

Article IX. Density and Dimensional Regulations.

§ 340-94. Minimum lot size and residential density.

- A. Subject to the exceptions listed below all lots or parcels shall have at least the amount of square footage indicated for the appropriate zoning district in § 340-103*.
- B. If the owner of a lot or parcel in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area and width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.
- C. Except as provided B above, every lot developed for residential purposes shall have the minimum number of square feet of land area per dwelling unit as required by the § 340-103.
- D. In determining the number of dwelling units permitted on a tract of land, fractions shall be rounded to the nearest whole number.

§ 340-95. Minimum lot widths and depths.

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district, and
 - (2) Could satisfy any applicable setback requirements for that district.
- B. § 340-103** establishes minimum lot widths and depths that are required and are deemed presumptively to satisfy the standard set forth in Subsection A.

§ 340-96. Building setback requirements.

- A. Subject to other provisions of this section, no portion of any building, structure or any freestanding sign may be located on any lot closer to any lot or property line than is authorized in the table set forth in this Section § 340-103.
- B. Permitted obstructions. Every part of a required yard shall be open to the sky, except the features set forth in the following paragraphs may extend into minimum required yards as specified.**

- (1) Architectural features, such as eaves, awnings, sills, cornices, flumes or chimneys, canopies, cantilevers, window seats, bay windows, and other similar architectural features on principal structures located above ground level may extend two (2) feet into any minimum required yard but not closer than five (5) feet to any lot line. Permitted architectural projections shall be identified on any site plan, zoning certificate or building permit for a permitted structure.**
- (2) Window air-conditioning units may project to a distance not to exceed twenty-four (24) inches into a required yard (see Figure 96-1).**
- (3) Open balconies, fire escapes, fire towers, uncovered stairs and stoops, connected carports and garages, porches and decks may not extend into required yards.**
- (4) Mechanical equipment such as water heaters or spa pumps is not permitted to encroach into or obstruct any required yard or setback. In addition, the location of air conditioners shall consider the potential noise impacts on adjacent buildings, especially nearby bedrooms and main living areas.**
- (5) Patios, driveways and other pavements, open and enclosed, may occupy a front, rear, or side yard, provided that the average grade of such installation does not exceed the average grade of the yard.**

§ 340-97. Setbacks.

- A. When existing buildings on one or more abutting lots are closer to the front or street property line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average front yard depth that exists on the nearest two (2) lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district (see Figure 97-1). Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average (see Figure 97-2).**
- B. When the subject lot is a corner lot, the average front yard depth will be computed on the basis of the nearest two (2) lots with frontage on the same street as the subject lot (see Figure 97-3).**
- C. When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth will be computed on the basis of the abutting corner lot and the nearest two (2) lots with frontage on the same street as the subject lot (see Figure 97-3).**

- D. In the case of a corner lot that does not have two adjoining lots from which to determine an average setback, the Zoning Inspector will designate a primary street frontage along which a front yard having the full depth required will be provided. The front yard setback along the secondary street shall be no less than half the full depth required generally (see Figure 97-4).**
- E. In the case of corner lots where there are lots with more than two frontages, the Zoning Inspector shall determine the front yard requirements, subject to the following limitations: 1) on the designated primary street frontage at least one front yard shall be provided having the full depth required generally in the zone; 2) no other front yard on such lot shall have less than half the full depth required generally (see Figure 97-5). [Amended 5-26-2010 by Ord. No.416]**
- F. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Inspector may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots [Amended 5-26-2010 by Ord. No.416]**

§ 340-98. Structure height.

- A. The height limitations shall be the vertical distance in feet from average grade of the lot (as defined in § 340-**) to the highest exterior point of the building (see Figure 98-1). The height limitation, as contained in this schedule, shall not apply to flagpoles, church steeples, [public] utility poles which are part of a continuous line system (as distinguished from a tower to support one or more antennas) for the distribution of electric power, land-line telephone signals, or cable television signals, [and] water towers, ~~and chimneys~~. In no event shall any such pole [or] steeple, ~~or chimney~~ exceed seventy-five (75) feet in height from the average grade of the lot. [The Planning Commission may allow towers and other structures associated with essential or safety services to exceed height limits.]**
- B. The building height limitations of this chapter shall not apply to ~~roof structures for housing stairways (provided that the roof structure does not project above the roof in the immediate area of such structure by more than ten (10) feet), water tanks, ventilating fans or similar equipment required to operate and maintain the buildings (provided that the equipment does not project above the roof in the immediate area of such equipment by more than five (5) feet); fire or parapet walls (provided that the wall does not project above the roof in the immediate area of such wall by more than five feet), steeples, flagpoles, or chimneys.~~ [Chimneys may exceed the height limits of the applicable zoning district by a maximum of five (5) feet.]**

C. The Planning Commission may increase the maximum height limit for principal structures up to a maximum of thirty-eight (38) feet where the applicant can demonstrate that the additional height is necessary to comply with the Chapter 173, § 173-34 of the St. Michaels Floodplain Management regulations.

~~C. Building height/roof forms and pitch~~

~~(1) In the R-1 and R-2 zoning district roof forms such as gabled or hipped roofs shall be similar to adjacent and surrounding residences. A minimum of 5 in 12 pitch is required.~~

~~(2) If the majority of the neighboring residential roof pitches are below 5 in 12, the predominant roof pitch shall be incorporated in the new structure.~~

§ 340-99. Fences and arbors.

A. Ornamental and/or protective fences are permitted in any zone, subject to the restrictions of § 340-100* (Visibility at intersections) and to the following regulations:

(1) Height limitations; exception.

(a) Except as provided in Subsection A(3), no part of any fence within a front yard setback shall exceed four (4) feet in height, and no part of any fence behind a front yard setback shall exceed six (6) feet in height. The front yard setback applicable to fences shall be determined according to Article IV, Zoning Regulations.

(b) In the CC Zone only, fences associated with a commercial use and utilized for the containment of materials and/or equipment are exempt from the above-noted height limitations. Under no circumstances shall the fence exceed eight (8) feet in height. Any fence greater than six (6) feet in height and visible from a public street shall have sufficient vegetative screening to soften the visual impact of such fence therefrom.

(2) The structural side of any fence shall face inwards towards the property the fence delineates.

(3) In any fence with a gate, an arbor framing the gate is permitted provided that:

(a) The arbor is structurally continuous with the fence; and

(b) The arbor does not exceed five (5) feet in width, eight (8) feet in height, or five (5) feet in depth; and

(c) The front of the arbor is flush with the outward side of the fence (the depth of the arbor thus extending inside the fence).

- B. Freestanding arbors are permitted in any zone, but shall not be located in any setback, and shall not exceed eight (8) feet in height. ~~Freestanding arbors shall be included in any computation of lot coverage.~~

§ 340-100. Visibility at intersections.

- A. On a corner lot in any zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.
- B. In any required front yard no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

§ 340-101. Accessory structures in residential districts.

The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated.

- A. The Zoning Inspector is authorized to determine when a use or structure meets the criteria of an accessory use or accessory structure. In order to classify a use or structure as “accessory” the Zoning Inspector must determine that the use or structure:
 - (1) is subordinate and clearly incidental to the principal structure or principal use served in terms of area and function;
 - (2) provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use or structure; and
 - (3) is customarily found in association with the subject principal use or principal structure.
- B. **[Yard sales or garage sales accessory to a principal residential use so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period and provided they satisfy the general criteria set forth in A above.]**

~~The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:~~

- ~~(1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.~~

~~(2) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period.~~

C. Time of Construction and Establishment. Accessory uses and structures may be established in conjunction with or after the principal building. They may not be established before the principal use or structure is in place.

D. Accessory uses and structures must be located on the same lot as the principal use or structure to which they are accessory.

E. ~~Accessory uses and structures are subject to the same regulations and standards that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.~~ Accessory uses and structures attached to the principal building by a breezeway, passageway or similar means are subject to the building setback regulations that apply to the principal use or structure except as may be provided in **§ 340-96B***.

[F. Accessory Structures in A Agriculture District. Limitations on the number of agricultural buildings including farm buildings, barns, stables, private garages and other similar structures normally accessory to principal permitted agriculture uses do not apply. All such structures shall be setback a minimum of one hundred (100) feet from any residential district or residential dwelling on an adjacent property.]

G. Residential Accessory Use and Structures. The following additional regulations apply to buildings that are accessory to principal residential uses:

(1) Accessory uses and structures are prohibited in front or street setbacks except as provided in **§ 340-96B***.

(2) No more than three (3) detached accessory uses or structures are allowed on any lot.

(3) Accessory uses or structures are subject to minimum side setback of three (3) feet and minimum rear setback of five (5) feet except as may be provided in **§ 340-96B***.

(4) The aggregate footprint or coverage of all accessory uses or structures on a lot may not exceed ~~1,000 square feet or~~ the gross floor area of the principal building, ~~whichever is less.~~

~~(5) Residential accessory uses and structures may not occupy more than 40% of the rear or side yard area.~~

(5) Residential accessory structures may not exceed the height of the principal structure or two stories, whichever is less.

(6) Accessory structures shall be distant at least ~~six (6)~~ **[ten (10)]** feet from any other [principal] structure and **[three (3) feet from any other accessory structure]** on the same lot.

(7) Where a corner lot adjoins in the rear a lot fronting on a side street, no accessory structure on such corner lot shall be closer to the side street line than the required front yard depth of the adjoining lot (see Figure 101-1).

~~G. Lots with rear lot lines abutting alleys. On any lot used for residential purposes whose rear lot line abuts upon any alley, customary accessory uses may be permitted without regard to rear yard requirements, provided that no portion of any structure obstructs the alley or in any way reduces the public or private access for customary use.~~

H. Accessory structure may not exceed twenty-six (26) feet in height as measured to the highest point on the structure.

§ 340-102. Accessory structures in nonresidential districts.

The following additional regulations apply to buildings that are accessory to principal nonresidential uses:

- A. Accessory buildings are prohibited in front yard setbacks.
- B. Accessory buildings are subject to the lot and building regulations of the subject zoning district.

§ 340-103. Table of Lot Height, Area, and Bulk Requirements.

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Zoning District	Minimum lot size			Yard requirements				Height	
	Area (sq. ft.) per unit	Lot width (ft.)	Lot depth (ft.)	Front	Side	Aggregate	Rear	Feet	Stories
A Agriculture	87,120	150	200	50	20	50	40	35	2 1/2
R-1	6,000	50	100	10	8	20	25	35	2 1/2
R-2									
Single-family	5,000	40	100	8	6	15	25	35	2 1/2
Duplex	3,000	40	100	8	6	15	25	35	2 1/2
Multi-family	2,000	40	100	20	40	25	25	35	2 1/2
R-3									
Single-family	5,000	40	100	30	6	15	25	35	2 1/2
Duplex	[3,000]	40	100	30	6	15	25	35	2 1/2
[Townhouse	2,000	18	100	30	6	15	25	35	2 1/2]
Multiple-family	2,000	20	100	25	6	12	25	35	2 1/2
RG	43,560	100	300	50	10	30	40	35	2 1/2
WD[1] [2]	217,800	400	400	100	65	130	100	35	2 1/2
CC	NA	NA	NA	NA	[3]	NA	10 [4]	35	3
SLC	10,000	50	100	25	25	35	25	35	2 1/2
GC	7,200	50	100	20	[3]	NA	20	35	2 1/2
HR	See Article VIII, § 340-*								
MC	20,000	[75]	[150]	30	10	25	35	35	2 1/2
MM	7,200	50	100	30	8	20	25	35	2 1/2
PF	43,560	75	100	30	10	20	10	35	2 1/2

[1] The required minimum setback from any lot line bordering the Museum (MM) Zone shall be twenty (20) feet.
[2] Hotels shall maintain a density of no more than one sleeping room per 1,500 square feet of lot area.

§ 340-103. Table of Lot Height, Area, and Bulk Requirements.									
Zoning District	Minimum lot size			Yard requirements				Height	
	Area (sq. ft.) per unit	Lot width (ft.)	Lot depth (ft.)	Front	Side	Aggregate	Rear	Feet	Stories
[3] Side: ten (10) feet if adjacent to a residential building or residential zone.									

§ 340-104. Table of Coverage Limits.

The total area of buildings, structures and/or impervious surface shall not exceed the limits set forth in the following table unless granted a variance as provided in § **.

§ 340-106. Table of Coverage Limits	Maximum lot coverage	
	Structures	Impervious
Zoning District		
R-1	35%	55%
R-2		
Lots of or greater than 5,000 square feet	40%	70%
Lots less than 5,000 square feet	45%	70%
R-3		
Lots of or greater than 5,000 square feet	40%	70%
Lots less than 5,000 square feet	45%	70%
RG	--	15%
WD	--	70%
CC		
Maximum lot coverage for lots greater than 5,000 square feet but less than 10,000 square feet	50%	85%
Maximum lot coverage for lots greater than 10,000 square feet.	40%	70%
SLC	--	50%
GC	--	70%

§ 340-106. Table of Coverage Limits	Maximum lot coverage	
	Structures	Impervious
Zoning District		
MC		
For lots having less than 20,000 square feet in area, the maximum lot coverage shall be 50% of the lot area.	--	50%
For lots having 20,000 square feet or more of area, the total impervious surfaces shall be as follows:		
Lots with all structures of no more than one story in height	--	40%
Lots with any structure, and all structures of no more than two stories in height	--	25%
Lots with any structure, or part thereof, of more than two stories in height	--	15%
MM	--	30%[1]
PF	--	70%
[1] This calculation shall be calculated by excluding parking lots from the land area which is covered by or contain structures and by also excluding the land under such parking lots in calculating the total area of the lot, upon which the total lot area coverage shall be calculated.		

§ 340-105. Reserved.

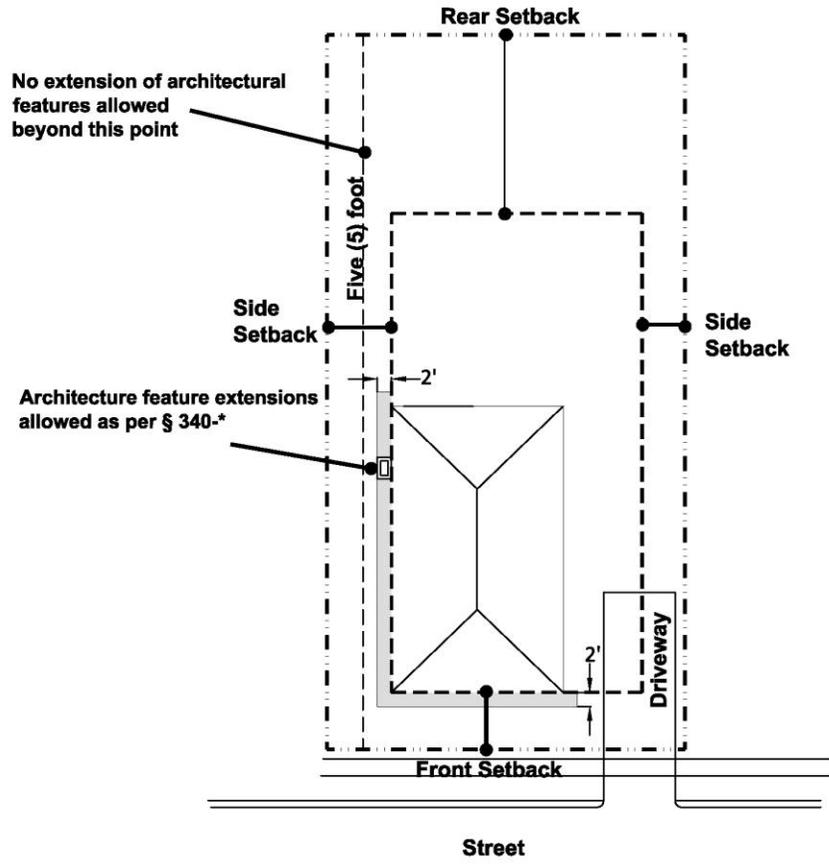


Figure 96- 1

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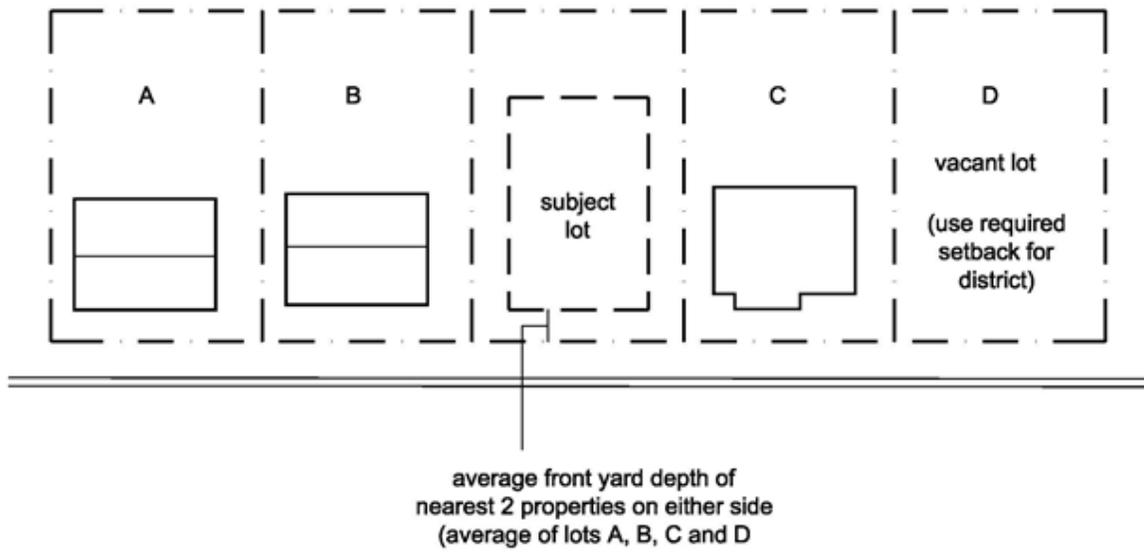


Figure 97-1

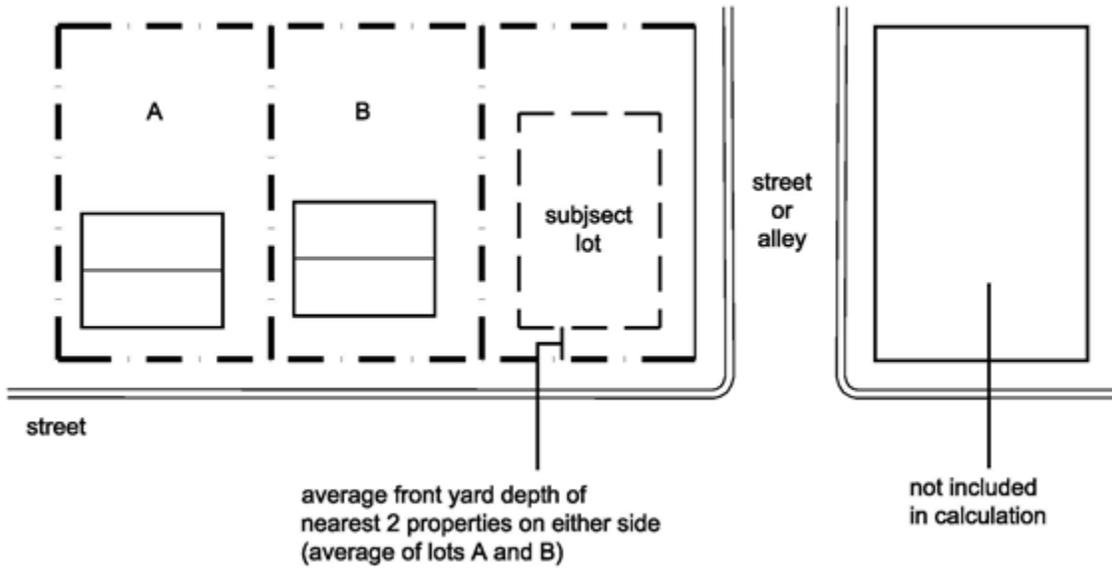


Figure 97-2

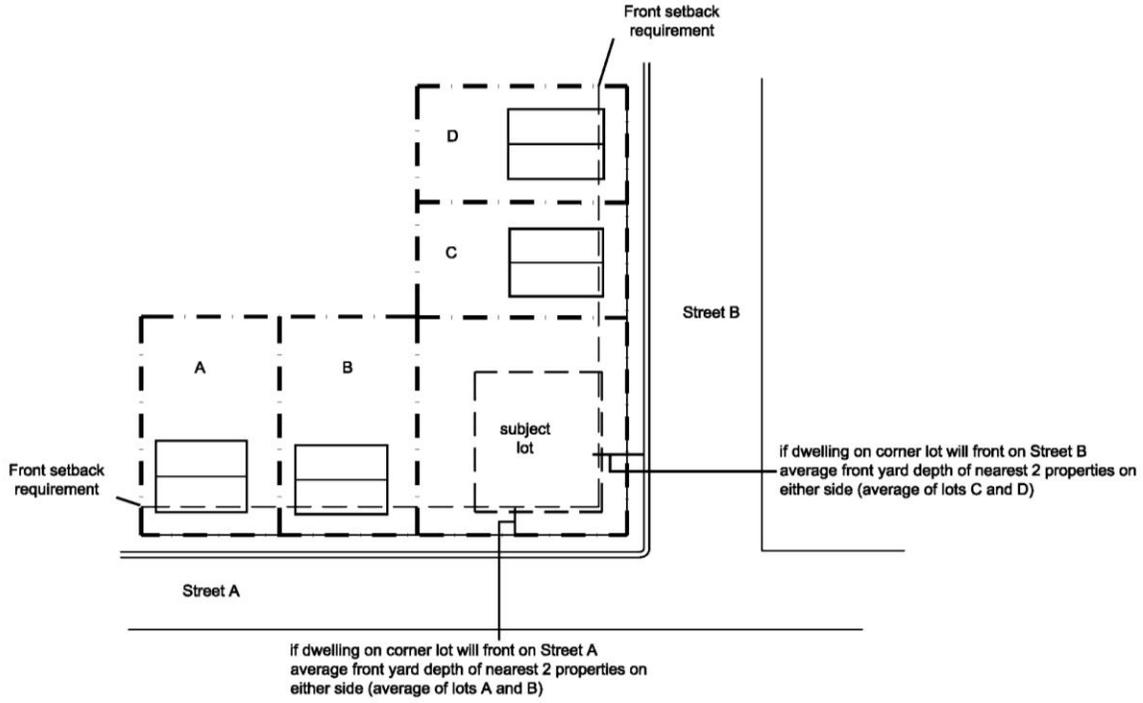


Figure 97-3

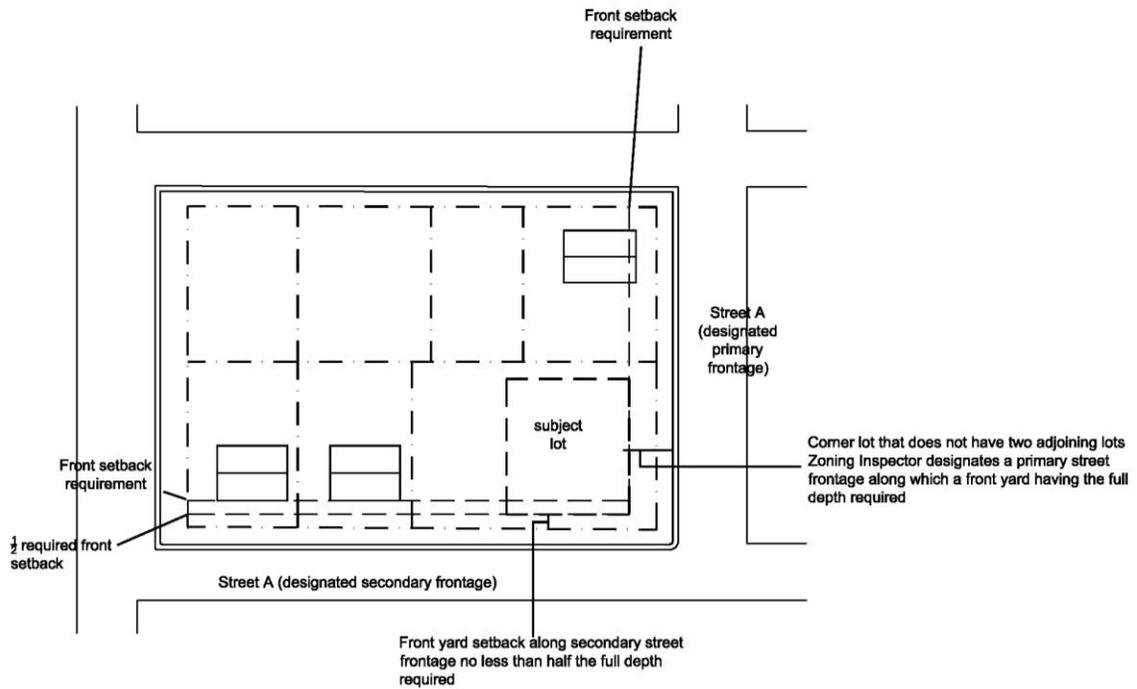
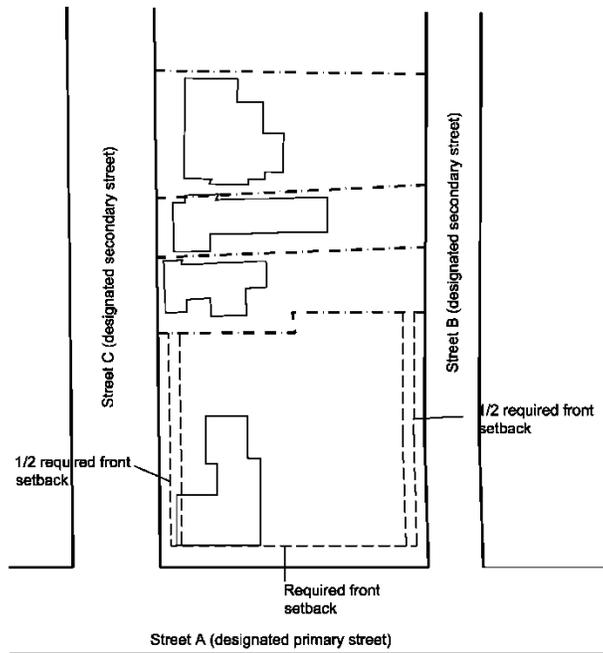


Figure 97-4



Corner lots with more than two frontages the Zoning Inspector determines front yard requirements, subject to the following limitations:

- 1) on the designated primary street frontage at least one front yard shall be provided having the full depth required generally in the zone**
- 2) no other front yard on such lot shall have less than half the full depth required**

Figure 97-5



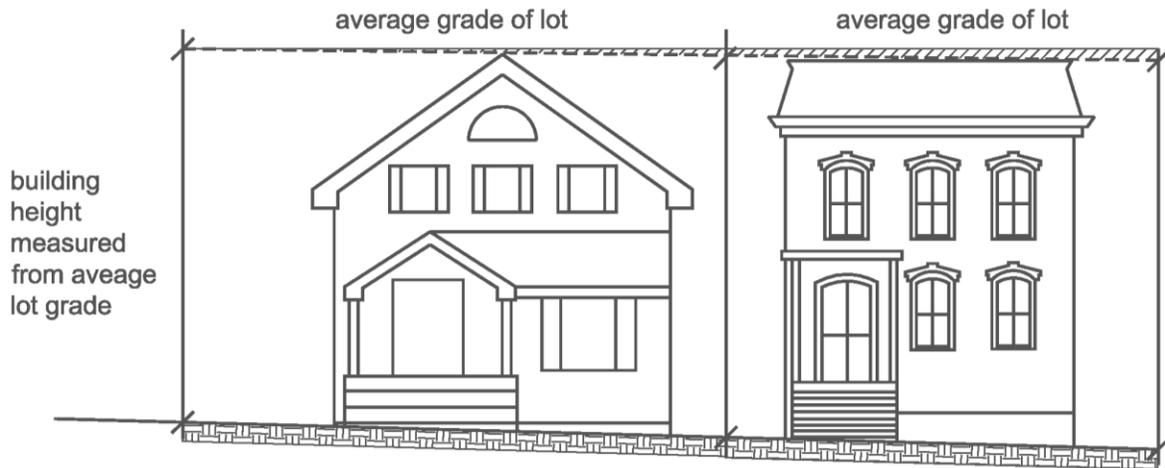


Figure 98-1

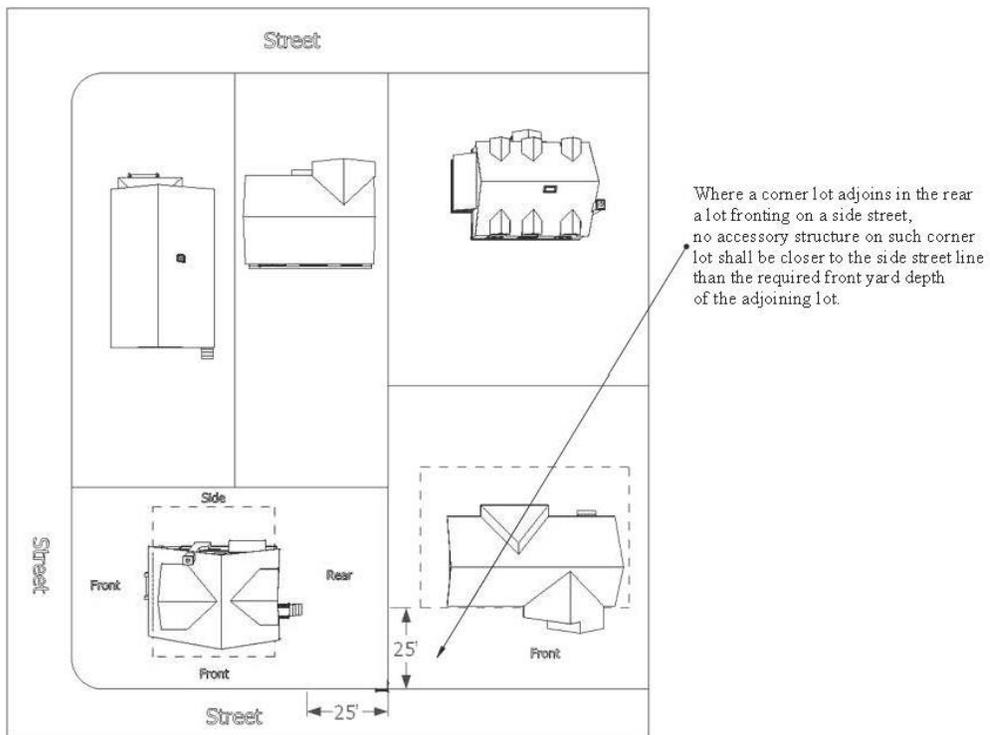


Figure 101- 1