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TOWN OF POOLESVILLE  
 ZONING MAP

JOB NO.: 86830.18  
 SCALE: 1"=1000'

DATE: APRIL 2014

SHEET NO:  
 1 OF 1

ORDINANCE NO. : 198  
INTRODUCED : February 3, 2014  
PUBLIC HEARING: February 18, 2014  
EFFECTIVE : March 3, 2014

**COMMISSIONERS OF POOLESVILLE**

AN ORDINANCE of the Town of Poolesville, Maryland, to repeal Appendix B of the Poolesville Code, title "Zoning" and enact in its place a new Appendix B with the same title for the purpose of revising in a comprehensive manner said zoning code; eliminating the Central Business District and General Commercial Zones; creating a Commercial District centered around the current Town Hall; establishing residential zones of 1/3, 1/2, and 3/4 acre lot sizes as well as a 2+ acre transition zone, a residential multi-family zone, and a rural density zone; establishing new and existing uses in the Town which are permitted, permitted by special exception or prohibited; providing standards and procedures for obtaining special exceptions for uses before the Board of Zoning Appeals; setting forth development and site plan standards for construction and placement of primary and accessory buildings in all zones; requiring reforestation and well head protection; establishing parking requirements for proposed uses in the Town; creating regulations governing the placement, size, content, etc. of existing and proposed signs in the Town and for the enforcement of such; providing for the establishment of a Sign Review Board; setting forth regulations governing the Board of Zoning Appeals, its composition, powers, duties and hearing procedures; providing requirements and procedures for local, sectional and district map amendments and text amendments; requiring building and use permits in the Town; requiring

compliance with the zoning code generally and providing for its enforcement; setting forth "grandfather clauses" for existing uses and providing limitations on non-conforming uses; and setting forth definitions for said Zoning Code.

BE IT ORDAINED, by the Commissioners of Poolesville, Maryland that:

**Sec. 1. Citation and coverage.**

- A. This Ordinance may be cited as the "Zoning Ordinance of the Town of Poolesville."
- B. This Ordinance shall not apply to the Town of Poolesville, the United States Government, the State of Maryland or other governmental agency lawfully exercising its powers.  
(Ord. 194: 4-18-16)

**Sec. 2. Purpose.**

This Ordinance is adopted for the purpose of protecting and promoting the public health, safety, and general welfare in the Town of Poolesville by:

- Encouraging infill and redevelopment in the Commercial District while following design standards that facilitate a town center concept.
- Creating a transition zone that fills a niche currently being addressed by developmental incursion in the surrounding Agricultural Reserve and allows for reasonable development on parcels too large for normal residential use and too small for most agricultural related endeavors.

**Sec. 2A. Forest Conservation Ordinance; compliance required.**

Applicants under this section for projects that will ultimately require approval of site plan, building, use, erosion control or grading permit must comply with the requirements of the Poolesville Forest Conservation Ordinance. (Ord. No. 121, § 1, 12-21-92)

**Sec. 2B. Wellhead Protection Ordinance; compliance required.**

Applicants under this section for projects that will ultimately require approval of site plan, building, use, erosion control or grading permit

must comply with the requirements of the Poolesville Wellhead Protection Ordinance. (Ord. No. 199 - Moved to Poolesville Code - Chapter 24, 3-3-14)

**Sec. 2C.**

This Chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any matter whatsoever any easements, covenant, restrictions or other agreements between parties. Private covenants, restrictions, or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this Chapter, shall not be construed to modify the provisions of this Chapter or impose any enforcement obligations upon the Town. Restrictive covenants shall not be considered in assessing zoning requirements, uses, special exceptions, conditional uses, and variances. (Ord. 182; 11-08-10)

**Sec. 3. Types of zones.**

A. Zones. For the purpose of this ordinance, the Town is hereby divided into two (2) general classes of zones as follows:

1. Residential zones.

- a. Residential one-third (1/3) acre PR-1/3
- b. Residential one-half (1/2) acre PR-1/2
- c. Residential three-quarter (3/4) acre PR-3/4
- d. Transition two plus (2+) acres PTR- 2+
- e. Rural Density twenty five plus (25+) acres P-RD
- f. Multiple residential PR-MUL

2. Commercial zone.

Commercial zone P-COMM

B. Zoning map. The location and boundaries of zones established in the Town shall be shown on a set of maps, entitled: "Zoning Maps of the Town of Pooleville," and as the same may be amended subsequent to the adoption thereof; and said maps, sections or portions thereof, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on said maps were fully described and incorporated herein.

C. Uses Permitted. The uses permitted as a matter of right are designated with the letter "P" in the several zones in the following charts, entitled "Use Chart". Where the letter "SE" appear, a Special Exception is required before the use indicated may be instituted. Where no letter appears in the Use Chart, the use indicated is prohibited.

D. Special Exceptions. Where a Special Exception is required, it shall be subject to all applicable Federal, State and local laws and conditions imposed by the Board of Zoning Appeals, testimony and representations of the applicant and his agents. A Special

Exception may be granted where the Board of Zoning Appeals finds by a preponderance of the evidence of record that:

1. The proposed use does not affect adversely the general plan for the physical development of the Town, as embodied in this Chapter (ordinance) and in any master plan or portion thereof adopted by the Town of Pooleville; and
2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
3. The standards set forth for each particular use for which a special exception may be granted have been met.

Provided that, on any residentially zoned property having a shared driveway, any special exception use that materially increases the number of vehicles using the driveway shall not be permitted. And further special exceptions shall also be subject to any off-street parking or service requirements appearing in Section 7 or, if none, that the Board of Zoning Appeals feels necessary, and further provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board may rescind, amend and/or revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.(Ord. No. 174, 10-05-09)

- E. Whenever there is a request for a special exception or variance, the Planning Commission shall review the application at its next available meeting and forward any recommendations to the Board of Zoning Appeals, including but limited to whether the application meets the requirements of Sections 3 and 10.
- F. Developments Standards. In each zone shown in the following chart entitled "Development Standards", development shall meet the minimum or maximum development requirements shown, subject to the following exceptions. The setback and yard requirements of this Section do not apply to:

1. Retaining walls where changes in the street grade, width or alignment have made such structures necessary;

2. Walls and fences not over six (6) feet in height, measured from the level of the ground immediately under the fence;
3. Landscaping and decorative structures;
4. Permitted signs

(Ord. No. 152, 7-7-00, Ord. 163, 2-21-06 Ord. 175, 10-05-09)

G. Village Overlay Zone.

1. Purpose and intent. The purpose of the Village Overlay Zone is to create and maintain an economically and culturally viable downtown business district, by making an active effort to provide walkable neighborhoods containing a range of housing in an attractive, relevant downtown commercial setting. Part of that effort includes a comprehensive set of design standards that can be used to direct and evaluate future development endeavors in the Commercial Zone. It is also recognized that enhanced building design projects a positive image that attracts users to the downtown area and will contribute to the vitality and economic success of Poolesville's service providers, retailers and restaurants.

This Concept will also promote infill development which offers an excellent opportunity to strengthen development patterns and fill in the gaps. Vacant and underdeveloped lands interrupt the street wall and prevent suitable definition of the street, a condition commonly referred to as 'missing teeth.' Infill projects will visually unify the street through the development of these properties. The best infill projects are characterized by good design—both in terms of architecture and linkages with the surrounding neighborhood. With good design, these projects can help improve an area that is thriving or reinvigorate one that has declined over the years.

Unique Design Standards in conjunction with other requirements establish as part of the Village Overlay Zone will provide a baseline for architectural design appropriateness. The purpose of these standards is to:

- a. Provide architectural features and designs that enhance Town character and streetscape compatible with the Master Plan.

- b. Provide opportunities for higher density housing in suitable locations deemed appropriate in the Commercial Zone. Development is intended to blend and enhance existing neighborhoods with application of site development regulations and design standards to minimize impacts to adjacent uses.
  - c. Provide an attractive pedestrian friendly development which promotes community interaction and connectivity.
  - d. Provide for open space and amenities to support and compliment community interaction.
  - e. Provide, where appropriate, mixed - use buildings comprising of housing and commercial uses to enhance the character, sustainability and economic viability of the Town.
- 2. Eligibility. Properties zoned Commercial are eligible to apply for this designation. Eligibility may be extended to properties that are not zoned Commercial provided that they are contiguous to and part of an overall plan for the commercial property application.
- 3. Application. To receive a designation of Village Overlay Zone, the applicant must make application and undergo a discretionary design review process. The application shall be accompanied by such plans and documents as may hereinafter be required and shall be prepared by licensed/registered architects, landscape architects, civil engineers or other professionally qualified land planners. Such plans and other documents to be submitted shall be subject to compliance with such procedural steps and guidelines as the Town may promulgate from time to time for the purpose of processing applications and facilitating approval.
- 4. Designation. The Commissioners of Poolesville may consider and approve an application to designate a tract or tracts of as suitable for Village Overlay Zone, subject to the following process:
  - a. An application shall be submitted to the Planning Commission of the Town of Poolesville with a concept plan that details building layout, elevations, materials to be used and general information as to how this project will be consistent with the requirements of this Section and meet the purpose of this Section.
  - b. The Planning Commission of the Town of Poolesville will review the concept plan and give comment which may request revisions, additional information and offer recommendations.



- c. If the Planning Commission of the Town of Poolesville is satisfied that the concept plan meets the goals of this Section, it may offer a recommendation to the Commissioners of Poolesville for approval of the Village Overlay designation.
  - d. The Commissioners of Poolesville will hold a public hearing on the matter, and after review of the Planning Commission's recommendation, and public comment, make a final determination by Resolution as to the Village Overlay designation requested in the Application.
5. All design criteria and specifications relating to development consistent with the Village Overlay Zone shall be contained in the Village Overlay Zone Design Manual, which is adopted as part of this Section, and may be amended from time to time.  
(Ord. No. 205: 11-2-15)

**Village Overlay Development Standards**

**Building setback.**-Primary buildings must not be set back from the front lot line more than 25 feet.

**Development Chart**

|  | Detached                   | Duplex                     | Townhome                   |
|--|----------------------------|----------------------------|----------------------------|
| Minimum lot size   | 4,000                      | 2,000                      | 1,200                      |
| Minimum yard:<br>Width at building line                                    | 30 ft.                     | 30 ft.                     | 20 ft.                     |
| Max number of accessory buildings  | 2                          | 1                          | 1                          |
| Max floor area accessory building  | 100 sq. ft.<br>425 sq. ft. | 100 sq. ft.<br>425 sq. ft. | 100 sq. ft.<br>300 sq. ft. |
| Max detached garage  |                            |                            |                            |
| Maximum building height<br>Main building                                   | 35 ft.                     | 35 ft.                     | 35 ft.                     |
| Maximum building height<br>Accessory buildings                             | 12 ft.                     | 12 ft.                     | 8 ft.                      |
| Maximum building height<br>Detached garage                                 | 17 ft.                     | 17 ft.                     | 17 ft.                     |
| Minimum front building<br>line main building<br>facing public road         | 15 ft.<br>10 ft.           | 15 ft.<br>10 ft.           | 15 ft.<br>6 ft.            |
| Building facing private<br>road  |                            |                            |                            |
| Minimum sideline setback<br>Main building interior lot                     | 5 ft.                      | 5 ft.                      |                            |
| Minimum sideline setback<br>Main building corner lot                       | 10 ft.                     | 10 ft.                     | 5 ft.                      |
| Minimum rear line setback<br>Main building                                 | 20 ft.                     | 20 ft.                     | 20 ft.                     |
| Garage (attached or<br>detached)   | 4 ft.                      | 4 ft.                      | 4 ft.                      |
| Accessory buildings and<br>structures<br>(must be located in rear<br>yard) | 5 ft.<br>3 ft.             | 5 ft.<br>3 ft.             | 5 ft.<br>3 ft.             |
| Minimum side yard<br>Minimum rear yard setback                             |                            |                            |                            |
| Site plan required   | Yes                        | Yes                        | Yes                        |
|  |                            |                            |                            |

**USE CHART**

|   | <b>PR<br/>1/3</b> | <b>PR<br/>1/2</b> | <b>PR<br/>3/4</b> | <b>PTR<br/>2+</b> | <b>PR<br/>M<br/>U<br/>L</b> | <b>P<br/>R<br/>D</b> | <b>P-C<br/>O<br/>M<br/>M</b> |
|---|-------------------|-------------------|-------------------|-------------------|-----------------------------|----------------------|------------------------------|
| <b>(a) Residential</b>  |                   |                   |                   |                   |                             |                      |                              |
| Accessory apartment – Separate dwelling   | SE                | SE                | SE                | SE                |                             | SE                   | P                            |
| Apartment house   |                   |                   |                   |                   | P                           |                      | P                            |
| Automobile garage, private, detached, as accessory to residence                           | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Bed and breakfast lodging   | SE                | SE                | SE                | SE                |                             | SE                   | P                            |
| Boarding houses   |                   |                   |                   | SE                |                             | SE                   | P                            |
| Dwellings, one family detached  | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Dwellings, townhouse  |                   |                   |                   |                   | P                           |                      | P                            |
| Farm tenant houses  |                   |                   |                   | P                 |                             | P                    |                              |
| Farm tenant mobile home – one only  |                   |                   |                   | SE                |                             | SE                   |                              |
| Garage or yard sales  | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Guest houses, as accessory uses – non-paying  | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |
| Guest rooms, as accessory uses – for compensation   | SE                | SE                | SE                | SE                | SE                          |                      | P                            |
| Housing and related facilities for elderly or handicapped persons – primary use           | SE                | SE                | SE                | SE                | SE                          | SE                   | P                            |
| Hotels or Motels  |                   |                   |                   |                   |                             |                      | SE                           |
| <b>(b) Transportation, Communication and Utilities</b>                                    |                   |                   |                   |                   |                             |                      |                              |
| Airstrips   |                   |                   |                   |                   |                             | SE                   |                              |
| Antenna for cellular communications and similar uses<br>(As primary or accessory use)     | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |
| Cable communications systems  | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |
| Electric power transmission and distribution lines,<br>overhead, carrying 15 KV – 34.5 KV | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |

|  | <b>PR<br/>1/3</b> | <b>PR<br/>1/2</b> | <b>PR<br/>3/4</b> | <b>PTR<br/>2+</b> | <b>PR<br/>M<br/>U<br/>L</b> | <b>P<br/>R<br/>D</b> | <b>P-C<br/>O<br/>M<br/>M</b> |
|--|-------------------|-------------------|-------------------|-------------------|-----------------------------|----------------------|------------------------------|
| Electric power transmission and distribution lines, overhead, carrying less than 15 KV                             | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Electric power transmission and distribution lines, underground  | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Helistops and heliports  |                   |                   |                   |                   |                             | SE                   | SE                           |
| Parking garages, automobile  |                   |                   |                   |                   |                             |                      | SE                           |
| Parking lots, automobile   |                   |                   |                   |                   |                             |                      | P                            |
| Parking of motor vehicles, off-street, in connection with any use permitted in zone                                | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Pipelines, aboveground   | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |
| Pipelines, underground   | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Public utility buildings and structures  | SE                | SE                | SE                | SE                | SE                          | SE                   | SE                           |
| Radio, television, cable and television broadcasting stations and towers   |                   |                   |                   | SE                |                             | SE                   | SE                           |
| Telephone, CATV and similar transmission lines underground only  | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Telephone offices and communication centers including telecommunication service providers, paging and similar uses |                   |                   |                   | SE                |                             | SE                   | P                            |
| <b>(c) Commercial</b>  |                   |                   |                   |                   |                             |                      |                              |
| Adult entertainment business – primary or accessory use  |                   |                   |                   |                   |                             |                      | SE                           |
| Antique, handicrafts and art shops   | SE                | SE                | SE                | SE                | SE                          | SE                   | P                            |
| Appliance stores   |                   |                   |                   |                   |                             |                      | P                            |
| Auction Houses   |                   |                   |                   | SE                |                             | SE                   | P                            |
| Automobile parts, supplies and tire store  |                   |                   |                   |                   |                             |                      | P                            |
| Automobile, campers RV sales, indoors  |                   |                   |                   |                   |                             |                      | P                            |

|   | <b>PR<br/>1/3</b> | <b>PR<br/>1/2</b> | <b>PR<br/>3/4</b> | <b>PTR<br/>2+</b> | <b>PR<br/>M<br/>U<br/>L</b> | <b>P<br/>R<br/>D</b> | <b>P-C<br/>O<br/>M<br/>M</b> |
|---|-------------------|-------------------|-------------------|-------------------|-----------------------------|----------------------|------------------------------|
| Automobile, campers, RV sales, outdoors   |                   |                   |                   |                   |                             |                      | SE                           |
| Boat and marine product sales, indoors  |                   |                   |                   |                   |                             |                      | P                            |
| Boat and marine product sales, outdoors   |                   |                   |                   |                   |                             |                      | SE                           |
| Bookstores  |                   |                   |                   |                   |                             |                      | P                            |
| Building materials and supplies, retail   |                   |                   |                   |                   |                             | SE                   | P                            |
| Building materials and supplies, wholesale  |                   |                   |                   |                   |                             | SE                   | P                            |
| Christmas tree, sale of between Dec. 1 and Dec. 25<br>* See note (2)  | *P                | *P                | *P                | *P                |                             | P                    | P                            |
| Computer sales and on-site services   |                   |                   |                   |                   |                             |                      | P                            |
| Convenience food and beverage   |                   |                   |                   |                   |                             |                      | P                            |
| Country inns  |                   |                   |                   | SE                |                             | P                    | P                            |
| Delicatessen  |                   |                   |                   |                   |                             |                      | P                            |
| Department Stores   |                   |                   |                   |                   |                             |                      | P                            |
| Drugstores  |                   |                   |                   |                   |                             |                      | P                            |
| Eating and drinking establishments, excluding a drive-in  |                   |                   |                   |                   |                             |                      | P                            |
| Eating and drinking establishments, including a drive-in  |                   |                   |                   |                   |                             |                      | SE                           |
| Engine repair shop (small)  |                   |                   |                   |                   |                             | SE                   | P                            |
| Farm implements, storage and sales  |                   |                   |                   | SE                |                             | SE                   | SE                           |
| Feed and grain, storage and sales (Does not preclude the sale of grain & feed as an accessory use in the RDT) |                   |                   |                   | SE                |                             | SE                   | SE                           |
| Florist   |                   |                   |                   |                   |                             |                      | P                            |
| Food and beverage store   |                   |                   |                   |                   |                             |                      | P                            |
| Food catering (Off site food preparations and no more than 5 trucks stored on premises)                       |                   |                   |                   |                   |                             |                      | P                            |

|   | <b>PR<br/>1/3</b> | <b>PR<br/>1/2</b> | <b>PR<br/>3/4</b> | <b>PTR<br/>2+</b> | <b>PR<br/>M<br/>U<br/>L</b> | <b>P<br/>R<br/>D</b> | <b>P-C<br/>O<br/>M<br/>M</b> |
|---|-------------------|-------------------|-------------------|-------------------|-----------------------------|----------------------|------------------------------|
| Furniture stores, carpet or related furnishing sales or service |                   |                   |                   |                   |                             |                      | P                            |
| Garden supply shops   |                   |                   |                   |                   |                             | SE                   | P                            |
| Gift shops  |                   |                   |                   |                   |                             |                      | P                            |
| Grocery stores  |                   |                   |                   |                   |                             |                      | P                            |
| Gun and ammunition sales  |                   |                   |                   |                   |                             |                      | P                            |
| Hardware stores, inside, retail only                            |                   |                   |                   |                   |                             |                      | P                            |
| Heavy equipment, sales and services                             |                   |                   |                   |                   |                             | SE                   | SE                           |
| Jewelry stores  |                   |                   |                   |                   |                             |                      | P                            |
| Landscape contractor  |                   |                   |                   | SE                |                             | SE                   | P                            |
| News stand  |                   |                   |                   |                   |                             |                      | P                            |
| Pet shop  |                   |                   |                   |                   |                             |                      | P                            |
| Photographic supply store ( no on-site development)             |                   |                   |                   |                   |                             |                      | P                            |
| Photographic art supply store                                   |                   |                   |                   |                   |                             |                      | P                            |
| Photograph, portrait store or studio (no on-site development)   |                   |                   |                   |                   |                             |                      | P                            |
| Printing shops  |                   |                   |                   |                   |                             |                      | SE                           |
| Retail nursery  |                   |                   |                   | SE                |                             | SE                   | P                            |
| Retail trades, businesses and services                          |                   |                   |                   |                   |                             |                      | P                            |
| Saddlery  |                   |                   |                   |                   |                             |                      | P                            |
| Variety, dry goods stores                                       |                   |                   |                   |                   |                             |                      | P                            |
| Video rental and sales  |                   |                   |                   |                   |                             |                      | P                            |

|   | PR<br>1/3 | PR<br>1/2 | PR<br>3/4 | PTR<br>2+ | PR<br>M<br>U<br>L | P<br>R<br>D | P-C<br>O<br>M<br>M |
|---|-----------|-----------|-----------|-----------|-------------------|-------------|--------------------|
| Wearing apparel stores  |           |           |           |           |                   |             | P                  |
| Wholesale nursery or greenhouse   |           |           |           |           |                   | SE          | P                  |
| <b>(d) Services</b>   |           |           |           |           |                   |             |                    |
| Ambulance, fire or rescue squad   | SE        | SE        | SE        | SE        | SE                | SE          | SE                 |
| Animal boarding places or the keeping of farm animals and/or birds of any kind                      |           |           |           | SE        |                   | P           | SE                 |
| Appliance repair shops  |           |           |           |           |                   |             | P                  |
| Automobile filling stations   |           |           |           |           |                   |             | SE                 |
| Automobile fluid maintenance stations   |           |           |           |           |                   |             | SE                 |
| Automobile truck and trailer rentals, outdoor   |           |           |           |           |                   |             | P                  |
| Automobile repair and services  |           |           |           |           |                   |             | SE                 |
| Automobile, camper, RV, trailer storage lots  |           |           |           |           |                   |             | SE                 |
| Banks and financial institutions  |           |           |           |           |                   |             | P                  |
| Barber or beauty shop, tanning or manicure/pedicure salon   |           |           |           |           |                   |             | P                  |
| Blacksmith shop   |           |           |           | SE        |                   | SE          | SE                 |
| Car wash as primary or accessory use  |           |           |           |           |                   |             | SE                 |
| Care Home   |           |           |           | SE        |                   | SE          | SE                 |
| Cemetery  |           |           |           |           |                   | SE          |                    |
| Charitable or philanthropic institution   |           |           |           | SE        |                   | SE          | SE                 |
| Child Care residences for not more than 8 children  | SE        | SE        | SE        | SE        | SE                | SE          | SE                 |
| Child Care – Family day care home   | P         | P         | P         | P         | P                 | P           | P                  |
| Child Care – Group day care home (Not to be located in a townhouse or an attached residential unit) | SE        | SE        | SE        | SE        | SE                | P           | P                  |

|  | <b>PR<br/>1/3</b> | <b>PR<br/>1/2</b> | <b>PR<br/>3/4</b> | <b>PTR<br/>2+</b> | <b>PR<br/>M<br/>U<br/>L</b> | <b>P<br/>R<br/>D</b> | <b>P-C<br/>O<br/>M<br/>M</b> |
|--|-------------------|-------------------|-------------------|-------------------|-----------------------------|----------------------|------------------------------|
| Child Day Care Center (Not to be located in a townhouse or an attached residential unit) |                   |                   |                   | SE                |                             | SE                   | SE                           |
| Churches, convents, monasteries and other places of worship                              | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Clinic, medical or dental  |                   |                   |                   |                   |                             |                      | P                            |
| Dry Cleaning and laundry pick-up station ( no processing)                                |                   |                   |                   |                   |                             |                      | P                            |
| Duplicating services (excluding printing fluids)   |                   |                   |                   |                   |                             |                      | P                            |
| Educational institutions, private  |                   |                   |                   | SE                |                             | SE                   | SE                           |
| Express or mailing offices   |                   |                   |                   |                   |                             |                      | P                            |
| Funeral parlor, mortuary and undertaking establishments (No on-site cremations)          |                   |                   |                   |                   |                             |                      | P                            |
| Furniture or upholstery repair shops   |                   |                   |                   |                   |                             |                      | P                            |
| Hospice care facilities  |                   |                   |                   | SE                |                             | SE                   | P                            |
| Hospitals  |                   |                   |                   |                   |                             |                      | P                            |
| Hospitals, veterinary (No on-site incineration)  |                   |                   |                   | SE                |                             | SE                   | P                            |
| Laboratories, fluids   |                   |                   |                   |                   |                             |                      | SE                           |
| Laundromats, self-service  |                   |                   |                   |                   |                             |                      | SE                           |
| Metal Fabrication shops  |                   |                   |                   |                   |                             |                      | SE                           |
| Newspaper, village   |                   |                   |                   |                   |                             |                      | P                            |
| Home occupation, customary and incidental  | P                 | P                 | P                 | P                 | P                           | P                    | P                            |
| Offices, professional and businesses   |                   |                   |                   |                   |                             |                      | P                            |
| Home occupation, special   | SE                | SE                | SE                | SE                | SE                          | SE                   | P                            |



|  | PR<br>1/3 | PR<br>1/2 | PR<br>3/4 | PTR<br>2+ | PR<br>M<br>U<br>L | P<br>R<br>D | P-C<br>O<br>M<br>M |
|--|-----------|-----------|-----------|-----------|-------------------|-------------|--------------------|
| Pet grooming with no overnight boarding                      |           |           |           | SE        |                   | P           | P                  |
| Research, development and related activities                 |           |           |           |           |                   |             | P                  |
| Roofing contractor   |           |           |           |           |                   |             | SE                 |
| Shoe repair shops  |           |           |           |           |                   |             | P                  |
| Sign fabrication shops                                       |           |           |           |           |                   |             | P                  |
| Tailor, millinery or dressmaking shops                       |           |           |           |           |                   |             | P                  |
| Town owned or operated uses                                  | P         | P         | P         | P         | P                 | P           | P                  |
| Trade, artistic or technical schools                         |           |           |           |           |                   |             | P                  |
| Warehousing and/or “mini” storage buildings, wholly enclosed |           |           |           |           |                   |             | SE                 |
| <b>(e) Cultural, Entertainment and Recreational</b>          |           |           |           |           |                   |             |                    |
| Amusement centers  |           |           |           |           |                   |             | SE                 |
| Archery ranges, indoor                                       |           |           |           |           |                   |             | P                  |
| Archery ranges, outdoor                                      |           |           |           | SE        |                   | P           |                    |
| Baseball batting cages                                       |           |           |           | SE        |                   | SE          | SE                 |
| Billiard parlors   |           |           |           |           |                   |             | P                  |
| Bowling alleys   |           |           |           |           |                   |             | P                  |
| Campgrounds  |           |           |           |           |                   | SE          |                    |
| Fairgrounds, circuses, amusement parks and carnivals         |           |           |           |           |                   | SE          | SE                 |
| Golf courses   | SE        | SE        | SE        | SE        | SE                | SE          |                    |
| Golf courses, miniature                                      |           |           |           | SE        |                   | SE          | SE                 |
| Golf driving ranges  | SE        | SE        | SE        | SE        | SE                | SE          | SE                 |
| Health club and spas   |           |           |           |           |                   |             | P                  |

|  | PR<br>1/3 | PR<br>1/2 | PR<br>3/4 | PTR<br>2+ | PR<br>M<br>U<br>L | P<br>R<br>D | P-C<br>O<br>M<br>M |
|--|-----------|-----------|-----------|-----------|-------------------|-------------|--------------------|
| Hunting and fishing cabins   |           |           |           |           |                   | P           |                    |
| Libraries and museums  |           |           |           |           |                   |             | P                  |
| Parks, swimming pools, playgrounds, publicly owned   | SE        | SE        | SE        | SE        | SE                | SE          | SE                 |
| Private clubs and service organizations  | SE        | SE        | SE        | SE        | SE                | SE          | P                  |
| Racquetball, squash, indoor tennis and handball courts, commercial   |           |           |           |           |                   |             | P                  |
| Recreational facilities, including swimming pools as an accessory use in connection with an office building, primarily for employees |           |           |           | SE        |                   | SE          | P                  |
| Recreational or entertainment establishments, commercial   |           |           |           | SE        |                   | SE          | SE                 |
| Riding stables   |           |           |           | SE        |                   | SE          |                    |
| Rifle or pistol ranges, indoor   |           |           |           | SE        |                   | SE          | SE                 |
| Rifle or pistol ranges, outdoor  |           |           |           | SE        |                   | SE          |                    |
| Skateboarding, skating, roller, including "inline" and ice skating rinks and ice or roller hockey                                    |           |           |           |           |                   |             | SE                 |
| Swimming pools, commercial   |           |           |           |           |                   |             | SE                 |
| Swimming pools, private in conjunction with a primary residential use  | P         | P         | P         | P         | P                 | P           | P                  |
| Theaters, indoor   |           |           |           |           |                   |             | P                  |
| Theaters, outdoor  |           |           |           | SE        |                   | SE          | SE                 |
| Theatre, legitimate  |           |           |           |           |                   |             | P                  |
| <b>(f) Resource Production and Extraction</b>  |           |           |           |           |                   |             |                    |
| Agricultural uses (1), excluding the commercial manufacture and/or storage of fertilizer   |           |           |           | P         |                   | P           |                    |
| Milk processing  |           |           |           | SE        |                   | SE          |                    |

|   | PR<br>1/3 | PR<br>1/2 | PR<br>3/4 | PTR<br>2+ | PR<br>M<br>U<br>L | P<br>R<br>D | P-C<br>O<br>M<br>M |
|---|-----------|-----------|-----------|-----------|-------------------|-------------|--------------------|
| Temporary structures, including farm markets for the sale of farm products for no more than 180 days/year |           |           |           | SE        |                   | P           | P                  |
| Wildlife game preserves and sanctuaries   |           |           |           |           |                   | SE          |                    |
| <b>(g) Miscellaneous</b>  |           |           |           |           |                   |             |                    |
| Accessory buildings and uses, including automobile garages, private                                       | P         | P         | P         | P         | P                 | P           | P                  |
| Kennels, noncommercial, including birds, etc.   | SE        | SE        | SE        | SE        | SE                | SE          | SE                 |
| Signs, in accordance with Section 9   | P         | P         | P         | P         | P                 | P           | P                  |
| Agricultural Processing (crops & meat)  |           |           |           |           |                   | SE          | SE                 |
| Farm machinery sales, storage, services and supplies  |           |           |           | SE        |                   | P           | P                  |
| Athletic fields including concessions as an accessory use   |           |           |           |           |                   | SE          |                    |
| Farm Winery   |           |           |           | SE        |                   | SE          |                    |
| Community Garden  | SE        | SE        | SE        | P         | SE                | P           | P                  |
| <b>(h) Alternative Energy Systems</b>   |           |           |           |           |                   |             |                    |
| <u>Small Wind Energy Systems</u>  |           |           |           |           |                   |             |                    |
| Ground Mount  |           |           |           |           |                   | P           | P P                |
| Roof Mount  | P         | P         | P         | P         | P                 | P           |                    |
| Solar Arrays (Onsite Use)   | P         | P         | P         | P         | P                 | P           | P                  |
| Geo Thermal (Loop System Only)  | P         | P         | P         | P         | P                 | P           | P                  |

| <b>Development Standards</b>  | <b>PR 1/3</b>                     | <b>PR 1/2</b>                         | <b>PR 3/4</b>                     | <b>PTR 2+</b>          | <b>PR-MUL 2</b>           | <b>PRD 1</b>      | <b>P-COMM 3</b>     |
|---|-----------------------------------|---------------------------------------|-----------------------------------|------------------------|---------------------------|-------------------|---------------------|
| Minimum Lot Size: Area  | 14,520 sq.ft.                     | 21,780 sq. ft.                        | 32,670 sq.ft.                     | 87,120 sq.ft. <b>4</b> | 3,600 sq.ft               | 43,560 sq.ft.     |                     |
| Minimum Yard:<br>Frontage on public road<br>Width at building line<br>Width at building line - Cul-de-sac                   | 25 ft. 80 ft.                     | 25 ft.<br>100 ft.<br>80 ft. <b>11</b> | 25 ft.<br>100 ft.                 | 25 ft.<br>125 ft.      | 40 ft.<br>20 ft. <b>5</b> | 25 ft.<br>125 ft. |                     |
| Maximum Lot Coverage by main and accessory buildings <b>7</b>   | 20 %                              | 15 %                                  | 10 %                              | 10 %                   | 70 %                      | 10 %              | 35 %                |
| Maximum number of accessory buildings, including detached garages   | 2                                 | 2                                     | 3                                 |                        | See note <b>2</b>         |                   |                     |
| Maximum floor area, accessory building <b>7</b>   | 150 sq.ft.                        | 240 sq.ft.                            | 400 sq.ft                         |                        | See note <b>2</b>         |                   |                     |
| Maximum floor area, garage (one per lot, only)  | 600 sq.ft.                        | 600 sq.ft.                            | 600 sq.ft.                        |                        | See note <b>2</b>         |                   |                     |
| Maximum building height <b>11</b><br>main building <b>7</b>   | <u>3</u> stories<br><u>35</u> ft. | <u>3</u> stories<br><u>35</u> ft.     | <u>3</u> stories<br><u>35</u> ft. | 50 ft. <b>7</b>        | See note <b>2</b>         | 50 ft. <b>7</b>   | 3 stories<br>30 ft. |
| Maximum building height, accessory buildings or structures (Ord. 163, 2/21/06)  | 14 ft.                            | 14 ft.                                | 14 ft.                            |                        | See note <b>2</b>         |                   |                     |
| Maximum building height detached garage <b>10</b>   | 17 ft.                            | 17 ft.                                | 17 ft.                            | 50 ft.                 | See note <b>2</b>         | 50 ft.            |                     |
| Minimum front building line, main building, from property line at public road (Ord. 163, 2/21/06) <b>14,15</b>              | 40 ft.                            | <u>40</u> ft.                         | <u>40</u> ft.                     | 100 ft.                | 10 ft.                    | 10 ft. <b>7</b>   |                     |
| Minimum sideline setback for main building, interior lot (Ord. 163, 2/21/06) <b>15</b>                                      | 10 ft.                            | 10 ft.                                | 10 ft.                            | 17 ft.                 | 10 ft. <b>8</b>           | 17 ft.            | See note <b>3</b>   |
| Minimum sideline setback for main building, corner lot (Ord. 163, 2/21/06)  | 40 ft.                            | 60 ft.                                | 60 ft.                            | 60 ft.                 | 40 ft.                    | 50 ft.            | See note <b>3</b>   |
| Minimum rear line setback for main building (Ord. 163, 2/21/06)   | 25 ft.                            | 30 ft.                                | 30 ft.                            | 35 ft.                 | 20 ft.                    | 35 ft.            | See note <b>3</b>   |
| Accessory buildings and structures (must be located in rear yard)<br>Minimum side yard setback<br>Minimum rear yard setback | 5 ft. 3 ft.                       | 5 ft. 3 ft.                           | 5 ft. 3 ft.                       | 5 ft. 3 ft.            | See note <b>2</b>         |                   |                     |
| Animal accommodations<br>Maximum floor area<br>Maximum volume<br>Minimum setback from all residential property lines        | 20 sq.ft.<br>60 cu.ft.<br>40 ft.  | 20 sq.ft.<br>60 cu.ft.<br>50 ft.      | 20 sq.ft.<br>60 cu.ft.<br>50 ft.  | 50 ft.                 |                           |                   |                     |
| Site plan required  | Yes                               | Yes                                   | Yes                               | Yes                    | Yes                       | Yes               | Yes                 |

## DEVELOPMENT STANDARDS

- 1 No more than one-family dwelling unit per twenty-five (25) acres shall be permitted.
- 2 See special development standards in the Multiple Residential Zone, Section [6](#) of this Code
- 3 See special development standards in the Commercial Zone, Section [7](#) of this Code
- 4 A minimum parcel to be rezoned into this zone shall be two (2) acres
- 5 For interior lots. Corner lots shall have a width of thirty (30) feet
- 6 Public Utilities. The Board of Zoning Appeals may approve public utility uses or structures without regard to minimum lot size area requirements except such as may be imposed in each case by the Board of Zoning Appeals
- 7 Except agricultural buildings
- 8 Must be green space area
- 9 For each one (1) foot over fourteen (14) feet of garage height; two (2) foot setback/per foot over fourteen (14) feet shall be provided
- 10 Building height limits set forth in this Section shall not apply to belfries, chimneys, cupolas, domes or religious buildings, flagpoles, flues, monuments, spires, air conditioning units or similar roof structures and mechanical appurtenances. No such roof structures, however shall have a total area greater than twenty-five (25) percent of the building footprint or greater than fifty (50) percent higher than the allowable building height. In cases where the 35' measurement is used, the top floor area shall not exceed 50% of the 2nd floor area.
- 11 Only for lots with frontage on a street right-of-way having less than or equal to a hundred (100) foot radius of curvature.
- 12 Must not exceed ten (10) feet above the roof peak.
- 13 Must not exceed beyond sidelines of structure.
14. A *single-family* detached dwelling unit may reduce the required front yard required by no more than eight (8') feet for the sole purpose of constructing a covered or uncovered, but not enclosed, porch.
15. If attached to the structure, a *single-family* detached dwelling unit may have a carport or one-story open porch or deck, with or without a roof, but not enclosed, that extends into any required front, side or rear yard not more than 25% of the minimum required depth of a front or rear yard, or 25% of the minimum required width of a side yard. Whenever any extension into any required front, side or rear yard is sought, the Town shall give notice of the same to all contiguous property owners advising them that any required permit for such extension will be granted after 15 days from the date of the notice unless a written objection to the same is filed with the Town within the 15 days. In the event that such written objection is received, the applicant shall be promptly notified that he or she must file for an the appropriate variance to the Board of Appeals. In the event that no such written objection [is](#) received, he Town may grant the appropriate permit sought if such application is otherwise in conformance with all codes and regulations.

**Sec. 4. Transition Two Plus (2+) Acres (PTR-2+) Zone:**

- A. Eligibility - Limited to parcels of less than 25 acres in the previous Rural Density Transfer Zone on which there are no easements or previously optional or old transfer development rights.
- B. Uses Permitted - See Use Chart, Sec. 3

**Sec. 5. Rural Density Transfer (P-RD) zone:**

- A. Exempted lots and parcels in the P-RD Zone.
  - 1. Lots created for children in accordance with the Maryland Agricultural Land Preservation Program shall be exempt from these regulations.
  - 2. The following lots shall be exempt from the area and dimensional requirements of this zone but shall meet the requirements of the zone applicable to them prior to their classification in the Rural Density zone:
    - a. A recorded lot created by subdivision if the record plat was approved for recordation by the Planning Commission prior to January 6, 1981.
    - b. A lot created by deed executed on or before January 6, 1981.
    - c. A record lot having an area of less than five (5) acres created after January 6, 1981, but re-platting two (2) or more lots, provided that the resulting number of lots is not greater than the number which were re-platted.
    - d. A lot created for use for a one-family residence by a child, or the spouse of a child, of the property owner, provided said property owner can establish that he had legal title on or before January 6, 1981, and provided that this provision shall apply to only one such lot for each child of the property owner.
- B. Reclassification of land from which development rights have been created and/or transferred. Real property shall not be rezoned to permit construction of more single-family dwellings than are currently permitted on the land under any Transfer Development Rights (TDR) easement recorded among the land records of Montgomery County, Maryland. When the land is situated in the Rural Density Zone and is:

1. Located in the corporate limits of the Town of Poolesville;  
or
2. Located in the county's RDT Zone prior to the annexation into the Town of Poolesville and the owner thereof has created TDR's by recording and serializing a TDR easement in the land records of Montgomery County, it shall not be rezoned to permit construction of more single-family dwellings than are currently permitted on the land under the Town or County RDT Zone.

Upon any application for rezoning of land situated in the P-RD Zone to a more dense zone, the owner and/or applicant thereof shall provide with his application a title search acceptable to the Commissioners of Poolesville and an affidavit made under penalties of perjury indicating the number of TDR'S, if any, previously optioned, sold or in any way made subject to past or future transfer and whether the property is subject to any agricultural, scenic or other easements.

**Sec. 6. Special development standards in the (PR-MUL) townhouse dwelling unit zone.**

A. Yard, rear. Each lot shall have a rear yard of at least twenty (20) feet in depth. An accessory building may be located only in rear yard and shall occupy not over twenty five (25) per cent thereof. A wall or fence of four (4) feet minimum height shall be erected on the property line between units for a privacy area. No extensions of the inhabitable living space of the dwelling will be permitted in the rear yard.

- 1) One (1) open and uncovered deck with a railing may be constructed on each such dwelling provided such deck is at least one (1) foot narrower on each side than the dwelling on which it abuts or is attached and is on the same plane as the floor of the story on which it abuts or is attached. Any such deck shall be no more than twelve (12) feet in depth. No decks shall be constructed on the top story of any dwelling. Notwithstanding the requirements of this subsection for a twenty (20) foot rear yard, a deck that complies with this subsection may be extended to within ten (10) feet of the rear lot line.
- 2) One (1) open porch, with a roof, but not enclosed, may be constructed on the ground level provided such porch is at least

one (1) foot narrower on each side than the dwelling on which it abuts or is attached. Any such porch shall be no more than ten (10) feet in depth.

- B. Number of dwelling units per building group. No less than four (4) and no more than ten (10) townhouse dwelling units may be built in any one building group.

Building height limit. The height limit for a townhouse dwelling unit shall be two (2) stories, but not over twenty-five (25) feet. The height for accessory buildings shall be one story, but not over ten (10) feet.

- B. Roads. Where townhouse dwelling units do not front on a dedicated public street or off-street parking bay, and face on private streets, said private streets shall be paved a minimum width of twenty (20) feet if two-way and ten (10) feet if one-way and maintained in good repair.

- C. Townhouse dwelling units setback. In any group of four (4) minimum or ten (10) maximum townhouse dwelling units in one building group, no more than three (3) townhouse dwelling units, either front building line or rear building line, shall be the same and front facades will be of compatible, same or varying designs to enhance the development and avoid monotony.

- D. Off-street parking requirements. There shall be a minimum of two and one-half (2 1/2) off-street parking spaces provided for each townhouse dwelling unit in the development. Required parking may be located in either front or rear yards or in parking bays convenient to the lots for which required. If parking is provided in front or rear yards, each space shall be at least twenty (20) feet in depth and ten (10) feet in width located in such manner that no part of any parked vehicle will extend over the property line.

- E. Lot Coverage. Not less than thirty (30) per cent of the total parcel to be developed will consist of green area (hereby defined to be an area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes). Such space shall, in general, be available for entry and use by the occupants of the building or buildings involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features,



screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Green area may include, but not be limited to, lawns, decorative plantings, sidewalks and walkways, active and passive recreational areas, including children's playgrounds, fountains, swimming pools, wooded areas, and water courses; but shall not include parking lots or vehicular surfaces, accessory buildings other than swimming pools, nor areas of open space so located or so small or so circumscribed by buildings, parking or drainage areas, as to as to have no substantial value for the purposes stated in this paragraph, but such requirement can be waived upon application therefore to the Commissioners of Poolesville.

- F. Site plan approval. No building permit shall be issued for the construction of any townhouse dwelling units or additions thereto in this zone without approval of a site plan by the Poolesville Planning Commission. Such site plan shall comply with the Subdivision Regulations and show the location and site of all buildings and structures; all parking areas, access roads and drives; existing topography and major vegetation features; proposed grading, landscaping and other such features necessary for the evaluation of the site plan.
  
- G. Homeowners Association. In cases where the lots front on public access easements or walks, instead of dedicated streets, or where undedicated common open space is provided in the development, a nonprofit corporation ownership authorized under the laws of the State of Maryland shall be established, provided that the owner or developer presents a plan, proper agreements and covenants as set forth in an appropriate FHA or VA forms acceptable to the Planning Commission for the maintenance of all access roads, parking areas, walks, fences or other common areas. The members or shareholders of such nonprofit corporation shall be the owners of the lots in the subdivision or townhouse development.

**Sec. 7. Commercial (P-COMM) zone development requirements.**

A. Intent. The purpose of a commercial zone is to create a town center that serves as a social magnet for residents and visitors to walk, shop, dine, live, and interact. The aim of any future development in the commercial zone should be to enhance these desirable goals and incorporate them into the design of new and renovation construction in an aesthetically consistent manner. Unlike a new town or a large scale urban renewal project,

Poolesville's commercial zone will develop piece-meal over a long period of time, similar to pieces of a puzzle put in place to form a complete picture. The design standards and Master Plan guidelines are intended to ensure that, like a puzzle piece, individual development projects are harmonious with all other properties in the commercial zone.

B. Uses permitted - See Use Chart, Sec 3.

C. Site plan review. No building or use-and-occupancy permit shall be issued for the construction or use of any building or structure or tenant space in the Commercial District zone except in accordance with an approved site plan. The site plan shall be filed with the Planning Commission and may cover all or any part of a lot or tract provided however, that if the site plan does not cover the entire lot or tract; it shall show how it is related to and coordinated with other site plans either approved, under consideration or yet to be submitted.

The Planning Commission through the site plan review process shall approve the appropriate layout of structures on the lot; the arrangement of parking; and, the relationship of the architectural building elements with the overall streetscape. This shall be in addition to the requirements set forth in the Subdivision Regulations and design standards in the Poolesville Code. It shall be further guided in such matters by applicable sections of the Master Plan: including the Vision Statement, Land Use discussion, "village concept", Appendix C, and any appendices relating to guidelines for commercial structures, as amended in the future.

D. Design standards. The Poolesville commercial zone design standards have been created to provide property owners, architects, developers, and others involved in developing new buildings or renovating existing buildings with an understanding of how the citizens wish their community to change. The design standards seek to reinforce the best visual and social characteristics of the community, while encouraging appropriate growth and change.

Structures should comport with the character and integrity of the surrounding area and embody the historical nature of the old central commercial district. Construction should recall the architectural styles of Federalist, Georgian, Victorian, and Greek revival periods of architecture.

Consideration should be given to the height alignment of existing and future structures, and the building skyline should be within 10% of the

height of the neighboring buildings. The scale should be considered as the structure size relates to surrounding properties, the size of the appurtenances on the structure, and the materials chosen for the structure. This may require relational concept drawings to ascertain if doors, windows and outdoor fixtures aesthetically coexist with adjoining buildings. The samples of exterior materials and architecture provided in Appendix C of the Poolesville Master Plan, dated December 5, 2011, are typical of the front elevation, the width, and the height of the existing structures within the old central commercial district.

Construction should maximize the frontage use of the building lot. The spacing along the frontage of the building area on the lot should be uniform, with minimum staggering of the building frontages so as to create a contiguous village appearance that is friendly to pedestrian traffic. This requires minimal setback from the front building restriction line. Design should place parking and/or delivery at the rear of the structure. If appropriate, some on street parking is permissible.

Awnings, Marquees, Colonnades/Arcades, and Balconies occur forward of the front build-to line and may encroach within the right-of-way; but, shall not extend past the curb line. Front porches may be forward of the minimal front building line but shall not extend into the right-of-way.

**Sec. 7A. Alternative Energy Systems.**

A. Use Permits:

1. Requirements: No energy system shall be erected, altered or relocated without Planning Commission site plan approval.
2. Duration of Validity: A Use Permit shall remain valid only as long as the energy system is in conformance with the provisions of this Ordinance and shall be revoked by the Commissioners of Poolesville if it violates the provisions of this Ordinance.
3. Abandonment:
  - a. If the energy system is out-of-service for twelve (12) months it shall be deemed abandoned and the Use Permit will be null and void.
  - b. Upon written notice, that the energy system is in disrepair, deemed unsafe or in violation of the listed standards, the owner must physically repair, bring into compliance or remove the system within thirty (30) days. Failure to do so is a violation of this Ordinance.

B. Review Process:

An application for a Use Permit shall include information as the Planning Commission may require, including the following:

1. Property lines and physical dimensions of the applicant's property.
2. Location, dimensions and types of existing structures on the property.
3. Proposed location, dimensions, design, generation capacity and color of the proposed energy system.
4. Right-of-ways of all public roads contiguous with the property.
5. Location of all overhead utility lines.

6. Sound level analysis prepared by a qualified engineer or manufacturer.

C. Wind Generator Standards:

1. All wind energy systems must be reviewed and sealed by a registered Structural Professional Engineer. A report shall be submitted to the Town along with supporting diagrams, any modifications and structural calculations based upon as-built conditions. Report standards shall be based upon appropriate building codes for Montgomery County, Maryland. The applicant will be required to obtain a building permit through Montgomery County.
2. All wind energy systems must be U.L. rated.
3. Residential Zones are allowed roof mounts only.
4. The Commercial Zone is allowed roof mounts and traditional style only.
5. P-RMUL Zones are allowed roof mounts only.
6. PRD Zones are allowed roof mounts, traditional and monopoles.
7. Ground mounted wind energy systems shall be setback a minimum of the system height from property lines, utility lines and public roads.
8. Ground mounted system height shall not exceed a maximum height of sixty (60) feet in the PRD and fifty (50) feet for all other permitted zones; the blade tip shall at its lowest point have no less than thirty (30) foot of ground clearance.
9. Roof mounted wind systems shall not exceed ten (10) feet above the peak roof line of the structure.
10. Residential and Commercial shall be allowed one wind system per unit and require property owner's approval.
11. Commercial properties shall be allowed one wind system per electrical metered unit and require property owner's signature.

12. PRD shall be allowed one (1) wind system per five (5) acres to a maximum of three (3).
13. Sound levels shall not exceed fifty-five (55) decibels measured from the property line; the Town will use Montgomery County regulations to establish the equipment and techniques it will use to measure the sound levels.
14. Color shall be non-reflective, unobtrusive and blend with the surrounding environment. Approved colors include but are not limited to white, off-white and gray.
15. Tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of twelve (12) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
16. No small wind energy system shall cause permanent and material interference with television or other communication signals.
17. Signs, flags, streamers and decorative items both temporary and permanent attached to the wind energy system are prohibited except manufacturer identification or appropriate warning signs.
18. Wind energy system foundations shall comply with Montgomery County building regulations.
19. Construction of wind energy systems are for on-site consumption or credit.
20. Must submit Montgomery County final inspection certificate prior to use.

D. Geothermal Standards:

1. Only horizontal closed loop systems are allowed.
2. Must be installed by a certified installer.
3. System must use nontoxic/food grade liquid chemicals.

E. Solar Energy System Standards.

1. Residential:

- a. Must submit permit for approval.
- b. Must comply with requirements in Development Chart.

2. Commercial Zone:

- a. No permit shall be issued for the construction or erection of a solar system in the Commercial Zone except in accordance with an approved site plan.
- b. The site plan shall be filed with the Planning Commission for review and approval.
- c. The site plan shall ensure the harmonious relationship established in the Master Plan for architectural building elements and the overall Streetscape Plan.
- d. Systems must be compatible with the aesthetics of the building design and neighboring structures.
- e. Systems must not extend beyond roofline and shall have limited visibility from roadways.
- f. Systems in the Commercial Zone must not be visible from main roadway unless, the technology is not distinguished from the building's construction design and architecture. (Ord. No. 178, 4-12-10)

**Sec. 8. Off-street parking and service requirements.**

A. General provision.

1. Off-street parking shall be provided for every building and use created, erected, enlarged, or increased in capacity in the Town after the effective date of this Ordinance, provided that no such requirement shall apply to dwellings, buildings and other structures to be used exclusively for purposes of agriculture and on land used solely for agriculture.
2. Off-street loading and unloading facilities, hereinafter referred to as "service areas," shall be provided in conjunction with every commercial use created, erected, enlarged, or increased in capacity in the Town after the effective date of this Ordinance; such areas (whether inside or outside a building) shall be in addition to any off-street parking areas.
3. The Commissioners of Poolesville shall issue a building and/or use permit for the construction of off-street parking and service areas when they find that the plans and designs submitted for such purposes and uses are in conformity of this section.
4. Spaces for the disabled shall be not less than four (4) percent of the total number of required parking spaces but not more than 9 spaces. In the case of lots or areas having fewer than twenty-five (25) required spaces not less than one space shall be designated. The following standards apply for all disabled parking spaces.
  - a. All spaces shall be marked to indicate a nine-foot wide car space area and a four-foot clear width between spaces or other obstructions;
  - b. All such places shall be clearly marked "For Use By The Disabled Only" by placing markings on the asphalt and a sign not less than four (4) feet high.
  - c. All such spaces shall be safely located as close as feasible to walks leading from the parking area to the primary entrance of the building designed for use by the disabled.



B. Plans and design standards. Plans and design standards for areas to be used for automobile off-street parking and service shall be in conformity with the following:

1. Each automobile parking area shall be not less than two hundred (200) square feet. In addition there shall be provided adequate interior driveways and entrance and exit driveways to connect each public parking space with a public right-of-way.
2. Each off-street parking and service area shall be connected to a standard driveway entrance from a public right-of-way, which shall be constructed in accordance with at least the minimum standards established by the Montgomery County Road Construction Code as amended. If the public right-of-way does not contain a hard surfaced road a driveway culvert shall be placed wherever necessary, and construction of the standard driveway entrance may be deferred until such time as a paved road has been constructed within the public right-of-way.
3. Each off-street parking and service area shall be so drained as to prevent damage to abutting properties and public right-of-way.
4. All space designated for the parking of vehicles, within buildings or in basements or open spaces on the roofs of buildings, shall be considered part of the required off-street parking facilities and may be included as such in computing the area requirements outlined in this section.
5. No automobile off-street parking area shall be reduced in area or encroached upon by buildings, vehicle storage, loading or unloading or any other use where such reduction or encroachment will reduce the area below that required by this Ordinance.
6. Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility; provided that the specifications required by this section are complied with.

7. All off-street parking and service areas that make it necessary for vehicles to back out directly into a public road are prohibited; provided that this prohibition shall not apply to off-street parking areas of one-family and multiple family dwellings.
8. Every commercial off-street parking and service area that abuts land improved with a one-family or multifamily dwelling, shall set back a minimum of eight (8) feet from the abutting lot line.
9. Each commercial use shall provide off-street parking area. Such parking areas shall:
  - a. Have interior lanes and entrance and exit driveways of sufficient width to allow safe and expeditious movement of vehicles; have separate entrance and exit driveways providing for one-way movement of traffic only, unless two-way movement therein will safely and more adequately serve, or unless a separate entrance and exit is impractical by reason of the limits of the lot available for parking;
  - b. Have driveways located where they shall create the least amount of traffic noise and traffic congestion on the residential streets of the neighborhood; and where such driveways shall not endanger pedestrians, create traffic congestion or hazards, or interfere with the safe movement of traffic at road intersections;
  - c. Be separated from walkways, sidewalks, streets or alleys by curbing, or other protective device;
  - d. Have adequate lighting, provided that such lighting shall be installed so as not to reflect or cause glare onto abutting property in residential use.
10. For the purpose of this section, the number of employees shall be computed on the basis of the average number of persons to be employed, taking into consideration day, night and seasonal variations during a normal working day or shift.

C. Each residential and other noncommercial use shall provide off street parking space as follows:

1. Each one-family or multiple family dwelling shall provide at least two and one-half (2 1/2) parking spaces for each dwelling unit. Off-street parking of motor vehicles shall be in accordance with the provisions of the Town's Traffic Ordinance, Chapter 12, as amended.
  2. Each multi-family dwelling shall provide two and one-half (2 1/2) parking spaces for each dwelling unit. Not more than fifty (50) per cent of the total required yard area shall be used for such purpose.
  3. Each community center, library, museum, civic club, private club, lodge, and similar use shall provide a minimum of one parking space for each employee and one for each 200 square feet of floor area. Additional parking spaces may be required based upon the anticipated number of members and/or visitors of each specific user. Uses that include a swimming pool shall provide parking space in accordance with the requirements specified in this section.
  4. Each public and private educational institution shall provide a number of parking spaces equal to the maximum number of employees who will be present at any one time, plus additional facilities for student parking, taking into consideration the total number of students and the percentage of students driving automobiles.
  5. Each hospital, care home, and public health clinic shall provide one parking space for each one thousand (1,000) square feet of floor area, plus one space for each employee.
  6. Each boarding house shall provide one parking space for each lodger accommodation.
  7. Each residential professional office in a dwelling unit shall provide four (4) parking spaces for each professional person occupying or using said office.
- D. Each commercial use shall provide parking space as follows:
1. Each automobile repair and service station shall provide one parking space for each three hundred (300) square feet of floor area of the shop or garage, and one parking space for each employee.

2. Each commercial establishment devoted to retail sales, trade, merchandising or similar use shall provide one parking space for each three hundred (300) square feet of floor area used for retail sales, trade, merchandising or other purpose.
3. Each mortuary or funeral parlor shall provide one parking space for each twelve (12) square feet in the main chapel or parlor, plus one parking space for each vehicle used in connection with the business.
4. Each office building, professional building, or similar use shall provide one parking space for each four hundred (400) square feet of office space.
5. Each office of a licensed physician, surgeon, or dentist, in an office or professional building shall provide four (4) parking spaces for each professional person occupying or using said office and one (1) per additional employee.
6. Each commercial recreational establishment, other than a theater, auditorium, or stadium, shall provide a minimum of one parking space for each eighty (80) square feet of floor area and one (1) per each additional employee. Additional spaces will be required based upon estimated number of members and/or attendees.
7. Each restaurant or similar place dispensing food, drink or refreshments shall provide one parking space for each one hundred (100) square feet devoted to patron use and one parking space for each employee.
8. Each theater, auditorium or similar use involving the assembling of persons shall provide one parking space for each four (4) seats or similar vantage accommodations, and one parking space for each employee.
9. Each hotel, tourist home, cabin or motel shall provide one parking space for each sleeping room, and one parking space for each employee.
10. Each swimming pool shall provide one parking space for every four (4) persons of the recommended or legal capacity prescribed under applicable laws or regulations of Montgomery County or the State of Maryland, and one parking space for each employee.

- E. Requirements for miscellaneous uses. Each public or private building or land use, except buildings and land used exclusively for agriculture, not covered by the requirements of this section shall provide one parking space for each employee, plus such additional facilities for residents, visitors, or patrons as the Planning Commission shall deem necessary. In making such a determination, the Planning Commission shall be guided by the number of persons to be employed in said building or by said use; the number of persons expected to reside in, visit, or patronize said building or use, the anticipated percentage of residents, visitors or patrons driving automobiles; and the need for safe and convenient loading and unloading space for visitors or patrons and goods arriving by motor transport.
- F. Board of Zoning Appeals. In the case of a lot shown on a recorded subdivision plat or a lot for which a deed is of official record on the effective date of this ordinance, where the lot is too small to accommodate the number of off-street parking spaces required for the use proposed and there is clear and convincing evidence that the applicant has made every reasonable effort to acquire additional land for off-street parking purposes and has been unable to do so, the Board of Zoning Appeals, upon application to and after referral to the Planning Commission for its recommendation, is authorized to waive these off-street parking requirements in favor of a satisfactory alternate plan, provided such relief can be granted without substantial impairment of the intent or purpose of this Ordinance. No such relief shall be granted except after a public hearing has been held by the Board upon reasonable notice.

Sec. 8A. Wellhead Protection Section moved to Ch.24  
(Ord 199: 3-24-14)

**Sec. 9. Signs.**

- A. Purpose and scope. The purpose of this Ordinance is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the Town of Poolesville, to protect health and safety and to promote the public welfare. A sign is defined as any structure, part thereof or device thereto or painted or represented thereon or any material or thing, illuminated or otherwise which displays or includes any numeral, letter, word, model, banner, pennant, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry which is located upon any land, or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. The flag, emblem, insignia, poster or other display of a nation, state, or political subdivision shall not be included within the meaning of this definition.

The principal features are the restriction of advertising to the business or use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. Signs shall comply with the Architectural Guidelines and Streetscape Design as outlined in the current Poolesville Master Plan. With respect to signs advertising businesses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended that in commercial areas now in existence and more so in proposed commercial and industrial areas that all signs within one (1) complex be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

It is also intended by this Section that all temporary signs erected for directional purposes, for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.

All other signs, commonly referred to as outdoor advertising, billboard, or poster panels which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Section to constitute a separate use. Any widespread display or outdoor advertising is deemed to be inappropriate to the character and sound development of the Town. Accordingly, outdoor advertising is specifically prohibited in the Town of Poolesville. The Commissioners of Poolesville shall order the removal of any billboard erected or maintained in violation of the law, as it existed prior to the date of adoption of this Ordinance in accordance with subsection J.3. hereof.

B. Sign standards by zone.

1. General. The following sign standards by zone shall apply to every existing zone and new zoning classification hereafter created in the Town of Poolesville. The zones are as defined by the Zoning Ordinance and official zoning map. Only signs as described herein and as may be described under "signs permitted in all zones" and "exceptions" shall be permitted in each particular zone.
2. Residential zones and residential areas. Single-family and multiple-family: One (1) professional occupation not exceeding two (2) square feet in area shall be permitted per family dwelling. The sign shall indicate only the name, address and occupation of the occupant. Illumination shall be in accordance with the restrictions set forth in subsection H. hereof. Such signs shall be set back at least six (6) feet from the nearest property line and shall not be over five (5) feet above the ground. Other for single-family dwellings shall be subject to the standards set forth in subsection D.7. hereof.
3. Commercial zones and areas. No more than two (2) permanent signs on a property or lot can be erected using criteria



described under freestanding, flat wall or hanging/protruding signs.

a. Freestanding sign: Any sign standing on its own foundation or supporting structure.

- (1) Maximum size: Total height of a freestanding sign, including its base, shall be no more than seven (7) feet. Total width including support structure shall be no more than seven and five-tenths (7.5) feet.
- (2) Illumination: Permitted but must meet requirements set forth in subsections F. and H.; no flashing or intermittent lighting can be used.
- (3) Moving parts: Must conform to subsection H.2.
- (4) Area: Actual sign area (exclusive of base and decoration) shall not exceed forty (40) square feet.
- (5) Multiple businesses: Properties having four (4) or more business establishments may have one freestanding sign listing all businesses by name and shall include the address of the center. Total height of the freestanding sign, including its base, shall be no more than nine (9) feet. Total width including support structure shall be no more than nine and five-tenths (9.5) feet.
- (6) Information limitations: Information on freestanding signs shall be limited to the identification of the owner, business name, phone number and type of business except approved signs which are specifically designed for use of replaceable copy applicable to the nature and service of business.
- (7) Setback requirements: Three (3) feet from the property line. Subject to the requirements in subsection F.1.c.
- (8) "V" shaped: All sides which are visible from any vantage point shall be measured in determining the area of the sign, except that only one (1) side of

the sign shall be measured if the two (2) sides thereof are back-to-back or separated by an angle of ninety (90) degrees or less. If the two (2) sides are not equal, the larger side shall be measured. Both sides shall contain identical information.

(9) Temporary freestanding commercial signs:  
Commercial establishments may be permitted one temporary sign per business location, subject to the following requirements:

a) commercially produced or of professional quality and maintained in good condition;

b) not to exceed eight (8) square feet total area or four (4) feet in height from the ground;

c) located on the site from which the business operates;

d) freestanding and designed to assure it will not tip over;

e) placed so as not to create a concern for public safety or convenience; (Ord. 181, 118-10)

f) displayed only on the days the business is open.

g) Such signs, except (9) g) are expressly exempt from a permit requirement. (Ord. 181, 11-8-10)

h) The Commissioners of Pooleville, or their duly authorized representative, may remove any temporary signs that are in violation of this Ordinance without prior notice.  
(Ord.181, 11-8-10)

b. Flat wall signs: Any sign mounted parallel on a wall, marquee or fascia.

- (1) Maximum height: No flat wall signs shall extend above the roofline.
  - (2) Illumination: Permitted; but must meet requirements set forth in subsections F. and H.; no flashing or intermittent lighting can be used.
  - (3) Moving parts: Prohibited.
  - (4) Area: A total sign area of one (1) square foot for each lineal foot of a building frontage shall be allowed. A building having frontage on more than one (1) public street or parking area, may be allowed a sign for each frontage. Where there is multiple frontage, the amount of added sign area allowed for additional frontage can face that frontage only. Multiple frontage buildings are limited to signage on two (2) frontages and are considered as one (1) permanent sign.
  - (5) Information limitations: Information on flat wall signs shall be limited to the identification of the owner, business name, phone number and type of business except approved signs which are specifically designed for use of replaceable copy applicable to the nature and service of business.
- c. Hanging/protruding sign: Any sign mounted perpendicular to a wall or ceiling.
- (1) Area: Actual sign area shall not exceed eight (8) square feet.
  - (2) Illumination: Permitted but meet requirements set forth in subsections F and H; no flashing or intermittent lighting can be used.
  - (3) Moving parts: Prohibited.
  - (4) Multiple businesses: The same restrictions set out above shall apply to a sign listing multiple businesses. All listings for such businesses must be included in a single sign whose dimensions are not greater than those described above.

(5) Limitations:

- a) Information: Information on hanging/ protruding signs shall be limited to the identification of the owner, business name, phone number and type of business except approved signs, which are specifically designed for use of replaceable copy applicable to the nature and service of business.
- b) Setback requirements: Sign cannot protrude beyond property line.
- c) Height: Sign must have a minimum of seven (7) feet clearance for pedestrians.
- d) "V" shaped: All sides which are visible from any vantage point shall be measured in determining the area of the sign, except that only one (1) side of sign shall be measured if the two (2) sides thereof are back-to-back or separated by an angle of forty-five (45) degrees or less. If the two (2) sides are not equal, the larger side shall be measured. Both sides shall contain identical information.

C. Signs permitted in all zones. Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Town:

- 1. Temporary construction signs. One (1) sign shall be permitted for all building contractors, one (1) for all professional firms and one (1) for all lending institutions on sites under construction, each sign not to exceed twenty four (24) square feet overall, with no more than a total of three (3) such signs permitted on one (1) site. The sign shall be confined to the site of the construction, construction shed or trailer and conform to height and setback limitations for freestanding signs sub-section B.3.a., flat wall signs subsection B.3.b., hanging/ protruding signs subsection B.3.c. The sign shall be removed within fourteen (14) days after the completion of the intended use of the project.

2. Temporary real estate signs.
  - a. Temporary real estate signs shall not exceed six (6) square feet in area and seven (7) feet in height, located on the subject property and limited to one (1) such sign for each frontage of a home, lot, parcel, or tract. Signs shall be removed within seven (7) days of the sale. Directional signs announcing an open house may be placed in the public right-of-way on weekends between the hours of 7:00 A.M. Saturday and sundown on the following Sunday and shall not exceed three (3) square feet in area and four (4) in number. However, if in the opinion of a police officer, signs so placed constitute a hazard to traffic, the police officer may remove such sign. These signs are expressly exempt from a permit requirement.
  - b. One (1) temporary subdivision identification sign not exceeding twenty (20) square feet in area and located on the property shall be allowed for each development.
  - c. One (1) temporary subdivision approach sign may be erected in the public right-of-way near each major intersection to the subdivision with a maximum of four (4) such signs permissible for any one (1) subdivision. Each sign shall be not more than three (3) feet long and one (1) foot high. No illumination will be permitted and such signs shall not be less than fifteen (15) feet from the nearest edge of the pavement and one hundred (100) feet from the nearest curb intersection of any street or road. The content of such signs shall be restricted to the name of the subdivision, the name of the developer and/or agent, and identification emblem, and directional arrow. The top of such signs shall not exceed five (5) feet in height. These signs are expressly exempt from a permit requirement. In the event that there is a need for more than one (1) sign at any major intersection, all such signs must be consolidated and confined within a single frame, subject to the review and recommendation of the Sign Review Board. The sign shall be removed within fourteen (14) days after the completion of the intended use of the project.
3. Banners. A banner is a temporary means of advertising a specific event or special event, made of flexible material, and fastened at both ends. The size is limited to one and

one-half (1.5) square feet for each linear foot of building frontage to which it will be attached to the building. Only one (1) banner can be displayed at any business location, not to exceed sixty (60) days within a period of three (3) months. The application for a banner showing specific location will be submitted to the Sign Review Board for approval.

4. Window signs. Signs shall be permitted in window or in a display of merchandise when incorporated with such display. There shall be no limit to the number of such signs; provided, however, that the total area of all signs shall not exceed eighty (80) percent of the total glass area to be calculated separately for each side of the building. An additional ten (10) percent of window area may be used on a temporary basis to advertise nonprofit activities. Signs with an interior illumination such as neon (electrified gases) are limited to ten (10) percent of a total/window area not to exceed twelve (12) square feet.
5. Permanent identification signs. Signs of a permanent nature setting forth the name of a church, or center or other like projects shall be permitted if set back in accordance with the requirements of the zoning restrictions relating to the classification of the property on which the sign is placed. Illumination shall be in accordance with the restrictions set forth in subsection H. hereof. Such signs shall not exceed twenty-four (24) square feet in area. Subdivision signs are subject to approval by the Planning Commission.
6. Civic, religious and quasi-public signs. Name, directional and informational signs and emblems of service clubs, places of worship, civic organizations and quasi public uses shall be permitted on private property if set back is in accordance with the requirements of the zoning restrictions relating to the classification of the property on which the sign is placed. Each sign shall be not more than ten (10) square feet in area. The top of such sign shall not exceed five (5) feet in height. Illumination shall be in accordance with the restrictions set forth in subsection H. hereof, and in the event that there is a need for more than one (1) sign at one(1) location, all such signs must be consolidated and confined within a single frame, subject to the review and recommendation of the Sign Review Board.

D. Exemptions. The following types of signs are exempted from all the provisions of this Ordinance, except for construction and safety regulations and the following standards:

1. Public signs. Signs of noncommercial nature and in the public interest, erected by, or on order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
2. Temporary signs. Temporary signs, announcing any public, charitable, educational or religious event or function, located entirely within the premises of that institution and set back no less than three (3) feet from the property line, easement, or right-of-way, whichever is the greater setback, up to a sign area of twenty-four (24) square feet. Such signs shall be allowed no more than thirty (30) days prior to the event or function and must be removed within seven (7) days after the event or function. Such signs may not be illuminated. If building mounted, these sign shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than five (5) feet above ground level.
3. Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
4. Private traffic direction. Signs directing traffic movement onto a premises or within a premises, not exceeding four (4) square feet in area for each sign. Illumination of these signs shall conform to subsection H. hereof, except that standard traffic signal light devices may be used if needed. Horizontal directional signs on and flush with paved areas are exempt from these standards.
5. Real estate signs. Refer to subsection C.2.a.
6. Political campaign signs. Signs announcing candidates seeking public political office and other data pertinent thereto shall not require a permit up to a total area of nine (9) square feet for each premises in a residential or commercial zone. These signs shall be confined within private property and shall not be less than fifteen (15)

feet from the nearest edge of the pavement and fifty (50) feet from the nearest curb intersection of any street or road.

These signs may be displayed thirty (30) days prior and seven (7) days after the election for which intended. In cases where a final election follows within seventy-five (75) days of a primary election, those candidates who won in the primary elections may continue to display their signs during the interim period and up to seven (7) days after the final election. A permit shall be required for either a freestanding or flat wall sign located at campaign headquarters only not to exceed twenty-four (24) square feet. A freestanding sign shall not exceed seven (7) feet in height and six (6) feet from the property line. A flat wall sign must be attached to principle frontage of building. No illumination of political signs shall be permitted.

7. Single-family residential name and street address signs: Two (2) residential (non-professional) signs, which must include house numbers on a structure, not exceeding one hundred forty-four (144) square inches each in area shall be permitted per single-family dwelling. One (1) sign not to exceed eight (8) square feet may be erected on lot sizes in excess of three (3) acres. Illumination limitations are set forth in subsection H.1., and setback and height requirements are set forth in subsection B.2.a. These limitations and requirements must be adhered to.

E. Nonconforming signs.

1. Any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this Ordinance shall be removed in accordance with subsection J.3. hereof.
2. Other signs existing at the time of the enactment of this Ordinance and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued for a period of one (1) year, if properly repaired and maintained as provided in this Code and if in conformance with other Ordinances of the Town. At the end of this period, they shall be removed in accordance with subsection J.3. hereof. Owners of such signs shall be notified of the date of adoption of this Ordinance and the date by which such signs must be removed. Nonconforming signs which are structurally



altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance.

F. Prohibited signs.

1. The following signs are prohibited and shall be removed immediately in accordance with subsection J.3. hereof:
  - a. Signs containing statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
  - b. Signs which imitate an official traffic sign or signal or which contains the words "stop", "go slow", "caution", "danger", "warning", or similar words, except as provided in subsection D.4. hereof.
  - c. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device, or which hide from view any traffic sign, street sign or signal, or which obstruct the view in any direction at a street or road intersection.
  - d. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than sixty (60) days from the date of vacancy.
  - e. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs or other similar or moving devices. These devices when not part of any sign are similarly prohibited.
  - f. Signs which are placed on a Town, County or State right-of-way, except identification signs for a community, development or subdivision project as set forth in subsection C.5., shall be allowed in rights-of-way providing that the sign is approved by the Sign Review Board and is supported by a formal resolution by the Commissioners of Poolesville to the effect that the Commissioners of Poolesville may order removal of the

sign at no cost to the Town and at such time as the Town may require.

- g. Signs which are posted or attached to utility poles, trees, fences or other signs.
  - h. Signs painted or having adhesive lettering directly on the exterior wall, window, or any other structural part of the building.
  - i. Signs which are not permanently affixed to any building or site.
2. The following signs are prohibited and shall be removed, if not made to conform, within six (6) months of the adoption of this Ordinance in accordance with subsection J.3. hereof.
- a. Signs which move in any manner or have a major moving part or give an illusion of motion.
  - b. Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment.
3. Signs which are shaped to resemble any human, animal or product form are permitted. Any animation of any human, animal or product shall not be permitted.

G. Illumination.

- 1. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect on or into residential structures.
- 2. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness of color, or which are so constructed and operated as to create an appearance of movement or illusion of movement. A variance may be granted by the Sign Review Board for movement showing date, time, temperature

and commonly known symbols such as a barber pole. Nothing contained in this Ordinance shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes.

3. No exposed reflective type of bulbs and no strobe lights or incandescent lamps which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

H. Permits and fees.

1. Requirements. No sign shall be erected, altered or relocated without a permit issued by the Sign Review Board with the exception of those signs listed in subsection D., Exemptions.
2. Application. The permit application shall be signed by the applicant and when the applicant is any person other than the owners of the property, the permit application shall also be signed by the owner of the property. The application shall contain the name and address of the sign owner and sign erector. It shall provide the length of the principal frontage and the length of additional frontage for corner properties. The description shall include drawings showing the design, dimensions and location of the sign.
3. Fees. Fees for the sign permit shall be as determined from time to time by resolution of the Commissioners of Poolesville. Such fees shall cover the cost of enforcing this Ordinance.
4. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. A permit may be renewed and no additional fee shall be collected for the renewal.
5. Permit exceptions. The following operations shall not be considered as creating a sign and shall not require a sign permit:

- a. Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign and similar approved signs which are specifically designed for the use of replaceable copy.
- b. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- c. Signs exempt under subsection D. of this Ordinance and window signs are also exempt from permit requirements.

I. Structural requirements. All signs shall comply with the pertinent requirements of the building code of the Town of Pooleville as adopted from time to time.

J. Inspection, revocation, removal, safety.

- 1. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- 2. Inspection. Signs for which a permit is required shall be inspected periodically by the Commissioners of Pooleville, or their authorized representative, for the compliance with this Ordinance and other laws of the Town of Pooleville.
- 3. Revocation of permits: removal of signs.
  - a. Failure to erect or maintain a sign in compliance with the requirements of this Sign Ordinance is grounds for revocation of the permit for the sign. The Commissioners of Pooleville, or their duly authorized representative, may order the removal of any sign erected or maintained in violation of this Ordinance. Three (3) days notice in writing shall be given to the owners of any sign for which a license has been obtained or for which the owner can readily be determined from Town records, by mailing a copy of such notice to the address listed on the sign permit application or the address listed in the Town records. The notice shall instruct the owner to remove the sign or bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this

notice, the Commissioners of Poolesville, or their duly authorized representative may remove the sign.

- b. The Commissioners of Poolesville, or their duly authorized representative, may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.
  - c. Notwithstanding the provisions of a. and b. of this subsection, the Commissioners of Poolesville, or their duly authorized representative, may remove any temporary signs that are in violation of this Ordinance, including but not limited to, real estate signs and temporary freestanding commercial signs, without prior notice.
  - d. Any cost of removal of signs incurred by the Commissioners of Poolesville, or their duly authorized representative, may be assessed against the owner of the sign or of the property on which such sign is located or any other person responsible for the violation, and may be collected in the manner of ordinary debt or, in the case of assessment against the property owner, in the manner of real property taxes. Notice of assessment of costs shall be delivered to the person against whom an assessment is made, who shall have a right of appeal as provided below.
  - e. Removal of signs may be appealed to the Sign Review Board within fifteen (15) days of removal, and assessment of costs may be appealed to the Sign Review Board within fifteen (15) days after notice of the assessment. The Board may stay any enforcement action pending a decision. The Board shall provide an opportunity for the appellant to present his/her case in writing and may allow oral presentation. The Board shall determine whether a violation has occurred and whether there are mitigating circumstances. The Board may affirm, reverse or modify the decision appealed.
4. Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owners or lessee fails to remove the

sign, the Commissioners of Poolesville shall remove it in accordance with subsection J.3. hereof. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

K. Administration and penalties.

1. Processing. All signs of a permanent nature requiring Sign Review Board approval shall have a decision of the Board within fourteen (14) days of submission. Temporary signs or banners may be approved by the Town Manager.
2. Enforcement. The Commissioners of Poolesville are hereby authorized and directed to enforce all of the provisions of this Ordinance.
3. Interpretation. Where there is any ambiguity or dispute concerning the interpretation of the Ordinance, the decision of the Sign Review Board shall prevail, subject to appeal as provided herein.
4. Penalties. Any person who violates this Ordinance shall be guilty of a municipal infraction and, upon conviction, shall be punished in accordance with any or all remedies contained in Section 15 hereof.  
(Ord. No. 130, 3-6-95; Ord. No. 168, 2-21-06,  
Ord. 170, 9-17-07)

**(Secs. 9A, 9B. Reserved.)**

**Sec. 9C. Sign Review Board.**

A. Created; composition; appointment and term of members.

1. There is hereby created and established a board to be called the Sign Review Board which shall consist of three (3) members who shall be appointed by the Commissioners of Poolesville for three-year terms. Vacancies shall be filled by the Commissioners of Poolesville for the unexpired term of any member whose term becomes vacant. Members shall serve until their successors are appointed and have qualified. The chairman shall be selected by the members of the Sign Review Board. The Town Manager shall

serve as liaison with the Commissioners of Poolesville and the Sign Review Board. (Ordinance No. 190; 6-5-12)

2. Temporary appointment. In the event that a member of the Sign Review Board should be absent and/or recuse himself, the Commissioners of Poolesville may appoint a temporary member to serve in his place.(Ordinance No. 190; 6-5-12)

B. Qualifications of members. All members of the Sign Review Board shall be residents of the Town of Poolesville.

C. Compensation of members. All members of the Sign Review Board shall not receive any compensation for their services.

D. Powers, duties. The Sign Review Board is authorized to review and approve any application for a sign permit. The Board may grant a variance where strict application of the sign regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owners of the property or owners of said sign provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of the regulations and of this Ordinance. This provision shall not permit the Board to grant variance allowing any prohibited sign. (Ordinance No. 190, 6-5-12)

E. Procedure.

1. The Administrative Officer of the Sign Review Board shall review all applications for a sign. If the Administrative Officer makes a determination that all aspects of the Sign Ordinance have been met, the Administrative Officer shall approve the pending application. If the pending application requires any variance from the sign regulations, the application shall be submitted to the Sign Review Board for consideration and decision consistent with the provisions of the Sign Ordinance. Nothing contained herein shall prevent the Administrative Officer from submitting any sign application to the Sign Review Board for consideration and decision. Any person aggrieved by a decision of the Administrative Officer shall appeal the decision to the Sign Review Board within ten (10) days after the Administrative Officers decision is rendered. (Ordinance No. 190; 6-5-12)

2. When exercising its powers and duties not less than two (2) members of the Sign Review Board shall constitute a quorum. The Board shall keep minutes of its proceedings and meetings. All actions or decisions of the Board shall be in written form. For assistance in reaching decisions the Board may request technical service, advise, data or factual evidence from the Town of Pooleville or other governmental agencies. (Ordinance No. 190; 6-5-12)

F. Appeals from decisions. Any decision by the Sign Review Board may, within ten (10) days after the decision is rendered, be appealed by any interested person to the Board of Zoning Appeals which shall have the power after notice and hearing to either affirm the decision of the Sign Review Board, or if it finds such decision is contrary to or inconsistent with the requirements, purposes and intent of this Ordinance, to reverse, or to remand the case to the Sign Review Board with a written opinion setting forth the reasons for its action. Whenever any such appeal is taken, a copy thereof shall be served on the Sign Review Board by the Town Clerk and the Sign Review Board shall promptly give notice of the appeal to all parties to the proceedings before it and shall, within five (5) days after the filing of the appeal, file with the Board of Zoning Appeals the originals or certified copies of all paper and evidence presented to the Sign Review Board in the proceeding before it, together with a copy of its decisions and findings. (Ordinance No. 190; 6-5-12)

F. Employees. The Commissioners of Pooleville shall make available to the Sign Review Board such employees, services or facilities of the Town as necessary. The Town of Pooleville's counsel shall serve as counsel to the Board. (Ord. No. 130, 3-6-95, Ord. No. 168, 2-21-06, Ord. No. 170, 9-17-07, Ord. No. 190; 6-5-12)



**Sec. 10. Board of Zoning Appeals.**

- A. Membership. The Board of Zoning Appeals shall consist of three (3) members residing within the Town of Pooleville. The term of office of the members of the Board shall be for three (3) years. They shall be appointed by the Commissioners of Pooleville, and removable for cause, upon written charges, and after public hearing. The Commissioners of Pooleville shall appoint one alternate member for the Board of Zoning Appeals who shall sit on the Board when any other member of the Board is absent. Vacancies shall be filled by the Commissioners of Pooleville for the unexpired term of any member whose term becomes vacant. Any member of the Board of Zoning Appeals shall be disqualified to act upon a matter before the Board with respect to any matter in which the member has a conflict of interest. Each member of the Board shall serve without compensation. (Ord. No. 191; 6-5-12)
- B. Rules and procedure. The Board shall have authority to adopt rules of procedure. The Board shall appoint the chairman from among its members. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine; two (2) members of said Board constitutes a quorum. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Nothing contained herein shall be construed to prevent the Board from holding closed sessions from which the public is excluded, in accordance with the safeguards provided by State law. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record. The decision of the Board shall be issued by opinion, which shall contain a statement of the grounds of its decision or action. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of twelve (12) months following the date of said opinion, except that this limitation shall not affect the right of the Board to grant a hearing as provided in the rules of procedure adopted by the Board. (Ord. No. 191; 6-5-12)

C. Administrative Assistance. The Commissioners of Poolesville shall provide such administrative, clerical and legal assistance and office space as is required by the Board to carry out its functions under the provisions of this Ordinance.

D. Powers and Duties. The Board of Zoning Appeals shall have the following powers:

1. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Commission or administrative official in the enforcement of this Ordinance.
2. Special Exceptions. To hear and decide requests for special exceptions to the terms of this Ordinance. The Board shall grant requests for such special exceptions when in the judgment of the Board such special exceptions shall be in harmony with the general purpose and intent of this Ordinance and will not affect adversely the use and development of the general neighborhood. The Board must also find from a preponderance of the evidence of record that for the public convenience and service a need exists for the proposed use due to an insufficient number of similar uses presently available to serve the population in the Town, and that the use at the location proposed will not result in a multiplicity or saturation of similar uses in Town. The Board shall also have the authority to revoke any special exception after giving notice and the opportunity for a public hearing to all parties concerned upon a finding that any of the terms of conditions of the grant of the special exception have been violated.  
(Ord. 191; 6-5-12)
3. Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions peculiar to the property, the enforcement of the provisions of this Ordinance will result in hardship and an injustice. To justify the granting of such variance the Board must find that the hardship which the petitioner will suffer under the general provisions of this Ordinance can be alleviated without affecting the general purpose and intent of this Ordinance and that the granting thereof will not be detrimental to the best interests of the community as a whole.

E. Public hearing.

1. Procedure. Before making its decision on any appeal, request for grant of special exception, request for a variance or any other matter within the Board's jurisdiction, the Board shall hold a public hearing therein. At least fifteen (15) days notice of the time and place of such hearing shall be sent to the appellant or petitioner, to the Planning Commission, and to the owners of all property contiguous to the property with which the hearing is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Commissioners of Poolesville. The Board may, in its discretion, send notice of hearings to other interested parties, organizations, or agencies. Such notices shall contain the name of the appellant or petitioner, the date, time, and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the variance, special exception or other relief requested.
2. Hearing Continuation. Hearings may be adjourned, from time to time, and if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice of such continued hearing shall be required; otherwise, notice thereof shall be given, as in the case of the original hearing.

F. Appeals.

1. Filing. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected by any decision of the Planning Commission or administrative official except appeals of decisions of the Planning Commission approving or denying a subdivision plat or plan shall be taken directly to the Circuit Court for Montgomery County. Such appeal shall be filed within ten (10) days of receiving notice of the decision appealed from, by filing with the chairman of the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The chairman of the Planning Commission, or administrative official, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Except as otherwise provided by law, any appeal to the Board from any decision or order of the Planning Commission or administrative official shall be considered de novo. (Ord. 191; 6-5-12)

2. Submission of Evidence. The Planning Commission, and the Commissioners of Poolesville, the appellant and any other public agency or private individual shall be entitled to present evidence on matters before the Board and the Board may request technical service, advice, data or factual evidence from the Planning Commission and the Commissioners of Poolesville for assistance in reaching decisions. The Planning Commission upon request of the Board shall, or upon its own initiative, may render an advisory opinion in writing upon any matter before the Board; and the Planning Commission and the Board shall confer whenever mutually desired.
3. Decisions. In exercising the above-mentioned powers the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. It shall be the duty of the Commissioners of Poolesville to carry out the decisions of the Board.
4. Appeals of the courts. Decisions of the Board of Zoning Appeals shall be appealable to the courts as provided in Section 4.08 of Article 66B of the 1957 Annotated Code of Maryland, as amended.
5. Stay or proceedings on appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him or her that by reason of the facts stated in the certification a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due case shown. (Ord. 191; 6-5-12)
6. Expenses. All applicants for hearings before the Board of Zoning Appeals shall be jointly and severally liable to pay to the Town full reimbursement for any and all costs or expenses incurred by the Town directly or indirectly related to such hearing, including but not limited to filing fees, attorney's fees, publication costs and other advertising costs, the cost of any required court reporter, any engineering or review costs and any other expenses directly related to such hearing. No permit shall be issued for the

property which is the subject of the application until all such costs as billed by the Town Clerk shall have been paid to the City in full. In the event of an appeal of any decision of the Board of Zoning Appeals to any court, the record of the proceeding, including any exhibit and transcripts, will not be released or filed with the Court until such costs have been paid in full. (Ord. 191; 6-5-12)

G. Miscellaneous.

1. Time allowance for use permit. No decision of the Board of Zoning Appeals permitting the use of a building or land shall be valid for a period longer than six (6) months unless such use is established within said period; provided, however, that wherever such use is dependent upon the erection or alteration of a building, the Board may extend the time for good cause shown.
2. Application/appeal denial. It shall be unlawful for a person to proceed with the erection or alteration of a proposed building, or with the proposed use of a building or land, when the Board of Zoning Appeals shall have disapproved an application or appeal.
3. Erection of sign. Within five (5) days after acceptance for filing of an appeal or a request for a special exception the applicant shall erect a sign, to be furnished by the Commissioner of Pooleville, on the land which the appeal is concerned. Such a sign shall be erected in accordance with the applicable provisions of Section 10.E of this Ordinance and shall bear conspicuously in lettering in black on a white background not less than two (2) inches in height, the words:  
ZONING  
BOARD OF ZONING APPEAL HEARING  
(date)  
BUILDING OR USE APPLICATION NO.
4. Filing of petition. Appeals and petitions for the grant of special exceptions or variances shall be filed with the Board in triplicate on forms provided therefor, together with the fees established by the Commissioners of Pooleville by Resolution.
5. Data to accompany petition for special exception. Each petition for a special exception shall be accompanied at the

time of its filing by three (3) copies of a statement which shall include:

- a. Survey plats or other accurate drawings showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
- b. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition.
- c. A statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved and any special conditions or limitations which the applicant proposes for adoption by the Board.
- d. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and of any exterior illumination proposed.
- e. Certified copy of any available official zoning vicinity map of one-thousand-foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties, along with a list of such adjoining and confronting property owners as reflected by the County tax records.
- f. If the petitioner is not the owner of the property involved, the lease, rental agreement or contract to purchase by which the petitioner's legal right to prosecute the petition is established.
- g. Applicable Master Plan maps reflecting proposed land use, zoning and transportation, together with any other portions of the applicable Master Plan deemed pertinent by the petitioner.

- h. All additional exhibits which the petitioner intends to introduce.
  - i. A summary of what the petitioner expects to prove, including the names of the petitioner's witnesses, summaries of the testimonies of any expert witnesses and estimated time required for presentation of the petitioner's case.
6. Data to accompany petition for variance. Each request for a variance shall be accompanied at the time of filing by three (3) copies of a statement containing the information specified in paragraphs a, b, e, h, and i of subsection 5.
7. Calendar of appeals. Appeals and applications filed in Proper form shall be numbered serially, docketed, and placed upon the calendar of the Board. The calendar of appeals to be heard shall be posted conspicuously on the door of the Town Hall, during the period before such hearing date.

(Ord.No. 91, 3-2-87; Ord.No. 100, 10-16-89; Ord.No. 110, 4-15-91)

**Sec. 11. Applications for amendment.**

- A. Form. Applications for amendment of this Ordinance may be in the form of proposals for amendment of the text of the Ordinance or proposals for amendment of the zoning map. A proposed map amendment may be for a more or less intensive use. Applications for a local map amendment may be made only by an owner, contract purchaser, person financially interested, or governmental agency by filing an application in triplicate with the Town Clerk, or may be submitted by the Planning Commission by the filing of an application on its own motion. Proposal for sectional or district map amendment may be made only by the Planning Commission or the Commissioners of Poolesville. Applications shall not be accepted for filing by the Town Clerk unless in the form hereinafter provided.
- B. Variable Fee Schedule.
1. The fees for applications for amendments to the Zoning Ordinance Text and for Zoning Map Amendment applications shall be established by the Commissioners of Poolesville by resolution and shall be in sufficient amounts to cover all administrative costs incurred by the Town of Poolesville in processing such applications.
  2. No fee shall be required in connection with applications filed by the Planning Commission or other governmental agencies.
  3. No fee shall be refunded unless the application is withdrawn prior to the time it is ordered advertised for hearing by the Commissioners of Poolesville in which event four-fifths of the fee shall be refunded on order of the President of the Commissioners.
- C. Identification. All applications shall be signed by the applicant and shall state his name, address and telephone number. If the applicant is a person other than a governmental agency, he shall be verified under oath or affirmation by the applicant.



- D. Text Amendment. In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- E. Map Amendments. Application for amendment of a map may be in the form of: A local map amendment concerning a single tract all portions of which are proposed to be classified in the same zone; or all portions of which are proposed to be classified in one of two (2) alternative zones; a sectional map amendment covering a section of the Town of Poolesville, portions of which may be proposed to be classified in different zones; a district map amendment covering the entire Town of Poolesville.
- F. An application for a local map amendment shall include:
1. A written statement specifying the following:
    - a. The street number, if any, or if none, the location with respect to the nearby public roads in common use;
    - b. A description by tax map and parcel number, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of Montgomery County, then the lot, block and subdivision designations with appropriate plat reference;
    - c. The present zoning classification of the land, the proposed classification and the alternative classification, if any.
    - d. The name and address of the owner of the land;
    - e. The area of the land proposed to be reclassified stated in square feet if less than one acre and in acres if one acre or more; and
    - f. The application number and date of application of, and action taken on, all prior applications filed for the reclassification of the whole or any part of the land proposed to be reclassified.

2. A survey plat prepared and certified by a licensed surveyor, showing by metes and bounds, the land proposed to be reclassified. The scale of the map shall be not less than two hundred (200) feet to the inch if the land proposed to be reclassified is of an area of ten (10) acres or less; and not less than four hundred (400) feet to the inch of an area of more than ten (10) acres. If the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the land records of Montgomery County, then a copy of such plat must be submitted. The land proposed to be reclassified shall appear in a color distinctive from that of other land shown on the plat. A North direction arrow shall appear on such plat.
3. A vicinity map obtained by the applicant covering the area within at least one thousand (1,000) feet of the boundaries of the land proposed to be reclassified to the extent that such area lies within the Town of Poolesville showing the existing classification of all land appearing on the map as shown on the zoning map and all roads, streets, alleys, parks, and other public or governmental areas in public ownership or on public right-of-way or proposed master plan or parts thereof, and all streams and other right-of-ways within the area covered by the map, and the names thereof.
4. If the land proposed to be reclassified lies in whole or in part within an area covered by any master plan or parts thereof, then a copy of such plan shall be furnished by the Planning Commission.

G. In the case of a district or sectional map amendment the application shall include:

1. The designation or description of the area sufficient to identify the same.
  - a. The boundaries of each area proposed for the same classification either by lot, block or subdivision designation with appropriate plat reference where a plat for the subdivision is recorded in the land records of the County or by streets, roads, streams or other topographic landmarks, or by metes and bounds, courses and distances, as may be most appropriate, together with indications where such classification, if

adopted, would result in changes of classification, the nature of the changes and the boundaries of the land covered by such changes.

b. All roads, streets, alleys, parks, governmental or other public areas in public ownership or on public rights-of-way or proposed therefor on a plan adopted by the Commission, and all streams and other right- of- ways within the area required to be covered by the map, and the names thereof.

2. A map or maps of the area prepared by a licensed engineer, surveyor or other competent person and certified by him to be correct and in conformity with this subsection showing, if the area lies in whole or in part within an area covered by a sectional highway plan map adopted by the Planning Commission, a copy of such map. The scale of the maps required under this subsection shall be noted thereon and shall be an appropriate scale not less than four hundred (400) feet to the inch. A North direction arrow shall appear on such map.

H. Posting of property.

1. Erection of Sign. Within five (5) days after acceptance for filing of an application for a local or zoning map amendment the applicant shall erect a sign, to be furnished by the Town Clerk, on the land proposed to be reclassified. Such sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts the most traveled public road, and if no public road abuts thereon, then facing in such manner as may be most readily seen by the public. The bottom of the sign shall be not less than two and one-half (2 1/2) feet from the ground. The sign furnished by the Town Clerk shall be placed on wood backing by the applicant and shall have a height and width of not less than two (2) and three (3) feet, respectively, and shall bear conspicuously in lettering in black on a white background not less than two (2) inches in height, the words:

ZONING  
RECLASSIFICATION APPLICATION  
NO. \_\_\_\_\_ PENDING  
TO

The blanks shall be filled in by the assigned application number and the classification or two (2) alternative classifications sought, respectively. If the land sought to be reclassified lies within more than one block as shown on a plat recorded in the land records of Montgomery County, then a sign shall be erected by the applicant on the land in each such block. The sign shall be furnished by the Town Clerk upon the delivery of a deposit by the applicant in the amount specified in the fee schedule established by the Commissioners of Poolesville by resolution. The deposit in the same amount shall be refunded to the applicant upon return of the sign. If the applicant is a person other than the owner, his attorney, agent or representative of a person who has contact with the owner for the purchase of the land or a person otherwise privy with the owner and the applicant files an affidavit stating such fact and that the owner is unwilling to permit the posting of any such sign then posting shall be made in such manner as the Commissioners of Poolesville shall direct. At the hearing it shall be the duty of the applicant to prove by affidavit that he has fully complied with this paragraph and has continuously maintained the sign or other posting up to the time of the hearing.

2. Removal of sign. Any such sign or other posting shall be maintained at all times by the applicant until a decision on the application has been made public by the Commissioners of Poolesville and for a period of twenty (20) days thereafter, and then shall be removed by the applicant unless a reconsideration shall have been applied for, in which event such sign or other posting shall remain until after the disposition of the application for reconsideration has been made by the Commissioners of Poolesville. A sign furnished by the Town Clerk shall be returned to him within five (5) days thereafter. It shall be unlawful for any person to remove or tamper with such sign during the period it is required to be maintained under this paragraph.

3. For a district or sectional map amendment, the posting of property is not required. Notification to the public shall be as required in Section 11.J.1., below.  
(Ord. No 148, 7-7-00)

I. Notification of Planning Commission. Within fifteen (15) days after acceptance for filing of any application, the Town Clerk shall promptly transmit two (2) copies thereof to the Planning Commission for its study and recommendation. The Planning

Commission shall submit a written recommendation on the application which shall be forwarded to the Commissioners of Poolesville fifteen (15) days prior to the hearing who shall incorporate it in the application file, and which shall thenceforth be considered a part of the record on the application.

J. Hearing Procedure.

1. Notice of hearing.

a. After the application has been accepted for filing, the Commissioners of Poolesville shall set the application for hearing at a specified date, time and place, and shall cause to be published in at least one (1) newspaper of general circulation in the Town once each week for two (2) successive weeks as well as the Town Newsletter and/or by direct mail a notice of the public hearing on such application stating the application number, date, time and place of hearing and containing a summary of the proposed amendment, if a text amendment, and in the case of a map amendment, the location of the property, its area, name of owner and the proposed change of classification.

b. The Town Clerk shall notify the applicant and the Planning Commission by mail of the date, time and place of hearing. The date of hearing shall be not less than fifteen (15) days following the first newspaper publication of the notice.

2. Conduct of hearing. Any interested person shall have the right to submit oral or written testimony at the hearing. There shall be a complete stenographic report of the testimony at the hearing, the cost of which shall be borne by the applicant, and a typewritten transcript thereof with all exhibits admitted at the hearing, including the application, shall promptly be incorporated by the Town Clerk in the application file and shall be considered a part of the record on application. Any master plan for the area within which lies the land proposed to be reclassified shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. The hearing may be adjourned from time to time to a date certain on public announcement at the hearing of the earliest practicable date, time and place for resumption of the hearing.

K. Action by the Commissioners of Poolesville.

1. All applications shall be decided on the basis of the evidence of record.
2. An application for a map or text amendment shall be either approved or denied on the merits, or dismissed, or allowed to be withdrawn. The Commissioners of Poolesville may dismiss any such application if they find that.
  - a. This applicant does not conform to any procedural requirements of this Section or;
  - b. The application is for rezoning of the property within twelve (12) months after an application for rezoning of the property to the same category has been denied, or;
  - c. The application is frivolous or filed for purposes of harassment. The Commissioners of Poolesville may allow an applicant to withdraw his application at any time; provided, however, that in the case of an application for map amendment if the request for withdrawal is made after publication or the notice of hearing, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed for twelve (12) months following the date of the resolution by the Commissioners of Poolesville approving such withdrawal, unless by the resolution allowing withdrawal or subsequent resolution by the Commissioners of Poolesville specify that the twelve (12) months' limitation shall not apply. If the application is not dismissed or allowed to be withdrawn as herein provided, it shall either be approved or denied on the merits, in which case no application for the reclassification of all or any part of the land which is the subject of the application shall be accepted for filing for twelve (12) months following the date of such approval or denial on the merits.
3. No application for a map amendment shall be approved conditionally for the erection on the land of a structure at a particular location, or within a particular time, or by a particular person, or of a particular type, or the subdivision of the land in a particular manner, or on any other condition.

4. No application for a map amendment shall be approved for a zone other than that applied for, or if the application is made for two (2) alternative zones, the application shall not be approved for a zone other than one of the two (2) applied for.
5. No application for a map amendment shall be approved for a greater area than that applied for, but an application may be approved for a smaller area if the reclassification of such smaller area is supported by the evidence of record and such smaller area is accurately delimited in the record.
6. Any area reclassified shall exclude and be held to exclude any portion of the area which lies in the bed of a road, street, or alley, whether existing or proposed on a plan adopted by the Commissioners of Poolesville.

L. Decision. The decision of the Commissioners of Poolesville approving, denying or dismissing any application shall be rendered within thirty (30) days after receipt of the transcript of the hearing unless such time is extended by the Commissioners of Poolesville. The decision shall be determined by a majority of those voting. All decisions of the Commissioners of Poolesville shall be made in open session on roll call by yeas and nays and the resolution or ordinance in the case of a text amendment embodying the decision shall not be valid unless it is incorporated in the Commissioners' of Poolesville minutes. All decisions on local map amendments shall be based on the factors enumerated in Section 4.05 (a) of Article 66B of the 1957 Annotated Code of Maryland, as amended and shall include the findings of facts required by that section. An application for a sectional or district map amendment shall be decided on the basis of the evidence of record. It shall be approved, with or without modification, in whole or in part, as the Commissioners of Poolesville deem appropriate, as a map amendment with the force and effect of law, or shall be denied. The Commissioners of Poolesville may file a map amendment at any time without regard to time limitations.

M. Resolution or Ordinance and Opinion. The resolution or ordinance in the case of a text amendment when adopted shall be accompanied by an opinion of the Commissioners of Poolesville setting forth their conclusions and reasons which shall be filed among the records of the Commissioners of Poolesville. A copy of the resolution or ordinance and opinion shall be promptly mailed by

the Town Clerk to the applicant, the Planning Commission, and to all persons entering their appearance at the hearing.

N. Application for Reconsideration. The decision of the Commissioners of Poolesville on any application for a map or text amendment shall be final except that a petition requesting reconsideration of the Commissioners of Poolesville decision on any application may be filed in triplicate with the Town Clerk by the applicant or any person appearing and testifying at the hearing, or by any person who has sent a timely and written communication to the Commissioners of Poolesville concerning the application for the map or text amendment, if accompanied by a filing fee in such amount as the Commissioners of Poolesville shall from time to time establish by resolution, (except in case of a petition by a governmental agency) and by affidavit that a copy of the petition has been served in person or by mail on all persons (or their attorneys) who appeared at the hearing (naming them) as shown by the hearing transcript. No such petition may be filed more than twenty (20) days after the decision except with leave of the Commissioners of Poolesville. The petition shall briefly state the alleged errors in the decision and the supporting arguments. Any response to the petition shall be made in writing, filed in triplicate with the Town Clerk within ten (10) days after filing of the petition, and accompanied by an affidavit that a copy has been served in person or by mail on the petitioner. The petition may be granted by resolution of the Commissioners of Poolesville for good cause shown and, if granted, the decision of the Commissioners of Poolesville may be rescinded and the application thereafter by resolution of the Commissioners of Poolesville approved, denied or dismissed with or without further hearing as may be required by law. Pending further hearing if ordered, the decision may be suspended by resolution of the Commissioners of Poolesville. Any resolution under this subsection shall be subject to the limitations on voting, accompanying opinion, and mailing or furnishing of copies applicable to resolutions adopted under subsections I. and J. of this Section. Nothing herein shall prevent the Commissioners of Poolesville from reconsidering any decision on their own motion.

O. Appeals to the Courts. Zoning actions of the Commissioners of Poolesville shall be appealable to the courts as provided in Section 4.08 of Article 66B of the 1957 Annotated Code of Maryland, as amended. (Ord. No. 92, § 1, 3-2-87)



**Sec. 12. Building, zoning code compliance and use permits.**

A. Requirements; duration, denial.

1. Building, Zoning Code Compliance Permit Requirements.

Except for fences, trellises, small accessory buildings under eight (8) feet in height and less than eighty (80) square feet in area without permanent foundations and wooden decks within sixteen (16) inches of adjoining grade, no building or other structure shall be erected; nor shall any existing building or other structure be moved, added to, enlarged, or structurally altered; and no excavation for any building or other structure shall be begun, before the approval of a site plan described in Subsection B. hereof by the President of the Commissioners and the issuance building permit therefor by the Montgomery County Department of Environmental Protection. In the case of the structures described herein not requiring Town site plan approval or a Montgomery County building permit, application must be made to the Planning Commission for a Town zoning code compliance permit only. Each such application shall include a location plat of the property drawn to scale with all existing buildings on the site and the proposed new fence, trellis, accessory building or deck. The application shall indicate the size of the building or structure and the type of materials to be used in construction. The applicant for such permit shall fully describe the intended use of any building proposed; where same is to be used for the exterior housing of dogs, cats or any other pets, birds or animals, the applicant shall describe the animals by species, maximum number to be housed therein and all other information deemed necessary by the Planning Commission. The applicant shall be bound by all representations made by him. Where the Commissioners of Poolesville find that the proposed structure(s) and/or proposed use may constitute a prospective public nuisance, hazard or detriment to adjoining properties, it may deny, restrict or condition any such building permit to alleviate or obviate such condition.

In the case of fences, all boundary fences shall be located two (2) inches inside the property line and decorative fences not exceeding four (4) feet in height may be located in the front yard. Fences at all other locations shall not exceed six (6) feet in height. No zoning code compliance permit shall be issued where it appears that the structure or facilities to be constructed for the use contemplated would

be in violation of the provisions of this ordinance, or of any other applicable law or regulation; nor shall any zoning code compliance permit be issued for construction on land that has been subdivided in violation of any subdivision regulations of the Town of Poolesville. The provisions of this subparagraph shall not apply to the necessary emergency replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guide wire, cable and drops.

2. Use Permit Requirements. No buildings, other structure, or land shall be used; nor shall any building, structure, or land be converted, wholly or in part, to any other use, until a use permit, certifying compliance with this ordinance, has been issued by the President of the Commissioners of Poolesville after review of the application by the Planning Commission. All Commercial properties must obtain an approved

Montgomery County Fire

Marshall inspection. No use permit shall be required for the use of a building as a one-family dwelling, or uses incidental thereto, or the use of land or buildings for agricultural purposes exclusively, or for any use in existence on the effective date of this ordinance. No use permit shall be issued where it appears that the use contemplated would be in violation of the provisions of this ordinance, or of any other applicable law or regulation; nor shall any use permit be issued for the use of land that has been subdivided in violation of any subdivision regulations for the Town of Poolesville.

3. Duration of Validity. A use permit shall remain valid only as long as the use in question is in conformance with the provisions of this ordinance and shall be revoked by the Commissioners of Poolesville if said use is changed or becomes a nuisance so as to violate the provisions of this ordinance. A new use permit shall be required in every instance where the person or business entity conducting the use transfers control of the operation of the use to another person or business entity.

Any zoning code compliance permit issued shall become invalid if the authorized work is not commenced within six (6) months of date of issuance or is suspended or abandoned for a period of six (6) months provided that the Commissioners of Poolesville may upon a good cause shown within either of said

six (6) months' period extend a permit for an additional period not exceeding six (6) months.

3. Reason for Denial. If so requested by the person denied a permit, the Commissioners of Poolesville shall provide a written statement of their reasons for refusing a permit.

B. Filing of Applications.

1. Application for a zoning code compliance and use permits shall be filed in writing or on forms from the Town Clerk.
2. Each application for a zoning code compliance permit shall be accompanied by the following or as much thereof as the Commissioners of Poolesville shall find necessary to determine whether the proposed building or facility will be in compliance with the provisions of this ordinance.
  - a. The approval required by Section 13.F. relating to water and sewage disposal facilities.
  - b. A plat, drawn to scale, showing the North point, date and scale of plan; the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building, structure, or facility is to be erected, altered or constructed; the existing and intended use of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; the proposed location and type of water supply and sewage disposal facilities; and such other information with regard to the lot and contiguous land uses as may be necessary to determine and provide for the enforcement of this ordinance, provided that for any one-family or two-family dwelling to be erected on a lot of three (3) acres or more a plat need only show the approximate location of the structure and its relation to the nearest lot boundaries, roads, and other buildings.
3. Each application for a use permit shall be accompanied by copies of a plat, drawn to scale, showing: North point, date, and scale of plan; the lot or lots on which a use is proposed; lot dimensions; location, extent, and layout for the proposed use; and any other pertinent information which

the Commissioners of Poolesville shall find necessary to determine whether the proposed use will be in compliance with the provisions of this ordinance.

4. No application for a zoning code compliance or use permit shall be accepted by the Town Clerk, unless all of the information and accompanying plans required by the Commissioners of Poolesville have been furnished by the applicants.

- C. Master Plan of Highways. In areas where a Master Plan of highways has been duly adopted by the Commissioners of Poolesville as a part of a Master Plan showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street no building or part of a building shall be permitted to be erected within the planned acquisition line of such proposed highway or street. The owner of the property so affected, however, shall have the right to appeal the refusal of a building permit to the Board of Zoning Appeals and the Board may grant a permit to build, subject to such conditions and restrictions as it deems necessary, if it should find, upon the evidence and arguments to it upon such appeal, (1) that the entire property of the appellant of which the area affected by the Master Plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted, and (2) that balancing the interest of the general public and preserving the integrity of the Plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required by consideration of reasonable justice and equity. Before taking any action, the Board of Zoning Appeals shall hold a public hearing at which the parties in interest shall have an opportunity to be heard.  
(Ord. No. 94, § 1, 8-17-87; Ord. No. 129, § 1, 3-20-95)

**Sec 13. General provisions.**

- A. Uses. No land, building or structure shall be used or constructed except in conformance with this ordinance.
- B. Alterations. No building or structure shall be altered or extended except in such manner that the alteration or extension will be in compliance with the requirements of the zone in which it is located.
- C. Construction of detached houses on lots of record. Notwithstanding the other provisions of this ordinance, any lot lawfully created and among the land records of Montgomery County (either by plat or deed) prior to the effective date of this ordinance may be used for a one-family dwelling, provided that its setback line, side lines, or rear lot line are not in violation of the requirements of this ordinance, and that the requirements of this ordinance pertaining to water supply and sewage disposal are satisfied.
- D. Existing buildings and uses prior to January 31, 1968 not affected. Nothing in this ordinance shall affect any building, structure or use lawfully existing as of January 31, 1968. A building and its intended use will be deemed to be existing within the meaning of this section, if, prior to October 26, 1998 its foundation footings have been poured or set in accordance with a building permit lawfully issued for said building. Any existing use shall be subject to the following conditions:
1. An existing use may not be extended, except as provided in this ordinance; but the extension of such a use to any portion of a building, which portion is now arranged or designed for such use, shall not be deemed to be an extension thereof.
  2. Any existing use once abandoned shall not be permitted to be re-established. Abandonment shall be defined as a cessation of an existing use for a period of six (6) months or more after October 26, 1998.
  3. Any building devoted to an existing use shall, in the event of destruction or serious damage by fire, flood or similar cause, be permitted to be reconstructed for the purpose of carrying on said use, provided that such reconstruction is begun within six (6) months from the date of destruction; and further provided that the Commissioners of Poolesville

in their discretion may extend such period of time for reconstruction upon a determination by them that the limitation of six (6) months would work an undue hardship upon the owner or owners thereof. Such reconstruction shall comply with all applicable provisions of this ordinance.

E. Existing buildings and uses prior to October 26, 1998 not affected; effect of special exception requirements.

1. Any building and/or use lawfully existing as of October 26, 1998 shall be subject to the conditions of Section 13.D above. Where reconstruction in the CBD zone is sought pursuant to Sec. 13.D.3. above, the reconstructed facade may be altered to a reasonable degree, provided that there be reasonable adherence to the architectural guidelines contained in the Master Plan in effect at the time reconstruction is requested. Further, the reconstructed building(s) shall not substantially deviate from the size and use of the building(s) and grounds it replaces without the consent of the Commissioners of Poolesville upon the recommendation of the Planning Commission.
  
2. Any use lawfully existing in any zone which requires a special exception from and after October 26, 1998 shall be subject to the conditions of the Sec. 13.E.1. above. Where any change in use, after the date of enactment, requires a special exception in any zone but such use will not cause a substantial change in the building's exterior, volume of vehicular or pedestrian traffic, parking, or other incident of operation, the Board of Zoning Appeals may, upon written application describing the proposed use in detail and payment of any fee, determine that no special exception is necessary.

Where such waiver is granted, but the use is found not to adhere to the application submitted, the Board of Zoning Appeals may after notice and an opportunity for the user to request a hearing, revoke its waiver and require obtainment of a special exception.

F. Restoration of unsafe buildings. Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure.

G. Prior approval of water supply and sewage disposal arrangements required. No building permit shall be issued by the Commissioners

of Poolesville for an individual water supply or sewage disposal facility until the Montgomery County health officer shall have approved such facilities required in connection with the proposed building; provided that it is an area served by a public utility for water or sewage disposal, or both, such public utility shall have certified that such facility or facilities are available or will be made available by the time construction is completed, and that adequate arrangements have been made for their installation, and in such case the Montgomery County health officer may elect to waive the requirement for his approval.

- H. Enforcement. The provisions of this ordinance shall be administered and enforced by the Commissioners of Poolesville. In approving or disapproving any application under the provisions of this ordinance, the Commissioners of Poolesville shall be guided by the recommendation of the Planning Commission and the Master Plan or parts thereof which may have been approved or adopted. Appeals from the decision of the Commissioners of Poolesville may be made to the Board of Zoning Appeals as provided in Section 10.
  
- I. Construction in floodplains. No building shall be constructed in any floodplain as shown on the approved master plan (except public recreational or agricultural structures).
  
- J. Nuisances. Any use which is found by the Board of Zoning Appeals to be a public nuisance, by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration, or other disturbance or other condition representing a potential threat to public health is and shall be expressly prohibited in the General Commercial zone. No such finding shall be made by the Board of Zoning Appeals except after a hearing upon reasonable notice, and any person, may file a petition with the Board of Zoning Appeals for such hearing.

## Sec. 14. Definitions.

1. Accessory Apartment: A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate existing accessory structure on the same lot as the main dwelling, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling unit is subordinate to the main dwelling.
2. Accessory Building or Use: See "Use, Accessory."
3. Adult Entertainment Business: An establishment that:
  - a. Sells, distributes, exhibits, stores or displays sexually oriented material as defined in 3.b.including a business that has on the premises one or more mechanical devices specifically for the purpose, in whole or in part, of viewing sexually oriented materials, or affording customers the opportunity to engage in sexually oriented activities. This includes, but is not limited to, the following establishments: bookstores, live theaters, motion picture theaters or arcades, massage parlors, model studios, and nightclubs.
  - b. The materials include books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; sculptures or three-dimensional representations; any sound representation or recording; sexual paraphernalia.
4. Advertising Structure: See "Sign."
5. Agricultural Processing: Processing of an agricultural product that causes a change in the natural form or state of the product and may entail operations of a commercial or industrial character that must be regulated to mitigate potential adverse impacts. Agricultural processing includes, but is not limited to, operations that transform, package, sort or grade livestock or livestock products, agricultural commodities, or plants or plant products, products of forestry, into goods that are used for intermediate or final consumption, including goods for non-food use. Examples of Agricultural processing include slaughterhouse-abattoir, milk plant, grain elevator, mulch or compost production. The



products of agriculture and agricultural processing may be permitted by right and may be sold from a farm.

6. Agricultural Use: The business, science and art of cultivating and managing the soil, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding or raising livestock, poultry, fish, game and fur-bearing and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding or raising livestock, poultry, fish, game and, fur-bearing animals, dairying, beekeeping and similar activities. Agricultural use includes the sale and storage of agricultural products produced on the property. It does not include the processing of agricultural products or sale of agricultural products which have been processed prior to sale.
7. Alley: See "Road."
8. Amusement Center: A commercially operated indoor providing a variety of coin-operated amusement devices suitable for participation by people of all ages including, but not limited to, television games, electronic novelty games, electro-mechanical and electronic target games, driving games, pinball machines, small kiddie rides, and other similar devices.
9. Animal Boarding Place: Any building or buildings and/or land used, designed, or arranged for the boarding, grooming, breeding, or care of dogs, cats, pets, birds, or domestic animals for other than agricultural purposes, but not to include stables or where such animals are kept for purposes of sale.
10. Animal Cemetery: Property used for the burying of dead animals not owned at the time of death by the owner of such property.
11. Apartment House: A building containing three (3) or more dwelling units.
12. Auction House: Sales establishment at which merchandise is sold to the highest bidder. This does not include a one-time or occasional sale such as a yard sale, estate sale or sale required by legal action.

13. Auto Fluid Maintenance Station: Any area of land, including buildings and other structures thereon, that is used to service the routine fluid maintenance of a motor vehicle, including engine, transmission, differential, power steering, battery, brakes, cooling and windshield washer systems; and where no general motor vehicle repair, junk, and auto-wrecking business is conducted.
14. Automobile Filling Station: Any area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental and no storage or parking space is offered for rent.
15. Automobile Repair and Service Station: A building, lot or both in or upon which the business of general motor vehicles, repair and service and/or auto wrecking business is conducted.
16. Automobile Sales Lot: A lot arranged, designed or used for the storage and display of motor vehicles and any type of trailer for the purpose of retail sale. No trailer may be occupied, and no repair work may be done except minor, incidental repairs of motor vehicles or trailers displayed for sale on the premises.
17. Bed and Breakfast Lodging: A one-family detached dwelling unit, as defined in this section, that is owner-occupied and in which (1) a guest room or guest rooms are provided, for compensation, as overnight accommodations or transient visitors who remain no longer than two (2) weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed-and-breakfast lodging is not a hotel, motel, country inn, home occupation or other use defined or regulated, elsewhere in this ordinance.
18. Blacksmith Shop: A commercial operation producing forged iron products, including horseshoes, except that a farrier whose operation is limited to shoeing horses or other equines is not a commercial blacksmith.
19. Board: Board of Zoning Appeals for the Town of Poolesville.

20. Boardinghouse: A dwelling in which, for compensation, lodging, or lodging and meals are furnished to two (2) or more single adults, two (2) or more families, or one single adult and one family. A boardinghouse shall not be deemed a home occupation.
21. Building: A structure having one or more stories and a roof, designated primarily for the shelter, support or enclosure of persons, animals or property of any kind.  
(Ord. No. 163, 2-21-06)
22. Building Height: A residential structure is measured from the ground in the front of the building to the ceiling of the highest living space. A residential dwelling is limited to 35' and a top floor area limit not to exceed 50% of 2nd floor area.
23. Building Line: A line beyond which the foundation wall or any enclosed or covered porch, vestibule or other enclosed or covered portion of a building shall not project.
24. Cable Communications System: All of the component physical, operational and programming elements of a system of antennas, coaxial cable, amplifiers, towers, microwave links, lines, wires, fibre optic cables, wave guides, laser beams, satellites, or any other conductors, converters, equipment or facilities designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electronic signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public, including the structures, buildings and facilities in which or on which said component elements are located or which otherwise support the system. The term "cable communications system" shall include studios and the administrative offices for the entity operating the cable communications system. Such definition shall not include any similar facility, the cables of which do not touch public rights-of-way and that serves only the occupants of a single parcel of land under common ownership or management.
25. Campground: A lot, tract or parcel of land upon which 2 or more campsites are located, established or maintained and occupied by camping units for children or adults, or both.

26. Care Home: Includes rest and nursing homes, convalescent homes, and boarding homes for the aged established to render domiciliary care for chronic or convalescent patients, but excludes foster homes and nurseries, or facilities for care of feeble-minded or mental patients, epileptics, alcoholics, senile psychotics or drug addicts.
27. Cemetery: A place used for the permanent interment of dead human bodies or the cremated remains thereof.
28. Charitable and Philanthropic Institution: A private, nonprofit organization no part of the net earnings of which inures to the benefit of any member of said organization or individual and which provides any or all of the following: professional, religious, social, physical, recreational, civic or benevolent services.
29. Child Care Residence: A dwelling or other structure used for boarding, care and temporary residence of children under the age of 18 supervised by foster parents, house parents or counselors in residence who are not related to the children. A child care residence shall include any family-type facility wherein the children are placed by order of a court of competent jurisdiction, by a public welfare department, by another governmental agency having responsibility for placing children for care or by a child placement agency licensed under State Law. A child care residence shall not include any facility used primarily for the treatment of persons having drug or alcohol dependency or related problems.
30. Child Day Care Facility: A dwelling or building in which child day care services are provided in accordance with all applicable State and County laws and regulations. A child day care facility is classified as follows:
  - a. Family Day Care Home: A dwelling in which child day care services are provided:
    - (1) in the home where the registrant is the provider and a resident, or when the registrant is not a resident but where more than half of the children cared for are residents;

- (2) for not more than 8 children including the children of the provider who are less than 2 years of age, and;
  - (3) where staffing complies with State and local regulations, but no more than 2 non-resident staff members are on site at any time.
- b. Group Day Care Home: A dwelling in which child day care services are provided:
- (1) in the home where the licensee is the provider and is a resident;
  - (2) for 9 but not more than 12 children including the children of the provider, and;
  - (3) where staffing complies with State and local regulations, but no more than 3 non-resident staff members are on site at any time.
- c. Child Day Care Center:
- (1) a dwelling in which child day care services are provided and the provider is not a resident and does not meet the requirements or a non-resident provider of a family day care home or a group day care home, or;
  - (2) a building in which child day care services are provided:
    - (a) for 13 or more children, or;
    - (b) which exceed the staffing limits of a family day care home, or a group day care home, or;
    - (c) for 24 hours a day provided that they are in conformance with State and local regulations.
- d. Preschool and Kindergarten Educational Programs; subject to accreditation by the State, are permitted as an accessory use in all child care facilities.

31. Commissioners of Poolesville: The elected governing body of the Town of Poolesville.
32. Convenience Food and Beverage Store: An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises by travelers and highway users. Sales of items are dependent upon convenience of location, speed of service and highway accessibility and are not dependent upon comparison shopping or pedestrian traffic within the site or on adjoining sites.
33. Corner Lot Building Lines: The original owner of a single family dwelling unit on a corner lot may designate the rear and side yards. However, he must do so in such manner to ensure all setbacks and yard requirements are met.
34. Country Inn: An establishment primarily for dining in a rural area of Town, removed from planned or existing commercial areas. A country inn may contain in the same building a maximum of twelve (12) guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and- breakfast lodging, hotel/motel, inn or other use defined or regulated elsewhere in this ordinance.
35. County: Montgomery County, Maryland.
36. County Environmental Protection Officer: The director of the Montgomery County Department of Environmental Protection, including duly authorized designees of the director and the Montgomery County Department of Environmental Protection.  
  
County Health Officer: The County Health Officer, including duly authorized designees of the health officer, Montgomery County Health Department and the State of Maryland Department of Health, or any of them.
38. Department Store: Large store in which there are various departments, each dealing in a separate type of goods.
39. Drive-In Eating and Drinking Establishments: Any place or establishment merchandising or dispensing food or drink at which the customer is served:

- a. While sitting in an automobile or other motor vehicle, or
  - b. Through an interior or exterior sales window, counter or serving area, and in which a substantial part of the food or drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure in which the food or drink is dispensed.
40. Duplicating Services: A business operation providing quick copy duplicating and limited reproduction of reports, resumes, correspondence, office forms and other similar services for small businesses and individuals. A duplicating service is considered to include photocopy, mimeographing and other similar small-scale reproduction processes. A duplicating service is not considered to include printing and/or publishing services.
41. Dwelling: A building or portion thereof arranged or designed to provide living facilities for one or more families.
42. Dwelling, One-Family: A building containing not more than one dwelling unit.
43. Dwelling Unit, Townhouse: A dwelling unit that is in a structure consisting entirely of one-family dwelling units, each of which one:
- a. Is attached to and divided from one or more other dwelling units by a vertical party wall,
  - b. Has at least two direct entrances from the outside, either on the front and side or front and rear, and
  - c. Has an abutting ground level outdoor area for the exclusive use of its occupants. (Ord. No. 163, 2-21-06)
44. Dwelling Unit: A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.
45. Educational Institution, Private: A private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any program of trade, technical or artistic instruction, but

such term does not include any educational institution of the County Board of Education. No private educational institution is a home occupation. Private educational or artistic instruction conducted in the home by a resident of that home is not a private educational institution and is regulated by the definition and standards of "home occupation." Any use which was granted a special exception as a Private Educational Institution before February 10, 1992 is not subject to the restrictions on nonconforming uses and may continue under the terms of the special exception as originally granted.

46. Family: An individual, or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons, excluding servants, not related by blood or marriage living together as a single housekeeping group in a dwelling unit.
47. Farm Tenant House: A dwelling occupied by agricultural worker(s) actively engaged in farming on a full-time basis on a farm under the control of the owner or operator of the farm on which the farm tenant house is located. Nothing in this chapter prevents the renting, in the P-RD zone, of farm tenant houses in existence prior to June 1, 1958, to non-farm families for residential purposes; provided, that all applicable health and safety regulations are complied.
48. Farm Tenant Mobile Home (one only): A mobile home occupied by agricultural worker(s) actively engaged in farming on a full-time or part-time basis on a farm under the control of the owner or operator of the farm on which the farm tenant mobile home is located.
49. Farm Winery: A facility for processing grapes or other fruit into wine for sale on site or through wholesale or retail outlets. At least 5 acres of grapes or other fruit must be grown on the same parcel as the processing facility.
50. Floodplain (100-Year): The area along a stream/drainage course, lake, or pond, which would experience inundation by stormwater runoff equivalent to that which would occur on the average of once in every 100 years after total ultimate development of the watershed.
51. Foster Home and Nursery: A home approved or licensed in accordance with State Law and a home approved in accordance



with any applicable Montgomery County or Town ordinance heretofore or hereafter enacted.

52. Frontage: The extent and linear distance by which land abuts upon a public road without interruption by an intersecting road accepted for public maintenance.
53. Frontage, Building Line: A straight line from one side lot line to the opposite side lot line beyond which the foundation wall or any enclosed or covered porch, vestibule or other enclosed or covered portion of a building shall not project.
54. Garden Supply Shop: Store engaged in retail sales of garden and lawn care equipment and supplies, including seeds, plants, fertilizer, mulch and similar items.
55. Gasoline Station: See "Automobile repair and service station."
56. Guest House: See "House, guest."
57. Guest Room: A room, rooms, or suite of rooms in which, for compensation, living and sleeping accommodations are provided and for which all furnishings, housekeeping service and, if available, central telephone switchboard service are customarily provided, operated and maintained by the management. In a hotel, motel, inn, country inn, or bed-and-breakfast lodging, guest rooms provide accommodations for transient visitors, as defined in this section. Alternatively, in a private home that is not a bed-and-breakfast lodging, guest rooms may provide accommodations for roomers over a longer term, in accordance with the regulations of the relevant zone. A room in a dormitory or fraternity or sorority house is not a guest room as defined in this section. Any room, rooms, or suite of rooms in an apartment hotel rented, designated for or being converted on March 30, 1982, or thereafter, to rental for less than thirty-day period, is a guest room. A guest room, including one in a private dwelling unit, has no provision for cooking; except that a guest room in an apartment hotel, hotel or motel may have kitchenette facilities.
58. Gun and Ammunition Store: Store engaging in the retail sale and repair of guns and sale of target shooting and hunting accessories.

59. Health Club: A facility designed to enhance physical conditioning and general health.
60. Height: The building height as detailed in the Development Standards. Accessory buildings are not to exceed fourteen (14) feet.
61. Helistop: A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters or other rotorcraft. No major rotorcraft support facilities are allowed such as those permitted in a heliport. Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed, if necessary. Helistops may be public or private use facilities.
62. Home Occupation, Customary and Incidental: An Occupation, profession, activity or use that is clearly a customary, incidental and subordinate accessory use of a residential dwelling unit by a person or members of the immediate family residing in such dwelling and which does not alter the exterior of the property, including signage or affect the residential character of the dwelling or the neighborhood by reason of the activity conducted in the dwelling where no visual, audible, or olfactory presence shall infringe upon the right of enjoyment of the adjacent and surrounding residential occupants and for which a zoning certificate can be issued without Board of Appeals approval as a special exception. Boarding houses, tourist home and private education institutions shall not be deemed home occupations.
- 62A Home Occupation Special: An occupation, profession, activity or use that by the nature of the enterprise or activity is more intense than a customary and incidental home occupation or where additional off-street parking is or may be required for the activity by reason of employment of persons who do not reside in the dwelling, or where deliveries and pickup of materials or products may be expected to occur and where Board of Appeals review is determined necessary by the Zoning Administrator to determine whether the particular activity is appropriate and can be approved at the particular location and what conditions, if any, are to be imposed in granting home occupation use as a special exception. "Special home

occupation" may include by way of example, a beauty parlor or barber shop, attorney, accountant, architect, insurance agent or other similar office involving one but not more than two nonresidential employees. Special home occupation" does not include automotive repair and similar type uses, boarding houses, tourist home and private education institutions.

63. Hospice Care Facility: A facility certified by the State of Maryland as a hospice, housing 2 to 8 nonrelated persons which provides an organized, medically directed, interdisciplinary program designed to provide palliative care to terminally ill patients. The purpose of such facilities is to provide palliative and supportive care to patients and their families to meet the special needs arising out of physical, emotional, spiritual, social and economic stresses which are experienced during the final stages of illness, death and bereavement.
64. Hospital, Veterinary: A building or establishment in which is provided medical, surgical and other veterinary care to domestic animals but not to include an animal boarding place.
65. Hospital: Any institution receiving in-patients and rendering medical, surgical and/or obstetrical care. The term "hospital" shall also include sanitariums and sanitariums, including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile, psychotics or drug addicts are treated or cared for.
66. Hotel and Motel: Any group of sleeping units combined or separate in which accommodations are provided or offered for transient guests for compensation.
67. House, Guest: A detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.
68. House, Farm Tenant: A detached dwelling that is intended for occupancy by farm families which will pay rent in the form of labor or a share in the produce.
69. Housing and Related Facilities for Elderly or Disabled: a building or buildings containing dwelling units and related service facilities for elderly or handicapped persons. Occupancy is restricted as provided in the Montgomery County Code. The use may also include facilities for such services to residents as meal preparation and service, day care,

- personal care, nursing, or therapy, or any service to the elderly or handicapped population of the community that is an ancillary part of one of the above operations.
70. Junkyard: Any land or building used for the abandonment, storage, keeping, collection or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof.
71. Kennel, Commercial: See "Animal boarding place."
72. Kennel, Noncommercial: Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, birds, or domestic animals for other than agricultural purposes, belonging to the owner thereof but not including stables.
73. Landscape Contractor: The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping at off-site locations with vehicles, equipment and supplies that are stored, parked, serviced, or loaded at the business location. A farm which provides delivery and installation services for horticultural products originating on the farm is not a landscape contractor.
74. Lot: A parcel of land occupied or to be occupied by a use, its accessory uses, or a building and its accessory uses, or by group dwellings and their accessory uses, together with such open spaces as are required under the provisions of this ordinance for a lot in the zone in which such lot is situated.
75. Lot Area, Net: The total horizontal area included within the rear, side and front lot or proposed street lines of the lot excluding any streets or highways, whether dedicated to public use, but including off- street automobile parking areas and other accessory uses.
76. Manufacturing, Light: Manufacturing devoted primarily to the assembly of finished products as opposed to the conversion of raw materials into intermediate products and not involving the generation of excessive noise or pollution.
77. Master Plan: A comprehensive plan, which may consist of maps, data and other descriptive matter, for the physical development of the Town or any portion thereof, including any

amendments, extensions or additions thereto adopted by the Commissioners of Poolesville, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

78. Medical or Dental Clinic: Any building or group of buildings occupied by 3 or more medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.
79. Metal Fabrication Shop: Custom production or repairing of metal products including forging, bending and joining.
80. Newspaper, Village: A newspaper of limited circulation within the County that provides news, announcements, advertising and other information of relevance to a particular community or sub-area of the County. Such operations shall allow duplication, but not "printing or publishing" as defined herein.
81. Nonconforming and Existing Buildings and Uses: A building, structure or use which was lawful when established and legally continued, but which no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.
82. Nursing Home: See "Care Home."
83. Parking Garages, Automobile: A building or portion there-of, other than an automobile sales room, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof or junk.
84. Parking Lots, Automobile: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof or junk.

85. Planning Commission: The Planning Commission of the Town of Pooleville.
86. President: President of the Commissioners of Pooleville or his authorized agent.
87. Principal Building: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
88. Print Shop: Printing accomplished with sheet-fed presses catering primarily to retail trade.
89. Printing Plant: Printing accomplished with roll-fed presses catering primarily to commercial trade is prohibited because it is considered an industrial use.
90. Private Club: An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.
91. Property Line, Front: The nearest property line that is most parallel to the road right-of-way upon which that lot has frontage. (Ord. No. 147, 7-7-00)
92. Property Line, Rear: The property line most parallel to the front property line. (Ord. No. 148, 7-7-00)
93. Recreational or Entertainment Establishments, Commercial: A commercial recreational land use conducted in open, partially enclosed, screened or entirely within a building. Typical uses include tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities, arcade, arena, art gallery and studio, art center, assembly hall, auditorium, club or lounge, community center, conference center, exhibit hall, gymnasium, museum, performance theater, pool, skating rink.
94. Research Institute: A building or buildings housing appropriate facilities for scientific and physiological research and studies, and in which such research and studies are made and conducted.

95. Riding Stable: Any building or structure used or designed for the commercial boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.
96. Road: Includes street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct, or any segment thereof. The various classes of roads referred to in this ordinance shall be as defined in the Montgomery County Road Construction Code as heretofore enacted and as hereafter amended or re-enacted.
- Road, Arterial: See "Road."
98. Road, Public or Private: See "Road."
99. Road, Rural: See "Road."
100. Road Code: The Montgomery County Road Construction Code and standard specifications as heretofore enacted and as hereafter amended or re-enacted.
101. Rooming House: See "Boardinghouse."
102. Sewage Treatment Plant: A structure for the processing of sewage to render it fit for discharge to a stream.
103. Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, produce, service, business, profession, enterprise, or industry which is located upon any land, or any building, or upon a window. Standing alone a flag, emblem; or other insignia of a nation, governmental unit, educational, charitable, religious, or similar group, campaign, drive, or event shall not be included within the meaning of this definition.
104. Sign Area, or Surface Area, of: That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting

- structure which does not form part of the sign proper or of the display.
105. Sign, Business: A sign which directs attention to a business, commodity, service or other activity conducted upon the premises upon which the sign is located.
  106. Sign, Directional: A sign which contains the name and location of a business, service or other activity conducted in Montgomery County or the Town of Poolesville and is located other than on the premises of such business, service or other activity.
  107. Sign, Electric: Any sign containing electric wiring. This does not include signs illuminated by exterior floodlight source.
  108. Sign, Freestanding: A sign having its own support and not attached to the side of a building or other structure.
  109. Sign, Identification: Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these things.
  110. Sign, Incidental: Name plates or signs designating home occupations, accessory uses, such as a doctor's office or similar use, or advertising exclusively the sale of farm products produced on the premises.
  111. Sign, Outdoor Advertising: Any writing, painting, printing, display, emblem, drawing, sign or other device designed, used or intended for advertising, including a directional advertising sign, whether placed on the ground, rocks, trees, tree stump or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roof board, frame, support, fence or other man-made structure.
  112. Sign, Projecting: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
  113. Sign, Real Estate: A sign advertising for sale, lease, rental or development of any particular premises, or directing attention to the opening and location of a new subdivision, neighborhood or community.



114. Sign, Roof: A sign located on or above the roof of any building.
115. Sign, Temporary: A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a limited period of time.
116. Sign, Wall Flat: A sign affixed directly to the exterior wall or screening surface and confined within the limits thereof and which projects from that surface less than twelve (12) inches at all points.
117. Site Plan: A detailed plan required in certain zones as the basis for the issuance of building permits.
118. Street Line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If on a master plan of streets and highways duly adopted by the Commissioners of Poolesville, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
119. Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, platforms, towers, poles, broadcasting towers, water tanks, open sheds, bins, shelters, fences, walls, sign and swimming pools. (Ord. No. 163, 2-21-06)
120. Swimming Pool, Commercial: A swimming pool or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.
121. Swimming Pool, Private: A swimming pool owned by members of one family and used by no one other than members of such family and their guests.
122. Telephone Office or Communication Center: A building owned and wholly occupied by a telephone or communications company regulated by the Public Service Commission containing primarily electro-mechanical or electronic switching equipment, including such accessory uses as testing, assignment and repair service, operator facilities and supervisors' office; provided that all equipment shall be completely enclosed within the building.

123. Theater, Indoor: A building designed or used primarily for the commercial exhibition of motion pictures to the general public.
124. Theater, Legitimate: A legitimate theater, including a dinner theater, shall include only those areas, buildings or structures designed and used for plays, acts, dramas or histrionics by actors and actresses performing upon a stage, and shall not include the showing or exhibition of motion pictures; provided, that any such legitimate theater may exhibit motion pictures if such exhibition is incidental to a live performance, or is held without charge or if a charge is made, the proceeds shall be donated to charity, A dinner theater may include banquet or similar facilities for the sale to and consumption of food by patrons of the dinner theater.
125. Tourist Cabins: See "Motel."
126. Tourist Home: A dwelling in which accommodations are provided or offered to transient visitors for compensation. A tourist home shall not be deemed a home occupation.
127. Town: Town of Poolesville, Maryland.
128. Townhouse: See "Dwelling Unit, Townhouse."
129. Transient Visitor: A person or persons remaining for any one period of time not exceeding six (6) months.
130. Use: The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.
131. Use, Accessory: A use or building, customarily incidental and subordinate to the principal use or building located on the same lot with such principal use or building.
132. Veterinary Clinic: A building or establishment in which is provided medical, surgical and other veterinary care to domestic animals, but not to include an animal boarding place.
133. Yard: Open space on the same lot with a building or group of buildings, lying between the building or outer building of a group and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except as provided in this chapter.

134. Yard, Front: Open space extending across the full width of lot between the front lot line or the proposed front street line and nearest line of the building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof. For a corner lot in a residential zone defined by two (2) street lines connected by a third line having a length of less than fifty (50) feet (commonly known as a "truncation"), the front yard shall be measured from the principal street line, not from the truncation line.
135. Yard, Rear: Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building.
136. Yard, Side: Open space between the side lot line, the side street line or the proposed side street line, is such line falls within the lot, and the nearest line of the building, porch or projection thereof, extending from the front yard to the rear yard, or in the absence of either such yards to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the said lot line and the nearest point of the building, porch or projection. For a corner lot in a residential zone defined by two (2) street lines connected by a third line having a length of less than fifty (50) feet (commonly known as a "truncation"), the side yard shall be measured from the principal street lint, not from the principal street line, not from the truncation line. (Ord. No. 129, § 1, 3-20-95)

**Sec. 15. Violations, cancellation of permits, and penalties.**

- A. Violations. Any person who constructs, reconstructs, erects, structurally alters or uses any building or other structure or uses land or premises in violation of any of the provisions of this ordinance or who otherwise violates such provisions shall, upon adjudication by the District Court, be guilty of a municipal infraction which shall be punishable by a fine of one hundred dollars (\$100.00) for the first such violation and two hundred dollars (\$200.00) for each successive violation as provided in section 1-13 of the Pooleville Code. Each day a violation continues to exist shall constitute a separate offense. In addition to all other remedies provided by law, the Town, or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, erection, alteration or use, in any court of competent jurisdiction.
- B. Cancellation of Permits. A building or use permit shall be cancelled by the Commissioners of Pooleville when construction or use violates any provision contained in this ordinance or any State, County or other Town laws or ordinances. Upon such cancellation any further work upon the construction, alteration, or repair on said building or structure, and any further use of said building or structure or land, except for a purpose for which a use permit is not required, shall constitute a violation of this ordinance and shall be punishable as a municipal infraction as provided in subsection A of this section. (Ord. No. 86, § 1, 4-7-86)

**Sec. 16. Conflicts with other law or regulations.**

Where the provisions of this ordinance are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply. Where any other applicable law or regulation contains provisions that are higher or more restrictive than those contained herein, such higher or more restrictive provisions shall apply.

**Sec. 17. Section II. Saving clause.**

Should any section, subsection, sentence, clause, or phrase of this chapter (ordinance) be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter (ordinance) in its entirety or of any part thereof other than that so declared to be invalid. The Commissioners of Poolesville hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION III.** This ordinance shall become effective immediately upon its adoption.

Commissioners of Poolesville