

ARTICLE XI  
**Special Exceptions**

**§ 205-74. Basis for grant of exception.**

Special exceptions are deemed to be a grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in this article exist and that the use conforms to the Comprehensive Plan of Taneytown and is compatible with the existing neighborhood.

**§ 205-75. Procedure. [Amended 11-13-2017 by Ord. No. 14-2017]**

A plan for the proposed special exception shall be submitted to the Board of Appeals. This plan shall show the location of all structures, parking areas, traffic access, open space, landscaping and any other pertinent information that may be deemed necessary to determine if the proposed special exception meets the requirements of this chapter. In addition, a written application for the special exception shall be submitted indicating the section or sections of this chapter under which the special exception is sought and stating the grounds on which it is requested. This plan and application shall be reviewed by the Taneytown Planning and Zoning Commission, prior to the public hearing held by the Board of Appeals, for the purposes of giving advisory comments and recommendations thereon.

**§ 205-76. Standards.**

Before granting any special exception, the Board of Appeals shall find that satisfactory provision and arrangement has been made concerning, but not limited to, the following where applicable:

- A. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- B. Off-street parking and loading areas where required, with particular attention to the items in Subsection A above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- C. Refuse and service areas, with particular reference to the items in Subsections A and B above.
- D. Utilities, with reference to locations, availability and compatibility;
- E. Screening and buffering with reference to type, dimensions and character.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- G. Required yards and other open space.

H. General compatibility with adjacent properties and other property in the district.

**§ 205-77. Conversion of single-family dwellings. [Amended 12-13-1982 by Ord. No. 13-82]**

The Board of Appeals may allow as a special exception the conversion of a single-family detached dwelling into a dwelling for a greater number of dwelling units. The Board shall determine that there has been satisfactory conformance with the following or that a variance thereof is to be granted pursuant to the provisions of Article X of this chapter:

- A. No dwelling unit shall have less than 400 square feet of floor area.
- B. The lot area per dwelling unit may not be reduced below that required for the district in which the designated lot is located.
- C. The yard and area requirements for the district in which the building is located shall not be reduced.
- D. All off-street parking requirements must be met.
- E. No external alteration of the building is permitted except as may be necessary for reasons of safety.

**§ 205-78. Home occupations. [Amended 5-9-1983 by Ord. No. 5-83; 7-11-1983 by Ord. No. 6-83]**

The person conducting the home occupation shall be a resident of the dwelling; no more than two persons not in residence in the dwelling shall be employed in that occupation; no more than 25% of the floor area of the dwelling shall be devoted to that use; the use shall be conducted exclusively within the dwelling and not in any accessory structures; no displays or change in the building facade shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling; and adequate off-street parking shall be provided. In consideration of any application for special exception hereunder, the Board of Appeals may prescribe the number, type, location and position of any sign proposed for the location.

**§ 205-79. Residential dwellings in Downtown Business District. <sup>1</sup> [Amended 1-3-1992 by Ord. No. 12-91]**

Residential dwellings in the Local Business District shall be either single-family detached dwellings, semidetached dwellings, attached dwellings or apartment dwellings and shall at least comply with all lot and yard requirements of the R-6,000 District. No dwelling unit shall have less than 400 square feet of floor area. The parking and loading requirements shall be subject to Article VI of this chapter, while all signs shall be subject to Article VII of this chapter.

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1. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.

**§ 205-80. Dwelling units in commercial buildings.**

One dwelling unit may be permitted in each commercial building in the General Business District, provided that at least one person residing at the dwelling unit is an employee at the commercial building, the dwelling unit is a subordinate use to the commercial use, the dwelling unit shall not have less than 400 square feet of floor area and adequate off-street parking is provided for both the commercial use and the dwelling unit.

**§ 205-81. Private clubs.**

All private clubs, whether run for profit or as a nonprofit use, shall not sell or dispense alcoholic beverages except in accordance with the rules and regulations of the Board of License Commissioners for Carroll County and with Article 2B of the Annotated Code of Maryland.

**§ 205-82. Private recreation areas.**

Such use shall not be primarily for gain or profit. Pools, clubhouses or other similar areas of high use or noise potential shall be located not less than 20 feet from all property lines. When adjacent to an existing residential use or recorded subdivision, adequate screening is required. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties. The Board of Appeals may require a traffic study showing the adequacy of the adjacent street system, the interior traffic patterns, the ingress and egress control and the solution to any projected traffic congestion.<sup>2</sup>

**§ 205-83. Conditions. [Amended 12-13-1982 by Ord. No. 14-82]**

In granting any special exceptions, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of these conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 205-90.

**§ 205-84. Day-care centers. [Amended 5-13-1985 by Ord. No. 2-85; 5-9-1988 by Ord. No. 9-88]**

A day-care center, which for purposes of this Code shall be defined as any center which is required to be either licensed or registered pursuant to the provisions of Title 14 of the Health-General Article or Title 5 of the Family Law Article of the Annotated Code of Maryland, shall be permitted in any zone within the City, but in the R-6,000, R-7,500 and R-10,000 and Downtown Business Districts<sup>3</sup> the same shall be allowed only by special exception granted pursuant to this section. In the General Business and Restricted Industrial Districts, the same may be allowed by the Zoning Administrator without the necessity of special exception, provided that he or she determines that all appropriate

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2. Editor's Note: Original Sec. 8-3-140, Automobile service station, and Sec. 8-3-141, Shopping center, which immediately followed this section, were deleted 8-9-1999 by Ord. No. 8-99.

3. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.

licensing and other requirements have been met.

**§ 205-85. Garden apartments. [Amended 12-9-1985 by Ord. No. 9-85]**

The Board of Appeals may grant a special exception for garden apartments in the R-7,500 District only, in accordance with the general provisions of this chapter concerning special exceptions, provided that there has been satisfactory conformance with all of the provisions of this chapter relating to special exceptions and further provided that there has been satisfactory conformance with the following criteria or that a variance thereof is to be granted pursuant to the provisions of Article X of this chapter. The purpose of this section is to allow the creation of apartment complexes of not less than six nor more than 24 dwelling units while maintaining both the short- and long-range planning goals of the City and providing for the health, safety and general welfare of the community. Before granting any such special exception, the Board of Appeals shall find that the following criteria have been fully met:

- A. The maximum number of dwelling units in any one area shall be 24.
- B. There shall be a finding of a lot area per dwelling unit of 4,000 square feet with a minimum lot area for the project of 24,000 square feet and a maximum lot area for the project of four acres.
- C. All new apartment areas must be buffered from existing single-family detached and semidetached residential dwellings by conventional housing of single-family or semidetached type. **[Amended 8-9-1999 by Ord. No. 8-99]**
- D. Parking of vehicles other than automobiles, motorcycles and pickup trucks shall be prohibited.

ARTICLE IX  
**Board of Appeals**

**§ 205-65. Membership; terms of office; rules; meetings. [Amended 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 3-12-2001 by Ord. No. 3-2001]**

- A. The Board of Appeals of the City of Taneytown is hereby created and shall consist of five members. The terms of office of the members of the Board shall be three years. They shall be appointed by the Mayor, confirmed by the Council and removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board may receive that compensation as the Council deems appropriate.
- B. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter. Meetings of the Board shall be held at the call of the Chairperson and at any other times as the Board may determine. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall make a transcript of all proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating that fact, which shall be immediately filed in the office of the Board and shall be a public record.

**§ 205-66. Powers and duties.**

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter or of any ordinance adopted pursuant thereto.
- B. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinances.
- C. To authorize upon appeal in specific cases a variance from the terms of the ordinance.

**§ 205-67. Procedure for filing appeal. [Amended 2-14-1983 by Ord. No. 1-83]**

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decisions of the Zoning Administrator. The appeal shall be taken within 30 days by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**§ 205-68. Hearings.**

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make that order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

**§ 205-69. Stay of proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals, after notice of appeal taken shall have been filed with him or her, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In that case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

**§ 205-70. Appeals from Board's decision.**

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or by a reclassification by the Council, or any taxpayer or any officer, department, board or bureau of the City may appeal the same to the Circuit Court of Carroll County. The appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

**§ 205-71. Expenses. [Amended 9-9-1996 by Ord. No. 6-96]**

All applicants for hearings before the Board of Appeals shall be jointly and severally liable to pay to the City full reimbursement for any and all costs or expenses incurred by the City directly or indirectly related to such hearing, including but not limited to filing fees, the cost of fees payable to members of the Board for attendance at the hearing, attorney's fees, publication costs and other advertising costs, the costs of any required court reporter any engineering or review costs and any other expense directly related to such hearing. No zoning certificate or building permit shall be issued for the property which is the subject of the application, until all such costs as billed by the City Clerk shall have been paid to the City in full. In the event of an appeal of any decision of the Board of Appeals to any court, the record of the proceeding, including any exhibits and transcripts, will not be released or filed with the appellate courts until all such costs have been paid in full.

**CITY OF TANEYTOWN  
REQUEST FOR PUBLIC HEARING**

CASE NO. \_\_\_\_\_

**TO: TANEYTOWN ZONING BOARD OF APPEALS      HEARING DATE: \_\_\_\_\_**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**LOCATION OF SUBJECT PROPERTY:** \_\_\_\_\_

**REQUEST FOR:      (CHECK ONE)**

- |                                                |                                                   |
|------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> <b>VARIANCE</b>       | <input type="checkbox"/> <b>SPECIAL EXCEPTION</b> |
| <input type="checkbox"/> <b>INTERPRETATION</b> | <input type="checkbox"/> <b>REZONING</b>          |
| <input type="checkbox"/> <b>REHEARING</b>      | <input type="checkbox"/> <b>APPEALS</b>           |

**BASIS OF REQUEST:    (IF MORE SPACE NEEDED, PLEASE ATTACH)**

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\_\_\_\_\_

**The Applicant is responsible for providing sixteen (16) copies of this application with attachments and a drawing to scale showing the following items:**

- 1.    Shape and dimensions of the property.**
- 2.    Location, dimensions, and identification of:  
          Abutting roads, existing building, structures, or proposed additions, proposed buildings or structures, driveway entrances, present and proposed parking spaces, and surfacing.**
- 3.    Distances from proposed and/or existing buildings to all property lines (front, side and rear).**
- 4.    Location of any well or sewerage disposal system.**
- 5.    If no buildings are involved, show present and proposed use of land.**
- 6.    Existing and proposed storm water drainage easements and facilities.**
- 7.    Any springs, streams, and ponds.**
- 8.    Any additional site information that will assist in presentation of the request.**

In the event the request being made deals with a variance from any yard or setback requirements, the drawing must be prepared and sealed by a licensed surveyor.

Certified list of contiguous property owners. A complete certified list of contiguous property owners set forth on Page 3 must be completed with this application.

The Applicant(s) acknowledge that a deposit has been requested by the Clerk-Treasurer of the City of Taneytown in an estimated amount of all costs that may be required to complete the requested hearing and Decision in this matter. The Applicant(s) further acknowledge that they have been advised that this is only a deposit and that the Applicant(s) are responsible for all expenses borne by the City relative to the above requested hearing, including, but not limited to, filing fees, costs of signs, clerical fees, costs of reporter, any advertising costs, attorney's fees, engineer's fees, or any other expenses billed to the City of Taneytown directly related to this request. The Applicant(s) further acknowledge that they have been advised that no Zoning Certificate, Use and Occupancy Certificate or other permits will be issued or authorized by the City until any unpaid balance shall be paid in full.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner  
(If different from Applicant)

\_\_\_\_\_  
Signature of Property Owner  
(If different from Applicant)

**ALL OWNERS OF RECORD OF THE PREMISES MUST SIGN THIS APPLICATION, EVEN IF THE APPLICATION IS FILED BY CONTRACT PURCHASERS OR OTHER AGENTS.**

AMOUNT OF DEPOSIT RECEIVED: \_\_\_\_\_  
(Minimum Amount \$600.00)

\_\_\_\_\_  
Clara Kalman, City Clerk



**APPLICATION FOR HEARING  
CERTIFIED LIST OF CONTIGUOUS PROPERTY OWNERS AND ADDRESSES**

**Applicant is responsible for the provisions and certification of a list of all contiguous (adjoining) property owners and their mailing addresses, including any owners of property located on the opposite side of any street or road from the property involved in this application, in order that notification of the public hearing can be forwarded to the owners First Class Mail. (Attach additional sheets, if necessary.)**

**(PLEASE PRINT OR TYPE)**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MAP AND PARCEL# \_\_\_\_\_

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