

1 **Proposed amendments - Chapter 84 Zoning Ordinance of the Code of Perryville**

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4 Review of the Zoning Ordinance has determined some revisions are necessary to follow the goals and objectives of both
5 the Comprehensive Plan and the Zoning Ordinance and for other revisions by State agencies. Below are a list of
6 recommendations with explanation for clarification and discussion. Per Article XVIII a public hearing is held by the
7 Planning Commission to make recommendation to the Mayor and Commissioners, with another public hearing held by the
8 Mayor and Commissioners before their vote.
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EXPLANATION:
Changes are in red type.
Underlining indicate matter added to existing
~~Strike-Out~~ indicates matter stricken from or deleted
Added changes are in blue type.

11 *NOTE: Comments are provided as*
12 *explanation of proposed changes.*

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16 **Section 2. Authority**

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18 This Chapter is enacted under the authority granted by the General Assembly of Maryland, as
19 provided in ~~Article 66B~~ the Land Use Article of the, Annotated Code of Maryland, as
20 amended.

NOTE: State of Maryland changed regulations.

21 **Section 3. Intent**

22
23 1. This Chapter is intended to promote the orderly development of the Town of Perryville, Maryland in accordance
24 with the Perryville Comprehensive Plan or any of the component parts thereof and in compliance with ~~Article 66B~~ the
25 Land Use Article of the Annotated Code of Maryland, as amended. It is also the intent of this Chapter that the extent of its
26 applicability shall be automatically changed in accordance with the provisions hereof or with any provision of State Law
27 which may hereinafter affect the applicability of this Chapter.
28

29 **ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS**

30 **Part I Definitions**

31 **Section 9. Definitions of Basic Terms [Amended 2-18-09 by Ord. No. 2009-1, 5-6-2014 by Ord.**
32 **No. 2014-02]**

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34 ~~_____Clinic - An office building or a group of offices for one or more physicians, surgeons, or dentists, engaged in~~
35 ~~treatment of the sick or injured but not including rooms for overnight patients. A freestanding health care facility that is~~
36 ~~not licensed as a hospital, part of a hospital, or nursing home and is not administratively part of a physician's or~~
37 ~~osteopath's office, but which has a separate staff functioning under the direction of a clinic administrator or health officer~~
38 ~~and is organized and operated to provide ambulatory or outpatient health services licensed under Health and Mental~~
39 ~~Hygiene.~~

40
41 Clinic Services – preventative, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under
42 the direction of a licensed physician in a Clinic.
43

44 **Dwelling Unit** – A dwelling unit is a single unit providing complete, independent living facilities for at least one person
45 including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with
46 daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory
47 apartment, a guest house, or caretaker residence. ~~(Added as a condition of approval CAC 7/6/05.)~~
48

49 ~~**Dwelling Unit**—A room or group of rooms occupied or intended to be occupied as separate living quarters by a single
50 family or other group of persons living together as a household or by a person living alone.~~

51 **Farm Markets** – a public space where fresh farm products from the local area are sold by the producers who have grown,
52 gathered, raised or caught them.

53 **Farm Products** – fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery
54 stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

55 **Grocery Store/Market** – a small retail store containing less than 2500 square feet of gross floor area that is designed and
56 stocked to sell primarily food, beverages, household items, and excludes alcoholic beverages. This type of retail store
57 does not provide for the sale of gasoline or other fuel.

58 **Medical Treatment Facilities** – includes the following: Clinic, Clinic Services, and State Licensed Medical Clinic. (See
59 definitions for each.)
60

61 **Municipal Infraction** – An infraction is any violation of this Code, which violation has been specifically declared to be
62 an infraction. For purposes of the Code, an infraction is a civil offense.
63

64 **Producer** – person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents,
65 or leases.
66

67 **State Licensed Medical Clinic** – includes:

- 68 A. Freestanding ambulatory-care facility licensed under Title 19, Subtitle 3B, of the Health-General Article of the
69 Annotated Code of Maryland;
- 70 B. A detoxification facility certified under Title 8, Subtitle 4 of the Health-General Article of the Annotated Code of
71 Maryland; or
- 72 C. An alcohol abuse and drug abuse treatment program certified under Title 8, Subtitle 4 of the Health-General
73 Article of the Annotated Code of Maryland.
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79 **Section 62. Appeals**

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- 81 6. An appeal from any final order or decision of the Planning Commission or Board of Appeals shall be taken to the
82 Circuit Court in the manner provided by law of Maryland and particularly Article 66B, Title 4 & 5 of the Land
83 Use Article of the Annotated Code of Maryland. The appeal must be filed within 30 days after the date of the
84 decision or order appealed.

85 **Section 78. Penalties and Remedies for Violations**

- 86
- 87 4. The authority for municipal infractions is as provided in Article 23A§3 Title 6 of the Land Use Article of the
88 Annotated Code of Maryland and enforcement shall be as provided therein. In addition and/or in lieu of pursuing
89 a municipal infraction, the Town may seek injunction relief as a means of enforcing the provisions of this
90 Chapter.

91 **Section 116-7. Administrative Procedures.**

- 92
- 93 2. Step 2. Preliminary Site Plan...
- 94

- 95 (6) Preliminary site design standards in a format approved by Town Staff. The site design standards shall
 96 include:
 97
 98 A. Design standards that define the intended design character of the site’s architecture, signage
 99 lighting and thematic site landscape elements.
 100
 101 B. Requirements for building setbacks, lot sizes, lot dimensions, lot coverage, and yard and buffer
 102 and landscaping.
 103
 104 C. A preliminary Master Sign Plan defining how signs within the proposed development will be
 105 managed and controlled as defined in Section ~~272~~ **271** of this Chapter.

106 **Section 154. Use of the Designations P, PC, SE and SC in the Table of Permissible**
 107 **Uses**

Correction: Zoning Administrator approves Zoning Certificates.

109 When used in connection with a particular use in the Table of Permissible Uses, the letter
 110 "P" means that the use is permissible in the indicated zone with a zoning permit issued by
 111 the ~~Planning Commission Zoning Administrator~~. When used in connection with a particular use in the Table of
 112 Permissible Uses, the letter "PC" means that the use is permissible in the indicated zone with a zoning permit issued by
 113 the ~~Planning Commission Zoning Administrator~~ provided the conditions stipulated in Article XI are met. The letters "SC"
 114 mean the conditions of approval stipulated in Article XII for the proposed use must be met and a special exception permit
 115 must be obtained from the Board of Appeals. The letters "SE" mean a special exception permit must be obtained from the
 116 Board of Appeals.

117 **Section 160. Permissible Uses Not Requiring Permits**

118 Notwithstanding any other provisions of this Chapter, no zoning or special-exception
 119 permit is necessary for the following uses:

- 120
 121 1. Streets.
 122
 123 2. ~~Access driveways to an individual detached single family dwelling.~~
 124
 125 3. ~~Electric power, telephone, telegraph, cable television, gas, water, and sewer~~
 126 ~~lines, wires or pipes, together with supporting poles or structures, located~~
 127 ~~within a public right-of-way.~~
 128
 129 4. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or
 130 town) of the right-of-way.
 131

*NOTE:
 Section 31. Permits Required,
 #2....."and no excavation for any
 building or other structure shall
 begin without the issuance of a
 Zoning Certificate".*

*See DRAFT document "Guidelines
 For Installing Residential
 Driveways".*

132 **Section 162. Accessory Uses**

- 133 1. Accessory uses shall be permitted in the R-1, R-2, R-3, PUD, TC, and NB districts as follows:
 134
 135 a. Accessory utility buildings of one hundred fifty (150) square feet or less as accessory structures may be
 136 located in the side or rear yards.
 137
 138 b. Private garage.
 139
 140 c. The keeping of small animals, insects, reptiles, fish or birds (not poultry), but only for personal enjoyment
 141 or household use and not as a business. ~~Farm type animals: horse, goat, sheep, pigs, chicken, rooster and~~
 142 ~~similar type of animals are not permitted in any residential district.~~
 143
 144 d. Swimming pools and game courts, lighted or unlighted, for use of occupants and their guests.
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- 146
147 e. Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle of not more than
148 15,000 pounds gross vehicle weight and used by the occupant of a dwelling shall be permitted as an
149 accessory use.

150 **Section 165. Antenna or Tower Greater Than 50 Feet in Height and Associated Substation**

151
152 An antenna or tower greater than 50 feet in height and associated substations (radio, television, microwave broadcasting,
153 etc.) may be permitted as a special exception by the Board of Appeals in any district provided:

- 154
155 1. All structures shall be located at least 200 feet from an existing dwelling.
156
157 2. A minimum 10-foot landscape strip shall be required and maintained around all property lines exterior to any
158 fence or wall.
159
160 3. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height
161 of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Chapter
162 shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally
163 altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction
164 shall result in increasing the height of such tower above the then existing structurally designed height.
165
166 4. The applicant shall demonstrate that a diligent effort has been made to locate the
167 proposed communication facility on an existing structure or in a non-residential
168 zoning district, and that due to valid considerations, including physical constraints
169 and economic or technical feasibility, no other appropriate location is available.
170 An alternative analysis prepared by the applicant shall address the following:
171 a. All reasonably feasible alternative locations or facilities that would provide the proposed communication
172 service;
173 b. An analysis indicating whether an existing facility can be structurally modified to accommodate the
174 applicant's proposed use and coverage;
175 c. The potential for co-location at an existing or a new site and the potential to locate facilities as close as
176 possible to the intended service area;
177 d. The rationale for the selection of the proposed site in view of relative merits of any feasible alternatives;
178 e. A system design plan that shall include:
179 i. Radio frequency parameters;
180 ii. Tower height;
181 iii. Number of antennas that the proposed tower can accommodate at capacity;
182 iv. Radio frequency output; and
183 v. Effective radiated power and azimuth antenna type.
184 f. Demonstration of a good faith effort to co-locate with other
185 carriers including a survey of all existing structures that may
186 be reasonable for co-location and contacts with other service
187 providers in the County.
188

*NOTE: Added for consistency
with Cecil County
regulations.*

*NOTE: Long term plans for Town
Center/downtown area include
revitalization, Main Street designation and
Smart Growth principles, all of which
promote and support small businesses, arts
and crafts, cultural centers and antique
shops to stimulate pedestrian activity.
Non-profit groups are eligible for grants to
help achieve these types of activities and
these groups may be attracted to
Perryville. Changing the use of
art/cultural centers to permitted in TC
rather than as a special exception by the
Board of Appeals provides the opportunity
for such entities and shows the town is
supportive of such ventures.*

189 **Section 167. Art or Cultural Centers**

190
191 ~~An non-commercial art or cultural center may be allowed as a special~~
192 ~~exception by the Board of Appeals in TC Districts and shall be permitted with~~
193 ~~conditions in the TC, RM, CEMUD and C-2 Districts upon a finding that the~~
194 ~~proposed use will not constitute a nuisance because of traffic, noise, number~~
195 ~~of persons, or physical activity and that the proposed use is operated by a~~
196 ~~non-profit organization not organized or operated for the purpose of carrying~~
197 ~~on a trade or business, no part of the net earnings of which inures to the~~

~~benefit of any member of such organization or individual.~~ Such use may consist of one or more buildings or structures which the Board or Planning Commission shall find will to be devoted entirely to the furtherance of the arts or culture, including, but not limited to, a theater, museum, classrooms, or any combination thereof, and may provide for a restaurant or snack bar designed solely for service of food or refreshments to people using the facilities of the proposed center. ~~The lot, parcel, or tract of land upon which the proposed center is to be located shall have a minimum area of two acres.~~

Section 181. Drive-in Banks

Drive-in/ banks may be permitted as a special exception by the Board of Appeals in the TC and NB districts and shall be permitted in the **CEMUD**, C-2, L-1 and L-2 Districts provided:

NOTE: This use was added to Section 161 Table of Permissible Uses in 2009 with the CEMUD floating zone.

Section 187. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor

Occasional outdoor festivals or special events, including, but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business use may be permitted in any district by the ~~Mayor and Commissioners~~ Zoning Administrator provided that fees are paid and licenses obtained as required by the Town of Perryville and further provided:

NOTE: To be able to process applications in a timely manner.

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Non-recurring festivals or events shall not exceed seven days in any 12 consecutive months.
5. Seasonal business uses shall not exceed a total of 90 days in any 12 consecutive months.
6. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 PM.
7. Activity areas shall be at least 500 feet from a residential district.
8. Vehicular access shall be derived only from an arterial or major collector highway or street.
9. A minimum of one parking space shall be provided for every 500 square feet of ground area.
10. In cases where it is deemed necessary, the ~~Mayor and Commissioners may require~~ the applicant may be required to post a bond to ensure compliance with the conditions of the conditional-use permit.
11. If the permit applicant requests the Town to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred. In addition, the applicant shall be required to maintain adequate liability insurance coverage as may be deemed appropriate.

250 **Section 193. Hospitals, Clinics and Other Medical Treatment Facilities**

- 251 1. Medical clinics of less than 10,000 square feet of gross floor area may be permitted by the Board of
252 Appeals in the TC and NB district and shall be permitted C-2 district subject to the following:
- 253 a. Site requirements:
 - 254 (1) Minimum lot area, 40,000 square feet.
 - 255 (2) Minimum frontage, 200 feet.
 - 256 (3) Minimum setback, 40 feet from all property lines.
 - 257 (4) Maximum building height, as specified in zone.
 - 258 (5) Location of access on business district street, arterial, or major highways.
 - 259 (6) Located at least 1,000 feet from any structure used as a hospital, house of worship, or
260 school.
 - 261 (7) Located at least 1,000 feet from any residential district.
 - 262 (8) A narrative shall be provided that describes the method
263 and type of treatment to be administered as well as the
264 clientele proposed to use the facility. The narrative will
265 need to provide a description of the hours of operation,
266 number of clients, drugs to be used and the symptoms,
267 addiction, dependency, and/or illness targeted for treatment, the demonstration of
268 effectiveness in managing other clinics, and plans for addressing medical or other
269 emergencies that may arise.
 - 270 (9) All state permits and licenses required to operate the clinic shall be obtained and copies
271 submitted prior to use and occupancy approval.
 - 272 b. Disposal of waste shall be through approved, safe means and shall be separate from regular
273 trash disposal.
 - 274 c. Accessory services, including laboratories and pharmacies for the use of patients visiting
275 medical practitioners in the clinic, shall be permitted as part of the clinic facility, subject to the
276 following specific conditions:
 - 277 (1) All entrances to parts of the building in which these accessory services are provided
278 shall be from within the building and any direct access from the street is prohibited.
 - 279 (2) The hours during which these services are provided shall be the same as those during
280 which medical practitioners are receiving patients.
- 281
- 282 2. Hospitals, clinics in excess of 10,000 square feet, and other medical treatment facilities may permitted
283 as a special exception by the Board of Appeals in the C-2 District subject to the following:
- 284 a. A lot or parcel or tract of land to be used for a hospital or sanitarium building may be allowed,
285 upon a finding by the Board that such use will not constitute a nuisance because of noise,
286 traffic, or number of people being cared for; that such use will not affect adversely the present
287 character or future development of the surrounding residential community; and, if the lot,
288 parcel, or tract of land on which the buildings to be used by such institution are located,
289 conforms to the following minimum area, frontage, and setback requirements, off-street
290 parking, green area requirements, and building height limit:
 - 291 (1) Total area: five acres minimum
 - 292 (2) Frontage: 200 feet minimum
 - 293 (3) All structures shall be located at least 200 feet from any adjacent residential lot and 50
294 feet from any other use.
 - 295 (4) All parking areas shall be located at least 50 feet from any adjacent residential lot and
296 shall be limited to a minimum of parking in the front yard.
 - 297 (5) Accessory uses may include recreational and educational services, therapy areas, retail
298 stores, personal and professional services, and health services, provided that use of
299 these facilities is limited to on-site patients and their guests.
 - 300 (6) A minimum of 40 percent of the gross site area shall be open space. The open space
301 shall be generally continuous, accessible to the patients, and protective of natural
302 features.
 - 303 (7) The Board or the applicant shall request a recommendation from the Planning
304 Commission with respect to a site plan, submitted by the applicant, achieving and

NOTE: Added for consistency
with Cecil County
regulations.

conforming to the objectives and requirements of this section for off-street parking and green area.

(8) Building height limit: as determined by the Board of Appeals but in no case more than 100 feet.

(9) (9) The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.

(10) Located at least 1,000 feet from any structure used as a hospital, house of worship, or school.

(11) Located at least 1,000 feet from any residential district.

(12) A narrative shall be provided that describes the method and type of treatment to be administered as well as the clientele proposed to use the facility. The narrative will need to provide a description of the hours of operation, number of clients, drugs to be used and the symptoms, addiction, dependency, and/or illness targeted for treatment, the demonstration of effectiveness in managing other clinics, and plans for addressing medical or other emergencies that may arise.

(13) All state permits and licenses required to operate the clinic shall be obtained and copies submitted prior to use and occupancy approval.

NOTE: Added for consistency with Cecil County regulations.

Section 197. Spas and Health Clubs

~~The Board of Appeals may permit as a special exception in the C-2 district spas or health clubs, including massage services by a licensed practitioner. A place of business with equipment and facilities for exercising and improving physical fitness and similar uses shall be permitted in TC, CEMUD and C-2 districts.~~

Section 205. Residential Structures - Single-Family Attached and Multiple Units [Amended 9-2-2008 by Ord. No. 2008-2; 11-4-2008 by Ord. No. 2008-04]

- 4. Commercial apartments may be permitted in a commercial structure in the NB, TC, and C-2 Districts provided:
 - a. No apartment is situated at the street level in the NB and TC Districts.
 - b. All apartment units meet applicable building and livability codes.

Note: To be consistent with Section 161 Table of Permissible Uses, 1.330.

Section 206. Restaurants, Standard ~~and Carry-out/Delivery~~

Standard Restaurants shall be permitted in the TC, RM, CM, NB and C-2 districts provided:

- 1. When such use abuts a residential zone or institutional premises the use shall be screened by a buffer yard meeting the C standard in Appendix B.
- 2. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
- 3. In the TC district approval shall be conditioned on meeting the special design standards applicable to this district.
- 4. ~~Carry-out/delivery~~ **Standard** restaurants ~~shall only be~~ **are** permitted in the RM and CM districts, ~~if the restaurant is only as~~ an accessory use in a marina.
- 5. ~~In the TC district approval shall be conditioned on meeting the special design standards applicable to this district.~~

355 NEW Section 207. Restaurant Accessory Uses

356 Restaurants as permitted in Section 206 may apply for approval and renewal of a permit for the following accessory uses
357 each year:

- 358 1. Sidewalk Café – An outdoor food service area situated on a public sidewalk, operated adjacent to and in
359 conjunction with a restaurant, where food and beverages sold by the restaurant are served for public consumption.
 - 360 a. An application for a sidewalk café must include a scaled drawing depicting the sidewalk abutting the
361 business, locations of proposed tables and chairs, and unobstructed accessible passageways for
362 pedestrians.
 - 363 b. A sidewalk café approval shall specify the authorized location of tables and chairs and whether they must
364 be removed at the close of business each day, and approved unobstructed accessible passageways for
365 pedestrians.
 - 366 c. A sidewalk café shall be operated in accordance with its approval and other provisions of this section.
 - 367 d. A sidewalk café may not encroach upon any part of the sidewalk frontage of adjacent properties, or of a
368 right-of-way or alley.
 - 369 e. Each sidewalk café shall comply with all building, health, safety, fire, zoning and environmental
370 standards as applicable to such uses.
 - 371 f. Alcoholic beverages may not be sold or consumed in a sidewalk café except as authorized by the Cecil
372 County Board of Liquor License Commissioners. No alcoholic beverages may be removed from the
373 sidewalk café, except to the interior of the restaurant.
 - 374 g. A sidewalk café shall not be detrimental to the health, safety and/or general welfare of persons residing,
375 working or otherwise in the vicinity.
 - 376 h. Sidewalk café shall not obstruct any fire exit, fire escape, fire hydrant, building sprinkler systems, fire
377 receptacle or any other required ways or means of ingress and egress.
 - 378 i. The operation of, or placement of tables, chairs and equipment for a sidewalk café may not obstruct
379 access to any bus stop, crosswalk, mailbox, curb cut or other public property, and shall not obstruct the
380 clear view of any traffic signal, regulatory sign or street sign.
 - 381 j. The entity operating the restaurant and sidewalk café shall fully insure, indemnify, defend and hold
382 harmless the Town of Perryville and its officers, agents, and employees, from and against any and all
383 claims and damages in any way arising out of or through the acts or omissions of the permit holder or its
384 employees in the construction, operation, maintenance, use, placement or condition of the Sidewalk café.
385 The applicant for a sidewalk café shall provide proof of such insurance before a permit may be issued or
386 renewed.
 - 387 k. The following are prohibited in the area of the sidewalk café: cooking of food; unshielded trash or refuse
388 storage; advertisements exclusive of menus intended to be read by the patrons in the café; and outdoor
389 entertainment, music speakers, or public address systems.
 - 390 l. A sidewalk café permit may be suspended or revoked by the Town, after notice to the owner and operator
391 of the restaurant and a hearing, for a violation of the permit or for a violation of any Federal or State law
392 or regulation, and/or local ordinance or regulation, related to the operation of the sidewalk café and the
393 sale and consumption of alcoholic beverages.
 - 394 m. The issuance of a sidewalk café permit and the initiation of a sidewalk café use does not grant any vested
395 right to the continuation of such use if the town eliminates authorization for the operation of sidewalk
396 cafes.

Section 208. Taverns, Bar, ~~Drinking~~ Places Serving Alcoholic Beverages

NOTE: Clarification of terms and consistent with Section 161.

~~Drinking places~~ Service of alcoholic beverages shall be permitted in the CEMUD and C-2 district and may be permitted as a special exception in the TC, RM, CM and NB districts provided:

- 1. No such establishment is located nearer than 1,000 feet to any principal structure used as a hospital, church, or school.
- 2. ~~In the RM or CM district it shall be accessory to a standard restaurant located in the districts and must be located outside of the Critical Area Buffer.~~ In all districts the service of alcoholic beverages in a restaurant is permitted only as an accessory use to a standard restaurant provided all required approvals and licenses are obtained for the service of alcoholic beverages from Cecil County Board of Liquor License Commissioners.
- 3. In the TC district approval shall be conditioned on meeting the special design standards applicable to this district.
- 4. An establishment that possesses a State of Maryland Class 6 pub-brewery license or a Class 7 micro-brewery license is permitted as an accessory use to a standard restaurant in all districts.

Section 216. Special Development Standards in the C-2 Commercial District

NOTE: In Section 161 Table of Permissible Uses:

- 1. Amusement places and theaters, ~~except including~~ open-air drive-in theaters shall be permitted.
- And....
- 5. Boat and boat trailer sales and storage, but not marinas, shall be permitted.

*#1--5.121 Open Air Drive-In Theaters
Permitted in the C-2;*

And....

#5--9.600 Boat Sales and storage, but not including high and dry or dry-stack storage Permitted in C-2.

Section 233. Building Requirements

- 8. Walls and Fences.
 - (2) The following fences and fencing materials are specifically prohibited:
 - (a) Barbed wire.
 - (b) Pointed fences less than three (3) feet in height.
 - (c) Canvas fences.
 - (d) Cloth fences.
 - (e) Electrically charged fences.
 - (f) Wire fencing.
 - ~~(f) Poultry fences.~~

NOTE: Poultry fences and turkey wire eliminated in order to include all types of wire fencing as prohibited, however leave #3 for discretion of the Zoning Administrator.

452 ~~————(g) Turkey wire.~~

453 (g) Temporary fences such as snow fences.

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455
456 ~~(h)~~(h) Expandable fences and collapsible fences, except during construction of a building.

457
458 (3) Approval or permits for wire fences will be at the discretion of the Zoning Administrator. The
459 Zoning Administrator will check for adequacy and safety.
460

461 **NEW - Section 236. Tattoo Services**

462 Tattoo services as a business establishment in which tattooing is carried
463 out professionally as permitted in CEMUD and C-2 districts, provided:

NOTE: This new section was created for specific conditions of use and to limit the use to only in C-2 and CEMUD districts; 2.315Tattoo Services added to Section 161 Table of Permissible Uses.

- 464 1. No tattoo services shall be located nearer than 1,000 feet to
465 another entity providing similar service.
- 466 2. Business entity must be registered with the State of Maryland and
467 provide proof of good standing for Town file.
- 468 3. All personnel must adhere to rules set by the Occupational Safety and Health Administration (OSHA) and Centers
469 for Disease Control & Prevention (CDC).
- 470 4. Operations shall be in compliance with all applicable laws, regulations, and ordinances of local and county
471 governments and the State of Maryland.
- 472 5. Routine inspections for compliance to hygiene and safety standards shall be completed as required by the local
473 health department and copy of reports provided to the Town.
474

475 **Section 263. Certain Temporary Signs: Permit Exemptions and Additional Regulations**

- 476 1. The following temporary signs are permitted without a zoning, special-use, or sign permit. However, such signs
477 shall conform to the requirements set forth below as well as all other applicable requirement of this Chapter.
478
479
 - 480 a. Signs containing the message that the real estate on which the sign is located (including buildings) is for
481 sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed
482 size specifications for each district and shall be removed immediately after sale, lease, or rental. One
483 such sign per street frontage shall be permitted. For lots of five acres or more in area and having a street
484 frontage in excess of 400 (four hundred) feet, a second sign may be erected.
485
 - 486 b. Construction site identification signs. Such signs may identify the project, the owner or developer,
487 architect, engineer, contractor and subcontractors, funding sources, and may contain related information
488 including but not limited to sale or leasing information. Not more than one such sign may be erected per
489 site, and it may not exceed thirty-two (32) square feet in area in a non-residential zone and twenty (20)
490 square feet in residential zone. Such signs shall not be erected prior to the issuance of a building permit
491 and shall be removed within ten (10) days after the issuance of the final occupancy permit.
492
 - 493 c. Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or
494 collectively, may not cover more than seventy-five (75) percent of the surface area of the transparent
495 portion of the window or door to which they are attached. Such signs shall be removed within 30 days
496 after placement.
497
 - 498 d. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be
499 removed within ten (10) days following the holidays.
500

- 501 e. Signs erected in connection with elections or political campaigns. Such signs shall be removed within
502 fifteen (15) days following the election or conclusion of the campaign. No such sign may exceed 16
503 square feet in surface area.
- 504
- 505 g. Temporary signs to advertise events. Signs shall measure no larger than eighteen (18) inches by
506 twenty-four (24) inches and must be removed within fifteen (15) days after the event.
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508

509 **ARTICLE XVIII AMENDMENTS**

510 **Section 314. Planning Commission Consideration of Proposed**
511 **Amendments**

NOTE: Eliminate the Town requirement to hold 2 public hearings as only 1 is required by the State of Maryland; saves costs of advertising and legal representation.

- 512
- 513 1. The Planning Commission shall consider the application ~~and shall conduct a public hearing regarding the~~
514 ~~application. The public hearing shall be conducted~~ as follows:
- 515
- 516 a. The applicant shall be given ample time to present his case to the Planning Commission. In so doing the
517 applicant may call on expert witnesses to support his request.
- 518
- 519 b. The Zoning Administrator and/or Town Administrator may present a staff report representing a review of
520 the application by the Town staff. The staff report shall include, without limitation, the following matters:
521 population change, availability of public facilities, present and future transportation patterns,
522 compatibility with existing and proposed development for the area, the relationship of such proposed
523 amendment to the Town of Perryville Comprehensive Plan, and a recommendation for approval or denial
524 of the proposed amendment.
- 525
- 526 c. The Planning Commission shall ask such questions of either the applicant, any witnesses, or the staff as
527 may be necessary in deciding its recommendation for approval or denial of the application.
- 528
- 529 d. ~~The Public shall be given an opportunity to testify or ask questions of the applicant, his witnesses, or the~~
530 ~~planning staff. The Planning Commission may in turn question those testifying and may place a~~
531 ~~reasonable time limit for such testimony.~~
- 532
- 533 2. Within sixty (60) days from the Planning Commission's final hearing meeting on the application, the Planning
534 Commission shall transmit the application to the Town Commissioners together with its recommendations for
535 approval or disapproval. The Planning Commission shall concurrently transmit this information to the applicant.
- 536
- 537 3. After the Planning Commission makes its formal recommendation on the application, the Town Commissioners
538 shall hold a public hearing on the application.

539 **Section 315. Hearing Required; Notice**

540

541 ~~All~~ Public hearings shall be conducted in accordance ~~with the provision of Article 66B Section 4.04 the Land Use Article~~
542 of the Annotated Code of Maryland.
543

544 **Section 316. Mayor and Town Commissioners Action on Amendments**

- 545
- 546 1. Before approving or disapproving any application for amendment, the Town shall hold at least one (1) public
547 hearing in relation to the application, at which parties in interest and citizens shall have an opportunity to be
548 heard.
- 549
- 550 2. The Town Commissioners shall hold a public hearing, as set forth in Section 4-203 of the Land Use Article,
551 within sixty (60) days after receipt of the Planning Commission's recommendation.
552

- 553 3. Prior to holding the public hearing, the property in question shall be posted and all property owners within 200
554 feet of subject property shall be notified by the applicant by registered or certified mail at the last known address
555 as reflected on the tax records.
556
- 557 4. In reaching a decision on zoning amendments, the Town Commissioners shall make findings of fact in each
558 specific case including, but not limited to, the following matters: population change, adequacy of public facilities,
559 present and future transportation patterns, compatibility with existing and proposed development for the area, the
560 recommendations of the Planning Commission, relation to the Comprehensive Plan, fiscal impact upon Town
561 government, and the suitability of the property in question to the uses permitted under the existing and proposed
562 zoning classifications; and may grant the amendment based upon a finding that there was a substantial change in
563 the character of the neighborhood where the property is located or that there was a mistake in the existing zoning
564 classification. It shall be the responsibility of the applicant to delineate the boundaries of the neighborhood and to
565 identify the change in the character of the neighborhood.
566
- 567 5. An application for reclassification shall not be accepted for filing by the Town Administrator if the application is
568 for the reclassification of the whole or any part of land which has been denied by the Town Commissioners until
569 twelve (12) months from the date of denial.
570
- 571 6. The record in all zoning cases shall include the application, all documents or communications submitted regarding
572 the application, the recorded testimony received at the hearing, any reports or communications to or from any
573 public officials or agency concerning the application, and the final decision of the Town Commissioners. The
574 record shall be open to public inspection and shall be maintained in the Town Office. The burden of proof for any
575 zoning change shall be upon the applicant.
576

577
578 **Chapter A86 Fees**

579 Add Driveway (existing home) - \$10.00
580
581
582