

lot line, a distance of two and five-tenths (2.5) times the height of the structure shall be maintained.

§88-24. Accessory uses: Open Space District

The following accessory uses are permitted in the OS District:

- A. General signs: see Article II and § 88-14.
- B. Outside vending machines are not permitted in the Open Space District or on "nonconforming use" property in an OS District.

**ARTICLE IVA
Agricultural District
[Added 1-10-79]**

§ 88-24.1. Intent and purpose.

The purpose of the Agricultural District is to preserve productive agricultural land and the character and quality of the rural environment, and to prevent urbanization where roads and other public facilities are scaled to meet only rural needs.

§ 88-24.2. Permitted uses.

- A. The following uses are permitted in the Agricultural District:
 - (1) Agricultural activities.
 - (2) Roadside stands, retail and wholesale.
 - (3) Forestry.
 - (4) Cemeteries and memorial gardens.
 - (5) Parks.
 - (6) Single-family residences. Minimum lot size for single-family dwellings shall be one (1) acre, with a maximum subdivision of three (3) lots off of any parcel of record at the time of annexation.
 - (7) Wireless Telecommunication Facility when sited and constructed in accordance with Chapter 86 of the Town Code.
- B. In the Agricultural District, the preferred use is agriculture. The operation at any time of any machinery used in farming procedures and all other agricultural operations shall be permitted and shall have preference over all other uses.
[Added 6-25-80]

§ 88-24.3 Special exception uses.

The following uses are permitted in the Agricultural District with a special exception:

- A. Public and private educational facilities.
- B. Places of worship.
- C. Community services, public utilities and other public facilities.
- D. Private clubs.
- E. Recreational facilities.
- F. Auction sales of animals.
- G. Commercial greenhouses and nurseries.
- H. Farm equipment sales and service.
- I. Animal hospitals or veterinary clinics.
- J. Antique shops. **[Added 2-09-83]**
- K. Reception facility provided the following standards and requirements are met: **[Added by Ordinance 2011-04 8/10/2011]**
 - (1) A minimum of 10 acres lot size is required.
 - (2) The property shall have frontage on and access to a paved road having a minimum classification of collector roads as indicated on the Town of Walkersville Comprehensive Plan.
 - (3) Use and conversion of existing structures is encouraged and preferred.
 - (4) If otherwise allowed in and under the requirements of the Agricultural Zoning District, one caretaker residence is permitted as an accessory use with the approval of the Board of Appeals as to compatibility with the neighborhood as determined by its proposed size, height, location, access, parking, utilities, and health and safety considerations.
 - (5) Accommodations for overnight lodging (except as to the caretaker or owner resident). Camping or recreational vehicle camping are not permitted.
 - (6) Hours of operations for events will be no earlier than 7:00 A.M. and no later than 12 Midnight unless further limited by the Board of Appeals.
 - (7) Attendance at any reception facility event permitted hereunder will be limited to a maximum of 500 guests/patrons.
 - (8) Adequate parking for guests/patrons and employees shall be provided on site in areas adequately screened as determined by the Planning Commission.

§ 88-24.4. Lot and yard dimensions. [Added 6-25-80]

Lot and yard dimensions shall be as follows:

Use Type	Mini- mum Lot Area	Mini- mum Lot Width (feet)	Required Yards		
			Front (feet)	Side (feet)	Rear (feet)
Agricultural activities	-	-	40	50	50
Residential Single-family	40,000 sq. ft.	100	40	10	30
Mobile home	40,000 sq. ft.	100	40	10	30
Animal care and services	5 acres	300	40	50	50
Parks, recreational facilities, forestry, cemeteries	-	-	40	50	50
All other uses having structures	40,000 sq. ft.	200	40	50	50

§ 88-24.5. Building and height restrictions. [Added 6-25-80]

No building or structure will exceed three (3) stories or thirty-five (35) feet in height except as modified in § 88-58.

§ 88-24.6. Accessory uses: Agricultural District [Added]

- A. General signs: see Article II and § 88-14.
- B. Outside vending machines are not permitted in the Agricultural District or on "nonconforming use" property in an Agricultural District.

ARTICLE IV B
Institutional Use District
[Added 8-22-07 by Ordinance 2007-12]

§ 88-24.7 Intent and purpose.

The purpose of the Institutional Use District is to provide adequate areas within the community for the development of nonprofit or quasi-public uses, including religious institutions, libraries, public or private schools, hospitals, and government-owned and government-operated structures or land used for public purpose. It is intended to appropriately provide for neighborhood, community, and regional institutional uses, to maximize their benefit to the community and to minimize their impact on neighboring properties.

§ 88-24.8 Permitted uses.

The following uses are permitted in the Institutional Use District:

- A. Places of worship.
- B. Government-owned or government operated structures or uses.
- C. Public libraries, museums and cultural facilities.
- D. Civic and community centers.
- E. Civic service clubs.
- F. Hospitals and nursing homes.
- G. Private and public schools.
- H. Fire and rescue services.
- I. Essential services.

§ 88-24.9 Special exception uses.

The following uses are permitted by special exception in the INST District:

- A. Those uses considered by the Board of Appeals to be of the same character as those listed in §88-24.8 above.

§ 88-24.10 Accessory uses.

The following accessory uses are permitted in the INST District:

- A. General signs: see Article II and §88-14.
- B. Accessory uses commonly associated with the above permitted uses.

§ 88-24.11 Required lot, yard dimensions, and other restrictions.

The required lot area and yard dimensions in the INST District are as follows:

- A. Minimum area: 40,000 sq. ft.
- B. Yards.
 - (1) Front: forty (40) feet.
 - (2) Side: fifty (50) feet.
 - (3) Rear: fifty (50) feet.

- C. Height.

No building or structure will exceed three (3) stories or thirty-five (35) feet in height except as modified in §88-58.

- D. Off-street parking and loading: see Article II. §88-10.

ARTICLE V
Residential and Mixed Use Districts

§88-25. Intent and purpose: R-1 and R-2 Districts [Amended 4-8-87]

The R-1 and R-2 Low-Density Districts are intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development. Such districts may incorporate large lot sizes in which the green space desired is entirely within the lot, or they may encourage the formation of cluster-type developments in which the lot sizes are made smaller and the area which results from the reduction of the area of each lot to the minimum standard for the district is provided and maintained as recreation areas to serve the needs of the residents of the development.

§ 88-26. Intent and purpose: R-3 District [Amended 4-8-87]

The R-3 Medium-Density District is intended to provide an attractive, pleasant living environment at a sufficient density to maintain a high standard of physical maintenance and community service. The district encourages the compact development and optimum utilization of land appropriate for residential use by encouraging cluster-type development while simultaneously leaving sloping areas, floodplains and other unbuildable areas open and available for recreational and athletic purposes.

§ 88-27. Intent and purpose: R-4 District [Amended 4-8-87]

The R-4 High-Density District is intended to make the development of land having natural and locational advantages economically feasible by the variety of housing types while continuing to encourage the provision of the basic amenities of an attractive and safe residential environment. This district encourages cluster-type development, and the increased density that results makes their location at the edge of residential neighborhoods and good access to major highways, central shopping areas, schools and other public facilities most essential.

§88-28. Permitted uses: R-1 and R-2 Districts. [Amended 6-25-80; 4-8-87]

The following uses are permitted in the R-1 and R-2 Districts:

- A. Single-family dwellings and home occupations in a single-family dwelling.
- B. Churches, schools, libraries, museums, parks, playgrounds and community centers.
- C. Accessory buildings and uses.
- D. Those uses permitted in the OS Open Space District.

§ 88-29. Permitted uses: R-3 District. [Amended 4-8-87]

The following uses are permitted in the R-3 District:

- A. Any use permitted in the R-1 District.
- B. Two-family dwellings and the leasing of rooms by not more than five (5) persons who are not members of the family residing in the dwelling unit.

§ 88-30. Permitted uses: R-4 District. [Amended 4-8-87; 9-9-87]

The following uses are permitted in the R-4 District:

- A. Any use permitted in the R-3 District.

- B. Multifamily dwellings, such as duplexes, townhouses and apartments.

§88-31. Special exception uses.

The following uses are permitted by special exception in the residential districts, subject to approval of the Board of Appeals:

- A. Nursery school, kindergarten or child-care center, provided that it contains an adequately-sized play area, fully fenced and enclosed, and the main structure is no closer than twenty (20) feet to any adjacent zoning district line or lot line.
- B. Boarding and lodging homes, not primarily for transients, provided that off-street parking of one and five-tenths (1.5) spaces per boarder or lodger is provided, and provided that yard requirements shall conform to those of a multifamily structure (R-4 District only). **[Amended 4-8-87]**
- C. Medical centers and rest and nursing homes, provided that off-street parking space is provided for each attendant or worker and for each three (3) patients to be cared for therein, and provided that yard requirements shall conform to those of a multifamily structure.
- D. Laundry facilities located within a multifamily dwelling for the use of residents of the apartment or apartment complex and not for use as a commercial enterprise (R-4 District only). **[Amended 9-9-87]**
- E. The office of a resident physician, dentist, architect, engineer, attorney or similar professional person located in that person's home, or the operation of a beauty parlor or barbershop having one (1) chair, provided that:
- (1) There is no exterior evidence other than a permitted sign to indicate that the building is being used for any purpose other than that of a dwelling.
 - (2) The construction does not produce a show window or display window effect.
 - (3) Only one (1) person other than the owner may be engaged or employed.
 - (4) Sufficient off-street parking is provided, with three (3) spaces being considered minimal. Such parking shall be in the side or rear yard.
 - (5) The total area devoted to the office does not exceed thirty percent (30%) of the square footage of the dwelling unit.
- F. Clubs, lodges, hospitals and sanatoriums (R-4 District only). **[Amended 4-8-87]**
- G. Essential services.
- H. **[Added 4-13-83; amended 4-8-87]** Three-family apartment building, in the R-3 Residential District and subject to the requirements of the district, except as herein provided:

- (1) Permitted only in structures or that portion of the structures that existed prior to the date of enactment of this subsection (April 13, 1983).
- (2) The structure to be converted must contain a minimum of two thousand seven hundred (2,700) square feet of gross floor living area [excluding cellars (see definition)]. No addition(s) constructed after the date of enactment of this subsection (April 13, 1983) may be included in the calculation of gross floor living area.
- (3) No external structural additions can be made to the existing structure (except minor appurtenance changes, such as fire escapes, dormer windows, etc.) in order to accommodate the third apartment unit.
- (4) On-premises off-street parking is provided in accordance with the zoning requirements for multifamily dwellings.
- (5) There will be one (1) family per dwelling unit, and no additional leasing of rooms to persons who are not members of the families residing in the dwelling units will be allowed.
- (6) The conversion must not negatively impact the physical conditions of the area or be detrimental to the character of the neighborhood.
- (7) The structure to be converted must be maintained in a reasonable state of repair.
- (8) The minimum lot area shall be ten thousand (10,000) square feet, with the minimum lot width and yard depth to be that required for two-family dwellings. **[Amended 9-9-87]**

I. **[Added 12-14-1988]** Country inn-family restaurant. A "country inn" is an establishment for eating purposes only, in a structure which existed on January 24, 1977, provided that:

- (1) The owners of the establishment reside on the premises.
- (2) The minimum lot area shall be two (2) acres.
- (3) Off-street parking shall be provided at a minimum of one (1) space per one hundred (100) square feet of establishment.

§ 88-32. Required lot and yard dimensions. [Amended 6-25-80; 1-12-83]

A. Table of Dimensions. **[Amended 10-26-83; 4-8-87]**

Use Type	Minimum Lot Area per Unit (square feet)	Minimum Lot Width (feet)	Minimum Yard Depth Each		
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Low density					
R-1 District	22,000	100	40	15	40
R-2 District	15,000	75	35	10	40

Medium density					
R-3 District	10,000	60	35	8	40
Two-family dwelling	5,000	60	35	8	40
High density					
R-4 District					
Multifamily dwelling	3,000			See Subsection B	
Townhouse (See Subsection B)			25		30

B. Townhouses.

- (1) For townhouses in the R-4 District, the structures shall not occupy more than forty percent (40%) of the gross lot area. The average dwelling-unit density shall not exceed six (6) units per net development acre of land within each development, with not more than six (6) units per structure. "Net developable land" is that land remaining after annual floodplain areas and rights-of-way for major arterial or minor arterial highways have been deducted from the gross site area. The maximum length of each structure shall not exceed one hundred forty-four (144) feet. **[Amended 4-8-87]**
- (2) For townhouses in the R-4 District, buildings shall be set back a minimum of one hundred (100) feet from the property line when adjoining major arterial right-of-way. When adjoining a minor arterial right-of-way, the rear building setback shall be not less than fifty (50) feet and the front and side yard setbacks shall be not less than thirty (30) feet each, except when the setback adjoins another right-of-way, in which instance the front and/or side yard setback shall be a minimum of twenty (20) feet. Whenever the property being developed adjoins an A or R-1 zoned property, the building setback shall be not less than one hundred (100) feet. Whenever the property being developed adjoins any district other than A or R-1, the building setback shall be a minimum of fifty (50) feet unless the adjacent property is a part of the same development. **[Amended 4-8-87]**
- (3) In all districts, the minimum distances between townhouse buildings, or any part, shall be:
 - (a) Rear to rear: seventy (70) feet.
 - (b) Rear to face: seventy (70) feet.
 - (c) Face to face: seventy (70) feet.
 - (d) End to face or to rear: forty-five (45) feet.
 - (e) End to end: thirty (30) feet.
- (4) In all townhouse developments, the minimum gross land area devoted to open space shall be at least forty percent (40%) thereof. **[Amended 4-8-87]**
- (5) The minimum lot area per family or rental unit for townhouses in an R-4 District shall be two thousand four hundred (2,400) square feet, and in an R-3 District, it shall be one thousand six hundred (1,600) square feet. **[Amended 4-8-87]**
- (6) **Amended 4-8-87** Landscaped areas. Unless changed by the Planning Commission, the minimum landscaping required for all townhouse development in an R-4 District shall be:

- (a) A twenty-foot-wide landscaped edge along all external development lines shall be provided.
 - (b) In addition, for parking areas near buildings, there shall exist a landscaped area with a minimum width of fifteen (15) feet between the front or end of a building and parking area, and where a parking area is continuous for more than ten (10) spaces, there shall exist a landscaped island of at least ten (10) feet in width between the parking area and the remaining property. All landscaping plans are to be approved by the Planning Commission.
- (7) Fencing. If fences are to be permitted in a townhouse development, the subdivider shall prepare and submit to the Planning Commission a fencing plan. The fencing plan shall show the anticipated arrangement of fences and shall limit the fence design and materials to one (1) per building style, said plan to be approved by the Planning Commission prior to final site plan approval. All restrictions or conditions as to fencing, including no fencing being permitted if this is desired, shall be a part of the declaration of covenants existing for the development as well as becoming a part of all contracts for the sale of each townhouse unit. In addition, each purchase of a townhouse unit must be furnished with a written reference to the fencing plan, a copy of which shall be made available to each purchaser by the developer, prior to the full execution of all contracts of sale for a townhouse.

C. Apartment buildings.

- (1) For apartment buildings in the R-4 District, the structure shall occupy not more than twenty-five percent (25%) of the gross lot area. The average dwelling unit density shall not exceed six (6) dwelling units per net developable acre of land within each apartment development, with not more than six (6) units per structure. "Net developable land" is land remaining after annual floodplain areas and rights-of-way for major arterial or minor arterial highways have been deleted from the gross site area. **[Amended 4-8-87]**
- (2) For apartments in the R-4 District, buildings shall be set back a minimum of a distance of one hundred (100) feet from the property line when adjoining a major arterial right-of-way. When adjoining a minor arterial right-of-way, the rear building setback shall not be less than fifty (50) feet and the front and side yard setback shall not be less than thirty (30) feet each, except when the setback adjoins another right-of-way, in which instance the front and/or side yard setback shall be a minimum of twenty (20) feet. Whenever the property being developed adjoins any district other than A or R-1, the building setback shall be a minimum of fifty (50) feet, unless the adjacent property is a part of the same development. **[Amended 4-8-87]**
- (3) In all apartment building developments, the minimum distances between buildings, or any part, shall be:
 - (a) Rear to rear: seventy (70) feet.
 - (b) Rear to face: seventy (70) feet.
 - (c) Face to face: seventy (70) feet.
 - (d) End to face or to rear: forty-five (45) feet.
 - (e) End to end: thirty (30) feet.

- (4) In all apartment building developments, the minimum gross land area devoted to open space shall be forty percent (40%) thereof.
- (5) Landscaped areas. Landscaping of apartment building development shall be the same as for townhouse development, including parking areas.

§88-33. Building height regulations.

No building will exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet. In no case shall the building height exceed fifty (50) feet.

§88-34. Off-street parking and loading.

There shall be provided in the residential districts adequate off-street parking and loading in accordance with the schedule in Article II⁴.

**§ 88-35. Accessory uses: Residential and Mixed Use Districts
[Amended 2-28-01 by Ordinance 2000-9]**

- A. **[Amended 12-9-87]** The following accessory uses are permitted in the residential and mixed use districts:
 - (1) Private swimming pools, see 88-57.
 - (2) One-story private garages and one-story garden or tool sheds, see 88-57.
 - (3) Other accessory structure, including decks and patios, see 88-57.
- B. Unattached accessory uses shall remain distant from side and rear lot lines a distance per 88-57.
- C. No freestanding signs shall be permitted in residential districts except those permitted by Article II, § 88-14A. **[Added 3-28-84]**
- D. General signs: see Article II and § 88-14. **[Added 8-12-92]**
- E. Outside vending machines are not permitted in R Districts, on "nonconforming use" property within R Districts, or in the OTM District.

**§88-36. Old Town Mixed Use District (OTM)
[Added 2-28-01 by Ordinance 2000-9]**

A. Intent and purpose: OTM District.

The purposes of the Old Town Mixed Use District are to promote the use and reuse of existing structures in the Old Town area as designated on the Comprehensive Plan and Zoning Map, and to preserve the historic mix of small scale retail, office and residential uses within the Old Town area as designated on the Comprehensive Plan and Zoning Map. The Old Town area is located within that part of the Town's corporate limits

⁴ Editor's Note: See § 88-10 and §88-11.

bounded by the following streets: Maple Avenue, Maryland Avenue, Fulton Avenue, Main Street (from Frederick Street to George Street), Pennsylvania Avenue (from the railroad to Clinton Street), Green Street, George Street (from Pennsylvania Avenue to Clinton Street) and Frederick Street (from Main Street to Nicodemus Road). The residential character of properties in the OTM District will be maintained through appropriate size, location and scale buildings, materials used, landscaping and lighting and other performance standards. This district is not intended to accommodate commercial uses that are more appropriate for the B-1, B-2 and B-0 Districts and that entail high-volume traffic turnover, large parking areas and/or outdoor storage and display areas.

B. Permitted Uses: OTM District.

1. Government facilities, professional/business offices, except medical and veterinary offices
2. Retail sales and services, except retail liquor sales
3. Personal services
4. Bed and Breakfasts
5. Single family dwellings
6. Two family dwellings
7. Residential apartments over commercial uses
8. Places of worship

C. Site Plan Required: OTM District.

All new uses, change of uses of, expansions of, alterations to or additions to existing lawful uses, except single and two family dwellings which will be used for that purpose, shall be subject to site plan approval by the Planning Commission.

D. Performance Standards: OTM District.

1. No more than three separate uses shall be permitted per lot. Each dwelling unit and commercial establishment shall be counted as one use.
2. No residential uses shall be permitted within accessory structures.
3. No retail liquor sales permitted in connection with any permitted use.
4. No drive-through facilities permitted.
5. No parking in front yard, except as permitted for residential uses.
6. Maximum building height of 35 feet.
7. Outdoor storage or display of goods, materials or equipment shall be permitted to

cover no more than 250 square feet or 20% of the front yard, whichever is less. No outdoor storage or display shall exceed 5 feet in height. All outdoor storage must be adequately landscaped and screened as determined by the Planning Commission.

8. When reviewing plans for new construction or substantial alterations, the Planning Commission will consider the following in order to make its determination that the development complements or enhances the residential character of the area:
 - The materials of the exterior;
 - The type and pitch of roofs;
 - The size and spacing of windows, doors and other openings;
 - The size, type and location of signs;
 - Towers, chimneys, roof structures, flagpoles, radio and television antennas;
 - The relation to existing buildings and structures in the general vicinity and area.
9. All new or expanded uses shall be appropriately screened, buffered and landscaped as determined by the Planning Commission.
10. Hours of Operation: No use may operate earlier than 7:00 a.m. or later than 10:00 p.m.
11. No non-residential use may accept deliveries from a truck over 25,000 pounds gross vehicle weight nor may a truck or other mobile equipment be operated on the premises of any non-residential use, earlier than 8:00 a.m. nor later than 6:00 p.m. Monday through Saturday or at all on Sundays.
12. Noise: All air handling equipment or other noise generating equipment shall be located a minimum of 10 feet from any property line, and shall be screened as determined by the Planning Commission to prevent noise intrusion onto or visibility from adjacent residential properties. Noise-generating uses shall be prevented from intruding on adjacent properties by their operation, location in the building and/or construction (e.g. sealed windows).
13. Lighting: All lighting shall be designed to eliminate light overflow onto adjacent properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day ½ hour before the business is open to the public and to terminate ½ hour after the close of business.
14. Off-Street Parking Requirements for Permitted Uses
 - a. Changes of use and new uses in structures which exist prior to January 1, 2001:
 - Residential uses: 2 parking spaces per dwelling unit.
 - Non-residential uses 1,000 square feet in floor area or less: 2 parking spaces per use.
 - Non-residential uses over 1,000 square feet in floor area: 1 space per 250 square feet in floor area.
 - b. New construction or redevelopment (when existing principal structures are entirely or partially removed):
 - Residential uses: 2 parking spaces per dwelling unit;

All other uses: 4 parking spaces per use or 1 parking space per 100 square feet of floor area, whichever is greater.

15. Substitution of On-Street Parking for Off-Street Parking Requirements: The Burgess and Commissioners may grant a substitution of on-street parking spaces for off-street parking spaces, if legal on-street parking spaces are available in the vicinity of the property. The Burgess and Commissioners' approval shall be noted on the site plan presented to the Planning Commission. [Amended 4-25-07 by Ordinance 2007-02]
16. Signs: Signs shall be permitted in accordance with the requirements of Section 88-14 of the Town Code.
17. The Planning Commission shall determine the width of commercial entrances as part of site plan review.
18. Employees: The maximum number of employees permitted on site at any given time is 6. Additional employees may be permitted as long as the average over the course of a workday or workweek is 6 or less.

E. Special Exception Uses: OTM District

The following uses are permitted as special exceptions in the OTM District when the requirements for a special exception under Article IX of this chapter are satisfied and when authorized by the Board of Appeals:

1. Day care, nursery school, senior day care, provided the following standards are met:
 - Customer drop-off area is provided.
 - No more than one commercial vehicle is stored on the property.
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District.
2. Medical offices, provided the following standards are met:
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
3. Bakeries and caterers, provided the following standards are met:
 - No more than one delivery truck or other commercial vehicle is stored on the property.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
4. Funeral homes, provided the following standards are met:
 - No cremations are performed on site.
 - Safe and orderly flow of traffic can be assured.

- Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
5. Restaurants, provided the following standards are met:
- Maximum number of customer seats permitted is 50.
 - Safe and orderly flow of traffic can be assured.
 - Liquor sales only permitted in conjunction with food sales.
 - No live entertainment shall be permitted.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
6. Art, craft, martial arts and music and dance studios, provided the following standards are met:
- Customer drop-off area is provided.
 - The number of clients or students shall not exceed 12 students at any time in on one or more classes.
 - Classes of 4 or more students must be scheduled at least 15 minutes apart to reduce traffic congestion.
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.

F. Off-Street Parking Requirements for Special Exception Uses.

1. New uses and changes of use in structures which exist prior to July 1, 2000:
1 parking space per 250 square feet of floor area
2. New construction or redevelopment (when existing principal structures are entirely or partially removed):
4 parking spaces per use or 1 parking space per 100 square feet of floor area, whichever is greater.

G. Dimensional Standards: OTM District

	Minimum Lot Area	Minimum Lot Width	Minimum Yard Depth		
			Front Yard (one)	Side Yard (each)	Rear Yard (one)
Old Town Mixed Use District					
Single family dwellings	10,000 sf	60	35	8	40
Two family dwellings	5,000 sf/unit	60	35	8	40
Bed and breakfasts	10,000 sf	60	35	8	40
Mixed use lots	10,000 sf for the first use; 5,000 sf for each additional use	60	35	8	40
Other uses	10,000 sf	60	35	8	40

H. Other Requirements: OTM District.

Maximum first floor area of buildings on a lot (excluding parking and accessory structures) shall be 5,000 square feet or 40% coverage of the total lot area, whichever is less. This standard applies to additions and alterations to existing structures as well as new construction.

§ 88-37. Home association.

A home association will be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including drives, service and parking areas and recreation areas in townhouse or apartment developments. When required, the owner(s) must establish a home association in accordance with the requirements and procedures outlined by the Federal Housing Authority in Sections 7 and 8.2 of the Land Planning Bulletin No. 6, entitled "Planned Unit Development with a Home Association," dated December 1963. The concept of the Home Association and its bylaws must be approved by the Planning Commission.⁵

**ARTICLE VI
Commercial Districts**

§ 88-38. Intent and purpose: B-1 District.

The B-1 District is intended to permit residential areas the convenience of having a limited number of frequently used retail and service needs in close proximity to their daily requirements. Trips to satisfy such needs are made principally on foot by women and children, and therefore this district is intended to encourage the provision of small, safe, attractive and well-located shopping areas for primarily pedestrian use in a manner that will make them compatible assets to the residential environment.

§88-39. Intent and purpose: B-2 District.

The B-2 District is intended to be the single central shopping, service and entertainment center for the community and the surrounding region. It is intended that stores and other facilities will be grouped together in an attractive and convenient manner with particular attention being paid to the safety of pedestrian travel and the protection of adjoining residential areas. It is essential that this district have excellent vehicular accessibility from both the central community and the region and that safe and adequate off-street parking and loading is provided. No drive-in eating places or lodging places are recommended for location herein.

§ 88-40. Intent and purpose: B-O District. [Added 8-10-1988]

- A. The Business-Office District is intended to provide areas along certain major streets where nonretail commercial uses, such as business and professional offices, may be located in a low-intensity manner, such that they can be compatible with adjacent residential uses. These areas must be designated "commercial" or "highway service"

⁵ Editor's Note: Original Section 11.0, Planned Unit Development, which immediately followed this section, was subsequently replaced by new provisions now appearing as Ch. 53, Planned Unit Development. Repealed 8/13/80.

on the Comprehensive Plan. The requirements of this zone are designed to protect the adjacent or surrounding residential areas and to create an appearance of open, uncluttered and orderly development.

- B. No outdoor storage shall be permitted.
- C. [Repealed 5-13-98 by Ordinance 98-4]
- D. Parking. **[Amended 10-11-1989 by Ord. No. 89-6]**
 - (1) Parking required shall be one (1) space for each one hundred (100) square feet of floor area. Parking areas must be paved and shall not be permitted in the front yard. Rear yard parking may project to within one-half (1/2) of the required setback. Parking may be provided on a separate lot if within three hundred (300) feet of the building it serves, and two (2) or more owners may join together in the provision of this parking space. Existing buildings not complying with these requirements will not be exempt if the use changes.
 - (2) Required parking shall be one (1) space for each one hundred sixty-seven (167) square feet [six (6) spaces per one thousand (1,000) square feet] of floor area for multiple user-business-office developments totaling twenty thousand (20,000) square feet of floor area or greater. Parking areas in such developments shall be permitted between the proposed building and the minimum twenty-foot front yard setback, subject to site plan approval.
- E. No lights may glare on adjoining residential structures
- F. A site plan required for a change in use.
- G. General signs: see Article II and § 88-14 and § 88-40C and E.
[Added]
- H. Outside vending machines: **[Added]**
 - (1) Machines must occupy not more than 21 square feet of total surface of the property of record on which it is located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure on the property.
 - (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
 - (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.

§ 88-41. Permitted uses: B-1 District.

The following uses are permitted in the B-1 District:

- A. Any use permitted in a residential district.
- B. Lodging and institutional: lodging houses, hospitals, institutions, fraternities and sororities and volunteer fire departments.
- C. Major retail outlets: furniture, department, clothing, dry goods, shoe and variety stores; and hardware, electrical appliance, paint and wallpaper stores.
- D. Food, drug and beverage: grocery, fruit or vegetable stores; supermarkets; meat markets; delicatessens; drugstores; bakeries in conjunction with retail sales; restaurants; and tearooms.
- E. Specialty shops: gift shops; jewelry stores; magazine, book and stationary outlets; florist shops; camera and photography shops and studios; sporting goods; and antique shops.
- F. Service: laundromats; dry-cleaning and laundry pick-up stations; barber- and beauty shops; dressmaking and millinery shops; shoe repair and tailor shops; mortuaries; indoor storage and transfer establishments; repair shops for appliances and small articles; newspaper printing and publishing facilities; and print, furnace, heating, typewriter and plumbing shops. **[Amended 3-24-82]**
- G. Business and professional offices: medical and dental offices and clinics; law offices; insurance and real estate offices; banks; finance and utility company offices; and animal hospitals and clinics with no open kennels.
- H. Accessory uses or buildings.
- I. Business and advertising signs, and real estate and public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of Article II, § 88-14B. Freestanding signs may be permitted in the B-1 District with approval by the Burgess and Commissioners.**[Amended 3-28-84]**
- J. General signs: see Article II and § 88-14 and § 88-41I. **[Added]**
- K. Outside vending machines: **[Added]**
 - (1) Machines must occupy not more than 21 square feet of total surface of the property of record on which located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure of the property.

- (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
- (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property right-of-ways.

L. Wireless Telecommunication Facility when sited and constructed in accordance with Chapter 86 of the Town Code. [Added 4-24-02 by Ordinance 2002-04]

§ 88-42. Permitted uses: B-2 District.

The following uses are permitted in the B-2 District:

- A. Any use permitted in the B-1 Neighborhood Business District, except permitted residential uses and those uses stated in §88-41B, and signs shall be permitted only in accordance with the specifications of this section.
 - (1) Department and clothing stores.
 - (2) Furniture and appliance stores.
 - (3) Paint and hardware stores.
 - (4) Banks; savings and loan offices.
 - (5) Jewelry, stationery, flower, pet and other specialty shops.
 - (6) Business and professional offices.
 - (7) Radio, television and shoe repair and other repair services.
 - (8) Lodging facilities: hotels and motels.
 - (9) Service Stations and minor repair shops.
 - (10) Restaurants and cafes, including entertainment activities.
 - (11) Laundry and dry-cleaning establishments.
 - (12) Public buildings of a cultural, administrative or public-service nature.
 - (13) Clubs and lodges.
 - (14) Multiple occupancy office.
- B. Accessory uses or buildings.
- C. Business and advertising signs, and real estate and public building signs or bulletin boards, provided that they meet the requirements of Article II, § 88-14B.
- D. General signs: see Article II and § 88-14 and § 88-42C.
- E. Outside vending machines:

- (1) Machines must occupy not more than 21 square feet of total surface of the property of record on which located.
- (2) Vending machines may not be stacked one upon the other.
- (3) Location of machines must be indicated on site plan.
- (4) Machines must be located on a paved surface abutting the main structure on the property.
- (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
- (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.

§ 88-43. Permitted uses: HS District.

Deleted. Reassigned to other districts.

§88-43.1. Permitted uses: B-O District. [Added 8-10-1988]

The following uses are permitted in the B-O District.

- A. UNUSED. [Ordinance 98-18, adopted 12-9-98]
- B. Business and professional offices: medical, dental offices and clinics; offices of architect, engineer, surveyor, attorney and accountant; insurance and real estate offices; banks, finance and utility company offices; and secretarial and management services.
- C. Nursery school or child-care center, provided that it includes an adequately sized play area, fully fenced and enclosed, and the main structure is no closer than twenty (20) feet to any adjacent lot line.
- D. Funeral home.
- E. Broadcasting studio, artist studio.
- F. Tourist home, bed and breakfast (not motel).
- G. Barber- or beauty shop, sewing or tailoring (not dry cleaners).
- H. One-story accessory structures customarily incidental and subordinate to the above principal uses and structures, provided that the total square footage does not cover more than thirty percent (30%) of the square footage of the rear yard.
- I. General signs: see Article II and § 88-14. **[Added]**
- J. Outside vending machines: **[Added]**

- (1) Machines must occupy not more than twenty-one (21) square feet of total surface of the property of record on which located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure on the property.
 - (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
 - (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.
- K. Wireless Telecommunication Facility when sited and constructed in accordance with Chapter 86 of the Town Code. [Added 4-24-02 by Ordinance 2002-04]

§ 88-44. Special exception uses.

The following uses are permitted as special exceptions in the specified commercial district when authorized by the Board of Appeals:

Use	Business District And Limitations
Greenhouses, nurseries and lumberyards	B-1 provided that no structure is closer than 25 feet to a residentially zoned lot
Hospitals and educational, religious and philanthropic institutions	B-1 and B-2, provided that not more than 40% of the lot is occupied and each yard is increased 1 foot for each 1 foot in excess of usual height limitations
Independent Senior Living Communities [Added 5-25-05 by Ord. 2005-03]	<p>B-1 and B-2, provided that:</p> <ol style="list-style-type: none"> 1) Minimum parking ratio of 1.25 parking spaces provided per living unit. 2) Development to consist of a minimum of 5 acres including commercial portion. 3) A minimum of twenty-five percent (25%) of total land area must be a planned commercial set aside. 4) Density of no greater than 1,500 sq. ft. for 1 bedroom and 2,000 sq. ft. for 2 bedroom units. 5) Development is proximate to residential uses.
Children's nurseries and kindergarten, kindergarten and other private schools	B-1 and B-2, provided that pre-100 square feet of open space is maintained for each child enrolled.

§88	WALKERSVILLE CODE	§88
Theaters and hotels		B-1, provided that adequate parking is provided as outlined in Article II, §88-10
Bowling alleys and other commercial recreation facilities [Added 3-24-82]		B-2, provided that the proposed activity is in compliance with all safety, health and environmental standards and is not detrimental to the surrounding area; safe and orderly flow of traffic can be assured; and adequate parking is provided as outlined in Article II, §88-10
Nursing homes and assisted care facilities [Added 12-9-98 by Ordinance 98-18]		B-0, provided that the nursing home and assisted care facility meet all the specific yard requirements set forth in §88-32 for multifamily dwellings and provided that street parking spaces are provided for each attendant or worker and for each three (3) patients to be cared for therein.

§88-45. Building height regulations.

In the B-1, B-2 and B-O Districts, no building shall exceed three (3) stories or thirty-five (35) feet in height.

§ 88-46. Essential services.

Essential services⁷ shall be permitted in all business districts.

§ 88-47. Off-street parking and loading.

There shall be provided in the business districts adequate off-street parking and loading areas in accordance with the schedule in Article II.⁸

§ 88-48. (Reserved).⁹

⁷ Editor's Note: See the definition of "essential services" set forth in § 88-2 of this chapter.

⁸ Editor's Note: See § 88-10 and §88-11.

⁹ Editor's Note: Former § 88-48, Required site plans, was repealed 6-25-80.

§ 88-49. Required lot and yard dimensions.

	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Yard Depth (feet)		
			Front Yard ⁴ (one)	Side Yard (each) ²	Rear Yard (one)
B-1 Neighborhood Business District ¹	Not specified	Not specified	20	10 (when adjacent to an R District)	25
B-2 Shopping Center District ^{2,3}	Not specified	Not specified	30	20 ³	30
B-O Business-Office ⁶ [Added 8-10-88]	Not specified	Not specified	20 ⁵	10	25
Motel	2 acres	300	25	10	25

(1) Note: Residential uses in the B-1 Neighborhood Business District shall meet the lot area, width and yard requirements of the R-4 District. [Amended 8-12-92]

(2) Note: No side yard required when adjacent to other commercial or industrial lots. When adjacent to a residential district (not a residential lot), yards are measured from the structure or parking area, whichever is closest to the lot line.

(3) Note: Parking areas in the B-2 District may project to within one-half (1/2) of the required setback. [Amended 7-13-83]

(4) Note: See ¶88-16H(1) relating to the placement of gasoline pumps in service stations.

(5) Note: Parking shall not be permitted in the front yard. Rear yard parking may project to within one-half (1/2) of the required setback. Parking areas in multiple user business-office developments of twenty thousand (20,000) square feet of floor

area or greater shall be permitted between the proposed building and the minimum twenty (20) foot front yard setback, subject to site plan approval. **[Amended 10-11-89 by Ord. No. 89-6]**

(6) Note: Existing structures as of August 10, 1988, will not be required to conform to setbacks, but any addition will be subject to the setbacks.

(7) Note: The required lot and yard dimensions in §88-49 do not apply to individual subdivision Lots located in a multi-user business park, which park contains uses totaling at least 20,000 square feet of floor area in two (2) floors or less in the B-0 zoning district, and such Lots are not required to front on a public right-of-way, provided that:

- a. the multi-user business park as single parcel and the uses and/or structures on the perimeter of the park comply with the required lot and yard dimensions of this section; and
- b. the Planning Commission determines to its satisfaction that all public improvements required for such Lot are adequately guaranteed before construction on the Lot begins and that appropriate recorded easements, covenants, maintenance agreements and/or owners association are established to provide perpetual access to public streets and utilities and improvement and maintenance of common areas and facilities in the multi-user business park; and
- c. the other applicable requirements of this Ordinance have been satisfied and that the Lot conforms with the overall design and development concept for the multi-user business park approved by the Planning Commission. **[Note 7 added by Ordinance 90-4, 1-23-91]**

§ 88-50. Intent and purpose.

The Limited Industrial District (LI) is intended to provide adequate area for development of industrial uses whose operations have a relatively minor nuisance value; and provides a healthful industrial operating environment secure from the encroachment of residential uses and protected from adverse effects of incompatible industries. These uses are of such size and character as are deemed inappropriate for other commercial districts. **[Amended]**

§ 88-50.1. Permitted uses: LI District. [Added]

- A. Uses permitted in the B-0 District
- B. Agriculture, commercial greenhouses and nurseries, forestry, dwelling on the same property in conjunction with a permitted use, i.e., owner, caretaker; auction house (not auto or animal); furniture repair; lumber yard (not sawmill); stone monument sales and processing; carpentry, electrical, plumbing, welding, printing, upholstering shops; bottling plant; carpet and rug cleaners; industrial laundry and dry cleaning; wholesaling and/or warehouse; municipally approved, operated, owned and/or supervised recycling drop off facility; golf driving range; miniature golf; indoor theater; limited manufacturing and assembly uses; civic parks and recreation areas; fire and rescue service (not a practice burn facility); public buildings and properties; public utility; public transit station; motel or hotel; research laboratory; essential services; and Wireless Telecommunication Facility when sited and constructed in accordance with Chapter 86 of the Town Code.
[Amended 11-12-03 by Ordinance 2003-09]

§ 88-50.2. Special exception uses: LI District. [Added]

- A. Archery ranges (outdoor or indoor) and hunting, fishing, and gun clubs. Rifle and pistol ranges in an approved indoor facility only.
- B. Helipads; but, not aircraft landing and storage areas.
- C. Day care center; nursery school.
- D. Stadium or outdoor stage.
- E. Recycling collection facility, provided the following standards are met as determined by the Board of Appeals in addition to the other special exception standards required under Article IX hereof:

- (1) The building containing the recycling collection facility shall not exceed a maximum of 20,000 square feet of total floor area (as herein defined); and
 - (2) The building containing the recycling collection facility shall be located a minimum of sixty feet (60') from a residential zoning district; and
 - (3) The lot and/or the building containing the recycling collection facility shall be clearly marked to identify the name and 24 hour a day telephone number of the recycling collection facility owner and operator, the hours of operation and a notice stating that no materials shall be dropped off, collected or otherwise left outside the building when the recycling collection facility is closed; and
 - (4) The maximum hours of operation of the recycling collection facility shall be limited to 8 a.m. to 6 p.m. Monday through Saturday; and
 - (5) The lot shall be completely enclosed by a fence of suitable material and height with a locking gate; and
 - (6) All industrial performance standards listed in §88-54 shall be met.
- [§88-50.2E. added 11-12-03 by Ordinance 2003-09]

§ 88-50.3. Accessory uses: LI District. [Added]

- A. General signs: see Article II & § 88-14.
- B. Outside vending machines:
 - (1) Machines must occupy not more than twenty-one (21) square feet of total surface of the property of record on which located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure on the property.
 - (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
 - (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.

§ 88-51. Intent and purpose: Limited Industrial Park District (LIP) [Amended]

The Limited Industrial Park District (LIP) is intended to provide for those industrial uses which require outdoor storage of equipment or supplies. Special screening is required.

§ 88-51.1 Permitted uses: LIP District. [Added]

- A. Uses permitted in the LI District.
- B. Additional uses permitted: Yard storage; mobile home sales; boat sales and service; farm equipment sales and service; bus repair, maintenance, and storage facility; contractor equipment and material storage yard; car wash; auto and truck repair and service shop; auto and truck sales and service centers; mini-warehouse storage operations.

§ 88-51.2. Special exception uses: LIP District. [Added]

- A. Uses permitted as special exception use in LI District.
- B. Two way radio dispatch tower (not to exceed seventy (70) feet in height), provided that the setback of the tower from the lot line equals the height of the tower.
- C. Bulk storage of oil, petroleum, gasoline and similar flammable liquids and compressed gases. (See § 88-16, Storage of Flammable Fuels)

§ 88-51.3. Accessory uses: LIP District.

- A. General signs: see Article II and § 88-14.
- B. Outside vending machines:
 - (1) Machines must occupy not more than twenty-one (21) square feet of total surface of the property of record on which located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure on the property.
 - (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
 - (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.

§ 88-52. Intent and purpose: General Industrial District (GI)

The General Industrial (GI) district is intended to provide areas for industries involving manufacturing. It provides an operating environment secure from the encroachment of incompatible residential, institutional and commercial land uses. **[Amended]**

§ 88 52.1. Permitted uses. GI District [Added]

- A. Uses permitted in LIP district.
- B. Additional uses permitted: agribusiness; auto auction sales; and general manufacturing.

§ 88-52.2. Special exception uses: GI District. [Added]

- A. Uses permitted as special exception use in LIP district.
- B. Motor freight transfer terminals, for the handling and transshipment of freight and cargo.

§88-52.3. Accessory uses: GI District.

- A. General signs: see Article II and §88-14.
- B. Outside vending machines:
 - (1) Machines must occupy not more than twenty-one (21) square feet of total surface of the property of record on which located.
 - (2) Vending machines may not be stacked one upon the other.
 - (3) Location of machines must be indicated on site plan.
 - (4) Machines must be located on a paved surface abutting the main structure on the property.
 - (5) All machines on the site must be located side by side to each other and not at multiple locations on the site.
 - (6) Vending machines may not be located in such a location as to interfere with pedestrian or vehicular traffic onto, off of, or within the property on which they are located or adjoining public property or right-of-ways.

**§88-53. Lot/yard dimensions and building height requirements:
Industrial Districts
[Amended 8-9-00 by Ord. 2000-4]**

	Min. Lot Width	Front Yard (1) Buffer	Side Yard(1) Buffer	Rear Yard Buffer	Height (Feet)	Minimum Lot Area (Sq Ft)
LI	125	50	25	60 (2)	45	30,000
LIP	125	75 (2)	25	60 (2)	45	30,000
GI	200	100 (2)	25 (3) 50 (3)	60 (2)	45	80,000

(1) No parking is authorized in the front yard buffer of the LI District or side yard buffer of the LI, LIP or GI Districts; however, parking is allowed beyond the buffer line.

(2) Two-thirds (2/3) of the rear yard buffer requirement (nearest to the building) and two-thirds (2/3) of the front yard buffer may be used for parking. The remaining one-third (1/3) must be grass or landscape. The Planning Commission shall require screening in the remaining one-third (1/3) of the front yard to screen parking areas from the street or adjoining properties in accordance with the standards set forth below. Such screening may be designed to allow some visibility of the site from the street. Screening shall consist of 1) a landscaped berm, or 2) evergreen shrubs supplemented with deciduous trees, planted within a 5 ft. or wider planting strip, or 3) a combination thereof. The minimum screening standards for plantings shall meet those found in § 88-54.C. Openings may be permitted where needed for access and visibility of structures, signs or entrance features. Any existing screening which complies with standards set forth above may be used to satisfy requirements of this ordinance. Screening planted in accordance with the Forest Resource Ordinance may be used to satisfy the requirements of this ordinance.

(3) The twenty-five (25) foot side yard is required if the adjoining property is zoned LI or LIP. The fifty (50) foot side yard is required if the adjoining property is zoned other than LI or LIP.

OPEN SPACE: The minimum landscaped open space on any individual lot shall not be less than 20% of the land area of the lot. The landscaped open space shall not be impervious or open for vehicular use and the landscaping shall be maintained in a reasonable manner.

§ 88-54. Site plan - specific performance standards: Industrial Districts [Amended]

The following specific standards will be met in site plans, in addition to other requirements:

- A. Lighting: Lighting emitting objectionable glare observable from surrounding properties or streets will be shielded. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause

- illumination in excess of five-tenths (0.5) footcandles when measured in a residential or open space district.
- B. Public utilities: The Health Department shall certify that the proposed water and sewage facilities are adequate to service the proposed development.
- C. Screening: The Planning Commission may require screening along the property line and around and within the parking areas. Minimum standards are: Planting strips will be no less than five (5) feet wide, planted with shrubs or trees, which are of a type and spaced at intervals which may be expected to form a year round dense screen at least six (6) feet high within three (3) years, and opaque fencing may be used in conjunction with trees and shrubs, subject to the approval of the Planning Commission.
- D. Storage of flammable materials: see § 88-16, Storage of Flammable Fuels.
- E. Storage and Operation: In the LI District, all operations and storage of equipment, materials or products will be conducted within completely enclosed buildings. In the LIP and GI districts, storage may be permitted outdoors only when completely screened by a wall, opaque fence or planting so that materials or equipment is not visible from a public way or adjoining property. The Planning Commission shall determine the most appropriate screening for the use.
- F. Noise: The application for a zoning certificate will be accompanied by a certification by a registered engineer or architect that noise will not be detectable at the lot line.
- The following sources of noise are exempt:
- (1) Transportation vehicles not under the control of the industrial use.
 - (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves.
 - (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.
- G. Vibration: No vibration will be produced which is transmitted through the ground and is discernible at or any point beyond the lot line. The application for a zoning certificate will be accompanied by a certification by a registered engineer or architect that vibration will not be detectable at the lot line.
- H. Dust and particulates: Emissions of dust and particulates shall be in accordance with the State of Maryland rules and regulations governing air contamination and air pollution. Particulate matter emissions from materials or products subject to becoming windborne will be kept to a minimum by

paving, sodding, wetting, covering, or other means such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sludge, sulfur\$ etc.

- I. Sulfur oxides: Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes will be limited in accordance with ambient air quality standards of the state or those of the county whichever are more restrictive.
- J. Smoke: The emission of smoke darker than Ringelman No. 1 from any chimney, stack vent, opening, or combustion process is prohibited.
- K. Odor: Odorous material released from any operation or activity shall not be detectable at the lot line. The application for a zoning certificate will be accompanied by a certification by a registered engineer or architect indicating that fumes and odors produced by the industry will not be detectable at the lot line.
- L. Toxic matter: The ambient air quality standards for the State of Maryland or those of the county, whichever are more restrictive, shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the state or county, the release of such materials shall be in accordance with the fractional quantities permitted below, of those materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirtieth of the threshold limit value across the lot lines.

The applicant must provide proof of compliance with all county, state, and federal regulations regarding biological testing or research. In addition, the applicant must provide guarantees, from the appropriate agencies as deemed necessary by the Planning Commission, to ensure that no hazardous effluent will be released into the air, water or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.
- M. All industrial practices shall be in compliance with all county, state and federal requirements.
- N. The site shall be maintained free of litter and any other unsanitary materials and shall be cleaned of debris on a daily basis.

- O. The facility shall be maintained free from rodents at all times.

**§ 88-55. Off-street parking and loading: Industrial Districts.
[Amended]**

There shall be provided in the LI, LIP, and GI Districts adequate off-street parking and loading in accordance with the schedule in Article II.

**ARTICLE VIII
Exceptions and Modifications; Cluster Development**

§ 88.56. Variances for lots of record.

When a lot which is an official lot of record at the time of adoption of this chapter does not comply with the area, yard or other requirements of this chapter, an application may be submitted to the Board of Appeals for a variance from the terms of this chapter in accordance with the procedure outlined in Article IX. Such a lot may be used as a building site; provided, however, that the yard and other requirements of the zoning district are complied with as closely as possible in the opinion of the Board of Appeals.

§ 88.57. Exceptions to yard requirements. - Residential

- A. [Amended 3-28-07 by Ord. 2007-01] Architectural features of buildings, such as windowsills, cornices, roof overhangs and unenclosed porches, may project into the required yard not more than six (6) feet. Open fire escapes, fireproof outside stairways, chimneys and flues, air conditioners and heat pumps may project into the required yard not more than six (6) feet. Residential propane tanks may extend into the side or rear yard no closer than six (6) feet to any lot line. Ground floor terraces, patios or carports may extend into the rear yard no closer than six (6) feet to either side lot line.

Allowable projection of decks into yards: Decks may extend into the required rear yard not more than twelve (12) feet, provided that the following conditions are met:

- (1) No more than thirty percent (30%) of the total rear yard square footage is covered by a total of all accessory structures, including the deck and swimming pools. (See §88-35.)
- (2) Where side yards are required, no deck structure may be built closer than six (6) feet to the side lot lines, and in no case shall a deck structure be built closer than six (6) feet to the rear lot line.
- (3) Decks may be roofed and/or enclosed with screening. Other enclosing materials, including solid doors,

glass, siding, brick, etc. are not permitted. An enclosed deck must also meet the following requirements:

- (a) Runoff from the roof must be returned to the applicant's unpaved ground so as not to add to the lot's runoff.
- (b) The height of the roof may not exceed the height of the main house roof, nor shall two-story decks (one directly above the other) be permitted. Terrace decks (two elevations but not one above the other) are permitted.

B. Allowable projections of a living area addition to a single family dwelling unit into the required rear yard in the Old Town Mixed Use (OTM) R-2 Residential and R-3 Residential zoning districts.

An enclosed addition to a principal structure single family dwelling unit (excluding garages) in the OTM, R-2 and R-3 zoning districts may extend and project into the required rear yard by up to and not more than twelve (12) feet, provided the following conditions are met to the satisfaction of the Planning Commission pursuant to a public meeting:

- (1) The proposed addition is to a single family (not two family) dwelling unit that is the only principal structure on the lot and is for the purpose of expanding the residential living area of the dwelling unit.
- (2) The lot area is less than 10,000 square feet in size.
- (3) The lot depth is 110 feet or less.
- (4) The proposed addition is no more than one and one-half stories tall and is not attached to the second floor of the dwelling unit with or without an unenclosed ground floor area.
- (5) No more than thirty percent (30%) of the square footage of the area between the rear yard setback line and the rear property line is covered by a total of the addition, decks, accessory buildings, structures and swimming pool.
- (6) The height of the roof may not exceed the height of the roof on the principal structure single family dwelling unit to which the addition is proposed.
- (7) Architectural features of any such proposed addition as described in §88-57 of this Ordinance, must be contained within such allowed projection and shall not extend beyond such allowed projection area.
- (8) The applicant has provided evidence satisfactory to the Planning Commission at a duly advertised public meeting that

- the proposed addition will not have a substantial detrimental impact on the use and enjoyment of adjoining properties or the health, safety and welfare of the residents of those adjoining properties due to the design, size, location, or other physical characteristics of the proposed addition. The Planning Commission shall have the authority to approve, modify or deny the proposed addition and/or require the applicant to provide additional landscaping, screening, buffering or other design features to mitigate the impact of the proposed addition on adjoining properties. In reviewing the application for the proposed addition, the Planning Commission shall consider the nature and character of the immediate neighborhood, the recommendation of the Comprehensive Plan and the location of the lot, the existing structures thereon, the location of structures on adjoining properties and the proposed design, size, location and other physical characteristics of the proposed addition.
- C. Side yards shall not be required for residential dwellings erected above commercial structures.
- D. One-story accessory buildings may project into yards provided that:
- (1) The total of all accessory uses and decks does not occupy more than thirty (30) percent of the rear yard.
 - (2) For lots other than town-house developments, when more than ten (10) feet from the building and sixty (60) feet from the front yard, provided that it is not closer to the front lot line than the rear of the dwelling unit and that the accessory building is outside of all utility easements or right-of-ways.
 - (a) For moveable accessory buildings, no part of the structure may project into the side or rear yards, closer than three (3) feet to the side or rear lot lines.
 - (b) For accessory buildings, no part of the structure may project into the side or rear yards, closer than six (6) feet or the height of the accessory building (whichever is less) to the side or rear lot lines.
 - (3) In town-house developments, one (1) accessory building per lot, not exceeding forty (40) square feet of floor area and ten (10) feet in height, may be located directly on any rear lot line and setback three (3) feet from side lot line(s), provided that it is not closer to the front lot line than the rear of the dwelling unit and that the accessory building is outside of all utility easements or right-of-ways.

- (4) Garage accessory buildings entered from an alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line.
 - (5) Runoff from the roof must be returned to the applicant's unpaved ground so as not to add to the lot's runoff.
- E. No part of a private swimming pool shall be closer to any lot line than the depth of the pool measured at the point of maximum depth.
- F. Allowable projections of fences into yards. Fences may be constructed in or project into yards, provided that:
- (1) No fence or planting more than three (3) feet high shall be located within thirty (30) feet of a street intersection.
 - (2) No fence more than four (4) feet high may be located closer to the front of the lot than the principal building.
 - (3) No fence more than six (6) feet high shall be allowed on any other part of the lot.
- G. Allowable projections of freestanding signs into yards. Freestanding signs (not attached to a building), as permitted in the particular district, may project into the front yard; freestanding signs shall be permitted in the B-1 District only upon approval of the Burgess and Commissioners. No freestanding signs shall be permitted in residential districts, except those permitted by Article II, § 88-14A.
[Amended 3-28-84]

§ 88-57.1. Modification of lot requirements. [Amended 3-27-2013 by Ordinance 2013-01]

- A. The required yard for corner lots shall be determined as follows:
- (1) For lots of record and those created by subdivision before January 1, 2013, there shall be no required rear yards. A corner lot shall be deemed to have two (2) side yards and two (2) front yards.
 - (2) For lots created by subdivision after January 1, 2013, corner lots shall be deemed to have two (2) front yards, one (1) side yard and one (1) rear yard.
- B. In the case of lots located along the circumference of a cul-de-sac, the minimum lot width shall be measured (arc def.) at the required minimum front building setback line and there shall be as provided a minimum front lot line width of not less than fifty percent (50%) of the minimum lot width.

§ 88-58. Exceptions to height limitations.

- A. Public and semipublic buildings may exceed height limitations. Public buildings, churches, temples, hospitals and institutions may exceed the height limits to a total height of seventy (70) feet, provided that all yards required in the particular district are increased one (1) foot for each two (2) feet in excess of the height limitation.
- B. Architectural or mechanical appurtenances may exceed height limitations. Chimneys, church steeples, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, spires, radio and television towers, grain elevators, barns, silos or other such architectural and mechanical appurtenances are exempt from height regulations. [Amended 6-25-80]

§ 88-58.1. Special provisions governing annexed lands.

[Added 1-10-79]

- A. Any property which is annexed under a residential zoning and is operating at that time on a private septic system shall be allowed to continue using same. At such time that it is declared a failing septic system by the appropriate town, county or state agency, then, instead of replacing the septic system, the property shall connect to the community sewer system, provided that the sewer main has been extended to the property.
- B. Notwithstanding any provisions to the contrary contained in this chapter, the owner of an existing building lot of record, unimproved on the date of annexation, shall be entitled to construct thereon one (1) primary residence.
- C. Private wells and septic systems shall be permitted in the Agricultural District.
- D. Notwithstanding the requirements of Chapter 71 entitled "Subdivision of Land", §71-22 entitled "Streets-General Requirements" and of the Walkersville Design Manual, for property annexed after the effective date of this ordinance to be subdivided and developed in Limited Industrial, Limited Industrial Park and General Industrial zoning districts, the Planning Commission may permit open section roads only where the minimum lot size in the subdivision of the annexed property is two (2) acres, and only based on a finding that one or more of the following criteria are met:
 - (1) A need or desire for grass lined drainage ways to provide for removal of nutrients in surface runoff, thereby improving water quality in streams and rivers; and/or
 - (2) Need or desire for reduction of maintenance costs.
- E. Notwithstanding the requirements of Chapter 71 entitled "Subdivision of Land", §71-31 entitled "Minimum Requirements" and of the Walkersville Design Manual, property annexed after the effective date of this ordinance and zoned Limited Industrial, Limited Industrial Park, and/or General Industrial district may be

permitted to be subdivided and/or developed on private well systems on an interim basis until public water is available, so long as public water is planned to serve the property within 5-7 years on the Frederick County Master Water and Sewerage Plan and “dry” water lines meeting the standards and requirements for active and functioning public water lines within the corporate boundaries of the Town are financially guaranteed to the Town at the time of final subdivision plat approval and installed at the time of site development (i.e. grading permit) as required by the Town and any other applicable approving authority. The dry lines shall be maintained at all times by the developer/owner/subdivider of the property to be served in a condition ready for service as active and functioning water service lines with related equipment.

(1) Subdivision and/or development pursuant to this subsection shall adhere to Frederick County Water and Sewerage Plan (2008), Section II.C.3.(H)(3) (“Policies on Individual Wells and Septic Systems”), pertaining to “An Interim Individual Water and/or Sewerage System”.

(2) Public water shall be deemed to be available at such time as the property has obtained a “W-3 Development/Dev.” classification on the Frederick County Master Water & Sewerage Plan.

(3) Property to be subdivided and/or developed pursuant to this subsection shall have a minimum lot size of two (2) acres and shall have a Limited Industrial, Limited Industrial Park, or General Industrial zoning classification on the Town Zoning Map.

(4) The permitting of subdivision and/or development pursuant to this subsection shall be subject to approval by the Burgess and Commissioners where they find compatibility with those economic development objectives expressed in Chapter II, Section 1 of the Town of Walkersville Comprehensive Plan (2003) (“Goals and Objectives for the Future of Walkersville”) and for good cause shown.

(5) Subdivision and/or development under this §88-58.1.E is prohibited if any portion of the proposed subdivision and/or development is within a designated wellhead protection area under the provisions of the Town Code.

(6) Fire reserve water storage for subdivision and development under this §88-58.1.E shall be in accordance with Section 2.12 of the Town of Walkersville Design Manual (2007).

(7) In any event, the owner/developer/subdivider of any lot or parcel to be served on an interim basis by a private well as herein provided shall pay the applicable water connection fees prior to issuance of a building permit.

- F. Notwithstanding the requirements of Chapter 71 entitled “Subdivision of Land”, §71-31 entitled “Minimum Requirements” and of the Walkersville Design Manual, property annexed after the effective date of this ordinance and zoned Limited Industrial, Limited Industrial Park, and/or General Industrial district may be permitted to be subdivided and/or developed on private septic systems on an interim basis until public sewer is available, so long as public sewer is planned to serve the property within 5-7 years on the Frederick County Master Water and Sewerage

Plan and “dry” sewer lines meeting the standards and requirements for active and functioning public sewer lines in Frederick County are financially guaranteed to Frederick County at the time of final subdivision plat approval and installed at the time of site development (i.e. grading permit) as required by the Town and Frederick County and any other applicable approving authority. The dry lines shall be maintained at all times by the developer/owner/subdivider of the property to be served in a condition ready for service as active and functioning sewer service lines with related equipment.

(1) Development and subdivision pursuant to this subsection shall adhere to Frederick County Water and Sewerage Plan (2008) Section II.C.3.(H)(3) (“Policies on Individual Wells and Septic Systems”), pertaining to “An Interim Individual Water and/or Sewerage System”.

(2) Public sewer shall be deemed to be available at such time as the property has obtained a “S-3 Development/Dev.” classification on the Frederick County Master Water & Sewerage Plan.

(3) Property to be subdivided and/or developed pursuant to this subsection shall have a minimum lot size of two (2) acres and shall have a Limited Industrial, Limited Industrial Park or General Industrial zoning classification on the Town Zoning Map.

(4) The permitting of subdivision and/or development pursuant to this subsection shall be subject to approval by the Burgess and Commissioners where they find compatibility with those economic development objectives expressed in Chapter II, Section 1 of the Town of Walkersville Comprehensive Plan (2003) (“Goals and Objectives for the Future of Walkersville”) and for good cause shown.

(5) Subdivision and/or development under this §88-58.1.E is prohibited if any portion of the proposed subdivision and/or development is within a designated wellhead protection area under the provisions of the Town Code.

(6) In any event, the owner/developer/subdivider of any lot or parcel to be served on an interim basis by a private septic system as herein provided shall pay the applicable sewer connection fees to the County prior to issuance of a building permit.

- G. Notwithstanding the requirements of Chapter 88, §88-5.1 entitled “Number of Structures Permitted on Lot” for property annexed after the effective date of this ordinance and zoned Limited Industrial, Limited Industrial Park and/or General Industrial district to be subdivided and/or developed, the Planning Commission may allow more than one (1) principal structure on any single lot, and the Planning Commission may allow more than one (1) principal use on any single lot. The Planning Commission may permit subdivision and/or development under this §88-58.1.G, based on the applicable provisions of the Town Code for subdivision and/or development and on a finding by the Planning Commission that the subdivision and/or development meet excellence of design factors, including, but not limited to, any of the following:
- (1) Encouragement of concentration of complementary uses;

- (2) Provision for well-planned development with maximum convenience and efficiency for users;
- (3) Where due to size and location of the development and its relationship to surrounding properties, flexibility of planning may be desirable without disturbance to harmony of the neighborhood; and
- (4) Facilitation of a development plan with a unified and organized arrangement of buildings, service areas, parking and landscaped open space providing for maximum convenience of customers.

§ 88-58.2. [Section repealed and reserved for future use by Ord. 99-15 11/17/99]

**ARTICLE IX
Board of Appeals**

§ 88-59. Authorization; appointment of members.

[Amended 04-28-04 by Ordinance 2004-03]

The Board of Appeals is hereby authorized. Such Board shall consist of three (3) members, all of whom shall be taxpayers and residents of the Town of Walkersville. The members of the Board of Appeals shall be appointed by the Burgess with the consent of the Commissioners. One (1) member of said Board shall be appointed to serve for a period of one (1) year; one (1) for a period of two (2) years; and one (1) for a period of three (3) years. Thereafter, members shall be appointed for a period of three (3) years. Vacancies shall be filled by appointment for the unexpired term only. Compensation, if any, for members of the Board of Appeals shall be determined by the Town Commissioners. The Burgess and Commissioners of the Town of Walkersville shall designate one (1) or more alternate members for the Board of Appeals who may be empowered to sit on the Board in the absence of any member of the Board.

§ 88-60. Meetings; appointment of officials; record of proceedings.

The members of the Board of Appeals shall meet at least once each year at such time and place as they may fix by resolution. They shall select one (1) of their members as Chairman and one (1) as Vice Chairman, who shall serve one (1) year or until their successors have been selected. Special meetings may be called at any time by the Chairman or, in his absence, the Vice Chairman. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings.

§ 88-61. Appeal procedure.

- A. An appeal to the Board of Appeals may be taken by any person aggrieved by any officer, department or bureau of the Town of Walkersville affected or by any order, requirement, decision or determination by any governmental officer, department, board or bureau based, in whole or in part, upon the provisions of this chapter.

- B. Such appeal shall be filed with the Zoning Administrator and the Board of Appeals within thirty (30) days from the decision being appealed from. Upon appeal, the Zoning Administrator shall transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. The Board shall fix a reasonable time for the hearing of the appeal, giving not less than fifteen (15) days' public notice thereof by the posting of not less than one
- (1) sign of at least three (3) square feet in area containing notice of the hearing in a conspicuous place on or near the property upon which application for appeal is made and by advertising in a weekly or daily paper of general circulation in the town, as well as by giving due notice to the parties in interest, and the Board shall decide the same within thirty (30) days. At the hearing, any party may appear in person, by agent or by attorney.
- C. The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant upon any matter which it is required to pass under this chapter, or to effect any variation in this chapter. At the hearing, any party may appear in person, by agent or by attorney.
- D. The Burgess and Commissioners shall adopt a schedule of fees for review and processing of applications for variances, special exceptions and claims of administrative error.
[Ordinance 2007-07 adopted 8/22/2007]

§ 88-62. Powers.

The Board of Appeals shall have the power to:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official under the provisions of this chapter.
- B. Hear and decide special exceptions in the terms of this chapter.
- C. Authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public safety, health and general welfare and will most nearly accomplish the purpose and intent of this chapter.

§ 88-63. Variances.

- A. Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this chapter, or by reasons of exceptional topographic conditions or other extraordinary situations or conditions of such piece of property, the literal enforcement of the requirements of this chapter would involve practical difficulty or would cause hardship unnecessary to carry

out the spirit and purpose of this chapter, the Board shall have the power, upon appeal in specific cases, filed as provided in this section, to authorize a variance from the terms of this chapter so as to relieve such hardship and so that the spirit and purpose of this chapter shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest. In authorizing a variance with attached conditions, the Board may require such guaranty as it may deem necessary in order that the conditions attached are being and will be complied with.

- B. No such variance in the provisions or requirements of this chapter shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts and conditions exist:
- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
 - (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
 - (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest.
- C. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

§ 88-64. Guides and standards regulating approval powers.

Where certain powers are conferred upon the Board of Appeals in this chapter, such Board shall study the specific property involved and the neighborhood, cause the property to be posted in a conspicuous place, hold a public hearing, consider all testimony and data submitted and hear any person for or against the issuance of the zoning certificate. However, the application shall not be approved where the health, safety, security, morals or general welfare would be impaired or where dangerous traffic conditions might result that would jeopardize the lives or property of people living in the neighborhood, nor will any action be taken which will be contrary to an adopted town plan. When a question arises as to whether the contemplated action is contrary to an adopted town plan, the Board shall request the recommendation of the Planning Commission. In deciding such matters, the Board shall give consideration, among other things, to the following:

- A. Decisions of the Circuit Court of the county and the Court of Appeals of the state.
- B. The orderly growth of the neighborhood and community.
- C. The most appropriate use of land and structure.
- D. Facilities for sewers, water, trash collection and disposal and the ability of the town to supply such services.
- E. The availability of fire-fighting equipment.
- F. The effect of such use upon the peaceful enjoyment of people in their homes.
- G. The number of people residing, working or studying in the immediate areas.
- H. The type and kind of structures in the vicinity where people are apt to gather in large numbers, such as schools, churches, theaters, hospitals and the like.
- I. Traffic conditions, including facilities for pedestrians, such as sidewalks, safety zones and parking facilities available and the access of cars on highways.
- J. The preservation of cultural and historic landmarks.
- K. The conservation of property values.
- L. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the uses of surrounding properties.
- M. The contribution, if any, such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.
- N. The accordance of contemplated action with an adopted town plan.

§ 88-65. Public hearing; publication of notice.

The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of time and place of such public hearing shall be published in a paper of general circulation in the Town of Walkersville at least once, not more than thirty (30) days nor less than fifteen (15) days previous to the hearing. Such notice shall contain the particular address or location of the property for which the variance or other ruling by the Board is sought, as well as a brief description of the nature of the appeal and specifications of the proposed variance.

§ 88-66. Construction permitted by Board to be undertaken within specified time.

No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless a zoning certificate for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such certificate or unless an extension is granted by the Board. Only one extension may be granted by the Board for up to six (6) months provided significant progress has been made toward obtaining a zoning certificate. [Amended 10/11/95 by Ord. 95-6]

§ 88-67. Use of building permitted by Board to be established within specified time.

No order of the Board permitting the use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning certificate for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such certificate or if an extension is granted by the Board. Only one extension may be granted by the Board for up to six (6) months provided significant progress has been made toward obtaining a zoning certificate. [Amended 10/11/95 by Ord. 95-6]

**ARTICLE X
Amendments**

§ 88-68. Power of Burgess and Commissioners to amend provisions.

The Burgess and Commissioners may from time to time, on their own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts, regulations or restrictions herein established.

§ 88-69. Public hearing; fee to defray cost. [Amended 7-11-84; 6-25-86]

- A. A public hearing shall be held by the Burgess and Commissioners before the adoption of any proposed amendment, supplement or change, public notice of which shall have been placed in a newspaper of general circulation in the Town of Walkersville once each week for two (2) successive weeks, with the first such publication of notice appearing at least fourteen (14) days, but not more than thirty (30) days, prior to the hearing. The property shall be posted with the date and time of the public hearing fifteen (15) days prior to the hearing.
- B. The Burgess and Commissioners shall adopt a schedule of fees for review and processing of zoning map amendment, zoning text amendment, and annexation applications.
[Ordinance 2007-08 adopted 8/22/2007]

§ 88-70. Procedures; approval.

- A. No amendment shall be considered or acted upon by the Burgess and Commissioners unless it is first submitted to and approved by the Planning Commission [except, however, that failure of the Planning Commission to report within sixty (60) days shall be deemed approval], or if disapproved by the Planning Commission, it shall be considered approved if it receives a majority vote of the Burgess and Commissioners. The property shall be posted with the date and time of the Planning Commission public hearing at least fifteen (15) days prior to the hearing, and public notice of the hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing. [Amended 4-24-02 by Ordinance 2002-05]
- B. Where the purpose and effect of the proposed amendment is to change the zoning classification, the Burgess and Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the Planning Commission and the relationship of such proposed amendment to the town's plan; and the Burgess and Commissioners 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 or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of the Burgess and Commissioners shall be kept.
- C. An application for a reclassification shall not be accepted for filing by the Burgess and Commissioners if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the Burgess and Commissioners within twelve (12) months from the date of the local legislative body's decision.
- D. No change in or departure from the proposed amendment, as recommended by the Planning Commission, shall be made unless the same is resubmitted to the Commission for its further recommendations. No amendment, supplement or change shall be adopted contrary to the recommendations of the Planning Commission except by a majority vote of the Burgess and Commissioners.