--	--	
Fabrics/Upholstery Stores	--	--	--	--	P	P	SE	--	--	
Farm Equipment, Trailer, or Marine Products sales & service	--	--	--	--	--	P	--	--	--	
Farmer' Cooperative	--	--	--	--	--	SE	SE	--	--	
Farmer's Market	SE	--	--	--	SE	SE	SE	SE	SE	Also possible as temporary use in these zones.
Florist Shops	--	--	--	--	P	P	--	--	--	
Formal Wear Rental	--	--	--	--	P	P	--	--	--	
Fruit/Vegetable Shops	--	--	--	--	P	P	--	--	--	
Funeral Homes	--	--	--	--	P	P	P	--	--	
Furniture Sales or Rentals	--	--	--	--	SE	P	P	--	--	
Gasoline/Service Station *	--	--	--	--	--	SE	--	--	--	
Greenhouses, nurseries, etc.	--	--	--	--	--	P	--	--	--	
Grocery Store	--	--	--	--	--	P	--	--	--	
Hardware Stores	--	--	--	--	P	P	--	--	--	
Home Improvements/Building Supplies	--	--	--	--	--	SE	SE	--	--	

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Hotels/Motels *	--	--	--	--	P	P	SE	--	--	
Janitorial Services	--	--	--	--	P	P	--	--	--	
Laundromat	--	--	--	--	P	P	--	--	--	
Liquor Stores	--	--	--	--	SE	SE	--	--	--	
Meat/Seafood Market	--	--	--	--	P	P	--	--	--	
Medical Services including physicians offices, opticians, chiropractors, Clinics, medical laboratories, etc.	--	--	--	--	P	P	P	P	--	
Memorial Stone Sales	--	--	--	--	--	P	--	--	--	
Multiple Uses *	--	--	--	--	P	SE	SE	SE	SE	
Newspaper/Magazine Shop	--	--	--	--	P	P	--	--	--	
Office Park *	--	--	--	--	--	P	P	P	--	
Personal Services such as shoe repair, beauty parlors, etc.	--	--	--	--	P	P	--	--	--	
Pet Shops	--	--	--	--	P	P	--	--	--	
Photographic Finishing	--	--	--	--	P	P	--	--	--	
Photography Studio	--	--	--	--	P	P	--	--	--	
Professional Services like accountants, insurance, engineers, interior decorators, etc.	--	--	--	--	P	P	P	P	--	
Restaurant, Fast Food	--	--	--	--	SE	SE	--	--	--	
Restaurant, Carry Out	--	--	--	--	P	P	--	--	--	
Restaurant, Night Club	--	--	--	--	P	P	--	--	--	
Restaurant, Sit Down	--	--	--	--	P	P	P	--	--	
Retail sales of goods not listed elsewhere in this Table.	--	--	--	--	P	P	--	--	--	
Shopping Center *	--	--	--	--	--	--	--	--	--	Permitted only in PUD District.[1]
Travel Agent	--	--	--	--	P	P	P	--	--	
Variety Stores	--	--	--	--	P	P	SE	--	--	

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Video Cassette Rentals	--	--	--	--	P	P	--	--	--	
Watch/Jewelry Sales & Repair	--	--	--	--	P	P	--	--	--	
Wayside Stands	SE	--	--	--	--	SE	SE	--	--	
Wholesale, warehouse, storage, & distribution	--	--	--	--	--	P	SE	P	P	
INSTITUTIONAL USES										
Cemeteries	SE	SE	SE	--	--	P	SE	--	--	
Civic, Service Clubs, & Fraternal Organizations	SE	SE	SE	SE	P	P	P	--	--	
Community Centers or Civic Centers	--	--	--	--	P	P	P	--	--	
Cultural Uses such as museums, clubs, lodges, etc.	--	--	--	--	P	P	P	--	--	
Fire, Rescue, or Police Stations	SE	SE	SE	SE	SE	SE	SE	SE	SE	
Hospitals	--	--	--	--	--	--	--	--	--	Permitted only in CM District
Houses of Worship	SE	SE	SE	SE	SE	SE	SE	SE	SE	
Jail or Temporary Detention Center	SE	--	--	--	--	--	--	SE	SE	
Libraries	--	SE	SE	SE	P	SE	--	--	--	
Nursing Homes	--	SE	SE	SE	SE	SE	SE	--	--	
Post Offices/Non-Governmental Parcel or Delivery Service	--	--	--	--	SE	SE	SE	SE	SE	
Research Facilities and Laboratories	--	--	--	--	--	SE	SE	SE	SE	
Retirement Community	--	SE	SE	SE	SE	SE	--	--	--	
Schools, Colleges, & Universities	SE	SE	SE	SE	SE	SE	SE	--	--	
Studios for the teaching of art, music, dance, drama, crafts, etc.	--	--	--	--	P	P	P	--	--	
RECREATIONAL/ENTERTAINMENT USES										

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Archery Range	--	--	--	--	--	SE	SE	SE	SE	
Arenas/Civic Centers	--	--	--	--	SE	SE	SE	SE	--	
Billiard Parlor/Pool Hall	--	--	--	--	P	P	--	--	--	
Bowling Alleys	--	--	--	--	--	P	P	--	--	
Carnivals/Circuses/Public Events	T	T	T	T	T	T	T	T	T	
Commercial Amusements or Recreation	--	--	--	--	--	SE	--	--	--	
Fitness Centers/Health Spa/Figure Salon	--	SE	SE	SE	P	SE	SE	--	--	
Ice/Roller Rink	--	--	--	--	--	SE	SE	--	--	
Indoor Pistol/Rifle Range	--	--	--	--	--	--	--	--	--	
Indoor Recreation Facilities for Swimming, Tennis, Basketball, etc. *	--	SE	SE	SE	--	SE	SE	--	--	
Outdoor shooting sports such as Trap, Skeet, Sporting Clays, etc.	--	--	--	--	--	--	--	--	--	
Outdoor Recreation Areas such as Country Clubs, Golf, Tennis, or Swim Clubs *	SE	SE	SE	SE	--	SE	SE	--	--	
Parks and Recreation Areas	P	P	P	P	P	P	P	P	P	
Stadium	--	--	--	--	--	SE	SE	SE	--	
Tent/Special Events	T	T	T	T	T	T	T	T	T	
Theater, Movie House, Cinema - Indoor	--	--	--	--	P	P	P	--	--	
INDUSTRIAL USES										
Airport	--	--	--	--	--	--	--	SE	SE	
Blacksmith Shop	--	--	--	--	--	--	--	SE	SE	
Bottling or distribution stations for beverages	--	--	--	--	--	P	--	P	P	
Brick Yard	--	--	--	--	--	--	--	--	SE	
Clothing and shoe manufacturing	--	--	--	--	--	--	--	P	P	

	ZONE									
USE	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	NOTES
Concrete Mixing	--	--	--	--	--	--	--	--	SE	
Contractors equipment storage yard or plant	--	--	--	--	--	--	--	--	SE	
Cooperage Yards	--	--	--	--	--	--	--	--	P	
Electric generating or steam power plant	--	--	--	--	--	--	--	SE	SE	
Enameling, japanning, lacquering, galvanizing & plating	--	--	--	--	--	--	--	--	SE	
Feed and Grain Mill	--	--	--	--	--	--	--	--	SE	
Forge or foundry works	--	--	--	--	--	--	--	--	SE	
Industrial Park *	--	--	--	--	--	--	--	P	P	
Machine shops & structural steel fabricating	--	--	--	--	--	--	--	P	P	
Manufacture of rayon or similar products	--	--	--	--	--	--	--	--	SE	
Manufacture of paper, pulp or cloth	--	--	--	--	--	--	--	--	SE	
Manufacture of brick or clay products	--	--	--	--	--	--	--	--	SE	
Manufacture of dye or dyestuff & printing ink	--	--	--	--	--	--	--	--	--	
Manufacture or processing of chemicals, except sulfuric, nitric, or hydraulic or other corrosive or offensive acids	--	--	--	--	--	--	--	--	SE	
Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas	--	--	--	--	--	--	--	SE	P	
Manufacture of starch, glucose, dextrin or spice	--	--	--	--	--	--	--	--	P	
Manufacture & assembly of aircraft, automobiles, house trailers or other vehicles	--	--	--	--	--	--	--	--	P	

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Manufacture of felt, hair products, feathers, emery cloth, sandpaper or sand blasting and/or products therefrom	--	--	--	--	--	--	--	SE	P	
Manufacture of soap, oil, paints & turpentine	--	--	--	--	--	--	--	--	SE	
Manufacture of wire & wire products	--	--	--	--	--	--	--	--	P	
Manufacture, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, & food products	--	--	--	--	--	--	--	SE	P	
Manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood & metals	--	--	--	--	--	--	--	SE	P	
Manufacture of rubber or rubber products	--	--	--	--	--	--	--	--	SE	
Manufacture & assembly of electrical appliances, electronics & communications equipment, professional, scientific & controlling instruments & photographic or optical products	--	--	--	--	--	--	--	SE	P	
Manufacturing of musical instruments, novelties & molded rubber products	--	--	--	--	--	--	--	SE	P	
Meat packing or storage (excluding stockyards or slaughter houses)	--	--	--	--	--	--	--	--	SE	
Plumbing, heating, & air-conditioning services or contractors	--	--	--	--	--	SE	--	P	P	
Printing and publishing	--	--	--	--	--	--	--	P	P	

	ZONE									
USE	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	NOTES
Research, experimental, or testing laboratories excluding high explosives, toxic, or radioactive materials	--	--	--	--	--	--	--	P	P	
Saw Mills	T	--	--	--	--	--	--	SE	P	
Stone or monument works	--	--	--	--	--	--	--	--	SE	
Storage, & distribution of Sand & Gravel	--	--	--	--	--	--	--	--	SE	
Storage & sales of grain, livestock feed, & solid fuel	--	--	--	--	--	--	--	--	SE	
Trucking & freight stations, terminals, & storage yards (excluding flammable liquids)	--	--	--	--	--	--	--	SE	P	
Underground storage & distribution of inflammable liquids	--	--	--	--	--	--	--	--	SE	
Warehousing, storage & distribution	--	--	--	--	--	P	SE	P	P	
Welding shops	--	--	--	--	--	--	--	--	SE	
Wholesale and retail sales of products manufactured or stored on the premises in conjunction with any other principal permitted use	--	--	--	--	--	--	--	P	P	
MISCELLANEOUS USES										
Agriculture *	P	P	P	P	--	--	P	P	P	
Buildings in excess of height or size limitations	--	--	--	--	--	--	SE	--	--	
Garage or yard sales *	T	T	T	T	--	--	--	--	--	
Helipads	--	--	--	--	--	--	--	--	--	Permitted only as Accessory Uses to airports, hospitals, police stations, etc.

USE	ZONE									NOTES
	A-1	R-7A	R-10A	R-10M	CR	CG	CL	I-1	I-2	
Mobile Medical Facility	--	--	--	--	--	T	--	T	--	Also possible Temporary Use in the CM District.
Public Utilities	P	P	P	P	P	P	P	P	P	
Radio or television stations	--	--	--	--	SE	P	SE	SE	SE	
Recycling Processing Center	--	--	--	--	--	--	--	SE	P	
Recycling Collection Station	SE	SE	SE	SE	SE	P	SE	P	P	
Sewage treatment plants	SE	--	--	--	--	--	--	SE	SE	
Solid waste landfill	SE	--	--	--	--	--	--	--	SE	
Special Office Use *	--	SE	SE	--	SE	--	--	--	--	
Visitor Center	--	--	--	--	P	P	P	--	--	

Table 5.1 Notes:

* - DENOTES A USE SUBJECT TO SUPPLEMENTAL STANDARDS (SEE SECTION 608)

P - DENOTES A USE THAT IS PERMITTED BY RIGHT

SE - DENOTES A USE PERMITTED WITH A SPECIAL EXCEPTION

T - DENOTES A USE PERMITTED WITH A TEMPORARY USE PERMIT (SEE SECTION 807)

-- - DENOTES A PROHIBITED USE

1 - SHOPPING CENTERS WHICH WERE PREVIOUSLY APPROVED AS SPECIAL EXCEPTIONS, SHALL BE TREATED AS APPROVED PUD's. ANY CHANGES TO SUCH SHOPPING CENTERS SHALL BE REVIEWED AS PER THE REQUIREMENTS FOR AMENDMENTS TO APPROVED PUD's.

THIS TABLE INDICATES PERMITTED USES IN BASE ZONES ONLY. FOR USES PERMITTED IN SPECIAL (OVERLAY AND FLOATING) ZONES, SEE SECTION 510.

SECTION 501 A-1 - AGRICULTURAL DISTRICT

501.1 PURPOSE

The A-1 Agricultural District is intended for properties for which Town sewer service has not yet been extended. Upon the provision of such service, the Town Council may establish the appropriate zoning for these properties. Regulations and standards stated herein allow low density residential development as well as a full range of agricultural and related activities. Any parcel of land that, for whatever reason, has no zoning classification shall be zoned A-1.

501.2 PERMITTED ACCESSORY USES AND STRUCTURES

Private garage, stable, barn and other similar structures normally accessory to principal permitted uses or authorized conditional use, provided that no structures for the housing of animals is located within any setback area.

The construction and/or open storage of not more than one (1) travel trailer and not more than one (1) boat on a residential lot.

Wayside stands.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

501.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the A-1 District:

A. The minimum lot size for all uses hereinafter established shall be not less than one (1) acre.

   (1) Minimum lot sizes: All lots hereafter established shall be not less than one (1) acre.

(2) Minimum lot dimensions: All lots hereafter established shall have a width of not less than one hundred (100) feet and depth of not less than one hundred (100) feet.

(3) Lot frontage: Each lot hereafter established shall have a minimum frontage on a public street or way of thirty (30) feet.

B. No more than one principal use shall be permitted on an individual lot.

C. Off-street parking shall be provided for all uses in accordance with the standards of Section 601.

D. Minimum setbacks: Each main structure, all accessory structures and any use, shall be set back a minimum of fifty (50) feet from any public or private accessway and/or navigable waters; and eight (8) feet from all other lot lines, except that boat-houses, docks, and wharfs may be erected on a shoreline, eight (8) feet from any other boundary line and fences may be located on the rear and side lot lines but no closer to the front lot line than the minimum front setback.

E. Height limitations - thirty-five (35) feet.

F. Lot coverage: By all buildings and structures shall not exceed ten (10%) percent of the lot area.

SECTION 502 R-7A - RESIDENTIAL DISTRICT

502.1 PURPOSE

It is the purpose of this district to encourage the residential development and redevelopment of certain established areas of the Town of Easton. The district will provide land areas for high and medium density residential development with a variety of housing types including multi-

family dwellings in a manner that respects the existing character of the older, developed parts of the district.

502.2 PERMITTED ACCESSORY USES AND STRUCTURES

Private garage, and other similar structures normally accessory to principal permitted uses or authorized conditional use.

The construction and/or open storage of not more than one (1) travel trailer, and not more than one (1) boat, on a residential lot.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

502.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the R-7A District:

A. The minimum lot size for all uses hereafter established shall be 7,500 square feet.

   (1) Minimum lot sizes: All lots hereafter established shall be not less than 7,500 square feet in area.

   (2) Minimum lot dimensions: All lots hereinafter established shall have a width of at least sixty (60) feet and a depth of at least one hundred (100) feet.

   (3) Lot frontage: Each lot hereinafter established shall have a minimum frontage on a public street or way of thirty (30) feet.

B. No more than one principal use shall be permitted on an individual lot.

C. Off-street parking shall be provided for all uses in accordance with the standards of Section 601.

D. Minimum setbacks for all uses and structures shall be:

(1) Front setback - For lots recorded after the effective date of this Ordinance the front setback requirement is fifteen (15) feet. For lots recorded before the effective date the front setback requirement shall be twenty-five (25) feet. In each new subdivision, the Planning and Zoning Commission may impose the former, greater, setback if it finds that such setback is necessary to better insure compatibility with the neighborhood within which the lot(s) is located.

(2) Rear setback - twenty-five (25) feet (except for fences).

(3) Side setback - two side setbacks - eight (8) feet (except for fences).

E. Height limitations - thirty-five (35) feet.

F. Lot coverage: Within the building envelope 100% of the land area may be covered with buildings or structures. Outside of the building envelope only swimming pools, garages or sheds may be constructed provided that such accessory structures are located within the rear yard, between the side setback lines, and in total such accessory structures do not occupy more than fifty (50%) percent of the rear yard area. Swimming pools and any supporting braces or decks must also be setback a minimum of eight (8) feet from the rear property line. Any garages, sheds, or parking stalls shall be setback a minimum of fifteen (15) feet from the centerline of any alley. This provision shall not be construed to permit any accessory structures to be located in the established front yard.

G. For single family dwellings the maximum density permitted in the R-7A district shall be one (1) dwelling unit per lot. For multi-family dwellings the maximum density shall be eight (8) dwelling units per acre. The maximum permitted density for two-family dwellings shall be two (2) du/lot provided said lot is expanded in accordance with Section 608.1 G (7).

SECTION 503 R-10A - RESIDENTIAL DISTRICT

503.1 PURPOSE

It is the purpose of this district to provide for the continued development of existing and new residential areas within the Town of Easton. The district will provide land areas suitable for medium density residential use with a variety of housing types.

503.2 PERMITTED ACCESSORY USES AND STRUCTURES

Private garage and other similar structures normally accessory to principal permitted uses or authorized conditional use.

The construction and/or open storage of not more than one (1) travel trailer and not more than one (1) boat on a residential lot.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

503.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the R-10A District:

A. The minimum lot size for all uses shall be 10,000 square feet.

(1) Minimum lot sizes: All lots hereafter established shall be not less than 10,000 square feet in area.

(2) Minimum lot dimensions: All lots hereafter established shall have a width of at least seventy (70) feet and a depth of at least one hundred (100) feet.

(3) Lot frontage: Each lot hereinafter established shall have a minimum frontage on a public street or way of thirty-five (35) feet.

B. No more than one principal use shall be permitted on an individual lot.

C. Off-Street Parking shall be provided for all uses in accordance with the standards of Section 601.

D. Minimum setbacks for all uses and structures:

(1) Front setback - For lots recorded after the effective date of this Ordinance the front setback requirement is fifteen (15) feet. For lots recorded before the effective date the front setback requirement shall be thirty (30) feet. In each new subdivision, the Planning and Zoning Commission may impose the former, greater, setback if it finds that such setback is necessary to better insure compatibility with the neighborhood within which the lot(s) is located.

(2) Rear setback - thirty (30) feet (except for fences).

(3) Side setback - two side setbacks are required of eight (8) feet each (except for fences).

E. Height Limitations - thirty-five (35) feet.

F. Lot coverage: Within the building envelope 100% of the land area may be covered with buildings or structures. Outside of the building envelope only swimming pools, garages or sheds may be constructed provided that such accessory structures are located within the rear yard,

between the side setback lines, and in total such accessory structures do not occupy more than fifty (50%) percent of the rear yard area. Swimming pools and any supporting braces or decks must also be setback a minimum of eight (8) feet from the rear property line. Any garages, sheds, or parking stalls shall be setback a minimum of fifteen (15) feet from the centerline of any alley. This provision shall not be construed to permit any accessory structures to be located in the established front yard.

G. For single family dwellings the maximum density permitted in the R-10A district shall be one (1) dwelling unit per lot. For multi-family dwellings the maximum density shall be five (5) dwelling units per acre. The maximum permitted density for two-family dwellings shall be two (2) du/lot provided said lot is expanded in accordance with Section 608.1 G (7).

SECTION 504 R-10M - RESIDENTIAL DISTRICT

504.1 PURPOSE

It is the intent of this district to provide for the continued development of existing and new residential areas. The district will provide land area suitable for medium density residential use with a variety of housing types including mobile homes (as a special exception).

504.2 PERMITTED ACCESSORY USES AND STRUCTURES

Private garage and other similar structures normally accessory to principal permitted uses or authorized conditional use.

The construction and/or open storage of not more than one (1) travel trailer and not more than one (1) boat on a residential lot.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

504.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the R-10M District:

A. The minimum lot size for all uses shall be 10,000 square feet.

   (1) Minimum lot sizes: All lots hereafter established shall be not less than 10,000 square feet in area.

   (2) Minimum lot dimensions: All lots hereafter established shall have a width of at least seventy (70) feet and a depth of at least one hundred (100) feet.

   (3) Lot frontage: Each lot hereinafter established shall have a minimum frontage on a public street or way of thirty-five (35) feet.

B. No more than one principal use shall be permitted on an individual lot.

C. Off-Street Parking shall be provided for all uses in accordance with the standards of Section 601.

D. Minimum setbacks for all uses and structures:

   (1) Front setback - For lots recorded after the effective date of this Ordinance the front setback requirement is fifteen (15) feet. For lots recorded before the effective date the front setback requirement shall be thirty (30) feet. In each new subdivision, the Planning and Zoning Commission may impose the former, greater, setback if it finds that such setback is necessary to better insure compatibility with the neighborhood within which the lot(s) is located.

(2) Rear setback - thirty (30) feet yard (except for fences).

(3) Side setbacks - two side setbacks are required of eight (8) feet each (except for fences).

E. Height Limitations - thirty-five (35) feet.

F. Lot coverage: Within the building envelope 100% of the land area may be covered with buildings or structures. Outside of the building envelope only swimming pools, garages or sheds may be constructed provided that such accessory structures are located within the rear yard, between the side setback lines, and in total such accessory structures do not occupy more than fifty (50%) percent of the rear yard area. Swimming pools and any supporting braces or decks must also be setback a minimum of eight (8) feet from the rear property line. Any garages, sheds, or parking stalls shall be setback a minimum of fifteen (15) feet from the centerline of any alley. This provision shall not be construed to permit any accessory structures to be located in the established front yard.

G. For single family dwellings the maximum density permitted in the R-10M district shall be one (1) dwelling unit per lot. For multi-family dwellings the maximum density shall be five (5) dwelling units per acre. For mobile home subdivisions or parks the maximum permitted density shall be six (6) units per acre. The maximum permitted density for two-family dwellings shall be two (2) du/lot provided said lot is expanded in accordance with Section 608.1 G (7).

SECTION 505 CR - CENTRAL BUSINESS COMMERCIAL DISTRICT

505.1 PURPOSE

The purpose of this district is to provide appropriate locations for select commercial activities within the Town of Easton's Central Business District. Provision is made for the

accommodation of a wide range of business pursuits, retail sales and office and service activities which serve the needs of citizens of the region. The district is designed to preserve, and to encourage the continued development of the Central Business Area consistent with the unique land use mix which currently exists.

Uses which may be potentially detrimental to a neighborhood for such reasons as odor, smoke, dust, fumes, fire, vibration, noise or hazardous conditions because of fire or explosion shall not be permitted.

505.2 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory Apartments limited to no greater than 50% of the gross floor area of the principal building.

Off-street parking lot or structure.

Off-street loading facilities.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

505.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the CR District:

A. Minimum lot size for all uses shall be 5,000 square feet.

(1) Minimum lot size - All lots hereafter established shall be not less than 5,000 square feet.

(2) Minimum lot dimensions - All lots hereafter established shall have a width of at least sixty (60) feet with a depth of at least sixty (60) feet.

(3) Lot frontage - All lots hereafter established shall have a minimum frontage on a public street or way of at least thirty (30) feet.

B. Off-Street Parking shall be provided for all uses in accordance with the standards of Section 601.

C. Minimum setback requirements for all lots and uses:

(1) Front setback - All structures shall conform with a setback line as established by the Town Council or twenty-five (25) feet from the front property line in the event that no setback line is so established.

(2) Rear setback -

(a) in previously developed areas in the CR commercial zone the existing or established rear building line of that block;

(b) all buildings hereafter constructed in areas without an established rear building line in that block shall be setback fifteen (15) feet from the rear property line (except for fences).

(3) Side setbacks - none.

D. Height limitations - fifty (50) feet.

E. Building or structure size - not to exceed twenty-five thousand (25,000) square feet of gross floor area, except by Special Exception.

F. Lot coverage - by all buildings and structures shall not exceed seventy (70%) percent.

G. Maximum density for any residential uses permitted by right or as a special exception shall be in accordance

with the specific density provisions of the R-7A District (Section 502.3 G).

H. Exterior lighting shall be diffused and directed away from any adjoining areas.

I. All off-street loading and unloading areas shall be screened from view by permanent, decorative screens or natural plantings, a minimum of eight (8) feet in height, as per the requirements of Section 615 of this Ordinance.

SECTION 506 CG - GENERAL COMMERCIAL DISTRICT

506.1 PURPOSE

The purpose of this district is to provide appropriate locations for a broad range of intensive commercial activities. Provision is made for the accommodation of a wide range of business pursuits, including retail, wholesale, storage and contracting activities.

Uses which may be potentially detrimental to a neighborhood for such reasons as odor, smoke, dust, fumes, fire, vibration, noise or hazardous conditions because of fire or explosion shall not be permitted.

506.2 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory Apartments limited to no greater than 50% of the gross floor area of the principal building.

Off-street parking lot or structure.

Off-street loading facilities.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

506.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the CG District:

A. The minimum lot size for all uses shall be 5,000 square feet.

   (1) Minimum lot size: All lots hereafter established shall be not less than 5,000 square feet.

   (2) Minimum lot dimensions: All lots hereafter established shall have a width of at least sixty (60) feet and a depth of at least sixty (60) feet.

   (3) Lot frontage: Each lot hereafter established shall have a minimum frontage on a public street or way of sixty (60) feet.

B. Off-Street Parking shall be provided for all uses in accordance with the standards of Section 601, and shall be located in the rear or side yards.

C. Setback requirements for all lots and uses:

   (1) Front setback - All structures shall be setback at least twenty-five (25) feet.

   (2) Rear setback - All structures shall be setback at least fifteen (15) feet from the rear property line (except for fences).

   (3) Side setbacks - A minimum of two side yards of fifteen (15) feet each or one side yard of 0 feet and one side yard of twenty (20) feet (except for fences).

D. Height limitations - fifty (50) feet.

E. Lot coverage - by all buildings and structures shall not exceed fifty (50%) percent.

F. Exterior lighting shall be diffused and directed away from any adjoining areas.

G. All off-street loading and unloading areas shall be screened from view by permanent, decorative screens or natural plantings, a minimum of eight (8) feet in height.

H. All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with Section 615 of this Ordinance.

SECTION 507 CL - LIMITED COMMERCIAL DISTRICT

507.1 PURPOSE

The purpose of this district is to provide appropriate locations for select commercial activities. Provision is made for the accommodation of a wide range of business pursuits, retail sales, and office and service activities which serve the needs of citizens of the region.

Uses which may be potentially detrimental to a neighborhood for such reasons as odor, smoke, dust, fumes, fire, vibration, noise or hazardous conditions because of fire or explosion shall not be permitted.

507.2 PERMITTED ACCESSORY USES AND STRUCTURES

Off-street parking lot or structure.

Off-street loading facilities.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

507.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the CL District:

A. Any development within the CL District requires Site Plan review and approval in accordance with Section 806.

B. The minimum lot size for all uses hereafter established shall be sixty thousand (60,000) square feet.

C. Off-street parking shall be provided in accordance with the provisions of Section 601 and shall be located in the rear or side yard.

D. All lots hereafter established shall have a minimum frontage on a public street or way of at least two hundred (200) feet with a minimum depth of at least two hundred (200) feet.

E. Minimum setbacks for all structures shall be as follows:

(1) Front - forty (40) feet from the property line.

(2) Side - ten (10) feet on each side of the property line (except for fences).

(3) Rear - fifteen (15) feet from the property line (except for fences).

(4) There shall be maintained a landscaped buffer of seventy-five (75) feet on any lot line adjacent to residentially zoned property in accordance with the provisions of Section 615 of this Ordinance.

F. Height limitations - fifty (50) feet.

G. Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.

H. There shall be no outdoor storage of any goods or merchandise on any lot or open areas, nor shall any products be displayed in open areas.

I. Exterior lighting for any use shall be diffused and directed away from any adjoining areas.

J. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 615 of this Ordinance.

K. All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with Section 615 of this Ordinance.

SECTION 508 I-1 - SELECT INDUSTRIAL DISTRICT

508.1 PURPOSE

The purpose of this district is to provide areas for industrial and related uses which can operate in a clean and quiet manner. Certain public facilities needed to serve the district and adjoining residential and commercial districts are permitted. Regulations are designed to protect abutting or surrounding districts; to establish standards for intensity of use and to guide the character of development. In keeping with the purpose of this district, no use may be permitted which may be detrimental to the area because of odor, smoke, dust, fumes, fire, noise, explosion, or open storage.

508.2 PERMITTED ACCESSORY USES AND STRUCTURES

Off-street parking lot or structure.

Off-street loading facilities.

Dwellings for resident watchmen and caretakers employed on premises.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

508.3 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the I-1 District:

A. The minimum lot size for all uses hereafter established shall be 40,000 square feet.

B. Off-street parking shall be provided in accordance with the provisions of Section 601.

C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet with a depth of at least one hundred (100) feet.

D. Minimum setbacks for all uses shall be as follows:

(1) Front - forty (40) feet from the property line.

(2) Side - ten (10) feet on each side of the property line (except for fences).

(3) Rear - thirty (30) feet from the property line (except for fences).

E. Height limitations - thirty-five (35) feet.

F. Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.

G. There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas. All outside storage shall be adequately screened and landscaped in accordance with provisions of Section 615 of this Ordinance.

H. Exterior lighting for any use shall be diffused and directed away from any adjoining areas.

I. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or

natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 615 of this Ordinance.

J. All areas not devoted to buildings or parking areas shall be landscaped and maintained in a suitable manner, in accordance with the provisions of Section 615 of this Ordinance.

SECTION 509 I-2 - GENERAL INDUSTRIAL DISTRICT

509.1 PURPOSE

The purpose of this district is to provide areas for industrial uses which have limited effects upon surrounding land uses. Uses permitted in this district include those related to fabricating, warehousing and wholesale distributing without obnoxious characteristics. In keeping with the purpose of this district, no use is to be permitted which will create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences. The I-2 District is envisioned as the appropriate classification for certain areas which may be annexed into the Town in the future.

509.2 PERMITTED ACCESSORY USES AND STRUCTURES

Off-street parking lot or structure.

Off-street loading facilities.

Dwellings for resident watchmen and caretakers employed on premises.

Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses.

509.3 DEVELOPMENT STANDARDS

A. The minimum lot size for all uses hereafter established shall be 40,000 square feet.

B. Off-street parking shall be provided in accordance with the provisions of Section 601.

C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet with a depth of at least one hundred (100) feet.

D. Minimum setbacks for all uses shall be as follows:

(1) Front - forty (40) feet from the property line.

(2) Side - two (2) side yards of ten (10) feet each (except for fences).

(3) Rear - thirty (30) feet from the property line (except for fences).

E. Height limitations - thirty-five (35) feet.

F. Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.

G. There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas. All outside storage shall be adequately screened and landscaped in accordance with Section 615 of this Ordinance.

H. Exterior lighting for any use shall be diffused and directed away from all adjoining areas.

I. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with Section 615 of this Ordinance.

J. All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with Section 615 of this Ordinance.

SECTION 510 SPECIAL DISTRICTS

510.1 - HISTORIC DISTRICT

A. PURPOSE

It is the purpose of this section to establish regulations and procedures necessary to preserve the historic structures and character of Easton. The regulations create two historic zoning districts and regulates individual historic landmarks which may be identified by the Historic District Commission. These historic districts shall be considered as "overlay zones" and shall be considered in conjunction with the use provisions of the zoning district in which a building is located. All standards and regulations are designed to achieve the objectives more specifically described below.

(1) The preservation of structures of historic and architectural value is a public purpose in this State. The Mayor and Town Council of Easton believe that the public interest and convenience requires the preservation and protection of certain places and areas of historic interest, exterior architectural features, examples of the types of architecture and gardens and grounds found in older areas of Easton.

(2) The purpose of this ordinance shall be (1) to safeguard the heritage of Easton by preserving the district or districts therein which reflect elements of its cultural, social, economic, political, or architectural history; (2) to stabilize and improve property values in such a district or districts; (3) to foster civic beauty; (4) to strengthen the local economy; and (5) to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of Easton and Talbot County.

(3) The Mayor and Town Council of Easton derive authority for this ordinance by virtue of the terms

of the State of Maryland Enabling Act for Municipal Historic District Legislation (1974 Cum. Supl. - Art. 66B - Sec. 8.01-8.15).

B. ESTABLISHMENT OF DISTRICTS

(1) The Easton Historic Zones shall consist of two districts. The first district covers the area of the Third Haven Meeting House and identified as "Meeting House District". The second district shall consist of that land which constitutes basically the original part of Easton as shown on the Historic Zoning Map and identified as "Old Easton District". In addition, the Commission may compile a list of public and private structures which it deems to be of historic or architectural significance. These individual structures may be located in any portion of the Town and shall be considered to be subject to the provisions of this section. The list of structures designated to be of historical or architectural significance and the map entitled "Historic Districts, Easton, Maryland," which map shall upon the adoption of this ordinance be filed in the office of the Easton Town Clerk, and which districts are more particularly bounded and described as follows:

(2) The limits of Historic District No. 1 (known as Meeting House District) are as follows: Beginning at a concrete monument placed on the southwesterly sideline of Washington Street and at the most easterly corner of the Meeting House driveway; thence, (1) along the southerly sideline of the driveway, the northwesterly line of a private lot of "Pennsfield" subdivision, South 43°31' West, 200.7 feet to another concrete marker at the northerly corner of the intersection of Pennsfield and Border Lanes; thence, (2) with the northwesterly sideline of Border Lane and beyond with land belonging to the Board of Education of

Talbot County, South 43°2' West, 571.07 feet to an iron pipe; thence, (3) still with school grounds, North 32°51' West, 368.75 feet to another iron pipe; thence, (4) with the northwesterly side of the Meeting House Yard, North 46°18' East, 299.75 feet to an iron pipe; thence, (5) with the northeasterly line of the Yard, South 48°7' East, 290.84 feet to an iron pipe; thence, (6) with the northwesterly sideline of the drive way to the Meeting House, North 44°22' East, 192.83 feet to a stone; thence, (7) with the same, North 44°14' East, 199.2 feet to an iron pipe; thence, (8) with the southwesterly sideline of Washington Street, South 27°30' East, 45.47 feet to the place of beginning.

(3) The limits of Historic District No. 2 (known as Old Easton District) are as follows: Beginning at the southeasterly corner of Aurora Street and Brook Lane; thence (1) with the southerly sideline of Brook Lane to the westerly side of Harrison Street; thence (2) with the westerly side of Harrison Street to the southerly sideline of Brookletts Avenue; thence (3) with the southerly side of Brookletts Avenue to the west side of Washington Street; thence, (4) along the westerly sideline of Washington Street to the southwesterly corner of Washington and Vine Streets; thence (5) following the southerly sideline of Vine Street to a point in line with the westerly sideline of West Street; thence, (6) with the westerly sideline of West Street to the north side of Bay Street; thence, (7) with the northerly sideline of Bay Street to the northwesterly corner of Bay and Washington Streets; thence, (8) along the westerly sideline of Washington Street to the northerly line of a projection of Gravel Alley; thence, (9) with said projection line and with the northerly sideline of Gravel Alley to the easterly side of New Alley; thence, (10) along the easterly sideline of New Alley to the northeasterly corner of New Alley and Brewer's Lane; thence, (11) with the northerly

sideline of Brewer's Lane to the east side of Turners Lane; thence, (12) following the easterly sideline of Turners Lane to the northeasterly corner of Turners Lane and North Street; thence, (13) with the northerly sideline of North Street to the center line of the main track of the Delaware Railroad Right-of-way; thence, (14) with said center line to the south side of Dover Road; thence, (15) with the southerly sideline of Dover Road and Dover Street to the southeasterly corner of Dover Street and Aurora Street; thence, (16) with the easterly sideline of Aurora Street to the place of beginning.

C. HISTORIC DISTRICT COMMISSION

Upon the effective date of this Ordinance, the Easton Historic District Commission shall have the powers and duties set forth in this Ordinance. This Commission shall have a membership of seven (7) persons all of whom agree to serve on this Commission and all of whom are residents of Easton. The members shall be appointed by the Mayor and with the advice and consent of the Town Council for terms of three (3) years except that in making the initial appointments, some appointments shall be established for less than three (3) years in order that as these initial terms expire, all appointments shall be for three (3) years and shall not expire at the same time. Members of the Commission are eligible for re-appointment. Any vacancy on a Commission shall be filled by the appointing authority for the unexpired term of the particular position. The Mayor may consult private societies or agencies to request the names of possible members of the Commission. A majority of the Commission shall constitute a quorum for the transaction of business, and a majority vote of the members present shall control the action of the Commission.

D. APPLICATION FOR PERMIT

Before the construction of, or an addition to or alteration, repair, moving or demolition of a structure, or the construction of any structure in the gardens and grounds appurtenant to any existing structure is made within the historic zoning districts, if any changes are involved which would affect or obscure or obstruct the exterior structural appearance of a structure visible from an adjacent public way, the person, individual, firm, or corporation proposing to make the construction or change shall file with the Commission, through the Town Clerk, an application for permission to build, alter, repair, move, demolish, or make the addition. Every such application shall be referred to and considered by the Historic District Commission and no permit for any change may be granted until the Commission has acted thereon as hereinafter provided. Provided, however, that this subsection shall not apply to the construction of any new structure unless said new structure is located in the gardens or grounds appurtenant to an existing structure or said new structure would affect, obscure or obstruct the exterior structural appearance of an existing structure from an adjacent public way. For the purposes of this subsection, the term structure clearly includes signs.

E. PROCEDURES

The Commission shall compile a list of structures, both public and private which the Commission deems of historical and architectural significance. These may be within the Historic Districts or outside them. If they do not coincide with the Historic Zone, the designated structure shall be deemed to be subject to the requirements of this section, the same as if included within the Historic Zone. No work may commence upon any building within the Historic Zone, or designated historic structure until final approval of an application for a building permit by the Zoning Inspector has been made. This application will include all plans for construction, erection, reconstruction, alteration, excavation and changes in the exterior of the building, or construction, erection or excavation in the gardens and grounds appurtenant

to any building within the Historic Zone or to those structures which the Commission deems of historical or architectural significance. The procedure is as follows:

(1) The Applicant is to file an application for a building permit with the Town Clerk.

(2) After review by the Zoning Inspector, the Zoning Inspector will forward the application to the Historic District Commission.

(3) If the plans are acceptable to the Historic District Commission, the Commission will forward the application to the Inspector for final approval in the issuance of a building permit.

(4) If the plans are not acceptable to the Commission, they shall at the request of the applicant, post a sign on the property advising of a public hearing to be held by the Commission within not less than ten (10) days nor more than twenty (20) days. If no agreement is reached, there shall be a six (6) months period of waiting before filing a request again for the same structure. The Commission shall be notified of a proposed listing or sale of the designated historic structures within twenty-four (24) hours of listing for sale.

F. FACTORS TO BE CONSIDERED IN PLAN REVIEW

In reviewing the plans for any such construction or change, the Commission shall give consideration to (1) the historic or architectural value and significance of the structure or gardens and grounds appurtenant thereto 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; and (3) the general compatibility of the exterior design, arrangement, texture, and materials proposed to be used.

G. ONLY EXTERIOR FEATURES TO BE CONSIDERED

The Commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the Commission shall not disapprove an application except with respect to the several factors specified in Subsection 510.1 F above.

H. STRICTNESS AND LENIENCY IN JUDGEMENT OF PLANS

The Commission shall be strict in its judgement of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value or for new construction proposed for gardens and grounds appurtenant thereto. The Commission shall be lenient in its judgement of plans and 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 or the surrounding area. The Commission may permit new construction, alteration, or repairs of any architectural style or period.

I. APPLICATION FOR PERMITS FOR BUILDINGS OF UNUSUAL IMPORTANCE

If an application is submitted for repairs or alterations affecting the exterior structural appearance of a structure or for the moving or demolition of a structure or for new construction in the gardens and grounds of a structure, the preservation of which the Commission deems of unusual importance to the county or municipal corporation or of unusual importance to the entire state or nation, the Commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the structure. When the Commission is satisfied that the proposed construction, alteration, or repair will materially impair the historic value of the structure, the Commission shall reject the application for repair or alteration, filing a copy of its rejection with the Zoning Inspector and the Mayor and Town Council. An application for any such repair or alteration, if rejected, shall not be renewed within a period

of six (6) months after the rejection. Provided, that nothing in Section 512 of Chapter 28 of the Code of the Town of Easton shall authorize the Commission to exercise authority over shrubs, trees or other vegetation.

J. MEETINGS TO BE PUBLIC

All hearings of the 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 resolution, proceedings, and actions which shall be kept available for public inspection during reasonable business hours.

K. CERTIFICATION OF COMMISSION'S DECISIONS

The Commission shall file with the Zoning Inspector a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and approved by the Zoning Inspector and the Town Clerk shall not issue a building permit for such change or construction unless and until the Town Clerk has received such final certificate of approval. The failure of the Commission to act upon an application within thirty (30) days from the date the application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this thirty (30) day period is agreed upon mutually by the applicant and the Commission.

L. ORDINARY MAINTENANCE NOT AFFECTED

Nothing in this ordinance shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance including painting. Nothing in this ordinance affects the right to complete any work covered by a permit or authorization issued prior to the effective date of this ordinance.

M. PENALTIES

Any person, firm, or corporation, or agent of such, found guilty of constructing, altering, moving, demolishing, or repairing any structure within the Historic District where such changes are visible from a public way without having secured the approval of the Historic District Commission as required by this article, shall be subject to penalties for violation of the ordinance in accordance with Section 809.

In addition to other remedies and penalties, where there is any violation of this article, the Zoning Inspector, the Historic District Commission, or the Zoning Board of Appeals shall report the violation to the Town Council and request the Town Attorney be directed to institute appropriate action to prevent, enjoin, abate, or remove such violation.

N. APPEAL

Any person or persons, firm, or corporation, including Town of Easton aggrieved by a decision of the Historic District Commission shall have the right of appeal concerning such decision to the Board of Zoning Appeals and a further appeal to the Circuit Court of Talbot County from any decision of the Board of Zoning Appeals and a further appeal may be taken to the Court of Special Appeals of Maryland from any decision of the Circuit Court of Talbot County reviewing a decision of the Historic District Commission.

510.2 CRITICAL AREA OVERLAY DISTRICT ("CAO")

A. PURPOSE

The purpose of the Critical Area Overlay District ("CAO") is to implement zoning regulations and measures designed to protect and enhance water quality and habitat resources located within the Town's Critical Area. The geographic area for which the following district regulations apply shall be those lands and waters located within one thousand feet of the landward boundaries of all tidal waters, tidal wetlands and tributary streams in the Critical Area as designated on the Official Critical Area Overlay District Maps.

The provisions of this Section are intended to be read in conjunction with the other provisions of this Ordinance. In the event the provisions of this Section, or any other provision of this Ordinance specifically relating to the Critical Area Overlay District conflicts with any other provision of this Ordinance, the provisions of this Section or the provisions of any other provision of this Ordinance specifically relating to the Critical Area Overlay District shall prevail.

The purpose of the Critical Area Overlay District Regulations is to provide special regulatory protection for the resources located within the Town's Critical Area and to regulate development activity in shore line areas in order to minimize adverse impacts to water quality and natural habitats. Subsections B through G of this Section shall apply to all lands lying within the Town's Critical Area. Subsections H, I, J and K apply, respectively, only to Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas.

B. LAND USE MANAGEMENT CLASSIFICATIONS

(1) Within the Town of Easton Critical Area Overlay District ("CAO") there shall be three land use management area classifications: 1) Intensely Developed Areas (IDA); 2) Limited Development Areas

(LDA); and 3) Resource Conservation Areas (RCA). The boundaries of each district shall be designated on the Official Critical Area Overlay District Maps.

(2) These land use management areas correspond to the definitions established in the Chesapeake Bay Critical Area Criteria in COMAR 14.15 or its successor regulations, as amended, for each area and specifically as identified on the Official Critical Area Overlay District Maps.

(3) Except as provided below, uses, accessory uses and special exception uses permitted shall be those permitted within the applicable underlying base zoning district as shown on the Official Zoning Map.

C. BUFFER REGULATIONS

(1) Except as provided below, uses, accessory uses and special exception uses shall be those permitted within the applicable underlying base zoning district as shown on the Official Zoning Maps.

(2) New buildings, structures, and parking areas are prohibited within the Buffer unless located within a Buffer Exemption Area, with the exception of the following:

a. Boat houses, community piers, individual private piers, docks, launching ramps, and mooring facilities.

1. For community piers, only the following uses may be located in the Buffer:

(a) Mooring buoys and slips;

(b) Docks, piers, launching ramps, access roads, and paths; and

(c) Loading/unloading areas.

2. Where community slips, community piers, or community mooring buoys are to be provided in a subdivision that is approved after the effective date of the Easton Local Area Program approval, the number of slips, piers, and/or mooring buoys shall be the lesser of (a) and (b) below:

(a) One slip for each fifty (50) feet of shoreline in the subdivision in Limited Development Area (LDA) and one slip per each 300 feet of shoreline in the subdivision in the Resource Conservation Area (RCA); or

(b) A density of slips, piers, or moorings, to platted lots or dwellings within the subdivision in the Critical Overlay Area District shall be permitted according to the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips and moorings
up to 15	1 for each lot
16 - 40	15 or 75%, whichever is greater
41 - 100	30 or 50%, whichever is greater
101 - 300	50 or 25%, whichever is greater
over 300	75 or 15%, whichever is greater

b. Where otherwise permitted, commercial marinas and uses accessory thereto. Accessory uses

shall be limited to twenty five (25%) percent of the floor area of any structures located within the Buffer. In commercial marinas, only the following uses may be located in the Buffer:

1. Moorings buoys and slips;

2. Docks, piers, launching ramps, access roads and paths;

3. Loading and unloading areas;

4. Fueling areas;

5. Fresh water and ice;

6. Phone and electric service;

7. Sewage pump-out, dockside toilets/lockers;

8. Marina railways and travel lifts;

9. Wet covered repair shops;

10. Automated "high and dry" storage facilities; and

11. Other water dependent uses as determined by the Critical Area Commission;

c. Beaches, bath houses, and related structures.

d. The following industrial and port related water-dependent facilities may be located within the Buffer:

1. Docks, piers, and access roads;

2. Freight staging areas;

3. Rail lines, if port related;

4. Dry docks;

5. Fueling areas;

6. Public access areas; and

7. Other water-dependent uses as determined by the Critical Area Commission.

e. No structure connected to the shoreline, such as a dock, pier, boathouse, etc., shall extend outward from the mean high waterline more than twenty five (25%) percent of the distance to the Mean High Water Line on the opposite shore, or more than one hundred sixty (160) feet, whichever is the lesser distance. Notwithstanding this provision, no dock or pier shall extend to within the boundaries of any defined navigation channel established by a state or federal agency.

(3) New, expanded or redeveloped industrial or port-related water-dependent facilities and the replacement of such facilities are only permitted in those portions of Intensely Developed Areas that have been designated Buffer Exemption Areas.

(4) No natural vegetation shall be removed nor shall the slope of the land surface be altered in the Buffer, including clearing of existing natural vegetation to create new agriculture lands. Limited cutting or clearing of trees in the Buffer is permitted under an approved Forest Management Plan for the following purposes:

a. For personal use, providing that Buffer functions are not impaired and trees cut are replaced;

b. To prevent trees from falling and blocking streams, causing damage to dwellings or other structures, or resulting in accelerated erosion of the shore or stream bank;

c. In conjunction with horticultural practices used to maintain the health of individual trees;

d. To provide access to private piers;

e. To install or construct an approved shore erosion protection device or measure; or

f. To protect forests or trees from pest or disease infestation or threat from fires.

(5) The following uses are prohibited in the Buffer:

a. Solid or hazardous waste collection or disposal facilities, excluding dumpsters and trash receptacles;

b. Sanitary landfills;

c. Sludge handling, storage, and disposal facilities, other than those, associated with wastewater treatment facilities;

d. New commercial or related marine facilities in the Buffer within the Resource Conservation Area (RCA); and

e. The application of sludge in the Buffer.

(6) Buffer Expansion.

a. The Buffer shall be expanded to include contiguous sensitive areas (as described herein) on the parcel. This expansion will occur whenever new land development or other

land disturbing activities such as clearing natural vegetation for agriculture or mining are proposed. The boundaries of any expanded Buffer must be shown on any site plans required for such development.

b. Sensitive areas have the following features: 1) Hydric soils and soils with hydric properties as designated by the Soil Conservation Service; 2) highly erodible soils with a K value greater than .35; and 3) Steep slopes greater than fifteen percent (15%).

c. For steep slopes, the Buffer shall be expanded according to the following rule: When the site of the proposed land disturbance drains to a slope greater than fifteen (15) percent contiguous to the Buffer, the Buffer shall be expanded four (4) feet for every percent of slope over fifteen (15) percent to the top of slope, whichever is greater, but in no case more than ten (10) feet beyond the top of the slope grater than fifteen (15) percent.

D. SITE PLANS REQUIRED

No development activities shall be permitted in the Critical Area Overlay Zone, nor shall any building permit be issued in the Critical Area Overlay Zone until a Site Plan for the developmental activity or the structure has been approved by Planning Commission. The information required to be shown on Site Plans for water-dependent facilities and for developmental activities in the Intensely Developed Areas (IDAs), Limited Development Areas (LDAs) and Resource Conservation Areas (RCAs) are set forth in Sub-Sections 510.2-E, H, G and J, respectively.

E. SITE PLANS FOR WATER-DEPENDENT FACILITIES

All site plans submitted as part of applications for development of commercial marinas or other water-dependant

uses in the Critical Area shall include the following information:

(1) Water depth contours shown at two (2) foot intervals at mean low water taken by sounding (unless otherwise specified by the Town Planning Commission);

(2) Existing and proposed regraded surface of the land;

(3) Location of natural features (such a streams, wetlands (tidal and non-tidal), drainage easements, vegetative and tree cover;

(4) Land within the 100 year floodplain;

(5) Location of all existing and proposed structures;

(6) Location of all existing or proposed site improvements including storm drains, culverts, retaining walls and fences;

(7) Description, method and location of water supply and sewerage disposal facilities;

(8) Mean high and mean low water line;

(9) All existing docks, piers, buoys, launching ramps and shore protection structures;

(10) Location and dimensions of all areas to be dredged including present and proposed depths;

(11) Volume of dredge spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes;

(12) Location of all existing and proposed land-based buildings and structures on the site and a description of uses and activities to be conducted in each;

(13) Location and dimensions of all proposed docks, piers, buoys, launching ramps, slips, fuel docks and gasoline storage tanks;

(14) Location of all required buffer/yards/building restriction lines;

(15) An Environmental Assessment which indicates how the proposed project achieves the following criteria:

a. That the activities will not significantly alter existing water circulation patterns or salinity regimes;

b. That the water body upon which these activities are proposed has adequate flushing characteristics at the site;

c. That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;

d. That adverse impacts to water quality that may occur as a result of these activities, such as non-point source run-off, sewerage discharge from land activities or vessels, or from boat cleaning and maintenance operations is minimized;

e. That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;

f. That dredging shall be conducted in a manner which causes the least disturbance to water quality and aquatic and land habitats in the area immediately surrounding the dredging operation or within the Critical Area;

g. That dredged spoil, except for clean sand for beach nourishment, will not be placed within

the Buffer or elsewhere in that portion of the Critical Area which has been designated as a Habitat Protection Area; and

h. That interference with the natural transport of sand will be minimized;

i. Protection will be afforded to historic areas of waterfowl staging and concentration.

F. WOODLAND AFFORESTATION AND REFORESTATION STANDARDS

Where afforestation or reforestation is required in the Critical Area Overlay District, the following standards shall apply:

(1) The developer shall submit a Planting Plan to the appropriate approvement authority, e.g. Planning Commission or Board of Appeals, for its approval. The Planting Plan shall include the following items:

a. a description of the area to be afforested or reforested;

b. a list of trees and shrubs to be planted;

c. a description of existing vegetative cover to be retained;

d. a description of the methods for protecting plant materials during and after construction;

e. a general indication of the spacing and location of all proposed trees, shrubs, and other ground cover; and

f. a planting schedule.

(2) All plant types shall be chosen from a list of recommended plants available from the Maryland

State Bay Water Shed Forester, provided, that plant types which vary from this list may be substituted with the permission of the appropriate Town agency.

(3) The developer shall execute a Public Works Agreement, which shall be approved by the Town Attorney, obligating the developer to install all plants called for in the Planting Plan and to maintain said plants in healthy condition for a period of at least two years after the completion of installation of all plantings.

G. AGRICULTURE IN THE CRITICAL AREA OVERLAY ZONE

(1) On or before December 31, 1991, all farms within the Critical Area Overlay Zone shall have in place and be implementing a currently approved Soil Conservation and Water Quality Plan approved by the Talbot County Soil Conservation District. Landowners who have signed up as conservation district cooperators, but who do not have a conservation plan developed for them by the District, shall be allowed to continue farming until a conservation plan is developed, provided that the goals of the Act and policies and all other requirements of this Section are being met.

(2) A landowner shall select and implement, with the assistance of a technically trained soil conservation planner or technician, from among the several Best Management Practices that minimize impacts to water quality, conserve fish, wildlife, and plant habitat, and integrate best with the farming operation.

(3) Until such time as a Soil Conservation and Water Quality Plan is approved and in place, landowners shall be encouraged to use the following practices:

a. Proper nutrient application rates;

b. Appropriate timing of nutrient application;

c. Appropriate method of nutrient application;

d. Reduced tillage practices;

e. Crop rotations;

f. Cover crop.

(4) Agricultural activities are permitted in the Buffer, if, as a minimum Best Management Practice, a 25-foot vegetated filter strip measured landward from the Mean High Water Line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established, and further provided that;

a. The filter strip shall be composed of either trees with a dense ground cover, or a thick sod of grass, and shall be so managed as to provide water quality benefits and habitat protection consistent with the policies stated in the Town's Critical Area Program. Noxious weeds, including Johnson grass, Canada thistle, and multiflora rose, which occur in the filter strip, may be controlled by authorized means;

b. The filter strip shall be expanded by a distance of four (4) feet for every one (1) percent of slope, for slopes greater than six (6) percent;

c. The 25-foot vegetated filter trip shall be maintained until such time as the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Best Management Practices for the specific purpose of improving water quality and

protecting plant and wildlife habitat; and provided that the portion of Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the 25-foot vegetated filter strip;

d. The Best Management Practices shall include a requirement for the implementation of a grassland and manure management program, where appropriate, and that the feeding or watering of livestock, may not be permitted within 50 feet of the Mean High Water Line of tidal water and tributary streams, or from the edge of tidal wetlands, whichever is further inland;

e. Clearing of existing natural vegetation in the Buffer is not allowed; and

f. Farming activities including the grazing of livestock, do not disturb stream banks, tidal shorelines or other Habitat Protection Areas as described in the Town's Critical Area Program.

H. DEVELOPMENT STANDARDS FOR INTENSELY DEVELOPED AREAS (IDAs)

All uses shall be subject to the following development standards in addition to those established in other sections of this Ordinance. Development on grandfathered lots must comply with these regulations insofar as possible as determined by the Planning Commission.

(1) All site plans shall identify environmental or natural features including Habitat Protection Areas on that portion of site within the Critical Area;

(2) Other than as provided in Section 514-C, no structure or use associated with development in an

Intensely Developed Area shall be permitted within the Buffer;

(3) Development shall be subject to the Habitat Protection guidelines described in the Town's Critical Area Program.

(4) Development and redevelopment projects shall provide stormwater management practices appropriate to site development which achieve a ten (10%) percent reduction of predevelopment pollutant loadings. (See Mitigation Manual for computation methodology.) Offsets may be provided either on-site or off-site in the same watershed in the Town or Talbot County;

(5) Development and redevelopment plans shall delineate those site areas not covered by impervious surfaces and that are to be maintained or established in vegetation (where vegetation is not proposed the developer shall demonstrate why plantings for such portions of the site are impracticable);

(6) A minimum twenty-five foot buffer shall be established around all non-tidal wetlands as identified in the Town of Easton Critical Area Program within which development activities or other activities which may disturb the wetland or the wildlife contained therein shall be prohibited.

(7) Development and redevelopment projects or other land disturbances proposed in the drainage area of a non-tidal wetland shall minimize alterations to the surface or subsurface flow of water into and from the wetland and minimize adverse impact to the water quality or the plant and wildlife habitat values of the wetland.

(8) Development and redevelopment projects that propose shore erosion protection must demonstrate that significant shore erosion is occurring on the site.

(9) In the event that shore erosion control measures are proposed, vegetative shore erosion control measures shall be used whenever feasible.

(10) Density in the Intensely Developed Areas (IDAs) shall be as established in the underlying base zone.

I. DEVELOPMENT STANDARDS IN LIMITED DEVELOPMENT AREAS (LDAs)

(1) All uses in a Limited Development Area (LDA) shall be subject to the following standards. Grandfathered lots must comply with these regulations insofar as possible as determined by the Planning Commission.

a. All site Plans shall identify environmental or natural features including Habitat Protection Areas on that portion of site within the Critical Area.

b. Site development shall be designed to assure that those features or resources identified as Habitat Protection Areas are afforded protection as prescribed in the Habitat Protection Element of Town of Easton Critical Area Program.

c. Roads, bridges and utilities serving development shall be located so as to avoid disturbances to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location exists.

d. All development activities which cross, or are located adjacent to, tributary streams in the Critical Area shall:

1. minimize impingement upon the Buffer and be designed in a manner to reduce increases in flood frequency and severity;

2. provide for the retention of natural stream bed substrate;

3. minimize adverse impacts to water quality and storm water runoff; and

4. retain the existing tree canopy.

e. Development activities shall be located and designed to provide for the maintenance of the wildlife and plant habitats on the existing site and to maintain continuity with those on adjacent sites. When wildlife corridors exist or are proposed they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.

f. Forest and development woodlands, as defined by the Town Critical Area Program, shall be created or protected in accordance with the following:

1. When no forest exists on the site, at least fifteen (15%) percent of the gross site area shall be afforested. The location of the afforested areas should be designed to reinforce protection to habitats on the site or to provide connections between forested areas when they are present on adjacent sites;

2. When forests or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, the areas proposed for clearing

shall be identified on the proposed site plan. The developer shall submit plans for development and areas to be cleared to the Maryland Forest, Park and Wildlife Service for comments and recommendations and shall transmit any comments to the Planning Commission. A grading permit must be obtained prior to any clearing or cutting associated with proposed development. All cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:

(a) All forests cleared or developed shall be replaced on not less than an equal area basis on the site or on an alternative site approved by the Planning Commission. If the development pad is limited to only that necessary for the house and drives and does not exceed 10,000 square feet, and cleared areas are reforested to the extent possible a forest area shall continue to be considered a developed woodland and no replacement shall be required;

(b) No more than twenty (20%) percent of the forested or developed woodland within the site proposed for development may be removed (except as provided for in (c) below) and the remaining eighty (80%) percent shall be maintained as forest cover through the use of appropriate instruments (e.g. recorded restrictive covenants). Removal of forest or developed woodland cover in the Buffer is prohibited.

(c) The clearing of forest or developed woodlands of up to twenty (20%) percent shall be replaced on an area basis of one to one-a developer may propose clearing up to thirty (30%) percent of the forest or developed woodland on a site, but the trees removed in excess of twenty (20%) percent must be replaced at the rate of 1.5 times the area removed either on or off site either in the Town or Talbot County:

(d) If more than thirty (30%) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total area extent of the cleared forest either on or off site in the Town or Talbot County;

(e) If any cutting of forests occurs before a grading permit is obtained, the forest is required to be replanted according to the requirement (d) above;

(f) Surety in the form of a performance bond or other means acceptable to the Town Attorney shall be provided in a Public Works Agreement in an amount suitable to assure forest replacement as required.

(g) The forests and developed woodlands required to be retained or created through afforestation shall be maintained through covenants, easements, or similar instruments in a form approved by the Town Attorney;

(2) Development on slopes greater than fifteen (15%) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability;

(3) Impervious surfaces shall be limited as follows:

a. For a parcel or lot 1/2 acre or less in size, that was in residential use on or before 12/1/85, the impervious surface limit shall be 25%;

b. For a parcel or a lot of 1/4 acre or less that was in non-residential use (i.e., commercial, industrial, institutional) on or before 12/1/85, the impervious surface limit shall be 25%;

c. For a lot of 1 acre or less in size, as part of a subdivision approved after 12/1/85; impervious surfaces of the lot may not exceed 25% and the total impervious surface of the entire subdivision may not exceed 15%; and

d. For all other situations, the impervious limitation shall be 15%.

(4) A minimum twenty-five foot buffer shall be established around all non-tidal wetlands as identified in the Town of Easton Critical Area Program within which development activities or other activities which may disturb the wetland or the wildlife contained therein shall be prohibited.

(5) Development and redevelopment projects or other land disturbances proposed in the drainage area of a non-tidal wetland shall minimize alterations to the surface or subsurface flow of water into and from the wetland and shall minimize adverse impact to the water quality or the plant and wildlife habitat value of the wetland.

(6) Development and redevelopment projects that propose shore erosion protection must demonstrate that significant shore erosion is occurring on the site.

(7) In the event that erosion control measures are proposed vegetative shore erosion control measures shall be used whenever feasible.

(8) The density of development and minimum lot sizes permitted within a Limited Development Area (LDA) shall be governed by prescriptive densities within the applicable underlying base zoning districts. However, in underlying base zoning districts that permit residential use, density may not exceed 3.99 units per acre. Determination of density shall be based on the gross site area of the parcel prior to development.

J. DEVELOPMENT STANDARDS IN RESOURCE CONSERVATION AREAS (RCAs)

(1) Except as is provided in this Section, development and redevelopment in a Resource Conservation Area (RCA) shall be subject to the same development standards applicable to the Limited Development Areas (LDAs).

(2) Residential densities in Resource Conservation Areas (RCAs) shall not exceed one (1) dwelling unit per twenty (20) acres regardless of densities permitted in applicable underlying base zones. Except as is provided in Subsection 510.2 K., the determination of density shall be based on the gross site area of the parcel, excluding tidal wetlands, except that in determining residential densities for a site, private wetlands may be included in the calculation on one (1) dwelling unit per twenty (20) density, provided the development density on the upland portion of the site does not exceed one (1) dwelling unit per eight (8) acres.

K. INTRA-FAMILY TRANSFERS IN RESOURCE CONSERVATION AREAS

The one (1) dwelling unit per twenty (20) acre density limitation in the RCA shall not prevent a bona fide intra-family transfer subjected to the following limitations:

(1) Intra-family transfers will be permitted only for parcels of land in Easton where it is shown that the parcel was created on or before March 1, 1986 and such parcel is at least seven (7) acres and not more than sixty (60) acres in size.

(2) A bona fide intra-family transfer shall be subject to the requirements of the Town of Easton Subdivision Regulations and a notation shall be placed on the final subdivision plat identifying the lot(s) that are created under these provisions.

(3) Subdivision of land pursuant to this Subsection shall be subject to the following limitations:

a. Parcels of 7 acres to less than 12 acres cannot be subdivided into more than a total of 2 lots.

b. Parcels of 12 acres to less than 60 acres cannot be subdivided into more than 3 lots.

c. A lot created pursuant to these provisions may not subsequently be conveyed to any person without the permission of the Planning Commission unless:

1. The transferee is a member of the owner's "immediate family", as that term is defined in Section 8-1801.1 of the Natural Resources Article of the Annotated Code of Maryland or any successor statute; or

2. Conveyance of the lot is the result of a default on a bona fide mortgage or deed of trust.

d. Nothing in this Section shall prohibit the conveyance of any interest in a lot created under these provisions to a third party as security for a bona fide mortgage or deed of trust.

e. No lot created under this Section may be transferred or sold to a third party who is not a member of the owner's immediate family or a holder of a bona fide mortgage or deed of trust on the lot when said conveyance occurs in lieu of foreclosure unless and until one or more of the following conditions exist:

1. Not less than seven years has passed since the creation of the lot;

2. The owner of the lot and/or his or her spouse dies;

3. The Planning Commission finds, upon application made to it, that transfer of the lot is warranted as a result of a change in circumstances occurring since the original transfer which change is not inconsistent with the provisions of this Section and which would warrant permitting a subsequent transfer; or

4. A finding by the Planning Commission that transfer of the lot is necessary to maintain or create land areas for the uses of agriculture, forestry, open space and natural habitats and RCAs.

f. A lot created pursuant to the provisions of this Section may, at any time, be conveyed to

the owner of the retained land from which the lot was created in order to permit the consolidation of parcels into larger tracts whereupon both parcels shall merge into one lot.

g. Any deed transferring a lot created pursuant to these provisions shall contain a covenant, which shall be enforceable by the Town of Easton, which covenant shall prohibit the subsequent transfer or sale of the lot in violation of the provisions of this Section.

L. REQUIRED FINDINGS OF FACT FOR A DEVELOPMENT AND/OR DEVELOPMENT ACTIVITIES IN THE CRITICAL AREA OVERLAY ZONE

No development or development activities shall be permitted in the Critical Area Overlay Zone unless and until the appropriate reviewing body, i.e. Planning and Zoning Commission or Board of Appeals, makes the following findings of fact in writing:

(1) The development or development activities have been designed in such a manner as to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands; and

(2) That the development or development activities have been planned in such a fashion as to conserve fish, wildlife and plant habitat.

M. GROWTH ALLOCATION

In order to allow for limited growth within the Critical Area, Maryland Law permits reclassification of Critical Area property through a process known as Growth Allocation. Following are the procedures for determining if a site qualifies for Growth Allocation.

(1) Application Requirements

Applications for Growth Allocation shall be submitted to the Town Council in care of the Town Clerk's Office. Growth Allocation applications shall include the following:

a. A letter stating present and proposed Critical Area Land Management Classification and describing in general terms the nature of the proposed project.

b. A Site Plan (10 copies) drawn at a scale of 1" = 50' or less. Minimum requirements for this site plan are as follows:

1. Boundary survey of the subject property.
2. Critical Area Boundary.
3. Critical Area Buffer.
4. Location sketch of proposed improvements, including buildings, driveways and parking areas, landscaping areas, etc.
5. Location of any Forested areas.
6. Location of any Habitat Protection Areas.
7. Abutting streets or highways.
8. North arrow and scale.
9. Location of septic fields and wells (if any).
10. Location of the waterline (mean high tide).
11. Location of tidal and non-tidal wetlands including buffers.
12. Existing land use including buildings and other impervious areas.
13. Vegetative cover including cover to be cut and to be replaced.

14. Existing contours with intervals not more than one (1) foot.
15. Areas of fifteen (15%) percent or greater slope.

c. A letter from the Maryland Department of Natural resources Forest, Park and Wildlife Service regarding possible Habitat Protection Areas.

If the application is complete it shall proceed according to the following review process:

(2) Review Process

a. The Town Council shall refer the application to the Planning Commission for their review and comments.

b. The Planning Commission shall forward the application to the Chesapeake Bay Critical Area Commission (CBCAC) for informal technical review and take no action until comments are received from the CBCAC or the passage of 30 days.

c. Upon receipt of CBCAC comments or the passage of 30 days, the Planning Commission shall review the application for consistency with the Comprehensive Plan, The Critical Area Program, and the Zoning Ordinance. The Planning Commission then makes a determination of consistency and may make additional recommendations concerning conditions of approval.

d. Planning Commission and CBCAC comments are forwarded to the applicant.

e. Upon receipt of comments from the Planning Commission and the CBCAC the applicant may amend the site plan and resubmit to the Planning Commission.

f. The Planning Commission, upon receipt of amended plan, shall hold a public hearing, notice of which shall be printed in a newspaper of general circulation in the Town at least 15 days in advance of said hearing. The subject property shall also be posted for at least the 15 days preceding the hearing. The purpose of this hearing is to receive public input in regards to the application.

g. The Planning Commission then makes a recommendation which is forwarded in writing to the Town Council. The applicant will also receive a copy of this recommendation. Said recommendation may include suggestions regarding conditions of approval.

h. The Town Council shall hold a public hearing on the application. Said hearing shall be advertized and the site posted as per a conventional rezoning request.

i. The Council may grant or deny any application. If the application is granted, the Council may establish conditions to accompany the new Critical Area overlay zoning classification. If the application is denied, no subsequent application for Growth Allocation involving the same property shall be accepted within twelve (12) months from the date of the Council's original decision.

j. The application will then be forwarded for approval to the CBCAC who will meet and/or hold a public hearing on the Growth Allocation request.

k. If the application is approved by the CBCAC, the Town's Official Critical Area Map shall be amended to reflect the new land management classification as either GA-IDA or GA-LDA as appropriate.

l. Successful projects which have received Growth Allocation approval will be submitted for final site plan review or final subdivision approval

according to the requirements of the Zoning Ordinance (including the appropriate Critical Area development standards) and/or the Subdivision Regulations. This step requires that the applicant receive any Special Exceptions or Variances, if necessary to approve the project.

m. Any Growth Allocation awarded shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which the Growth Allocation was granted. The Town Council may specify some longer period than one year.

510.3 PLANNED UNIT DEVELOPMENT DISTRICT ("PUD")

A. PURPOSE

The purpose of the PUD District is to provide for planned development incorporating a variety of uses and density levels at appropriate locations within the Town of Easton. The PUD District provides for a total development concept, adequate open space, required public facilities, and a variety of housing types and/or compatible commercial or industrial uses as a part of a detailed development plan.

B. LOCATION

The PUD is a floating zone. That means that while provisions and regulations are made to govern development within any PUD District, no such District will be pre-mapped on the Zoning Map. A PUD District may be established in any parent zoning district provided the requirements outlined in this subsection are met.

C. PRINCIPAL PERMITTED USES

The following types of uses are permitted in a PUD District:

(1) Residential uses of all types.

(2) Commercial and industrial uses limited as follows:

a. Where the PUD District is established in the A-1 or any "R" District, commercial uses shall be primarily oriented to serving the residents of the development. Industrial uses are not permitted in PUD Districts established within any "R" parent district.

b. Where the PUD District is established in any "C" District, all commercial uses may be permitted, including shopping centers. Industrial uses shall be limited to those permitted within the I-1 District.

c. Where the PUD District is established in any "I" District, all commercial or industrial uses may be permitted.

(3) Any use listed in the Table of Uses as "Institutional" or "Recreational/Entertainment".

D. USES PERMITTED BY SPECIAL EXCEPTION

There are no special exceptions in a PUD District.

E. USES PERMITTED WITH A TEMPORARY USE PERMIT

Temporary uses are permitted in a PUD District only if they are permitted within the parent district within which the PUD is established.

F. ACCESSORY USES AND STRUCTURES

Uses and structures customarily accessory and incidental to any principal permitted use shall be permitted.

G. DEVELOPMENT STANDARDS

Applications for Planned Unit Developments shall meet the following requirements:

(1) The area proposed for a planned unit development shall be in one (1) ownership, or , if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.

(2) The site shall be of a size and shape suitable for the development proposed.

(3) Public water and sewerage shall be available, although it may be made available in conjunction with the development of the PUD.

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(4) The site shall be located adjacent to adequate highway facilities capable of serving existing traffic and that expected to be generated by the proposed development. Private roads may be approved by the Planning Commission if they find that such roads will adequately serve the development. Such roads shall be internal to the development.

(5) The owners or developers must indicate that they plan to begin construction of the development within one (1) year after final approval. If construction does not begin within one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning Commission.

(6) The site proposed to be zoned as a PUD shall have an area of at least five (5) acres. Smaller sites may be permitted by the Planning Commission when it is found that the proposed PUD is compatible with existing development in the area and does not disrupt the orderly expansion of the highway and street system of the Town.

(7) The overall residential density of a PUD District shall generally not exceed eight (8) residential units per gross residential acre. For the purposes of this subsection, the gross residential area shall include all land within the area intended to be used for residences, residential parking space, and reservation for community recreation and education facilities. Any land mapped as floodway by the Federal Emergency Management Agency and non-residential uses shall be excluded in computing the gross area. The Planning Commission may require a lower density if review of the proposed development indicates that the maximum allowable density is excessive for the surrounding area.

(8) Common Open Space shall comprise not less than thirty (30%) percent of the total gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the planned unit development but shall not include streets or off-street parking areas. The Planning Commission must be furnished satisfactory evidence that such open space will be continued and that provision is made for its perpetual maintenance.

(9) The setback, lot size, lot coverage, height, and yard requirements shall be established for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.

(10) Off-street parking shall be provided for each individual use in the planned unit development in accordance with the requirements of Section 601.

H. APPLICATION PROCEDURES

The following procedures shall be followed with respect to all applications for PUD District Zoning:

(1) Step I: Preliminary Consultation. A preliminary consultation shall be held between the Planning Commission and the applicant or developer of the proposed planned unit development. The application for PUD District zoning shall be accompanied by a preliminary development plan prepared in accordance with the requirements as specified herein.

The preliminary development plan shall be to scale and contain sufficient information to establish the

identity of proposed uses, grades and approximate dimensions, and locations of proposed structures, streets, parking areas, walkways, easements and property lines. It shall include the following information:

a. Proposed development layout.

b. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces.

c. Proposed location of commercial and industrial uses within the PUD areas, including all associated off-street parking.

d. Types of dwelling and portions of the area proposed therefor.

e. Proposed location of dwelling and parking areas.

f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations.

g. A tabulation of overall residential density per gross residential acre.

h. Preliminary plans and elevations of the several dwelling types.

i. Forest Stand Delineation as described in the Town of Easton's Forest Conservation Ordinance.

(2) Step II: Planning Commission Review and Action. The Planning Commission shall hold a review and make its recommendations to the Mayor and Town Council. If the application does not receive a favorable recommendation at this step, the applicant shall resubmit the preliminary development plan in consideration of the Planning Commission's comments. If after three meetings, the application still has not received a favorable recommendation from the Planning Commission, the applicant may choose to either continue to revise the preliminary development plan or to go forward to the Mayor and Town Council with the burden of a negative recommendation from the Planning Commission.

(3) Step III: Mayor and Town Council Action. The Mayor and Town Council shall consider the recommendations of the Planning Commission and approve or disapprove the PUD District Zoning Map Amendment application. In rendering its decision, the Town Council shall make the following findings of fact with regard to the application:

a. The proposed PUD conforms to all applicable standards set out in this Ordinance for such projects;

b. The proposed PUD conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial, residential or industrial projects of a nature similar to the proposed PUD;

c. The proposed PUD, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed PUD, will not interfere with the adequate and orderly provision of public services to the area;

d. The proposed PUD, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed PUD, will not cause unacceptable traffic congestion or hazards either in or near the site for the proposed PUD or elsewhere in the Town or Talbot County;

e. The proposed PUD is planned in such a manner as to protect features of historical, cultural, or ecological importance;

f. The proposed PUD is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed PUD is not so compatible, the proposed PUD design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and

g. The proposed PUD shall not unreasonably adversely affect the value of property in the neighborhood surrounding the site.

A PUD application <u>may be denied</u> if the Town Council finds that the proposed density is inappropriate for the site, even though it may be within the maximum permitted density as outlined herein. In instances where the sole reason for denying an application is inappropriate density, the one year time limit for refiling an application for rezoning shall be waived.

The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section 4.05 is not applicable to PUD Zoning Map Amendment applications. The Town Council shall have the authority to impose conditions upon the grant of a PUD Zoning Map Amendment application and may

require the recordation of covenants and restrictions, in a form approved by the Town Attorney, to assure compliance with said conditions or with any of the provisions of the Ordinance.

(4) Step IV: Site Plan Review and Action. Upon Mayor and Town Council approval of a PUD District Zoning Map Amendment, the applicant shall prepare a detailed development plan in accordance with the site plan requirements specified in Subsection 806.3 B. of this Ordinance and/or the requirements of the Town of Easton Subdivision Regulations.

I. AMENDMENTS TO APPROVED PUD'S

Any amendment to an approved PUD, as determined by the Town Planner to be insignificant shall be reviewed and approved or denied by the Town Planner. Major or significant changes shall be subject to Planning Commission approval, and those changes shall be reported in writing to the Town Council. At its first regular meeting after receipt of the report of the Planning Commission's action, the Town Council may either approve the action of the Planning Commission at said meeting or decide to conduct a public hearing on the proposed amendment. If the Council conducts a public hearing, it may affirm, reverse or modify the decision of the Planning Commission.

510.4 PLANNED REDEVELOPMENT (PR) OVERLAY DISTRICT

A. PURPOSE

The purpose of the Planned Redevelopment Overlay District (PR) is to provide a mechanism for the redevelopment, rehabilitation, and general improvement of certain older areas within the Town of Easton that have fallen into a somewhat neglected or dilapidated state or have simply been used for a purpose that no longer serves the health, safety or general welfare of the neighborhood. PR applications may be submitted only if the project is located within the Planned Redevelopment Overlay District. However, this mechanism is optional and shall not be required of all projects located within this zone. Projects not being developed in accordance with PR District standards shall be developed in accordance with the development standards of the underlying base zoning district.

B. PERMITTED USES

The following types of uses are permitted in a PR District:

(1) Residential uses of all types.

(2) Commercial and industrial uses limited as follows:

a. Where the underlying base zone is any "R" District, commercial uses shall be primarily oriented to serving the residents of the development. Industrial uses are not permitted if the base zone is any "R" district.

b. Where the underlying base zone is any "C" District, all commercial uses may be permitted. Industrial uses shall be limited to those permitted within the I-1 District.

c. Where the underlying base zone is any "I" District, all commercial or industrial uses may be permitted.

(3) Any use listed in the Table of Uses as "Institutional" or "Recreational/Entertainment".

C. DEVELOPMENT STANDARDS

Development within the Planned Redevelopment Overlay District shall meet the following requirements:

(1) The area proposed for a planned redevelopment shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.

(2) The site shall be of a size and shape suitable for the development proposed.

(3) Public water and sewerage shall be available.

(4) The site shall be located adjacent to adequate highway facilities capable of serving existing traffic and that expected to be generated by the proposed development.

(5) The owners or developers must indicate that they plan to begin construction of the development within one (1) year after final approval. If construction does not begin within one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning Commission.

(6) The overall residential density of a Planned Redevelopment project shall not exceed twelve (12) units per gross residential acre. For the purposes of this subsection, the gross residential area

shall include all land within the area intended to be used for residences, residential parking space, and reservation for community recreation and education facilities. Any land mapped as floodway by the Federal Emergency Management Agency, and non-residential uses shall be excluded in computing the gross area. The Planning Commission may require a lower density if review of the proposed development indicates that the maximum allowable density is excessive for the surrounding area.

(7) Common Open Space shall comprise not less than twenty (20%) percent of the total gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the planned redevelopment but shall not include streets or off-street parking areas. The Planning Commission must be furnished satisfactory evidence that such open space will be continued and that provision is made for its perpetual maintenance.

(8) The setback, lot size, lot coverage, height, and yard requirements shall be established for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.

(9) Off-street parking shall be provided for each individual use in the planned unit development in accordance with the requirements of Section 601.

D. APPLICATION PROCEDURE

The following procedures shall be followed with respect to all applications for PR District Zoning:

(1) Step I: Preliminary Consultation. A preliminary consultation shall be held between the Planning

Commission and the applicant or developer of the proposed planned redevelopment. The application for PR District zoning shall be accompanied by a preliminary development plan prepared in accordance with the requirements as specified herein.

The preliminary development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades and approximate dimensions, and locations of proposed structures, streets, parking areas, walkways, easements and property lines. It shall include the following information:

a. Proposed development layout.

b. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces.

c. Proposed location of commercial and industrial uses within the PR areas, including all associated off-street parking.

d. Types of dwelling and portions of the area proposed therefor.

e. Proposed location of dwelling and parking areas.

f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations.

g. A tabulation of overall residential density per gross residential acre.

h. Preliminary plans and elevations of the several dwelling types.

(2) Step II: Planning Commission Review and Action. The Planning Commission shall hold a review and make its recommendations to the Mayor and Town Council. If the application does not receive a favorable recommendation at this step, the applicant shall resubmit the preliminary development plan in consideration of the Planning Commission's comments. If after three meetings, the application still has not received a favorable recommendation from the Planning Commission, the applicant may choose to either continue to revise the preliminary development plan or to go forward to the Mayor and Town Council with the burden of a negative recommendation from the Planning Commission.

(3) Step III: Mayor and Town Council Action. The Mayor and Town Council shall consider the recommendations of the Planning Commission and approve or disapprove the PR application. In rendering its decision, the Town Council shall make the following findings of fact with regard to the application:

a. The proposed PR conforms to all applicable standards set out in this Ordinance for such projects;

b. The proposed PR conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial, residential or industrial projects of a nature similar to the proposed PR;

c. The proposed PR, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the

proposed PUD, will not interfere with the adequate and orderly provision of public services to the area;

d. The proposed PR, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed PR, will not cause unacceptable traffic congestion or hazards either in or near the site for the proposed PR or elsewhere in the Town or Talbot County;

e. The proposed PR is planned in such a manner as to protect features of historical, cultural, or ecological importance;

f. The proposed PR is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed PR is not so compatible, the proposed PR design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and

g. The proposed PR shall not unreasonably adversely affect the value of property in the neighborhood surrounding the site.

A PR application <u>may be denied</u> if the Town Council finds that the proposed density is inappropriate for the site, even though it may be within the maximum permitted density as outlined herein.

(4) Step IV: <u>Site Plan Review and Action</u>. Upon Mayor and Town Council approval of a PR application, the applicant shall prepare a detailed development plan in accordance with the site plan requirements specified in Subsection 806.3 B. of this Ordinance

and/or the requirements of the Town of Easton Subdivision Regulations.

(5) Any amendment to an approved PR application, as determined by the Town Planner to be insignificant shall be reviewed and approved or denied by the Town Planner. Major or significant changes shall be subject to Planning Commission approval, and those changes shall be reported in writing to the Town Council. At its first regular meeting after receipt of the report of the Planning Commission's action, the Town Council may either approve the action of the Planning Commission at said meeting or decide to conduct a public hearing on the proposed amendment. If the Council conducts a public hearing, it may affirm, reverse or modify the decision of the Planning Commission.

E. DESIGNATION OF FUTURE PLANNED REDEVELOPMENT OVERLAY DISTRICTS

In the future, additional lands may be designated as Planned Redevelopment Overlay. The process for so doing is as follows:

(1) An application for Planned Redevelopment Overlay District Zoning shall be filed with the Town Planner and forwarded to the Planning and Zoning Commission for a recommendation before proceeding to the Town Council.

(2) The application for PR Overlay District Zoning shall include a map of the area proposed for the designation and shall be accompanied by a metes and bounds description of the proposed zoning boundaries as well as a complete listing of the names and addresses of all property owners within the proposed PR Overlay District.

(3) The area proposed for PR Overlay District Zoning shall be contiguous and at least five (5) acres in

size, unless the proposed PR Overlay District is an extension of an existing PR Overlay District.

(4) The application for establishing a new PR Overlay District shall be accompanied by a land use and housing/building survey which analyzes the appropriateness of the existing zoning, the conditions of the housing or commercial or industrial buildings within the proposed PR zone, etc.

(5) The application shall include a petition or similar device indicating the support of the owners of at least fifty-one (51%) percent of the lots within the proposed PR District.

(6) The Planning and Zoning Commission may require whatever additional studies or reports it deems necessary to adequately analyze the application.

(7) The Planning Commission shall make and forward a recommendation to the Town Council who shall schedule and hold a Public Hearing on the application in accordance with the provisions of Section 903 of this Ordinance.

(8) The Town Council shall vote as to whether or not to approve the proposed PR Overlay District. In order to approve the request, the Town Council shall make the following findings:

a. The structures within the proposed PR District are predominately in need of rehabilitation, deteriorated, or built to zoning (or before any zoning) that no longer is appropriate for the area.

b. The creation of the PR Overlay will allow for the rehabilitation and redevelopment of an area of the Town of Easton that is in need of such action.

c. The creation of the PR Overlay District will not cause undue traffic nor overburden the Town's community facilities (water, sewer, solid waste, etc.).

510.5 C-M COMMERCIAL MEDICAL DISTRICT

A. PURPOSE

The purpose of the C-M District is to provide for the planned and orderly development of major medical-related uses. The C-M District requires Planning Commission approval of a detailed site plan to ensure compatibility with surrounding neighborhoods.

B. LOCATION

The C-M District is a floating zone and may be established anywhere within the Town limits provided the requirements of this subsection are satisfied. In addition, certain lands in medical-related uses as of the date of the adoption of this Ordinance are pre-mapped as C-M.

C. PRINCIPAL PERMITTED USES

Residential Uses
- Domiciliary Care

Commercial Uses
- Health Care Facilities related to Hospital Operations
- Medical Office Park

Institutional Uses
- Hospitals
- Nursing Homes
- Public Utilities
- Retirement Communities

Recreational/Entertainment Uses
- None

Industrial Uses
- None

(3) Required parking shall be provided in accordance with Section 601 of this Ordinance.

(4) For any C-M development, Common Open Space shall comprise not less than twenty (20%) percent of the total gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the C-M development but shall not include streets, off-street parking areas or utility easements. The Planning Commission must be furnished satisfactory evidence that such open space will be continued and that provision is made for its perpetual maintenance.

(5) All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet with a depth of at least one hundred (100) feet.

(6) Minimum setbacks for all uses shall be as follows:

a. Front - fifty (50) feet from the property line.

b. Side - fifteen (15) feet on each side of the property line (except for fences).

c. Rear - twenty (20) feet from the property line (except for fences).

(7) No principal permitted structure shall exceed fifty (50) feet in height, and no accessory structure shall exceed forty (40) feet in height.

(8) Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.

(9) Outdoor storage is prohibited.

(10) All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with the provisions of Section 615 of this Ordinance.

(11) The applicant shall comply with all applicable rules and regulations of the State Department of Health and Mental Hygiene.

(12) All structures shall be located at least two hundred (200) feet from any adjacent residentially zoned lot.

(13) All parking areas shall be located at least fifty (50) feet from any adjacent residentially zoned lot.

(14) The applicant shall make provisions to ensure safety in the area surrounding the facility which may include additional traffic control devices (i.e. signal lights, signs, pavement painting, etc.).

The standards outlined above may be modified by the Town Council upon the applicant's showing that the standard would place an undue burden upon the application and that compensation is provided by another means in the application.

H. APPLICATION PROCEDURES

The following procedures shall be followed with respect to all applications for C-M District Zoning:

(1) Step I: Preliminary Consultation. A preliminary consultation shall be held between the Planning Commission and the applicant or developer of the proposed C-M development. The application for C-M District zoning shall be accompanied by a preliminary development plan prepared in accordance with the provisions of Section 806 of this Ordinance. The preliminary development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades and approximate dimensions, and locations of proposed structures, streets, parking areas, walkways, easements and property lines. It shall include the following information:

a. Proposed development layout.

b. Proposed reservations for parks, parkways, and other open spaces.

c. Proposed location of all permitted and accessory uses within the C-M development areas, including all associated off-street parking.

d. Types of dwelling and portions of the area proposed therefor.

e. Proposed location of dwelling and parking areas.

f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations.

g. A tabulation of overall density per gross acre (for projects with any residential component).

h. Preliminary plans and elevations of the several dwelling types.

(2) Step II: Planning Commission Review and Action. The Planning Commission shall hold a review and make its recommendations to the Mayor and Town Council. If the application does not receive a favorable recommendation at this step, the applicant shall resubmit the preliminary development plan in consideration of the Planning Commission's comments. If after three meetings, the application still has not received a favorable recommendation from the Planning Commission, the applicant may choose to either continue to revise the preliminary development plan or to go forward to the Mayor and Town Council with the burden of a

negative recommendation from the Planning Commission.

(3) Step III: Mayor and Town Council Action. The Mayor and Town Council shall consider the recommendations of the Planning Commission and take formal action to approve or disapprove the C-M District Zoning Map Amendment. If the C-M District Zoning Map Amendment is approved, the Town Council shall enact an Ordinance establishing such C-M District. In rendering its decision, the Town Council shall make the following findings of fact with regard to the application:

a. The proposed C-M application conforms to all applicable standards set out in this Ordinance for such projects;

b. The proposed C-M application conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial, residential or industrial projects of a nature similar to the proposed C-M application;

c. The proposed C-M application, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed C-M application, will not interfere with the adequate and orderly provision of public services to the area;

d. The proposed C-M application, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed C-M application, will not cause unacceptable traffic congestion or hazards either in or near the site for the proposed C-M application or elsewhere in the Town or Talbot County;

e. The proposed C-M application is planned in such a manner as to protect features of historical, cultural, or ecological importance;

f. The proposed C-M application is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed C-M application is not so compatible, the proposed C-M application design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and

g. The proposed C-M application shall not unreasonably adversely affect the value of property in the neighborhood surrounding the site.

The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section 4.05 is not applicable to C-M Zoning Map Amendment applications. The Town Council shall have the authority to impose conditions upon the grant of a C-M Zoning Map Amendment and may require the recordation of covenants and restrictions, in a form approved by the Town Attorney, to assure compliance with said conditions or with any of the provisions of the Ordinance.

(4) Step IV: Site Plan Review and Action. Upon Mayor and Town Council approval of a C-M District Zoning Map Amendment, the applicant shall prepare a detailed development plan in accordance with the site plan requirements specified in Section 806 of this Ordinance.

I. AMENDMENTS TO APPROVED C-M DISTRICT ZONING MAP AMENDMENTS

Any amendment to an approved C-M District Zoning Map Amendment, as determined by the Town Planner to be insignificant shall be reviewed and approved or denied by the Town Planner. Major or significant changes shall be subject to Planning Commission approval, and those changes shall be reported in writing. At its first regular meeting after receipt of the report of the Planning Commission's action, the Town Council may either approve the action of the Planning Commission at said meeting or decide to conduct a public hearing on the proposed amendment. If the Council conducts a public hearing, it may affirm, reverse or modify the decision of the Planning Commission.

ARTICLE VI

SUPPLEMENTAL ZONE REGULATIONS

SECTION 601 OFF STREET PARKING REQUIREMENTS

601.1 PURPOSE

To facilitate the movement of people and goods on the local street system, to lessen congestion in the streets, to assure that streets are clear of obstructions and as a means of protecting the lives and safety of motorists and pedestrians, the following off-street parking standards are established. Standards hereinafter established govern the provision, arrangement and access for parking lots or areas and individual parking spaces.

601.2 DEVELOPMENT STANDARDS

A. All land hereinafter used or occupied and all structures hereinafter designed or enlarged, shall provide sufficient off-street parking spaces in accordance with this Section.

B. The provisions of this section shall not apply to established parking districts and no off-street parking space greater than which exists at the effective date of this ordinance need be provided for existing uses or structures. However, if at any time in the future the use of the property changes to one which requires greater off-street parking space, the extra space shall be provided.

C. When a building or property is used for more than one use, the parking requirement for each such use shall be separately applied on the basis of that area established for each use.

D. All off-street parking spaces, other than for a single family or duplex dwelling, which requires vehicles to

back into a public road, street or highway are prohibited.

E. No parking area shall be used for the sale, repair, dismantling or servicing of any vehicle or equipment or for the storage of materials or supplies.

F. All off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner.

G. Each automobile parking space shall be clearly marked appropriately to the dimensions required for each space exclusive of the access drive.

H. There shall be provided entrances and exits and driveway adequate to connect parking areas with a public right-of-way.

I. Minimum dimensions for off-street parking and maneuvering space or driveways shall correspond to Table 6.1.

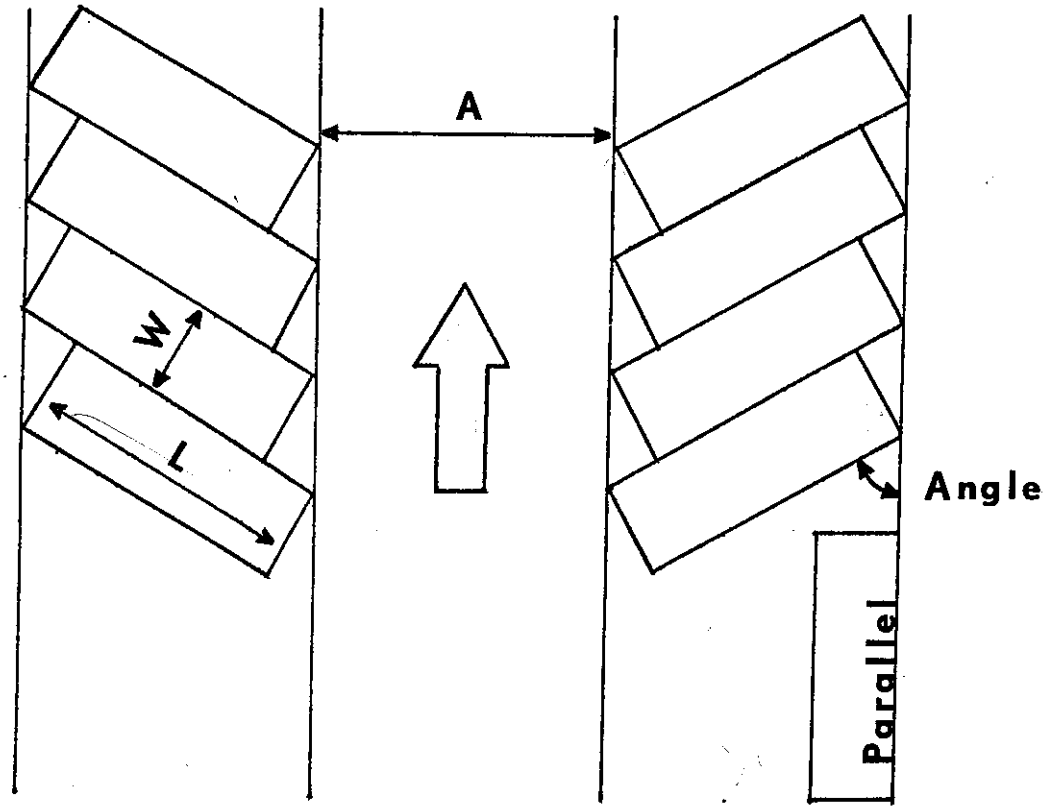
J. No parking spaces except those proposed for single family or duplex residences shall have direct access to a public way.

K. A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.

Driveways

L. No part of any parking or maneuvering space shall be closer than ten (10) feet to any street line, sidewalk or property line for commercial or industrial uses, or three (3) feet for residential uses.

M. No off-street parking areas may be used for displays, exhibits or sales, except in conjunction with any approved Temporary uses.



Angle	Minimum Stall Width (W)	Minimum Stall Length (L)	Minimum Aisle Width (Maneuvering Space) (A)
90°	9'	18'	25' residential 27' commercial
60°	9'	18'	18' one-way; 22' two-way
45°	9'	18'	16' one-way; 22' two-way
30°	9'	18'	14' one-way; 22' two-way
Parallel	8'	22'	16' one-way; 22' two-way

Table 6.1 OFF-STREET PARKING DIMENSION REQUIREMENTS

601.3 PARKING REQUIREMENTS

A. Except under the provisions of subsections B and C below, all uses of land and structures shall adhere to the following parking requirements:

(1) Assembly hall, arena, or auditorium - 1 space per 3 seats of its rated capacity.

(2) Auto sales or showroom - 1 space per 200 square feet of gross floor area. In no case shall any of the dealers' inventory be parked in this minimum required parking area.

(3) Animal hospital - 1 space per 200 square feet of gross floor area.

(4) Appliance stores - 1 space per 300 square feet of gross floor area.

(5) Automotive repair garage - 4 spaces per service bay or work area.

(6) Bank - 1 space per 200 square feet of gross floor area plus 5 stacking spaces per each drive-in stall.

(7) Bars - 1 space per 50 square feet of gross floor area.

(8) Boarding house - 1 space per sleeping room.

(9) Bowling alley - 4 parking spaces for each lane.

(10) Churches and other houses of worship - 1 space per 3 seats of the main seating area, plus 1 space per 200 square feet of gross Sunday School area.

(11) Civic Club - 1 space per 200 square feet of gross floor area.

(12) Clubs, entertainment, night clubs - 1 space per 50 square feet of gross floor area.

(13) Clubs, private - 1 space per 200 square feet of gross floor area.

(14) Equipment sales - 1 space per 300 square feet of gross floor area.

(15) Furniture stores - 1 space per 500 square feet of gross floor area.

(16) Funeral Homes - 1 space for each 3 seats of its rated capacity, but not less than 30 spaces.

(17) Gasoline or service station - 4 spaces per service bay or work area.

(18) Golf Course - 4 spaces per hole plus 3 spaces per driving range, putting green, or pitching/chipping green plus parking for any restaurant or bar as required herein.

(19) Hotels - 1.25 spaces per guest room plus required parking for accessory uses contained on the premises as required herein.

(20) Hospital - 1 space per 600 square feet of gross floor area.

(21) Laboratory - 1 space per 200 square feet of gross floor area.

(22) Laundromat - 1 parking space for each washing or dry cleaning machine.

(23) Library - 1 space per each 250 square feet of gross floor area.

(24) Machinery sales or repairs - 1 space per 300 square feet of gross floor area.

(25) Manufacturing facility - 1 space per 800 square feet of gross floor area.

(26) Medical or dental offices and clinics - 1 space per 150 square feet of gross floor area.

(27) Moving and storage - 1 space per 2,000 square feet of gross floor area plus required spaces for any office area and 1 space for each vehicle used in the business.

(28) Motel - 1.25 spaces per guest room plus required parking for accessory uses contained on the premises.

(29) Motor vehicle sales - 1 space per 200 square feet of gross floor area.

(30) Museums - 1 space per 250 square feet of gross floor area.

(31) Nursing Homes, Convalescent Home or Home for Aged - 1 space per every 2 beds plus 1 space for any facility vehicles, plus parking for any offices, community centers, etc., as required herein.

(32) Office uses - 1 space per 200 square feet of gross floor area.

(33) Residential Uses:

a. Dwelling, single-family - 2 spaces for each dwelling unit.

b. Dwelling, two-family or duplex - 2 spaces for each dwelling unit.

c. Dwelling, multi-family - efficiency or one bedroom, 1 space for each dwelling unit; Two bedrooms or more - 2 spaces per dwelling unit.

d. Dwelling, townhouse - 2 spaces for each dwelling unit.

(34) Retail sales - 1 space per each 150 square feet of gross floor area.

(35) Retirement Community - 1 space per every 2.5 bedrooms plus 1 space for any facility vehicles, plus parking for any offices, community centers, etc., as required herein.

(36) Restaurant:

a. Carry-out - 1 space per 300 square feet of gross floor area plus 1 space per delivery vehicle.

b. Fast Food - 1 space per 50 square feet of gross floor area, plus 5 stacking spaces per drive-thru window.

c. Sit Down - 1 space per 50 square feet of gross floor area.

(37) Schools:

a. Elementary, Junior or Middle - 2 spaces per classroom plus any requirements for auditoriums or gymnasiums, but not less than 1 parking space per teacher and staff.

b. Senior High, College - 2.5 spaces per classroom plus any requirements for auditoriums, gymnasiums or stadiums, but not less than 1 per teacher and staff.

Senior commercial - ?

(38) Shopping center - 1 space per 150 square feet of gross floor area.

(39) Storage and warehouse - 1 space per 2,000 square feet of gross floor area plus required spaces for any office area and 1 space for each vehicle used in the business.

(40) Taverns - 1 space per 50 square feet of gross floor area.

(41) Terminal:

a. Freight - 1 space per 2,000 square feet of gross floor area plus required spaces for any office area and 1 space for each vehicle used in the business.

b. Passenger - 1 space per 100 square feet of gross floor area plus 3 lanes for buses.

(42) Theaters - 1 space per 3 seats of its rated capacity.

(43) Tourist Information Center - 1 space per 100 square feet of gross floor area.

(44) Wholesale - 1 space per 2,000 square feet of gross floor area plus required spaces for any office area and 1 space for each vehicle used in the business.

B. For any use not specifically listed in subsection A above, the parking requirement will be determined by the Town Planner.

C. The Town recognizes that, due to the peculiarities of any given development, the inflexible application of the parking standards may result in a development either with inadequate parking space or parking space far in excess

of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the Town (through the Planning Commission) may permit deviations from the presumptive requirements of subsections A or B above and may require more or allow less parking as may be deemed appropriate during the process of site plan review.

D. In situations where the total parking area should not be needed in the immediate future, but may be in the longer-term, the Planning Commission may require that all of the area be provided and reserved for parking, but may suspend or waive the requirement that it actually be paved, until such time as the Town Planner determines that it is necessary.

E. Whenever the Town Council shall have established municipally owned and maintained off-street parking areas, and where certain uses may be required to pay an additional tax for the support of publicly owned facilities provided by said tax; the parking requirements of this Ordinance applying to those uses located within said district shall not be required; provided, however, that said users pay either the full special tax or a proportionate share thereof.

F. Parking lots shall always be generously planted with shade trees. Lots of 25 spaces or more shall provide at least one tree per five (5) parking spaces. Stock should be no less than 1.5" caliper (at breast height) and each tree should be provided with at least forty (40) square feet of unpaved area around its trunk.

G. Parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or is faced by any "R" District, by an ornamental wall, fence,

or compact evergreen hedge. Such screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon.

601.4 JOINT USE - OFF-SITE FACILITIES

A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained on a lot within five hundred (500) feet of the building served.

B. Up to twenty-five (25%) percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, and night clubs, and up to one hundred (100%) percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, service establishments, and similar uses not normally open, used, or operated during the same hours as those uses listed, and up to fifty (50%) percent of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.

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

D. No such space shall be located closer than fifty (50) feet to any lot located in any "R" District, unless wholly within a completely enclosed building or unless enclosed on three sides by a wall of uniformly painted board fence or natural plantings. The height of all screening shall be determined by the zoning inspector but in no event shall the screening be less than six (6) feet in height.

E. Loading spaces shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading or unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

F. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

SECTION 603 SIGNS

603.1 PURPOSES

The following sign regulations are established to assure compatibility of on-site structures with surrounding land use, both existing and proposed; to conserve and enhance property values in all districts; to promote traffic and pedestrian safety by minimizing distractions to drivers in the Town of Easton; to protect the natural scenic beauty of the Town of Easton; to preserve the aesthetic integrity of the Town of Easton and to preserve the integrity of the many historically and architecturally significant structures in the Town of Easton.

603.2 APPLICABILITY-EFFECT

A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Section.

The effect of this Section as more specifically set forth herein, is:

A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Section;

B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located subject to the substantive requirements of this Section, but without a requirement for permits;

C. To prohibit all signs not expressly permitted by this Section; and

D. To provide for the enforcement of the provisions of this Section.

603.3 GENERAL

A. PERMITTED SIGNS

Only signs which refer to a permitted use or an approved Special Exception use as set forth in Article V of this Ordinance are permitted, provided that such signs conform to the provisions of this Section, and are located on the same lot as said use.

B. PROHIBITED SIGNS

(1) Billboards, streamers, pennants, banners, beacons, ribbons, spinners or other similar devices shall not be constructed, posted, or erected in any zone.

Exceptions are flags and buntings exhibited to commemorate holidays and/or seasonal themes or festivals and a banner erected to announce a Grand Opening in accordance with the provisions of Section 603.6 C of this Ordinance.

(2) Flashing signs, roof signs, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this Ordinance.

(3) Portable signs, inflatable signs or tethered balloons are not permitted.

(4) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted after thirty (30) days said business or organization becomes defunct.

(5) Wall signs in excess of two hundred (200) square feet.

(6) Freestanding signs in excess of one hundred (100) square feet in area per side.

(7) No sign, except for a traffic, regulatory, or informational sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape and color.

(8) No sign may be painted onto any wall or roof.

C. ILLUMINATION STANDARDS

(1) No person may erect a sign which flashes.

(2) No person may erect a sign with exposed electrical wires.

(3) Strings of bulbs are not permitted, except as part of a holiday celebration.

(4) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

(5) All lighted on-site signs shall be illuminated indirectly by either interior or exterior fixtures.

D. SAFETY STANDARDS

(1) No person may erect, maintain, or suffer to remain a sign which:

(a) is structurally unsafe;
(b) constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;
(c) obstructs free entrance or exit from a required door, window, or fire escape;
(d) obstructs light or air or interferes with a proper functioning of the building; or
(e) is capable of causing electrical shock.

E. EXCEPTIONS

For the purposes of this Subsection, the term "sign" shall not include:

(1) signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, Ordinance, or other regulation;

(2) directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does

not exceed three (3) square feet or extend higher than four (4) feet above ground level. Such sign will conform in all respects with the requirements of this code; and

(3) signs relating to trespassing and hunting, not exceeding two (2) square feet in area.

F. NON-CONFORMING SIGNS AND SIGN STRUCTURES

Non-conforming signs and sign structures may remain except as qualified below:

(1) Other than sign maintenance, no non-conforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letters, or numbers, new design, different colors or different logo, unless such action will make the sign conforming in all respects.

(2) Nothing in the Section shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself.

(3) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign structure conforming in all respects.

(4) A non-conforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

(5) Removed Signs to be Stored: Any sign or sign structure removed by the Town shall be held not less than thirty (30) days by the Town during which period it may be recovered by the owner upon paying the Town for cost of removal and storage, and upon payment of any imposed fine. If not recovered within the thirty (30) day period, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

603.4 ADMINISTRATION

A. PERMITS

(1) No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. Applications shall be on forms prescribed by the Zoning Administrator. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements.

(2) Permits shall be issued only if the Zoning Administrator determines the sign complies or will comply with all applicable provisions of this Ordinance and the Town Building Code. Such application may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises.

(3) The Zoning Administrator shall act within thirty (30) days of receipt of such application together with the required fee. The Zoning Administrator's action or failure to act may be appealed to the Board of Appeals under the provision of Section 803 of this Ordinance.

B. FEES

A schedule of fees for such permits may be established and amended from time to time by the Mayor and Council.

C. ENFORCEMENT

The Zoning Administrator is hereby authorized to enforce this Ordinance. The Zoning Administrator is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this Ordinance.

D. REMOVAL OF SIGNS

Any sign which has been ordered removed by the Zoning Administrator, or is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove.

E. MEASUREMENT OF SIGN AREA

(1) Sign measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

(2) For a sign consisting of individual letters or symbols attached to 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.

(3) The area of supporting framework (for example brackets, posts, etc) shall not be included in the area if such framework is incidental to the display.

(4) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as either face, and if the faces are unequal, the larger shall determine the area.

Amended

F. VARIANCES FOR SIGNS

~~Variances shall not be granted for any sign, as ample provision has been made for premises identification within this Section, and because true hardship as defined in state law cannot be demonstrated in signage regulations.~~

603.5 DEVELOPMENT STANDARDS

A. The following restrictions shall apply to permitted signs:

(1) No on-site sign shall exceed forty (40) feet in length.

(2) No on-site sign surface shall exceed a vertical dimension of fifteen (15) feet.

(3) No attached signs shall project more than 36" beyond the building line nor more than 15" beyond the property line.

(4) No person may erect a sign which is affixed to a fence, utility pole, or tree, shrub, rock, or other natural object.

(5) Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall which extends above the roof line, in which case the sign may not extend above the top of said parapet).

(6) No projecting sign shall extend into a vehicular public way, or be less than ten (10) feet above a pedestrian way.

(7) No sign together with any supporting framework shall extend to a height above height limitations established herein.

(8) Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.

B. The owner of a sign and the owner of the site upon which the sign is located are jointly and severally responsible for maintaining the sign, including its illumination system.

C. Upon written notice from the Zoning Administrator that a sign is unsafe, damaged or deteriorated, the owner of the site and/or the owner of the sign shall repair or remove the sign. Immediate action is required for the repair or the removal of unsafe signs. If repair or removal is not achieved within the time period specified in the written notice from the Zoning Administrator, the sign shall be repaired or removed by the Town and the cost shall be assessed to the property owner.

D. After use is discontinued, all on-site signs shall be removed in thirty (30) days of the termination of the use. If any such sign is not removed within said thirty (30) day limit, the Town may remove such signs after fifteen (15) days written notice. Costs of such removal shall be assessed to the property owner.

603.6 SIGNS PERMITTED WITHOUT PERMITS

The following signs may be erected without issuance of a sign permit, provided all other applicable standards of this Ordinance are met:

A. No more than one (1) temporary sign advertising the sale, lease, or rental of the premises upon which the sign is located, with the total area of the sign not exceeding four (4) square feet. Such signs shall be removed within ten days following the sale, lease or rental of the premise.

B. Professional name plates or sign denoting the name and address of the occupants of the premises, which sign or name plate shall not exceed a total of four (4) square feet in area.

C. No more than one (1) banner announcing the grand opening of a new business within the Town. Such signs shall conform to the size limitations as set forth in Section 603.5 of this Ordinance. Any such sign must be erected on the day of the official opening of the business and shall be removed within 48 hours of said opening. Only the words "Grand Opening" shall be permitted to appear on such a banner.

D. No more than one (1) decorative flag per residential unit. Such flag shall not exceed eight (8) square feet in area and must be flown via a flagpole attached to the residence. No residence with a home occupation or home professional office shall be permitted to display a decorative flag.

603.7 SIGNS PERMITTED AFTER ISSUANCE OF SIGN PERMIT

The following signs may be erected in the Town of Easton after issuance of a sign permit by the Town:

A. No more than one free-standing sign per building lot, not exceeding one hundred (100) square feet (per side) in area, the top of which is not more than twenty (20) feet in height above ground level, and which contains only the name of the owner, trade names, trade mark, products sold, and/or describes the business(es) or activity conducted on the premises whereon such sign is located. Such sign shall be set back at least ten (10) feet from any property line and shall meet the requirements of Section 609 of this Ordinance.

B. No more than one (1) building sign attached to each business with street frontage, which sign(s) shall not exceed one (1) square foot for each lineal foot of highway or street frontage occupied by each business conducted on the premises. Where a business has frontage on more than one street or public highway, one (1) attached sign shall be permitted on each street frontage. In addition, buildings which have multiple businesses which share common entrance(s) shall also be permitted one (1) attached multiple sign on each street frontage. Such signs shall not exceed one (1) square foot per lineal foot of street frontage.

C. No more than one (1) sign denoting the architect, engineer, or contractor placed on premises where construction, repair or renovation is in progress, which sign shall not exceed thirty-two (32) square feet in area.

D. No more than one (1) sign or bulletin board identifying a place of worship, library, museum, civic, social or fraternal club or society, which sign shall not exceed thirty-two (32) square feet in area and shall be located upon the premises of such institutions. These signs may also contain other information customarily incidental to said places or organizations.

E. No more than one (1) sign advertising a real estate development, commercial development, or subdivision.

Said sign shall not exceed thirty-two (32) square feet in area and shall be located on the property to be developed or subdivided. Such sign shall be removed when 80 percent of the initially available property has been sold.

F. No more than one (1) freestanding multiple sign identifying the several occupants of a shopping center, multiple use building, office building or office park. Where such a development is accessed from two (2) different streets or roads, two such signs may be permitted. The maximum square footage, height, etc., shall be the same as for freestanding signs as outlined in Section 603.7 A above.

G. No more than one (1) sidewalk sign or one (1) projecting sign per lot may be permitted in the CR Zoning District only when an otherwise permitted freestanding sign cannot be erected because it cannot meet the setback requirements. Such signs shall not exceed ten (10) square feet in size.

H. No more than one (1) freestanding sign identifying a multifamily or PUD project. Such sign shall not exceed fifty (50) square feet in area or ten (10) feet in height. The location of such sign shall be indicated on required site plans or subdivision plats.

I. No more than one (1) freestanding off-site sign may be permitted only for businesses which are accessed exclusively via an easement such that a sign could not be placed in a manner which respects the setbacks. Such a sign shall require written permission from the owner of the property on which the sign is to be located.

603.8 SIGNS RELATING TO POLITICAL ELECTIONS AND ACTIVITIES

Signs relating to political elections and activities shall be permitted under the following conditions:

A. That no sign be located upon property owned by the Town of Easton or upon any street or sidewalk.

B. That no sign be installed until such time as the owner of the site has given his or her permission in writing for the sign to be installed.

C. That all such signs be removed within ten (10) days after the date upon which the election or referendum to which they refer occurs.

D. All political signs shall conform to the development standards set forth in Subsection 603.5.

E. The total sign area of any political sign shall not exceed ten (10) square feet.

SECTION 604 STRUCTURES PERMITTED ABOVE HEIGHT LIMIT

The building height limitations of this Ordinance shall not apply to roof structures for housing stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings; fire or parapet walls, towers, steeples, grain tanks, silos, smoke stacks, masts, tanks, monuments, or other structures that project into the air. The provisions of this section shall not apply to any structure or use within any airport clear zone.

SECTION 605 FRONT YARD ADJUSTMENTS

The front yard required for a dwelling in any zone which permits residences may be reduced in the case of a dwelling to be located between two (2) existing dwellings which lack the required front yard and which are less than one hundred (100) feet apart. In such a case the front yard depth shall be not less than that of the deeper adjoining lot.

SECTION 606 CORNER LOT RESTRICTIONS

On corner lots, all sides of the lot which face a street must comply with the applicable front setback.

SECTION 607 OTHER EXCEPTIONS TO SETBACK REQUIREMENTS

The following features may project into required setbacks as hereinafter set forth.

A. Beyond any required front setback, rear setback, or required side setback adjoining a street side lot line, the following exceptions shall be permitted:

(1) Cornices, canopies, eaves or other architectural features may project a distance not exceeding three (3) feet.

(2) Fire escapes may project a distance not exceeding five (5) feet.

(3) An uncovered stair and necessary landings may project a distance not to exceed six (6) feet; provided however that such stair and landing shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.

(4) Bay windows, balconies, and chimneys may project a distance not to exceed three (3) feet; provided that such features do not occupy, in the aggregate, more than one third (1/3) of the length of the wall on which they are located.

B. Subject to the conditions specified above, the above-named features may project beyond any required side setback adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required width of such side setback, but not to exceed three (3) feet in any case.

C. Where otherwise permitted, filling station pumps and pump islands may occupy the front yards, provided, however, that pumps and pump islands shall not be less than thirty (30) feet from front property line. The top of any canopy shall not be less than fifteen (15) feet from the front property line.

D. Fences, Walls, and Hedges may be located in the established yards as follows:

(1) Fences, walls, and hedges, not exceeding at any point four (4) feet in height above the elevation of the surface of the ground, may be located in any front yard or court, but not beyond the front property line.

(2) Fences, walls, and hedges not exceeding at any point seven ~~(7)~~ feet in height above the elevation of the surface of the ground, may be located in any rear yard or side yard area.

E. Handicapped ramps as required by the State Handicapped Code requirements.

F. Decks may project beyond the required rear setback no more than ten (10) feet.

SECTION 608 SUPPLEMENTAL USE STANDARDS

Certain uses may be permitted in the various zoning districts subject to specific development and/or performance standards as specified by this Ordinance and as determined by the Planner, the Town Engineer, the Board of Zoning Appeals, the Planning Commission, and/or the Town Council. These include:

608.1 RESIDENTIAL USES

All residential uses subject to supplemental standards shall comply with the following:

A. Applicant shall submit a detailed written statement discussing the type of facility proposed.

B. Applicant shall provide description (graphic and narrative) of the proposed architectural design if new construction or alteration to existing buildings is proposed.

C. Subject property shall have frontage on and direct vehicular access to an existing street with sufficient capacity to accommodate any traffic generated by the proposed use.

D. No retail activities shall be permitted, except where indicated herein as a permitted use.

E. Proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.

F. The proposed development shall not create, or substantially contribute to, traffic problems in the area. The Planning Commission may require a traffic study.

G. In addition, specific residential uses listed below shall be subject to the following:

(1) Agriculture

a. All accessory structures, and pens for the raising of poultry or livestock (except pastures) shall be located at least two hundred (200) feet from any lot line.

(2) Bed and Breakfast

a. No structure shall be used as a Bed and Breakfast establishment unless it is either located within an Historic District, or is one of the residential structures identified by

the Easton Historic District Commission as being of architectural or historical significance in the Town of Easton.

b. Any structure used as a Bed and Breakfast operation must meet all applicable fire, safety and health codes and regulations.

c. Each Bed and Breakfast establishment must provide two (2) parking spaces plus one (1) additional space for each room which may be provided. The parking spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. In granting a Special Exception for a Bed and Breakfast establishment, the Board of Appeals shall specify appropriate buffers to separate parking areas from adjoining residential properties.

d. The structure in which the Bed and Breakfast operation takes place shall be the principal residence of the owner of the property.

e. Meals for guests shall be limited to breakfast provided in an area of the dwelling generally utilized by the resident family for the consumption of food.

f. No person shall be a guest in a bed and breakfast operation for more than five consecutive nights.

(3) Day Care Facility, Family

a. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.

b. A Family Day Care Home shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.

c. At any one time, a Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.

d. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) Children permitted under paragraph C above only if all of the following conditions are met:

1. The child is less than six (6) years old;
2. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
3. The child cannot be sent home immediately.

e. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

f. The applicant shall have one hundred (100) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.

g. The family day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.

h. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

i. This use shall be treated as an outright permitted use unless either of the following circumstances occurs:

    1. A Public Hearing is requested within seven (7) days of the posting of the property and the placement of an advertisement concerning the application in a newspaper of general circulation in the Town of Easton; or

    2. The Town planner recommends denial of the application.

In the event that either 1 or 2 above occurs, the application shall be treated as a Special Exception and shall proceed in accordance with the standards applying thereto as specified in Article VIII, Section 803.5-B.

(4) Home Occupations

a. The applicant shall demonstrate that the occupation will be conducted within the dwelling or accessory building and is clearly secondary to the use of the dwelling for residential purposes. There shall be no external evidence of business activity including commercial vehicles, inordinate vehicular traffic, outside storage, noise, dust, fumes, or other nuisances emitting from the premises.

b. All employees shall be residents except that one full-time non-resident employee may be on the premises if approved by the Board of Zoning Appeals.

c. No outside storage of equipment, materials or items to be repaired shall be permitted.

d. No article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to services offered.

e. No off-street parking shall be required other than that necessary for the permitted residential use.

f. The applicant shall provide an impact statement indicating the nature of the business to be conducted in the office, the maximum number of persons expected on the premises at any one time, and the expected traffic generation caused by the use.

g. Residential appearance shall be maintained and the proposed development shall be in keeping with the character of the neighborhood.

h. Illumination of the site will be at a minimum to achieve safety requirements and shall be shielded from neighboring properties.

i. No more than twenty-five (25%) percent of the floor area of the dwelling including an attached garage may be utilized for the home occupation and not more than five (5%) percent may be used for storage of stock in trade.

j. The applicant shall be entitled to one (1) non-illuminated sign identifying the home occupation. Such sign shall be attached to the building and shall be no greater in size than two (2) square feet.

(5) Manufactured Home Parks or Subdivisions

a. All manufactured home parks or subdivisions must be developed in accordance with the Town of Easton Subdivision Regulations and shall require Planning Commission review and approval.

b. At least ten (10%) percent of the gross development area shall be reserved as common open space.

c. The minimum total area required for a manufactured home park or subdivision shall be ten (10) acres.

d. The minimum site area for each manufactured home within the park or subdivision shall be 5,000 square feet and each individual home site shall be defined by landscape plantings and/or low-level decorative fencing.

e. There shall be a minimum setback from any structure to any adjacent public street or road of fifty (50) feet.

f. All interior access drives shall be privately owned and maintained by the owner/operator of the subdivision or park. Access drives shall be at least twenty (20) feet wide, shall be paved, and shall be approved by the Town Engineer.

g. All structures within the subdivision or park shall be set back at least twenty-five (25) feet from the side lines of any internal access drives.

h. No manufactured home within the subdivision or park shall be directly provided access onto a public street or road.

i. A manufactured home subdivision or park shall be enclosed on all sides with a permanently maintained natural or artificial barrier/buffer in accordance with the provisions of Section 615 of this Ordinance.

j. All access roads, parking areas and walkways within the subdivision or park shall be illuminated at night. Illumination in the subdivision or park shall not cast any glare beyond the perimeter of the subdivision or park.

k. Every manufactured home within the park or subdivision shall be certified as meeting the current National Manufactured Housing Construction and Safety Standards.

l. Every manufactured home shall have a gross floor area of at least 600 square feet.

m. No manufactured home may be used exclusively for storage purposes.

n. Every manufactured home shall have a canopied or covered entranceway/porch at least sixty-four square feet in size. This standard may be waived or modified by the Planning Commission if it finds that the standardized design of the unit already incorporates a covered porch or entryway.

o. One (1) utility building is permitted for each manufactured home. Such building shall be located on the individual manufactured home site, and shall not exceed exterior dimensions of twelve (12) feet by twelve (12) feet and shall not exceed ten (10) feet in height.

p. Every manufactured home, together with all enclosed extensions or structural additions shall be installed upon an approved anchor tie-down system and shall be securely anchored thereto so as to prevent the home from shifting or overturning. The undercarriage of every manufactured home shall be suitably hidden by some form of opaque skirting.

q. A manufactured home subdivision shall comply with all requirements of the Easton Subdivision Regulations.

(6) Multi-family Dwellings

a. Multi-family dwelling shall be constructed in accordance with an approved Site Plan prepared under the provisions of Section 806 of this Ordinance.

b. At least twenty-five (25%) percent of the gross development area shall be reserved as common open space.

c. The setback requirements for multi-family dwellings shall be determined by the development standards for the zoning district in which the project is located except as hereby modified:

1. When more than one (1) multi-family building is constructed, the buildings shall collectively adhere to the front setback requirements of the district in which they are located, plus five (5) feet per story over two (2) stories, or portion thereof.

2. When more than one (1) multi-family building is built, no building shall be closer than twenty-five (25) feet from any other multi-family building.

3. No multi-family structure shall be constructed at a distance of less than twenty (20) feet from any adjoining property lines; except for multi-family structures constructed in the CR district, wherein the development standards for that district shall apply.

d. When more than one multi-family building is constructed, external walkways shall be paved and lighted.

e. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than six (6) feet high.

f. All areas not utilized for building or off-street parking shall be landscaped and maintained in accordance with Section 615 of this Ordinance.

g. All buildings within the multi-family project shall be of compatible architectural design.

h. The minimum dimension, width or depth, of all living units shall be eighteen (18) feet.

i. In the R-7A, R-10A, and R-10M districts, no more than three (3) units may be constructed with the same front setback and no more than six (6) units may be constructed in one building at first floor level. In the CR district, no more than nine (9) units may be constructed in one building at first floor level and no more than three (3) units may be constructed with the same front setback.

j. The facades of units shall be varied by changed front yards of not less than five feet. Architecture shall be compatible among the units within the development and harmonious with the existing architecture of the Town of Easton.

k. Public water and sewerage systems must be available to serve the project.

l. The maximum permitted density shall be as follows:

    1. In R-7A and CR Districts - 8 dwelling units per acre.
    2. In R-10A and R-10M Districts - 5 dwelling units per acre.

m. Side yard setback requirements for multi-family units (condominiums, townhouses, and apartments) adjacent to a single family detached residence or vacant residential lot shall be fifty (50) feet and shall include a twenty-five foot landscaped buffer along the lot line. No vehicle access may penetrate the buffer. Parking setback is also fifty (50) feet. (See also Figure 6.1).

n. Rear yard setback requirements for multi-family units (condominiums, townhouses, and apartments) adjacent to a single family residence or vacant residential lot shall be seventy-five (75) feet and shall include a twenty-five (25) foot landscaped buffer along the lot line. Should vehicle access penetrate the buffer, it shall not exceed twenty-five (25%) percent of the rear yard width or thirty (30) feet, whichever is greater. The setback for parking areas is also seventy-five (75) feet. (See also Figure 6.1).

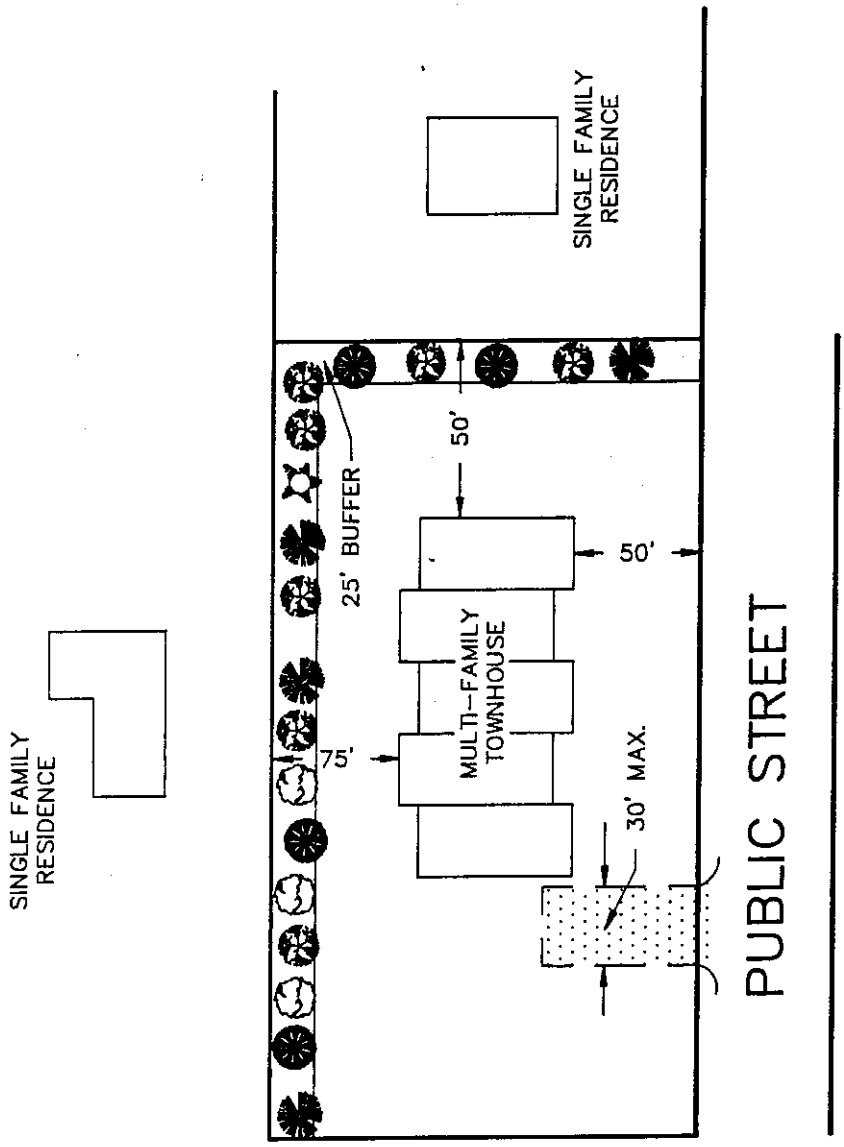

SINGLE FAMILY RESIDENCE
75'
25' BUFFER
MULTI-FAMILY TOWNHOUSE
50'
50'
30' MAX.
SINGLE FAMILY RESIDENCE
PUBLIC STREET

FIGURE 6.1

(7) Two-Family or Duplex Units

a. Minimum lot, depth, and width standards of the applicable zoning district shall be increased by fifty (50%) percent for two-family or duplex dwellings.

608.2 COMMERCIAL USES

All commercial uses subject to supplemental standards shall comply with the following:

A. The proposed development shall not create, or substantially contribute to, traffic problems in the area. The Planning Commission may require a traffic study.

B. The location of the subject property shall be suitable for the type and scope of development proposed, taking into account such factors as the existing character of the neighborhood, traffic, and the character of surrounding properties and the neighborhood in general.

C. The subject property shall be of sufficient size to accommodate development of the type and scope proposed.

D. The applicant shall submit a detailed written statement describing the type of facility proposed.

E. The applicant shall provide a description (graphic and narrative) of the proposed architectural design.

F. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan.

G. All storage areas for trash, refuse, and recyclables shall be self-enclosed.

H. All sides of the use shall have the same architectural features or shall be architecturally compatible with the building group, and neighborhood with which it is associated.

I. The applicant shall design and site buildings to screen unsightly elements such as shipping/loading areas, snow piling, transformers, dumpsters, and meters from public view.

J. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping in groupings that provide for safe and unobstructed pedestrian movement.

K. The applicant shall link public building entrances to sidewalks and parking areas by means of a safe, convenient and well-lit walkway system.

L. New buildings shall be sited to insure that adjacent properties have visual privacy and sunlight as well as protection from new developments, site illumination, noise, and odor, where applicable.

M. In addition, specific Commercial uses listed below shall be subject to the following:

(1) Accessory Apartments

a. In the CG district,apartments are not permitted on the ground floor.

b. In the CG district, apartments shall be limited in size to no more than fifty (50%) percent of the gross floor area of the principal building.

(2) Animal Hospital/Veterinary Clinics or Services

a. Disposal of waste shall be through approved, safe means and shall be separate from regular trash disposal.

(3) Automobile Sales or Showrooms

a. All sales and installation facilities operations shall be conducted within a wholly enclosed building. Outdoor display of motor vehicles for sale shall be permitted if areas for this purpose are integrated into the overall site design and are compatible with the adjacent and neighboring properties. Applicant shall submit a plan indicating outdoor storage areas and screening of such areas. The Planning Commission may require additional landscape treatment to address this requirement. Neighboring properties shall be protected from site illumination, noise, and odor.

b. Display for sale or rental purposes of motor vehicles, trailers, boats, camping trailers, or other vehicles may be permitted provided that the lot on which the vehicles are parked is adequately screened from all neighboring residentially zoned land or land proposed for residential purposes by the Comprehensive Plan. In addition to buffering and landscaping requirements, a sightly, solid wall or fence at least three (3) feet in height shall be located along all property lines adjoining residentially zoned land, such wall shall contain no advertising and shall be maintained in good condition.

c. The area of the lot devoted to buildings and vehicle display or storage shall include no more than seventy-five (75%) percent of the total lot area, exclusive of flood plains,

steep slopes, or other environmentally sensitive areas.

d. The number and type of vehicles permitted on the lot shall be determined on a case-by-case basis taking into account factors such as the gross weight of the vehicle, vehicle size, nature of the vehicle (commercial, industrial, passenger, or other) impacts on adjoining properties and traffic implications of the facility.

e. The applicant shall design buildings to complement and contribute to desirable community character in terms of shape and style, roof lines, color, and materials.

f. The applicant shall site new buildings to insure that adjacent properties have visual privacy and sunlight as well as protection from new developments, site illumination, noise, and odor.

g. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, car storage areas, dumpsters, etc.

h. The applicant shall protect pedestrian areas from vehicular intrusion with landscaping and curbs that are integrated into the overall streetscape.

i. The applicant shall identify a safe, identifiable driving lane within the parking lot.

j. The applicant shall use landscaping islands, curbs, and signs to clearly distinguish the

parking from loading and delivery and driving lanes.

k. The applicant shall provide adequate space on site for service and delivery vehicles.

l. The applicant shall provide turning areas in order to avoid dead-end parking situations.

(4) Automotive Repair Garage and Gasoline/Service Station

a. Bulk storage of flammable liquids shall be underground and shall be subject to setback requirements.

b. The entrance or exit at such establishment shall be at least fifty (50) feet from any lot zoned residential.

c. There shall be no open storage or accumulation of junk or scrap.

d. No structure or building shall be erected within thirty (30) feet of any dwelling.

e. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, car storage areas, dumpsters, etc.

f. No entrance or exit to such a facility shall be located within one-hundred (100) feet of any intersection.

(5) Christmas Tree Sales

a. Sales of Christmas Trees shall be permitted only between the dates of November 15 and December 26.

b. Storage or display of the trees shall not obstruct any handicapped parking spaces, traffic signs, or site lines at entrances or exits.

c. This use is only permitted on a temporary basis and shall be totally removed and the site returned to exact previous appearance by December 31.

(6) Convenience Stores

a. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, dumpsters, etc.

b. The applicant shall provide adequate space on site for service and delivery vehicles.

c. No entrance or exit to such a facility shall be located within one-hundred (100) feet of any intersection.

(7) Hotels/Motels

a. Accessory uses may include gift shop, beauty shop, barber shop, restaurant, cocktail lounge/night club, auditorium/meeting facilities and similar retail stores and commercial establishments.

b. Circulation and parking shall be adequate to fulfill requirements of all proposed uses - principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Planning Commission.

c. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.

d. The applicant shall develop the public streetscape between the street-front of the building and the street curb as a safe and convenient pedestrian area with attractive amenities such as paving, lighting, seating, shelter, and landscaping.

e. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.

f. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the building and the adjacent properties.

g. The applicant shall design and locate signs so that their illumination is directed away from adjacent properties, and such that their design is integrated into the site and the streetscape.

h. Vehicular access to the subject property shall not be by means of any street internal to a residential subdivision.

(8) Indoor Recreation Facility

a. The minimum required lot size for this use shall be five (5) acres.

(9) Day Care Centers, Group or Large Group;

a. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Group Day Care.

b. A Group Day Care Center or Large Group Day Care Center shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Center and Provider.

c. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

d. The applicant shall have one hundred (100) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.

e. The day care center and provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.

f. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

(10) Multiple Uses

a. Each use must be permitted within the zone either by right or via Special Exception.

b. Changes of use do not require additional Special Exceptions provided that the new uses are also permitted within the zone. Any new uses that are only permitted via Special Exception shall be treated as an amendment to the Special Exception and require Planning Commission review and Board of Zoning Appeals approval.

(11) Office Parks

a. Office Parks shall be located on a site that is at least one (1) acre in size.

b. The lot on which the Office Park is located must have a minimum frontage of one-hundred (100) feet on a public street.

c. The lot on which the Office Park is located must have a depth of at least one-hundred (100) feet.

d. The project shall have a unified arrangement of buildings, service areas, parking, and landscaped areas.

e. Materials, massing, and facade design for the project shall be harmonious with the character of the neighborhood.

f. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

g. Safe pedestrian movement shall be required.

h. Landscaping shall be provided in accordance with Section 615 of this Ordinance.

(12) Outdoor Recreation Area

a. Outdoor Recreation Areas shall have a minimum lot size of five (5) acres.

(13) Shopping Centers

a. The project shall have a unified arrangement of buildings, service areas, parking, and landscaped areas.

b. Materials, massing, and facade design for the project shall be harmonious with the character of the neighborhood.

c. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

d. The vehicular plan shall provide for safe pedestrian movement.

e. All loading/unloading areas must be segregated from public areas and screened from public view.

f. Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks, or incidental outside storage, shall be landscaped and properly maintained in accordance with Section 615 of this Ordinance.

g. All parking lots, loading areas, and outdoor storage areas shall be separated with

bufferyards of at least twenty-five (25) feet from any adjacent residential districts.

h. Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto. Proposed signage shall be submitted in accordance with Section 603 of this Ordinance.

i. Directional and information signs shall be adequately provided and design coordinated.

j. Center management shall be responsible for providing on site security service.

k. A traffic study shall be provided by the developer.

l. Vehicular access to the subject project shall not be by means of any street internal to a residential subdivision. Pedestrian access, however, between any adjacent residential subdivision and the subject property shall be provided. Vehicular access shall be by means of a major or minor collector.

m. Shopping centers shall be developed according to a Comprehensive Development Plan as defined herein as approved by the Planning Commission. This shall replace the requirements for site plans contained in Section 806 for this use.

1. Comprehensive Site Plan - All shopping centers shall be constructed according to an approved Comprehensive Site Plan. The Plan shall make adequate provisions for access, utilities, and adequate protection of the surrounding properties, subject to approval by the Planning Commission. As a minimum the

Comprehensive Site Plan shall contain the following information. All site plans or plan elements shall be clearly titled, and numbered.

(a) A Site Plan Element is required indicating the proposed location of all buildings, parking areas, open spaces, vehicular and pedestrian access, and landscaping and their relationship to natural features of the site.

(b) A Site Plan Element is required which includes the proposed location and dimensions of all structures, and related areas, setbacks from property lines and other buildings, utility rights-of-way, streets, curbs, gutter, sidewalks, lighting and fire protection measures. The plan shall contain a tabular summary indicating:

i. Total Area of the Site
ii. Land Area Devoted to Open Space
iii. Land Area Devoted to Buildings
iv. Land Area Devoted to Parking - and total spaces
v. Number of stores by use and square footage

(c) A copy of all proposed deed restrictions, covenants, by-laws or other instruments designed to provide for continuing maintenance and control of common areas shall be provided.

(d) The architectural design of buildings shall be shown by front elevations, photographs or architectural renderings. Where a variety of designs are proposed each design shall be shown.

(e) If in the opinion of the Planning Commission, the Planner, the Zoning Inspector, the Town Engineer, or any Town department head, additional information is required to aid in the review of the project, additional elements shall be prepared.

n. Buildings shall be designed so that facades, signs and other appurtenances will have an integrated and harmonious appearance; so that parking and landscaped areas are harmonious and attractively arranged and in a manner which will not adversely affect the appearance of surrounding development.

o. Shopping centers shall be located where traffic congestion does not then exist on roads used for immediate access to the center, and where such congestion is not likely to be created by the proposed center; or where such congestion will be alleviated by currently scheduled improvements to access roads, by demonstrable provision for proper exits and entrances, and by internal provision for parking and traffic circulation.

p. Construction must be initiated within six (6) months of the granting of a building permit.

q. Any use that is permitted within the zone in which the shopping center is proposed shall be

permitted to locate within said shopping center without the need for further action by the Planning Commission or the Board of Zoning Appeals. Special exception uses and prohibited uses shall not be permitted to locate within the shopping center.

r. The ground area occupied by all buildings shall not exceed thirty (30%) percent of the gross lot or tract area.

608.3 INDUSTRIAL USES

A. Specific industrial uses shall be subject to the following supplemental standards:

(1) Industrial Parks

a. Industrial Parks shall be located on a site that is at least one (1) acre in size.

b. The lot on which the Industrial Park is located must have a minimum frontage of one-hundred (100) feet on a public street.

c. The lot on which the Industrial Park is located must have a depth of at least one-hundred (100) feet.

d. The project shall have a unified arrangement of buildings, service areas, parking, and landscaped areas.

e. Materials, massing, and facade design for the project shall be harmonious with the character of the neighborhood.

f. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.

g. The vehicular plan shall provide for safe pedestrian movement.

h. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, equipment storage areas, dumpsters, etc.

i. All operations (except for permitted outdoor storage) shall be located in a wholly enclosed building.

j. The release, disposal, or storage of waste materials shall not be visible from off-site. All trash and refuse shall be stored in self-enclosed storage areas.

k. There shall be no outside storage of the finished product. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.

l. An impact statement shall be submitted with the site plan which explains:

1. The proposed architectural design (graphic or narrative) of all buildings and structures.

2. The proposed hours of operation.

3. The provisions to be made for control of noxious and offensive odors.

4. The air pollution, water quality, and noise control measures to be taken.

5. The type and amount of traffic expected to be generated.

m. Landscaping shall be provided in accordance with Section 615 of this Ordinance.

608.4 Miscellaneous Uses

A. Specific miscellaneous uses shall be subject to the following supplemental standards:

(1) Garage or Yard Sales

a. In any district which permits yard or garage sales, each lot shall be allowed to conduct no more than three (3) yard or garage sales in any one (1) calendar year.

b. Signs shall be permitted under the provisions governing Temporary signs.

(2) Special Office Uses

a. No structure shall be used as a Special Office Use unless it has been approved for such use as a Special Exception by the Board of Zoning Appeals. In addition to the procedures for considering an application for a special exception as set forth in Section 803.5 B of this Ordinance, the Board of Appeals shall make those considerations required by this subsection.

b. No structure shall be used as a Special Office Use unless it is an existing structure located within an Historic District or is one of the structures identified by the Easton Historic District Commission as being of architectural or historic significance in the Town of Easton.

c. Any structure used as a Special Office Use must meet all applicable fire, safety and health codes and regulations.

d. Each Special Office Use must provide one (1) off-street parking space for each employee in addition to one (1) off-street customer space per office. Spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. In granting a Special Exception for a Special Office Use, the Board of Appeals shall specify appropriate buffers to separate parking areas from adjoining residential properties.

e. Any application for Special Office Use must include a site plan prepared in accordance with the standards set forth in Section 806 of this Ordinance. Any application for a Special Office Use shall be reviewed by both the Planning Commission and the Easton Historic District Commission. In reviewing such applications, the Easton Historic District Commission will act in an advisory capacity rather than in its administrative capacity as defined elsewhere in this Section. The Easton Historic District Commission can conduct its investigation of the application and shall submit its written findings and recommendations to the Board of Appeals before the scheduled hearing on the special exception application. The Easton Historic District Commission shall also serve a copy of its findings and recommendations to the Applicant. The Board of Appeals shall consider the findings and recommendations made by the Easton Historic District Commission, but it

shall not be bound by such findings and recommendations. The grant of powers to the Easton Historic District Commission to review the applications for special exception for a Special Office Use stated herein shall in no way limit the powers conferred upon the Easton Historic District Commission to approve of changes to, and otherwise regulate property within, the Historic District as set forth herein.

SECTION 609 VISIBILITY AT INTERSECTIONS

609.1 PURPOSE

As an aid to the safe movement of vehicles at and near street intersections and in order to promote adequate protection of pedestrians, the following provisions shall apply to all corner lots. On all such lots, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and plantings.

609.2 STANDARDS

Such barriers to clear unobstructed visions at intersecting streets shall be limited to a height of not over three feet above the established elevation of the nearest curb, for a distance of twenty-five (25) feet along both front lot lines, measured from the point of intersection of the said intersecting lot lines. No natural plantings or construction shall be permitted at a height over three (3) feet within the isosceles triangle formed by connecting the ends of the respective twenty-five (25) foot distances. The unobstructed view shall be maintained for all spaces between three (3) and ten (10) feet in height.

Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not

exceed three (3) feet above the established curb elevation at the said intersecting streets.

SECTION 610 SETBACKS FROM MAJOR ROADS

In all districts there shall be minimum setbacks of forty (40) feet from the right-of-way line or property lines bordering the following major roads:

1. U.S. Route 50
2. Md. Route 322
3. Md. Route 333
4. Md. Route 33
5. Md. Route 328
6. Md. Route 331

SECTION 611 MINIMUM REQUIREMENTS GOVERNING THE PROVISION AND APPROVAL OF COMMON USE AREAS AND/OR FACILITIES

611.1 PURPOSE

It is the intent of this section to establish minimum standards and requirements which shall constitute prerequisites for approval of all common use areas and/or facilities. These provisions shall apply to all such proposed areas and facilities including but not limited to cluster and multi-family development, shopping centers, office or business parks, and industrial parks.

These provisions are designed to assure that all common use areas and/or facilities are planned, constructed, managed, and maintained in a suitable manner. They are necessary to assure that such areas become integral parts of various developments as proposed at the time of approval.

611.2 REQUIREMENTS

The following requirements governing the approval of common use areas and/or facilities shall apply:

A. All such areas and/or facilities shall be planned as an integral part of all developments and shall be so located as to permit accessibility to said areas by residents, users, or occupants.

B. All such areas and/or facilities shall be reserved in perpetuity for residents, users, or occupants of the proposed development or the general public.

C. All such areas and/or facilities shall be owned or controlled by the applicants at the time of the submission. Evidence of such control, in the form of an appropriate legal document, shall accompany said submission.

D. All such areas and/or facilities shall be controlled, beginning at a time determined by the Planning Commission by residents, users or occupants of the proposed development or the general public. Evidence of said controls shall be submitted to the Planning Commission for their review.

E. Provisions for the continuing maintenance management and control, in the form of a legal agreement such as deed restrictions, covenants, or by-laws, or agreement with the Town of Easton, shall be provided the Planning Commission.

F. Once approved, none of the requirements for common use areas and/or facilities may be changed, without the review and approval of the Planning Commission. The Commission shall hold a Public Hearing before acting upon all such changes.

SECTION 612 TEMPORARY STRUCTURES

Temporary buildings and structures including mobile homes, office trailers and storage trailers incidental to construction work on the premises may be placed in all zones after a permit has been issued. When such construction work is completed or abandoned, or in six months, whichever comes first, such building or structures shall be removed unless the zoning inspector shall grant an extension which in no event will allow the temporary building or structure to remain on the premises past the time of completion of the construction work on the premises.

SECTION 613 SPECIAL YARD REQUIREMENTS - CRITICAL AREA BUFFER

The following special yard requirements shall apply within the Critical Area Overlay District ("CAO"):

A. Except as provided for water dependent facilities in Subsection 510.2, new development activities, including structures, roads, parking areas, impervious surfaces, and septic systems are not permitted in the Buffer.

B. Qualifying grandfathered lots in a designated Buffer Exemption Area will be exempted from the full Buffer requirements but shall comply with the requirements of the Buffer Exemption Area as described in the Town's Critical Area Program.

SECTION 614 STANDARDS FOR PLACEMENT OF SATELLITE DISH ANTENNAS

The following special requirements shall apply to the placement of satellite dish antennas:

A. Satellite Dish Antennas of two (2) feet or less in diameter shall be permitted on the roof of structures.

B. Dishes up to ten (10) feet in diameter are permitted provided they are located in a side or rear yard and meet applicable setback regulations.

C. In commercial or industrial districts, satellite dishes of eight (8) feet or less in diameter, may be located on a roof upon review of the Planning and Zoning Commission.

SECTION 615 LANDSCAPING AND BUFFERING

All districts or uses requiring landscaping or buffering shall meet the appropriate provisions of this Section.

615.1 PURPOSE

A. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.

B. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

C. This Section applies to all sites. Sites not otherwise exempt from the requirements of the Town of Easton Forest Conservation Ordinance must also meet the requirements of that Ordinance. In the event of any conflict between these two Ordinances, the more stringent or restrictive requirement shall apply.

615.2 LANDSCAPE PLAN

A landscape plan, prepared by a registered landscape architect or other person determined by the Town Planner to be qualified

shall be submitted with the site plan application. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction. Applicants are encouraged, and the Planning Commission may require, the submission of other sketches, cross-sections, elevations, etc., that help to convey the design intent to the Planning Commission visually.

615.3 SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS

A. TOPSOIL PRESERVATION

Topsoil to be disturbed during the course of construction shall be stripped, stockpiled and redistributed over regraded surfaces so as to provide a depth equal to or greater than the topsoil depth originally removed.

B. REMOVAL OF DEBRIS

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Town Engineer.

C. PROTECTION OF EXISTING NATURAL FEATURES AND PLANTINGS

Maximum effort should be made to preserve the existing natural features and plantings. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or fifteen (15) feet of trees designated on the landscape plan to be retained. Existing natural features

shall include stream beds and special attention is required to minimize disturbance in these areas. Existing trees should generally not be removed in stream beds. All trees equal to or in excess of a six (6) inch caliper (at breast height) shall be indicated on the Landscaping Plan. Any six (6) inch or greater caliper trees to be removed shall be replaced with one and one half (1.5) inch caliper trees at the rate of one to one.

D. SLOPE PLANTINGS

Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

E. ADDITIONAL LANDSCAPING

In residential developments, besides the landscaping and screening required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy, or other reasons in accordance with the landscape plan approved by the Planning Commission. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass and other ground cover, shrubs, and trees as part of the landscape plan approved by the Planning Commission.

F. PLANTING SPECIFICATIONS

Deciduous trees shall have at least a one and one-half (1.5) inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted standards. Dead

and dying plants shall be replaced by the developer during the following planting season.

G. PLANT SPECIES

The plant species selected should be hardy for the climate common to Easton and appropriate in terms of function and size. Native vegetation species are strongly preferred for use in required plantings.

615.4 SHADE TREES

A. LOCATION

Shade trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Trees shall be either massed or spaced evenly along the street, or both.

When trees are planted at predetermined intervals along streets, spacing shall depend on tree size as follows:

MATURE TREE SIZE (in feet)	Planting Interval (in feet)
Large trees (40+)	max. 45' o/c
Medium trees (30-40)	max. 35' o/c
Small trees (to 30)	max. 30' o/c

When the spacing interval exceeds 40 feet, small ornamental trees can be placed between the larger trees. If a street canopy effect is desired, trees may be planted closer together. The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Planning Commission as part of the landscape plan.

B. TREE TYPE

Tree type may vary depending on overall effect desired, but as a general rule, regularly spaced street tree

plantings should be generally uniform in species type per block or development unit, but varied throughout a project or subdivision. Selection of tree type shall be approved by the Planning Commission.

C. PLANTING SPECIFICATIONS

All trees shall have a caliper of one and one-half (1.5) inches and be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked in accordance with locally accepted nursery practices and provision made by the applicant for regular watering and maintenance until they are established. Dead and dying trees shall be replaced by the applicant during the next planting season.

615.5 BUFFERING/SCREENING

A. FUNCTION AND MATERIALS

Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

B. WHEN REQUIRED

Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need (1) to shield neighboring properties from any adverse external effects of development; or (2) to shield the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

C. AMOUNT REQUIRED

(1) Where more-intensive land uses abut less-intensive uses, a buffer strip twenty-five (25) feet in width shall be required.

(2) Parking lots, garbage collection and utility areas, outside storage, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five (5) feet wide.

(3) In residential subdivisions where lots have a secondary frontage on a public street or highway, a twenty-five (25) foot buffer strip shall be required on the non-access frontage. This requirement is in addition to any setback requirements.

D. DESIGN

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be two (2) feet, and the maximum side slope shall be 3:1.

E. PLANTING SPECIFICATIONS

Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet (6 feet around parking areas) in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards. The Planning Commission may vary this

standard to achieve special effects or to eliminate potential dark/crime areas.

F. MAINTENANCE

Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing seasons, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

615.6 GUARANTEE OF LANDSCAPING

A. GUARANTEE

(1) A person required to provide landscaping under this Ordinance shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Planning Commission. The surety shall:

a. Assure that the landscaping is installed and maintained in accordance with the approved landscaping plan;

b. Be in an amount equal to the estimated cost, as determined by the Planning Commission, of landscaping; and

c. Be in a form and of a content approved by the Planning Commission.

(2) After one growing season, the person required to file a bond under Section 615.6 (A) of this Ordinance may request reduction of the amount of the bond or other financial security by submitting

a written request to the Planning Commission with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure landscaping requirements are met.

B. VIOLATIONS

Failure to maintain required landscaping shall be considered a violation of this Ordinance and shall be enforced in accordance with Section 809 herein.

SECTION 616 WATERFRONT DEVELOPMENT STANDARDS

Except where otherwise specifically stated in this Ordinance, the following conditions shall control the use and development of land abutting upon a man-made or natural waterway:

A. Only land situated and lying above the mean high waterline should be considered when determining the area of a lot or the permitted density of uses or structures upon said lot.

B. The required front setback and yard for a principal structure shall be measured from the mean high waterline except where said principal structure is a pier, wharf, landing or boathouse.

SECTION 617 STANDARDS RELATING TO FLAGS

The following standards shall apply to the display and placement of flags:

A. Only the flags of the United States, the State of Maryland, Talbot County, the Town of Easton, foreign nations having diplomatic relations with the United States, and a flag depicting the trade name or logo of the business or organization located on the premises, may be displayed in the Town of Easton.

B. Such flags may be no greater than 60 square feet and shall not be flown from a flag pole which exceeds 40 feet in height.

C. There shall be no more than one of each of the various permitted flags identified in Subsection A above.

ARTICLE VII

NON-CONFORMING LOTS, USES, AND STRUCTURES

SECTION 701 General

A. Within the zones established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

B. It is the intent of this Ordinance not to encourage the survival of non-conformities. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zones involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as herein noted, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

C. A non-conforming use shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the zone involved.

D. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to

be actual construction, provided that work shall be diligently carried on until completion of the building involved.

E. Any non-conforming use, including the non-conforming use of a lot, parcel or structure, that is discontinued or abandoned for a period of six (6) months, shall not be resumed thereafter and any future use of lot, parcel, or structure shall conform to the provisions of this Ordinance. Any structure that is moved for any reason for any distance by the owner, shall be required to conform to the regulations for the zoning district in which it is located after it is moved. In the case of any dispute as to whether a non-conforming use is abandoned or discontinued, the burden of proof shall be upon the property owner.

F. Any non-conforming single or two-family dwelling use located on any lot in the CR or R-7A districts which is or has been destroyed through condemnation, fire or other catastrophe to an extent of 100% of its assessed value at the time of its destruction may continue said use as long as a single-family or two-family residence is constructed and made available for occupancy on said lot within eighteen (18) months of the date of its destruction even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district.

SECTION 702 Non-Conforming Lots of Record

A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally

applicable in the zone, provided that yard dimensions shall conform to the regulations for the zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.

B. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or transferred which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 703 Non-Conforming Use of Land (Not within Structures)

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, subject to the provisions of Section 705 so long as it remains otherwise lawful, subject to the following provisions:

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

SECTION 704 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued subject to Section 705 so long as it remains otherwise lawful subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its non-conformity;

B. Any such structure destroyed by any means to an extent of 100% of its assessed value at the time of destruction as determined by two competent appraisers appointed by the Planning and Zoning Commission, shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

SECTION 705 Non-Conforming Uses Contained within Structures

If a lawful use contained within a structure exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the zone under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the zone in which it is located except dwellings, shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in

changing the use of the structure to a use permitted in the zone in which it is located;

B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

C. Any structure in which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.

SECTION 706 Elimination of Certain Non-Conformities

Certain non-conformities shall be terminated in accordance with the following provision:

A. Removal of a non-conforming mobile home or trailer shall constitute loss of non-conforming status for the site on which said non-conforming trailer or mobile home was located.

SECTION 707 Special Exception Uses Not Non-Conforming Uses

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such zone.

SECTION 708 Non-Conforming Yards and Setback

Whenever an existing structure does not conform to the yard or setback requirement, repair and maintenance can be performed provided that the existing yards or setbacks are not reduced or altered. No such existing yard or setback may be altered without approval of the Board of Appeals.

SECTION 709 Non-Conforming Lots of Record In the Critical Area Overlay Zone:

An unimproved lot or parcel of land located within the Town of Easton Critical Area Overlay District ("CAO") may be improved with a single family dwelling and related accessory uses in a Resource Conservation Area (RCA) and otherwise developed in accordance with Subsection 510.2 if the lot is located in Limited Development Area (LDA) and an Intensely Developed Area (IDA) provided the lot complies with the provisions of Section 613 (Yard Requirements) and further provided that it complies with the following criteria:

A. Any lot of record established in the Town of Easton prior to the effective date of the Town's Critical Area Program may be improved or developed with a single family residence if such lot could have been improved by a single family residence prior to the effective date of the Town's Critical Area Program.

B. The owner of any lot who has obtained a permit to commence development activity and who, pursuant to said permit, has commenced development activities to the point of pouring foundations, footings or installing structural members or whose right to carry on said development activities has otherwise vested prior to the effective date of the Town's Critical Area Program, may complete construction as provided by said permit.

C. Development may take place on lots created prior to 1 June 1984 subject to the limitations on permitted uses contained in Subsection 510.2 and subject to the provisions of Section 613.

D. Development may take place on lots created between 1 June 1984 and 1 December 1985, for which "interim findings" (see MD. Annotated Code N.R. Section 8-1813) have been made by the Town of Easton Planning Commission, the Town Board of Appeals, or the Town Council.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 801 ZONING OCCUPANCY PERMITS

801.1 ADMINISTRATION AND ENFORCEMENT

A. It shall be the duty of the Town Planner/Codes Administrator, under the supervision of the Town Engineer, to administer the provisions of this Ordinance and to advise all Town officials and agencies on matters relating to land use planning. The Town Planner/Codes Administrator may delegate all or part of his duties and responsibilities to other Town officials or employees.

B. Upon the effective date of this Ordinance, the Zoning Inspector shall have the powers and duties set forth in this Ordinance. The Zoning Inspector shall be subject to the supervision of the Town Planner/Codes Administrator.

C. All departments, officials and public employees of Easton which are vested with the authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue any permit or license for any use, building, structure, or purpose which would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void. If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structure; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to

insure compliance with or to prevent violation of its provisions.

801.2 ZONING COMPLIANCE REQUIRED

No building certificate, occupancy certificate or other license or permit relating to the use or development of land or any structure located thereon shall be issued nor shall any structure shall be constructed, moved, added to, or structurally altered, or use of land changed except in compliance with the terms of this Ordinance.

801.3 ZONING OCCUPANCY PERMITS REQUIRED

A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, or premises, or both, or part thereof hereafter created, constructed, changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning occupancy permit shall have been issued therefore by the Town Zoning Inspector, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

B. A temporary occupancy permit may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion; provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

C. The Zoning Inspector shall maintain a record of all zoning occupancy permits and copies shall be furnished upon request to any person.

D. Failure to obtain a zoning occupancy permit shall be a violation of this Ordinance and punishable under Section 809 of this Ordinance.

801.6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, CERTIFICATES, AND ZONING OCCUPANCY PERMITS

Zoning occupancy permits issued on the basis of site plans and applications approved by the Zoning Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction differing with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 809 thereof.

SECTION 802 PLANNING COMMISSION

802.1 CREATION, DESIGNATION

Upon the effective date of this Ordinance, the Easton Planning and Zoning Commission shall have the powers and duties set forth in this Ordinance.

802.2 COMPOSITION, APPOINTMENT, COMPENSATION, TERM, REMOVAL, VACANCIES

A. The Commission shall consist of five (5) members, one (1) of whom may be a member of the Town Council to serve in an ex officio capacity concurrent with his or her term in office.

B. The members shall be appointed by the Mayor and thereafter confirmed by the Council.

C. All members of the Commission shall serve as such without compensation, unless the Council shall by resolution determine that appropriate compensation should be made to the members.

D. The Commission shall elect a chairman from one of the appointed members and create and fill such other of its

offices as it may determine. The term of chairman shall be one (1) year, with eligibility for reelection.

E. The Commission shall hold at least one (1) regular meeting each month. It shall adopt rules for transactions of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

F. The terms of each member, except for any Town Councilman serving as an ex officio member, shall be for five (5) years from the date of his or her appointment or until his or her successor takes office.

G. Members may, after a public hearing, be removed by the Town Council for inefficiency, neglect of duty or malfeasance in office. The Council shall file a written statement among its records of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor with the confirmation of the Council as hereinabove set forth.

802.3 POWERS AND DUTIES

The Planning Commission is charged with the following powers and duties:

A. Prepare, approve and recommend to the Town Council adoption of the Comprehensive Plan and the Zoning Ordinance and amendments thereto.

B. Approve and publish plans for major geographic sections or divisions of the Town.

C. Recommend the boundaries of the various districts and appropriate regulations to be enforced therein that the Town may avail itself of the zoning powers conferred by the Annotated Code of Maryland, Article 66B.

D. Advise the Town Council and Board of Appeals on matters relating to zoning, annexations, applications for special exceptions and variances when appropriate.

E. Review site plans for compliance with this Ordinance and standards herein.

F. Approve proposed subdivision plats and resubdivision of existing record plats. All plats must bear the signature of the Chairman before legal filing in the Land Records of Talbot County.

G. Review and hold public hearings on applications for Growth Allocation.

H. Prepare, adopt, and file an annual report with the Town Council as per the requirements of Section 309 of Article 66B of the Annotated Code of Maryland.

I. Exercise any other powers, or discharge any other duties, granted to or imposed upon planning commissions by the laws of the State of Maryland.

SECTION 803 BOARD OF ZONING APPEALS

803.1 MEMBERS OF BOARD

Upon the effective date of this Ordinance, the Easton Board of Zoning Appeals shall have the powers and duties set forth in this Ordinance. The Board shall consist of three (3) members appointed by the Mayor and confirmed by the Town Council, and removable for cause, upon written charges, and after public hearing. Members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. The Town Council shall designate (1) alternate member for the Board of Appeals who may be empowered to sit with the Board in the absence of any member of the Board.

803.2 PROCEEDINGS OF THE BOARD OF APPEALS

A. The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

B. The Board of Appeals shall issue written decisions regarding applications or appeals considered by it and shall keep minutes of its other 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 a public record and be immediately filed in the office of the Board.

803.3 HEARINGS; APPEALS; NOTICE

A. Appeals to the Board of Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, Commission, or Department of the governing body of the Town affected by any decision of the Zoning Inspector. Such appeals shall be taken within thirty (30) days of such decision, by filing with the Town Planner/Codes Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Town Planner/Codes Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. The Board of Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and hold a public hearing upon the appeal. At least fifteen (15) days

notice of the time and place of such hearing shall be published in a paper of general circulation in the Town and by posting the property. At the hearing, any party may appear in person or by agent or attorney. The Board shall then render a written decision affirming, reversing or modifying the decision appealed from.

803.4 STAY OF PROCEEDINGS

An appeal stays all proceedings instituted by any Town official or agency to enforce the decision appealed from, unless the official or agency from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the official or agency from whom the appeal is taken, and on due cause shown.

803.5 POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties:

A. Administrative Review - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector, Building Inspector, Town Planner, or the Planning Commission in the enforcement of this Ordinance.

B. Special Exceptions; Conditions Governing Applications; Procedures - To hear and decide only such special exceptions as the Board of Appeals is specifically authorized to pass on by the terms of this Ordinance: to decide such questions as are involved in determining

whether special exceptions should be granted and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Appeals unless and until:

(1) A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

(2) The Board of Appeals has determined if Planning Commission review of the application is necessary, and if so, the written findings and recommendations of the Planning Commission have been received by the Board. Planning Commission review shall only be necessary when the granting of the proposed Special Exception would be of such magnitude to be equivalent to a rezoning.

(3) Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought, or his agent, shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought and at the Town Hall, and notice shall be published in a newspaper of general circulation in the Town, at least fifteen (15) days prior to the public hearing.

(4) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(5) The Board of Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not 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 the people living in the neighborhood.

In granting any special exception, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 809 of this Ordinance. No change or addition may be made to a special exception granted by the Board of Appeals until an application for such change has been reviewed and approved by the Board of Appeals. Such application procedure shall be the same as for a special exception.

The Board of Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(6) When hearing evidence necessary for granting of any special exception, the Board shall consider all pertinent facts in the case, and render a decision in accordance with the following principles:

a. the proposed use conforms in all aspects to minimum requirements of the district in which it is located;

b. the proposed use is not adversely affecting the health, safety, and general welfare of residents of the area;

c. the proposed use will not interfere with the adequate and orderly provision of public

facilities necessary to service the area or the proposed special exceptions;

d. the proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided;

e. the proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access;

f. the proposed use will not adversely affect the established character of the area.

g. the proposed use shall be in conformity with the provisions of the Easton Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary and uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance.

When hearing any application for a special exception, the Board may consider the design of the proposal, site plans, feasibility studies, or construction drawings, as an integral part of the application.

(7) The applicant for a special exception shall have the burden of proof on all points material to the

application which shall include the burden of presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The Board may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.

C. Variances; Conditions Governing Applications; Procedures - To grant variances from the literal application of the terms of this Ordinance when the applicant seeking the variance has demonstrated that the application complies with the standards set forth in this Section. The Board of Appeals may not grant a variance from the terms of this Ordinance unless and until:

(1) A written application for a variance is submitted indicating the Section or Sections of the Ordinance for which the variance is sought and stating the grounds upon which it is requested.

(2) A notice of a public hearing shall be provided as is set forth in Section 803.3.

(3) A public hearing shall be held. Any party may appear in person, by agent or by attorney.

(4) Before granting any variance, the Board of Appeals shall issue written findings of fact that:

a. Granting the application: (i) will not be contrary to the public interest, (ii) will be in harmony with the purpose and intent of the Ordinance and (iii) will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

b. Owing to conditions peculiar to the property, which conditions are not the result of any action taken by the applicant, a literal

enforcement of the Ordinance will result in practical difficulty to the applicant.

(5) Non-conforming uses of neighboring lands, structures or buildings shall not be considered grounds for the issuance of a variance nor shall permitted uses of neighboring lands, structures, or buildings.

(6) The Board of Appeals shall be authorized to grant variances only with regard to provisions of the Ordinance relating to density, bulk, or area requirements. Under no circumstances shall the Board of Appeals grant a variance to allow a use which is not permitted under the terms of the Ordinance or is by implication prohibited by the terms of the Ordinance relating to the zoning district in which the subject property is located.

(7) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 809 of this Ordinance.

(8) The Board may grant a variance from the provisions of the Critical Area Overlay District upon making the following findings of fact:

a. That special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of the provisions of the Critical Area Program would result in unwarranted hardship;

b. That a literal interpretation of the provisions of this Ordinance relating to the Critical Area Overlay Zones would deprive the

applicant of rights commonly shared by other properties in similar areas within the Critical Area Overlay District;

c. That the granting of the variance requested would not confer upon the applicant any special privilege that is denied by the provisions of the Ordinance to other lands or structures within the Town's Critical Area Overlay District;

d. That the variance requested is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

e. That the granting of the variance requested will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Town's Critical Area Overlay Zone, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Areas law and the regulations promulgated by the State Critical Area Commission;

f. No hearing shall be held upon an application for a variance in the Critical Area Overlay District until the State Critical Area Commission has received a copy of the variance application at least fifteen (15) days prior to the date of the scheduled public hearing.

(9) The applicant for a variance shall have the burden of proof on all points material to the application which shall include the burden of presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The

Board may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.

D. DECISIONS OF THE BOARD OF APPEALS

In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance or of the Subdivision Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination to be made, and to that end shall have powers of the official or agency from whom the appeal is taken.

The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any Town official or agency, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

If any application or request is disapproved on the merits by the Board, thereafter the Board shall not accept application for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval.

If an appeal or application to the Board is perfected and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same premises for one (1) year from the date of withdrawal.

Provided, however, that the Board may dismiss, on its own motion, or at the request of the applicant, any appeal or application when it finds that material changes in the application or appeal, or in its supporting plans, specifications or other documents have been made or when

it finds that any other procedural error prejudices the rights of any person or party to the appeal or application or otherwise invalidates the appeal or application. Dismissal under this provision shall not be a bar to re-application or re-appeal within one year of the date of dismissal at the applicant's expense nor shall dismissal affect the right of any person to appeal a decision of the Zoning Inspector to the Board. The Board may, at its discretion, waive part or all of the costs of the re-application or re-appeal.

803.6 APPEALS FROM THE BOARD OF APPEALS

A. Any person or persons, or any board, taxpayer, or department of the Town aggrieved by any decision of the Board of Appeals may seek review by the Circuit Court of such decision, in the manner provided by the laws of Maryland and particularly by Article 66B, Annotated Code of Maryland.

B. All costs incurred by the Town in transcribing records of meetings and hearings shall be borne by the appellants. All fees shall be paid to the Town, before any record of the case is submitted to the appropriate court.

SECTION 804 DUTIES OF TOWN OFFICIALS, BOARD OF APPEALS, TOWN COUNCIL AND COURT ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented the Board of Appeals only on appeal, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Article 66B, Annotated Code of Maryland.

It is further the intent of this Ordinance that the duties of the Town Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such

questions shall be as stated in this section and this Ordinance. Under this Ordinance the Town Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 805, below.

SECTION 805 SCHEDULE OF FEES, CHARGES, AND EXPENSES

A. The Town Council shall establish a schedule of fees, charges, and expense, and a collection procedure, for, zoning occupancy permits, appeals, variances, special exceptions, amendments, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the offices of the Zoning Inspector and may be altered or amended only by the Town Council, upon recommendation of the Planning Commission.

B. No certificate, permit, special exception, or variance shall be processed unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

SECTION 806 SITE PLAN REQUIREMENTS

806.1 PURPOSE

The purpose of site plan review is to insure that certain proposed uses and structures and their enlargement and replacement shall conform to the regulations set forth in this Ordinance.

806.2 GENERAL

A. Prerequisite to the issuance of a building permit, a site plan shall be submitted to the Town Planner for review by the Planning Commission for multi-family commercial,

industrial, and institutional structures of 5,000 or more square feet gross floor area.

B. All new construction involving institutional, commercial, and industrial structures of less than 5,000 square feet gross floor area shall be subject to approval by the Town Planner or the Planner's designee during the building permit review process. The Town Planner, Planner's designee, or the applicant may require Planning Commission site plan review as provided for in Subsection 806.3.

C. The site plan format and informational requirements for institutional, commercial, or industrial structures of 5,000 square feet or greater are as outlined in Subsection 806.3 below.

D. For applications involving multi-family, institutional, commercial, or industrial structures less than 5,000 square feet, some informational requirements may be waived at the discretion of the Town Planner or designee.

E. Site plan submission is not required for single-family, two-family or duplex dwelling units unless planned as part of a Planned Unit Development, or specifically required elsewhere in this Ordinance.

F. Where the submission of a site plan for a proposed use or development activity is required under this section, the site plan shall not be approved unless:

(1) the site plan meets the design principles and standards and required improvements set forth in this Ordinance, the Town Comprehensive Plan, the Town of Easton Subdivision Regulations, and other ordinances, regulations, and policies established by the Town of Easton;

(2) the site plan avoids or minimizes adverse impacts upon features (whether on-site or off-site) of historical, cultural or ecological significance;

(3) the proposed use or development activity will not substantially increase traffic hazards due to traffic generated by the proposed use, the location of curb cuts or the layout of internal traffic circulation;

(4) the site plan and the proposed use or uses do not cause any adverse impact upon the health or safety of persons residing or working in the area surrounding the site or upon the character of the neighborhood surrounding the site; and

(5) the site plan improves the water quality of the Chesapeake Bay or its tributaries.

806.3 SUBMISSION PROCEDURE

Site plan approval for any use or structure requiring such review and approval under this Section involves a three (3) step process, Sketch, Preliminary, and Final Site plans. Sketch, Preliminary Site plans and Final Site plans shall be prepared by a registered professional engineer, registered architect, registered landscape architect, registered land surveyor, or professional planner (AICP) who is operating within the scope of his license with respect to the services provided. The information and format of the various plans shall be as follows:

A. Sketch Plan

A preliminary consultation shall be held with the Planning Commission to discuss the general concept, use

and design of the proposal. Seven (7) copies of a generalized sketch or plat of the proposed site plan shall be submitted to the Town Planner who shall schedule the preliminary consultation for the next available Planning Commission meeting. Such sketch plan shall consist of:

(1) Location map,

(2) Boundary,

(3) Topography,

(4) General proposed land uses drawn to scale, and

(5) The Forest Stand Delineation as detailed in the Town of Easton's Forest Conservation Ordinance.

(6) The location of any easements, rights-of-way or any other encumbrances which pertain to the property subject to the site plan review.

The Planning Commission shall review and return comments within thirty (30) days of this preliminary consultation. The applicant shall incorporate the Planning Commission's comments and re-file the sketch plan. This process shall be repeated until approval is obtained. At that time the applicant may proceed to file a preliminary site plan.

B. Preliminary Site Plan

A minimum of twelve (12) paper copies and one (1) reproducible copy of the site plan prepared in accordance with the following standards shall be submitted to the Town Planner for review.

(1) Vicinity map showing relationship to surroundings, including existing, proposed, or mapped streets within 1,000 feet and municipal boundaries within 1,000 feet of the tract.

(2) Each sheet numbered and the relationship shown to total number of sheets.

(3) Dimensions in feet and decimal parts.

(4) North arrow.

(5) Boundary survey or survey of record of the property showing courses, distances and area.

(6) Detailed plans drawn at a scale that is legible, preferably on one (1) sheet.

(7) Conditions of concern, for example, water courses, wetlands, floodplains, or other environmentally sensitive features.

(8) Existing contours with intervals not more than one (1) foot. Elevations shall be based on the United States Geological Survey or equivalent adjusted datum. (Source of contour data referenced on site plan; include a benchmark with elevation and location on the plan.)

(9) Location, width and names of existing platted streets or other public streets, railroad and utility rights of way, parks, open space areas, and municipal corporation lines within or adjoining the tract.

(10) Proposed public improvements, highways, or other major improvements planned on or near the site.

(11) Rights of way for all drainage purposes and utilities.

(12) All existing or proposed utilities, including location, grade and size of:

a. Storm drain (including invert elevations and profiles).

b. Sewerage facilities (including invert elevations and profiles).

c. Catch basins.

d. Drainage ways, channels.

e. Pumping Stations.

f. Water mains.

g. Street lights.

h. Electric, telephone, and/or cable television lines.

i. Fire hydrants.

j. Direction of, distance to and size of nearest water mains and sewers if not located on or adjacent to the site.

(13) Conditions on adjoining lands; direction and gradient of ground slope, embankments, retaining walls, railroads and towers or other influences when identified by the applicant or Town Planner to be of concern.

(14) Locations of all existing or proposed buildings, structures, parking facilities and other improvements. Submission shall include a scale dimension from the property line to the proposed building.

(15) If alteration is made to an existing building, structure, or other improvement, dotted lines shall

denote features or locations to be abandoned and solid lines shall denote proposed features.

(16) Building setback lines.

(17) Signature and seal of registered land surveyor, registered professional engineer, registered architect, registered landscape architect or professional planner (AICP), responsible for the accuracy of the site plan.

(18) Drainage calculations and certification.

(19) Legend which clearly indicates existing and proposed improvements and natural features. The legend or title block must include the following information:

a. Zoning district.

b. Tax map and parcel number.

c. Developer's name and address.

d. Owner's name and address.

e. Scale.

f. Date of drawing; date and type of revisions.

g. Utility symbols.

h. Name of projects.

(20) Notes which identify:

a. Board of Appeals' case number/approval date (if applicable).

b. Projected building schedule:

i. Start

ii. Finish

c. Number of parking spaces:

i. Existing

ii. Proposed

iii. Required

d. Number of residential units by type (if applicable).

e. Residential density in units per acre (if applicable).

(21) Location of refuse collection, exterior lighting, fencing, and all pedestrian walkways and sidewalks.

(22) The location, size, height, number, and orientation of all proposed signs.

(23) Landscaping plan and legend prepared in accordance with Section 615 of this Ordinance.

(24) If residential development, include homeowner's association documentation when common open space and buffer areas are provided.

(25) Certificates and statements.

(26) Sedimentation and erosion control plan.

(27) The Forest Conservation Plan and Forest Conservation Worksheet shall be submitted in

accordance with the provisions of the Town of Easton's Forest Conservation Ordinance.

(28) Renderings or sketches which accurately depict the architecture of any proposed structures.

Site plans must be filed with the Planning Commission no less than thirty (30) days prior to the Regular Planning Commission meeting. The Planning Commission shall notify the Planner of its approval or disapproval of the site plan within thirty (30) days from the Commission's meeting date. However, failure to approve or disapprove a site plan within thirty days (30) days shall not constitute approval.

C. Final Site Plan

The developer or engineer shall furnish the Town Engineer with "As Built" mylar reproducible drawings at the completion of the project indicating infrastructure and structures.

D. Amendments to Approved Site Plans

Any amendment to an approved site plan, as determined by the Town Planner to be insignificant shall be reviewed and approved or denied by the Town Planner. Major or significant changes shall be subject to Planning Commission review and approval.

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806.4 EFFECT OF SITE PLAN APPROVALS

A. Sketch Plan

Sketch Plan approval shall confer upon the applicant the following rights for a period of at least two (2) years, or for a longer period if determined by the Planning Commission:

(1) The total number of residential dwelling units, and the general type (townhouses, garden apartments, etc.).

(2) The amount and type of non-residential gross floor area.

The Planning Commission shall indicate the following which shall not vest, but still be presumed to be valid at Preliminary Site Plan Approval subject to engineering and environmental considerations:

(1) The classification and location of the major roads.

(2) The general location of the different uses and density by land-use area.

B. Preliminary Site Plan

Preliminary Site Plan approval shall confer upon the applicant the following rights for a two (2) year period from the date of the preliminary approval:

(1) That the general terms and conditions on which preliminary approval was granted shall not be changed.

(2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole, or a section, or sections of the preliminary site plan; and

(3) That the applicant may apply for and the Planning Commission may grant extensions on such preliminary approval for additional periods of at least (1) year but not to exceed a total extension of two (2) years.

C. Final Site Plan

Final Site Plan approval shall confer upon the applicant the following rights:

(1) The zoning requirements applicable to the preliminary approval granted and all other rights conferred upon the developer pursuant to preliminary approval whether conditionally or otherwise shall not be changed for a period of three (3) years after the date of final approval.

(2) If the developer has followed the standards prescribed for Final Site Plan approval, the Planning Commission may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions.

SECTION 807 TEMPORARY USE PERMITS

Temporary use permits may be approved by the Town Planner for specific uses identified in Article V of this Ordinance. Uses not listed may be reviewed and permitted by the Planning Commission. Application for the permit must be made at least ten (10) days prior to the event. Applicant shall furnish all information required by the Planner in order to make determination on the application.

SECTION 808 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION 809 VIOLATIONS

A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

B. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon

conviction thereof be fined not more than One Hundred ($100) Dollars or imprisoned for not more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Violations shall also be considered a municipal infraction and fines may be levied in accordance with the schedule approved by the Town Council.

C. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

D. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IX

AMENDMENTS

SECTION 901 GENERAL

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed by the Town Council.

SECTION 902 PLANNING COMMISSION REVIEW

Any proposed amendment, supplement or change shall be referred by the Town Council to the Planning Commission for an investigation and recommendation. The Planning Commission shall cause such investigation to be made as it deems necessary and may require the submission of all pertinent data and information by any person concerned; may hold such public hearings as provided by its own rules; and shall submit its report and recommendations to the Council within a reasonable length of time. The Planning Commission may, on its own volition, suggest amendments to this Ordinance to the Town Council.

SECTION 903 PUBLIC HEARING

After receiving the recommendations of the Planning Commission, the Town Council shall hold a public hearing in relation to the proposed amendment, at which parties in interest and citizens shall have an opportunity to be heard. The time, place and nature of such hearing together with a summary of the proposed amendment shall be published in a paper of general circulation in Easton once a week for 2 successive weeks with the first such publication appearing at least 14 days prior to the hearing. In the case of a change in classification of a particular piece of property, the property shall also be posted.

SECTION 904 BASIS FOR APPROVING REZONING

A. Where the purpose and effect of the proposed amendment is to change the zoning classification of a specific parcel of land, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:

(1) The relationship of such proposed amendment to the Town's Comprehensive Development Plan.

(2) The recommendation of the Planning Commission.

(3) Population change.

(4) Availability of public facilities.

(5) Present and future transportation patterns.

(6) Compatibility with existing and proposed development for the area.

(7) The Council may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located, that there was a mistake in the existing zoning classification or that the current zoning classification of the property deprives the owners thereof of all beneficial use of the property.

B. A complete record of the hearing and the votes of all members of the local legislative body shall be kept.

C. The provisions of § 905 A shall not be applicable to PUD Zoning Map amendment applications. The standards for such applications are set forth in § 510.3 H of this Ordinance.

SECTION 905 TIME LIMITATION ON REHEARING REZONING APPLICATIONS

A. An application for a reclassification shall not be accepted for filing by the Council if the application is for the reclassification of the whole or any part of land the reclassification of which had been opposed or denied by the Town Council on the merits within twelve (12) months from the date of the Council's original decision.

B. The provisions of Section 903 relative to public hearings and official notice shall apply equally to all reclassifications.

SECTION 906 AMENDMENT REQUIREMENTS IN THE CRITICAL AREA OVERLAY DISTRICT

(A) The Mayor and Town Council may from time to time amend the provisions of this Ordinance as they relate to the Critical Area Overlay District, amend the land use management classification of properties in the Critical Area Overlay District or amend the Critical Area District Boundary.

(B) In addition, the Mayor and Council shall review and propose any necessary amendments, as required, to the land use management classification in the Critical Area Overlay District at least every four (4) years.

(C) All such amendments shall be approved by the Maryland Chesapeake Bay Critical Area Commission as established in Subsection 8-1803 of the Critical Area Law, Subtitle 18. Standards for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18 Subsection 8-1809 (i). The Critical Area Commission process for approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18, Subsection 8-1809 (d).

(D) The procedure for amending the provisions of this Ordinance relating to the Critical Area Overlay District shall be as follows:

(1) Proposed amendments to the text of this Ordinance as it relates to the Critical Area Overlay District may only be initiated by the Planning Commission or Mayor and Council.

(2) Amendments involving specific properties shall first be submitted to the Planning Commission.

(3) For all proposed amendments the Planning Commission shall first hold a public hearing relating thereto, as per Section 903 of this Article.

(4) The Planning Commission shall then forward the proposed amendments to the Mayor and Council for a decision. If a favorable decision is made, the Mayor and Council will forward the amendments to the Critical Area Commission.

(5) After receiving the recommendations of the Mayor and Council, the Critical Area Commission will approve or disapprove the amendment. If approved, the Mayor and Council shall hold a public hearing on the proposed amendment in accordance with Section 903 of this Article.

(E) Amendments to the Critical Area Overlay District Map may be permitted only upon a proof of mistake in the existing Land Use Management Classification.