

ZONING

405 Attachment 1

Town of Smithsburg

Table of Use Regulations

[Amended 12-2-2014; 11-1-2016 by Ord. No. 2016-05; 9-17-2024 by Ord. No. 2024-08]

**KEY:**

- P – Permitted Use
- SE – Special Exception
- A – Accessory Use
- N – Not Permitted

	SR	TR	TC	GC	NC	EC
<b>A. Natural Resources and Agricultural Uses</b>						
1. Forests and the harvesting of forest products (including sawmilling), except as required by Article V.	N	N	N	N	N	N
2. Fish and wildlife preserves and propagation areas, excluding commercial or membership wildlife hunting preserves.	SE	SE	N	N	N	N
3. Mining, quarrying, or the removal of coal, clay, sand, gravel, peat, topsoil, natural mountain or spring waters or any other natural resources, excluding natural gas, from, on, or beneath the land surface for commercial purposes.	N	N	N	N	N	N
4. Agriculture, as defined in Article II.	P	P	N	P	P	P
5. Animal husbandry for agricultural purposes in accordance with § 405-33.2.	SE	SE	SE	N	N	N
6. Domestic chickens in accordance with § 405-33.3.	SE	SE	SE	N	N	N
<b>B. Residential Uses</b>						
5. Single-family detached dwellings, including prefabricated, modular, panelized or sectional dwellings.	P	P	P	N	N	N
6. Mobile homes, as defined in Article II.	N	N	N	N	N	N

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7. a. Two-family duplex dwellings, as defined in Article II.	N	P	P	N	N	N
b. Two-family semidetached dwelling.	N	P	P	N	N	N
8. Single-family attached townhouse dwellings, as defined in Article II.	N	SE	P	N	N	N
9. Cluster residential development, subject to the provisions of § 405-29.	P	P	P	N	N	N
10. a. Multifamily apartment dwellings, as defined in Article II.	N	SE	P	N	N	N
b. Multifamily condominium dwelling units, as defined in Article II.	N	SE	P	N	N	N
11. Mobile home parks or subdivisions.	SE	SE	N	N	N	N
12. Dwelling unit in conjunction with a principal nonresidential use.	SE	SE	P	N	P	N
13. Conversion of a single-family dwelling or other building into not more than 2 dwelling units subject to the provisions of the Table of Dimensional Requirements for Principal Uses. No expansion of the building area shall be made except as necessary for safety.	SE	P	P	N	N	N
14. a. Conversion of a dwelling or other building into multifamily apartments containing more than 2 dwelling units.	N	SE	P	N	N	N
b. Conversion of a dwelling or other building into multifamily condominiums containing more than 2 dwelling units.	N	SE	P	N	N	N
15. Bed-and-breakfast, rooming houses, or temporary boardinghouses, as defined in Article II.	N	SE	P	N	N	N
16. Home occupations, as defined in Article II.	SE	SE	P	N	SE	N
17. Home professional office, as defined in Article II.	P	P	P	N	SE	N
18. In-home service as a family day-care provider, as defined in Article II.	P	P	P	N	N	N
19. Noncommercial parking garage or parking area intended to fulfill off-street parking requirements.	N	P	P	P	P	P

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<b>C. Public or Private Recreational Uses</b>						
20. Parks designed or intended for passive recreation or open space.	P	P	P	P	P	P
21. Areas designed, equipped or intended for noncommercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.	P	P	SE	SE	SE	SE
22. Swimming pool (or beach) conducted as a principal use.	SE	SE	P	P	P	SE
23. Outdoor riding stables, subject to the setback requirements specified in § 405-27.	N	N	N	SE	N	SE
24 Private or membership clubs or lodges not operated commercially, nor conducted primarily as a business enterprise.	N	N	P	P	SE	N
25. Golf courses.	SE	SE	N	N	N	N
26 Golf driving or practice ranges, batting cages, racquet clubs/courts or miniature golf courses and the like, conducted as a principal use.	N	N	N	P	SE	N
27. Commercial outdoor recreation or amusement areas not otherwise described within this table, including rod and gun, archery and skeet shooting establishments and go-karts.	N	N	N	N	N	N
28. Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts, health/recreation, billiard or poolroom facilities and the like.	N	N	SE	P	SE	N
29. Transient or temporary recreational activity, such as a carnival, circus, fair or the like, provided each such activity does not exceed 14 days in a single year.	P	P	P	P	P	P

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<b>D. Institutional, Education and Utility Uses</b>						
30. Churches and other places of worship.	SE	SE	P	SE	P	N
31. Cemeteries.	P	P	SE	N	N	N
32. Public and private licensed hospitals, sanatoria and inpatient drug and alcohol rehabilitation facilities, subject to provisions of § 405-27.	N	N	N	SE	N	N
33. Charitable or religious institutions and licensed nursing homes or the like; institutions for human care and the treatment of noncontagious diseases, but excluding prisons and insane asylums.	SE	SE	SE	SE	N	N
34. Group homes.						
a. Halfway houses and juvenile institutions.	N	N	N	N	N	N
b. Handicapped and safe houses.	SE	SE	SE	SE	SE	SE
35. Meeting or assembly halls for philanthropic, religious, fraternal, civic or other nonprofit organizations/corporations; see setback requirements in § 405-27.	SE	SE	P	P	SE	N
36. Communications facilities, not necessarily limited to radio or television broadcasting or relay towers, and accessory equipment, including those utilities allowed under Subsection 89, including community and cable television systems shall be permitted by special exception in any Zoning District, provided that no communication facility and/or its associated tower shall be permitted unless its height is no greater than 199 feet and is located no closer to any lot line than a distance equal to its height. A communication facility shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes. No height or setback variances shall be permitted hereunder nor granted by the Board of Zoning Appeals.	SE	SE	SE	SE	SE	SE
37. Water reservoir and/or storage facilities, sewage treatment plants, lagoons, settling basins, and the like, conducted as a principal use.	SE	SE	SE	SE	SE	SE
38. Substations, yards or areas of transforming or switching electricity.	SE	SE	N	SE	SE	SE

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39. Civic buildings, including community centers, museums, post offices, libraries, fire and rescue stations, ambulance services and emergency medical transport services, and halls and public office buildings erected or used by federal, state, county or municipal governments or agencies thereof.	SE	SE	SE	P	SE	N
40. Government buildings or uses other than those described in Subsection 39 above, except educational buildings and uses.	SE	SE	SE	SE	SE	SE
41. Child-care centers, licensed, or drop-in centers as defined in Article II.	SE	SE	P	P	P	A
42. Public or private elementary schools or middle schools.	P	P	N	N	N	N
43. Public or private high schools or colleges.	SE	SE	N	SE	N	N
44. Public or private trade or professional schools, or the like.	N	N	SE	P	N	P
45. Penal institution.	N	N	N	N	N	N
<b>E. Retail and Commercial Services Uses</b>						
46. Automobile car washes, motor vehicle repair garages, small engine and related equipment repair and maintenance, to include lawn mowers.	N	N	N	P	N	N
47. Automobile, truck, farm equipment, trailer, motorcycle, recreational vehicle and accessory equipment, snowmobile or mobile home display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that:	N	N	N	P	N	N
a. Repair and maintenance, except to farm equipment, recreational vehicles and accessory equipment, and mobile homes, shall be conducted within enclosed buildings; and						
b. All outdoor storage areas and all outdoor repair and maintenance areas for farm equipment, recreational vehicles and mobile homes shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.						

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48. Automobile service stations, except highway service plazas as defined in Article II.	N	N	N	P	SE	N
49. Highway service plazas; see setback requirement in § 405-27.	N	N	N	SE	N	SE
50. Shopping center or mall. See § 405-30.	N	N	N	P	N	N
51. Building materials and supplies, for sale, provided that outdoor storage areas shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	N	N	P	N	N
52. Animal hospitals and kennels; see setback requirements in § 405-27.	N	N	N	SE	N	N
53. Veterinarians offices limited to small animal practice and provided that no overnight boarding occurs for nonmedical reasons.	N	N	N	P	SE	N
54. Business, service.	N	N	P	P	P	P
55. Professional offices.	N	N	P	P	P	P
56. Medical and dental offices or clinics for outpatient treatment, including accessory laboratory facilities.	N	N	P	P	SE	SE
57. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage.	N	N	N	P	N	SE
58. Funeral homes, mortuaries and the like.	N	N	N	P	N	N
59. Greenhouses and nurseries, including sales facilities.	N	N	N	P	SE	SE
60. Hotels, motels and the like. See § 405-31.	N	N	N	P	N	SE
61. Printing, photographic processing, blueprinting, photocopying and similar reproduction services, and facsimile transmission, except publishing.	N	N	P	P	N	P

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62. Parking lot or garage as a commercial or public enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least 3 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	SE	P	P	SE	SE
63. Business, personal service.	N	N	P	P	P	SE
64. Furniture, to include upholstery, repair, and refinishing.	N	N	N	P	N	SE
65. Restaurants and the like, except drive-in and drive-through restaurants as defined in Article II.	N	N	P	P	SE	N
66. Drive-in and drive-through restaurants.	N	N	N	P	N	N
67. Business, neighborhood retail.	N	N	P	P	P	N
68. Convenience stores and centers.	N	N	SE	P	SE	N
69. Specialty auto services, to include glass repair, lubrication, brake repair, and upholstery or the like.	N	N	N	P	N	N
70. Business, general retail.	N	N	P	P	SE	N
71. Signs. See the provisions of Article VII, including:						
a. On-premises identification signs. See § 405-45B	A	A	A	A	A	A
b. On-premises advertising signs. See § 405-45C.	A	A	A	A	A	A
c. Off-premises directional signs. See § 405-46B.	N	N	N	N	N	N
d. Off-premises business advertising signs. See § 405-46C(1).	N	N	N	N	N	N
e. Off-premises commercial advertising signs. See § 405-46C(1).	N	N	N	N	N	N
f. Temporary signs. See §§ 405-45D and 405-46D.	P	P	P	P	P	P
g. Civic billboards.	P	P	P	P	P	P
72. Taverns.	N	N	P	P	SE	N

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73. Warehousing and similar storage completely within enclosed buildings, including wholesale business, motor trucking terminals and accessory truck servicing, but excluding motor vehicle repair garages.	N	N	N	SE	N	P
74. Mini warehousing/storage.	N	N	N	P	N	P
<b>F. Manufacturing and Industrial Uses</b>						
75. Processing, commercial.	N	N	N	N	N	P
76. Processing or the manufacturing of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils.	N	N	N	N	N	N
77. Processing or manufacturing, primary.	N	N	N	N	N	N
78. Processing or manufacturing, secondary.	N	N	N	N	N	P
79. Research, design and development laboratories.	N	N	N	N	N	SE
80. Commercial bulk cleaning and laundering.	N	N	N	N	N	P
81. Wholesale distribution of petroleum products, including accessory storage facilities.	N	N	N	N	N	N
82. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops.	N	N	N	SE	N	SE
83. Contractors' equipment and material storage yards, provided that such shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	N	N	SE	N	SE
84. Industrial parks, subject to the provisions of § 405-32. See setback requirements in § 405-27.	N	N	N	N	N	P
<b>G. Miscellaneous and Accessory Uses</b>						
85. Junkyards.	N	N	N	N	N	N

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86. Sanitary and rubble landfills.	N	N	N	N	N	N
87. Other uses substantially similar in character and impact to uses ordinarily permitted by this chapter by right or by special exception within the same zoning district.	SE	SE	SE	SE	SE	SE
88. Accessory uses, including:						
a. Accessory use or building as defined in Article II.	A	A	A	A	A	A
b. Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes and shall not be located within front or side yard areas.	A	A	A	A	A	A
c. Temporary buildings accessory to a construction project.	A	A	A	A	A	A
d. Fences, walls and landscaping materials, subject to the traffic visibility requirements specified in § 405-20.	A	A	A	A	A	A
e. Off-street parking; see provisions of Article VI.	A	A	A	A	A	A
f. Noncommercial kennel.	A	A	A	A	A	A
g. Noncommercial satellite dish and TV tower.	A	A	A	A	A	A
h. Renewable energy resource systems per § 405-33.1,	A	A	A	A	A	A
89. a. Essential utility equipment as defined in Article II.	P	P	P	P	P	P
b. Utility equipment – other. Prior to the construction of any overhead electrical power line of 69 kilovolts or greater capacity, of any cross-country telephone trunk line, including microwave facilities, or of any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.	P	P	P	P	P	P