

## **ARTICLE 5 DIMENSIONAL REQUIREMENTS**

### **Section 5-1. Table of Dimensional Requirements for Principal and Accessory Uses**

This Table specifies the requirements for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards subject to further applicable provisions of Articles 4 and 5.

### **Section 5-2. Lot Area or Yards Required**

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

### **Section 5-3. Exceptions of Minimum Lot Size and Lot Widths**

- (a) If two (2) or more adjoining lots of record, one or both of which fail to meet the requirements of this Ordinance with regard to lot area and/or lot width, have continuous frontage and are in single ownership at any time after the application of the provisions of this Ordinance to such lots, and if such lots taken together would form one or more lots, each meeting the requirements of this Ordinance or reducing the extent of nonconformity with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirement irrespective of subsequent change in ownership.
- (b) Subject to the provisions of Section (a) above, a building or other improvements may be erected on any lot which was of record prior to the effective date of this Ordinance, even if the lot is a nonconforming lot, provided the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this Ordinance.

### **Section 5-4. Front Yards**

When there is an existing building on each of two (2) lots adjacent on either side of a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when both such existing buildings are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth on which the proposed building is to be erected.

### **Section 5-6. Height Exceptions of Maximum Regulations**

Maximum height regulations shall not apply to church spires, chimneys, aerials, and other structures normally built or located above the roof and not devoted to human occupancy.

### **Section 5-7. Traffic Visibility Across Corners (clear sight triangle)**

On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines, and a straight line drawn between points on each such street line twenty-five (25) feet from the intersection of said street lines.

### **Section 5-8. Permitted Projections into Required Yards**

The provisions of Section 5-1 shall not apply to fences or walls which are less than six (6) feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor level of the ground story.

### **Section 5-9. Accessory Buildings in Side and Rear Yards**

Completely detached accessory buildings may occupy required side and rear yards, but shall not be located closer than five (5) feet to any side or rear property line and may not exceed one story or ten (10) feet. *[Amended by Resolution 3-02]*

### **Section 5-10. Front and Side Yards of Corner Lots**

On a corner lot the street side yard shall equal the required front yard for lots facing that street.

### **Section 5-11. Fences**

Fences may not be placed so as to encroach upon property lines (including the property being fenced), easements or any kind, or State, County, or Town right-of-ways. On a corner lot the fence may not be located within 25 feet of the point of intersection of the property line that abuts the street. Fencing shall not exceed six (6) feet in height. Fencing shall not be installed on berms or where the topography will accentuate or increase the height of the fence. The finished side of fencing, where only one side is finished, must face outside the lot. *[Added by Resolution 3-02]*

### **Section 5-12. Swimming Pools**

An in ground swimming pool is permitted as an accessory use on a residential lot and must be located so that the edge of the pool and surround is at least ten (10) feet from each lot line. A swimming pool is prohibited in the front yard except in the case of water front property.

**TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES**

<b>DISTRICT</b>	<b>Minimum Depth of Front Yard in Feet</b>	<b>Minimum Width of Each Side Yard in Feet</b>	<b>Minimum Depth of Rear Yard in Feet</b>	<b>Maximum Height Feet/Stories</b>	<b>Minimum Lot Area in Square Feet/Unit</b>	<b>Minimum Width of Lot in Feet</b>	<b>Minimum Depth of Lot in Feet</b>
al	30	7 feet and 20 feet combined	25	35 or 2 1/2 stories	15,000	100	150

*[Amended by Resolution 3-02]*

ic regulations may be found elsewhere in this Ordinance.

**ARTICLE 6  
ADMINISTRATION**

**Section 6-1. Planning and Zoning Commission Duties and Powers**

The provisions of this Ordinance shall be administered and enforced by the Planning and Zoning Commission whose members shall be appointed by the Mayor and confirmed by the Town Commission.

It shall be the duty of the Planning and Zoning Commission and they shall have the power to:

- (a) Receive and examine all applications for Zoning Permits;
- (b) Issue permits only where there is compliance with the provisions of this Ordinance, and with other Town ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals;
- (c) Receive applications for special exceptions and forward these applications to the Board of Appeals for action thereon.
- (d) Following refusal of a permit, receive applications for interpretation and variance appeals and forward these appeals to the Board of Appeals for action thereon.
- (e) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance;
- (f) Issue stop, cease, and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance;
- (g) With the approval of the Town Commission, or when directed by them, institute in the name of the Town an appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; restrain, correct, or abate such violation so as to prevent an illegal act, conduct, business, or use in or about such premises;
- (h) Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance;
- (i) Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

- (l) Upon the request of the Mayor or Town Commission or the Board of Appeals, present to such bodies facts, records, or reports which they may request to assist them in making decisions, or assist them in any other way as requested.

### **Section 6-2. Zoning Permits**

Hereafter, no structure shall be erected, constructed, reconstructed, altered, or moved; no land or building used or occupied; and no land or building changed in use until a Zoning Permit has been secured from the Planning and Zoning Commission. Upon completion of changes in use or construction, reconstruction, alteration, or moving of structures, the applicant shall notify the Planning and Zoning Commission of such completion. No permit shall be considered as complete or permanently effective until the Planning and Zoning Commission has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.

Applications for Zoning Permits shall include the following information:

- (a) Statement as to the proposed use of the building or land;
- (b) a site plan, certified by a licensed engineer, architect, or surveyor, drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines; [*Amended by Resolution 3-02*]
- (c) lot dimensions, lot and block numbers, and subdivision name, if any;
- (d) the location, dimensions, and arrangement of all open space, parking areas, and yards;
- (e) for nonresidential uses, sufficient information to demonstrate that all parking demand can be accommodated in off-street parking areas;
- (f) in the case of applications for interpretations, special exceptions and variances, the additional information as specified in Article 7, Section 7-11.

### **Section 6-3. Fees**

All applicants for Zoning Permits, Special Exceptions, Interpretations, and Variance Appeals shall at the time of making application, pay to the Planning and Zoning Commission a fee in accordance with a fee schedule adopted by resolution of the Town Commission upon the enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commission.

#### **Section 6-4. Life of a Permit**

Any erection, construction, reconstruction, alteration, or moving of a building or other structure, authorized by a Zoning Permit, shall be commenced within one (1) year after the date of issuance of the permit, otherwise the permit shall be considered null and void. Upon expiration of a zoning permit, a new application must be submitted, before any work may commence. [*Amended by Resolution 3-02*]

#### **Section 6-5. County Powers**

In order for the County to assist the Planning and Zoning Commission, Anne Arundel County, Maryland is authorized and empowered to administer or enforce this Ordinance.