

ORDINANCE NO. 2026-0-5

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY, MARYLAND ("THE COUNCIL"), TO AMEND THE CITY'S ZONING CODE

BY ADOPTING A NEW ARTICLE XII, ENTITLED "URBAN DESIGN STANDARDS" AND NEW SECTION 230-82 ENTITLED ARCHITECTURAL DESIGN MINIMUM REQUIREMENT FOR NEIGHBORHOOD COMPATIBILITY"

WHEREAS, the Housing Expansion and Affordability Act (HB 538) was signed into law by Governor Moore on April 25, 2024 and it became effective on January 1, 2025; this bill was to provide an additional tool which Maryland can use to solve the state's 96,000 housing unit shortage. The bill is designed to address the housing supply and affordability crisis in a manner that is sensitive to local zoning, incentivizes affordability, and targets unit construction where it is most needed. One of its primary components is to prohibit jurisdictions from denying the construction of manufactured and modular home construction types in single-family zones; however, jurisdictions can require that these manufactured and modular homes meet all the same historic district standards or urban design standards that a more traditional single-family home would be required to meet if located in a designated historic district or if urban design standards are applicable and are applied uniformly.

WHEREAS, the purpose of this text amendment is to provide architectural design minimum requirements so new in-fill housing including modular and manufactured homes are compatible with existing neighborhoods; and

WHEREAS, the City has a diversity of neighborhoods and one of the largest nationally recognized historic districts in the State of Maryland with over 700 residential and commercial structure with no locally adopted historic preservation guidelines;

WHEREAS, additional objectives of the proposed amendment are to provide a framework of design guidelines that achieves the following:

1. Establishes standards that can be met through the placement of modular and manufactured housing and standard construction materials and practices so that compliance requiring an investment on the part of the builder developer does not jeopardize the concept of "affordable workforce housing" and infill development.
2. Establishes standards reflective of predominant architectural elements found in existing neighborhoods throughout the City.

3. Establishes standards that provide for economical construction, but do not sacrifice elements that will aesthetically improve the neighborhood, and that strengthens the long-term value of the property and the neighborhood.

4. Relaxes guidelines and restrictive zoning requirements in the City's single family residential district which would mandate standardized and/or repetitive, "factory" style or "row" type housing within existing neighborhoods exhibiting such development patterns thereby encouraging diversity in the style of housing and streetscape of a neighborhood.

WHEREAS, the Mayor and Council have deemed in the best interest of the City to approve the proposed text amendment by adding Article XII Urban Design Standards, Section 230-82 entitled "Architectural Design Minimum Requirements For Neighborhood Compatibility" to the Zoning Code; and

WHEREAS, the **PLANNING COMMISSON** conducted a public hearing on the proposed amendments on July 17, 2025 and recommended approval of the zoning change;

WHEREAS, the COUNCIL after a public hearing and second reading of the Ordinance on _____, unanimously approved the text amendments as set forth below:

Section 230-82. Architectural Design Minimum Requirements for Neighborhood Compatibility

A. General Requirements and Applicability:

This section shall apply to projects occurring within the R-1, R-1, R-3 and PRO Planned Redevelopment District as defined by the Pocomoke City Zoning Ordinance. Projects covered include: the placement of manufactured or modular homes; new construction and any renovation project that involves exterior alterations to the foot print, foundation, roof line, or other significant architectural features of a structure. This section does not apply to sheds, garages, decks, pools, and work considered to be routine maintenance of an existing structure or structures undergoing rehabilitation as defined herein

B. Definitions:

(1) One (1) story: a dwelling in which all heated living space is located on the first floor.

Any space allocated to the upper level shall be unfinished, unheated and not habitable

(2) One and a half (1½) story: a dwelling in which heated living space is primarily on the first floor. Second level may be unfinished and unheated.

(3) . Two (2) stories: a dwelling in which heated living space is located on a first and second floor. Second floor has full height exterior walls, and is fully finished and heated.

(4). Two and a half (2') story: same as (c) with a third level within the roof system that may be unfinished and unheated.

(5). Three (3) stories: Same as (c) but with a full third floor with full height exterior walls that is fully finished and heated.

(6) Predominant: A feature is considered predominant when it appears on at least 51% of the houses surveyed using the Neighborhood Compatibility Worksheet.

(7). New Construction: A new building that is erected on a vacant lot, including a new foundation. Building may be constructed on or off site and may include a manufactured or modular home.

(8). Exterior Alterations: Any project that involves a change of the building's footprint through either demolition or addition, or a change in the appearance of roof lines or other significant architectural features as well as foundation improvements to existing structures which change the peak roof height by more than two feet (2') plus or minus.

(9). Rehabilitation: Any project that updates and/or improves the condition of a house, and brings it into compliance with current building codes, but does not substantially alter the exterior appearance of the house.

C. Neighborhood Compatibility Survey (NCS):

(1). The Planning and Zoning Department shall provide the owner/builder developer of the property with a Neighborhood Compatibility Worksheet Survey (NCS) form prior to application being made. The pre-application documents shall also be available on the City's website.

(2). Owner/builder developer shall conduct a NCS of the properties surrounding the proposed site to determine the prevailing height, mass, scale, square footage, architectural details and style of construction in the adjoining neighborhood.

(3). The owner/builder/developer shall submit the results of the NCS, supporting documents, and the proposed plans for the project, with a description of how the project is compatible with its surrounding neighborhood.

(4). The Planning and Zoning Department Staff, Building Official, and/or other staff appointed by the City Manager shall review and field verify the application documents and provide a staff report that supports, or rejects, the application, or makes recommendations for a successful re-submission based on the minimum guidelines listed below. At least two (2) signatures shall be required for approving a Neighborhood Compatibility Survey. In the event of a tie, the City Manager shall cast the deciding vote or appoint a third person to review the NCS.

D. Compatibility Guidelines

- (1). Based on the results of the NCS, the new project should meet the predominant setbacks, height, mass, scale and square footage, prevalent in the neighborhood.
- (2). Architectural features such as porches, roof pitch, chimneys and trim details should meet the predominant details and pattern of the neighborhood. Chimneys will be required only for functional purposes. Faux chimney structures may be allowed as an architectural feature as part of the compatibility requirement.
- (3) Consideration will be given to elements that provide added energy efficiency or other means of lowering operating costs for the occupant of the house.

E. Minimum Design Guidelines

(1) Foundations

- a. Foundation heights shall be consistent with the neighborhood's pattern of development in the survey area.
- b. Slab on grade foundations will be considered if the house is designed for adaptation to applicable accessibility standards as established by code.
- c. Excessive or disproportionate foundation heights shall be discouraged as a means of increasing overall roof peak height.

(2) Roof pitch and height on the primary structure

- a. 1 story minimum roof pitch shall be 8/12 unless waived.
- b. 1 1/2 stories minimum roof pitch shall be 10/12.
- c. 2 story or greater minimum roof pitch shall be 6/12.
- d. Attached garages shall have a roof pitch matching the main house. Consideration may be given for other architectural designs which may compliment the structure.
- e. Porch covers, dormers and other attachments to the above may be lower.

(3) Setbacks and Lot Size Requirements

- a. Front of main house (excluding front porch) shall align with front corner of neighboring dwellings (excluding front porches). If neighboring dwellings are inconsistent, align with neighbor with the longer setback or in a manner consistent with the neighborhood and other planning considerations such as long-range transportation improvements that may require additional setbacks.

b. Consideration may be given for increasing front yard setback for installation of off-street parking in neighborhoods which may present on street parking concerns. Off-street parking shall comply with Article XIII or other provisions of the City's Zoning Ordinance.

c. To facilitate the goal of neighborhood compatibility, encourage infill development, and streamline the application process, staff may vary zoning setbacks and lot size requirements in Residential and PRD districts without the applicant having to seek a formal variance from the Board of Zoning Appeals.

(4) Exterior Materials

a. Siding and trim shall be of durable materials and in keeping with styles of the surrounding properties and shall be consistently applied to the structure. e.g. mismatched siding materials (part vinyl, part asphalt tile) or styles (part beaded 8", part double 4") will not be permitted.

b. Windows shall be in keeping with size and type of surrounding properties, and meet and building code requirements.

c. Roofing materials - shall be in keeping with the type surrounding properties and building code requirements.

(5) Fa ade Requirements

a. Any front-facing gables shall include a gable overhang of not less than 8".

b. Front facing gables shall include an attic window, if compatible with surrounding properties and/or decorative gable treatments which enhance the streetscape.

c. Front entry porch roof shall be differentiated from the main structure roof.

d. Front entry porch(s) shall be a minimum of 2x the width of the front doorway, including any sidelights, and a minimum of 4 feet deep, or fully cover the front entry landing area, whichever is greater. Porches over 30" in height above grade require railings as required by building codes.

e. Front entrance stairways (steps and landings) shall be in keeping with the surrounding properties. Uncovered (no roof structure) pre-cast concrete or lumber entrance stairways shall only be considered when no predominant style is found within the survey area. Partially covered front entry stairways and landings may be considered when designed as an architectural feature of the structure. Front entrance ramps, as required by the Americans with Disabilities Act, shall be designed in keeping with the surrounding neighborhood or to minimize the impact to the streetscape of the neighborhood, and shall be built to all applicable codes.

f. Any attached front-loading garage or carport shall be set behind the front facade of the main structure by a minimum of four (4') feet.

(6) Living Area

a. Proposed replacement structures shall contain a compatible amount of square footage of living area based on the results of the NCS survey.

(7) Relief

a. The results of the Neighborhood Compatibility Survey will be given more weight as opposed to following the strict interpretation of the guidelines if the findings of the survey show that adhering to the minimum standards would result in a project that is incompatible with its surroundings; (i.e. a neighborhood dominated by lower pitch roof lines, or a street where covered front porches are not the "norm").

b. Variances of up to 1/2 story (plus or minus) may be granted in compliance with predominant building heights and/or number of stories in a neighborhood when considering the structure's mass, scale and architectural detail in relation to the surrounding neighborhood. For example, a neighborhood may contain a number of two (2) story structures; however, these structures are smaller in living area and/or narrow by today's construction standard(s). Or older structures may be "L" shaped or unusually configured with more building mass and height located closer to the street. Whereas, a new project proposed for the same neighborhood, consisting of a non-predominant style, (1½ story) would be considered compatible even though its mass and configuration may be located differently on the lot, but other factors are taken into consideration such as scale, roof pitch, overall height and other architectural features.

c. Additionally, in an effort to encourage infill development and neighborhood revitalization, additional consideration may be given to a development project which may not strictly adhere to neighborhood compatibility guidelines but will not adversely affect the neighborhood. A neighborhood which has multiple vacant lots and/or dilapidated structures but where the remaining structures are predominantly 2 story, a 1 story structure may be placed as long as it contains architectural features of the survey area. A single story, unarticulated box or modular home, devoid of architectural features will not be allowed. Less emphasis will be placed on strict roof height, number of stories, or specific style and more emphasis should be placed on diversity of style, layout of development, open space and the overall economic health of the neighborhood and the need to encourage housing revitalization.

(8) Notification to the Public and Appeals Process

a. Upon acceptance of a completed application, staff shall prepare a placard describing the nature of the application and post it on the subject property in a conspicuous area. The

placard shall state that the public has a right to review the Neighborhood Compatibility application and provide input within ten (10) business days. The public and interested parties shall be given notice of the staff decision on Neighborhood Compatibility surveys by posting the results of the survey on the City's Web site and notification to interested parties. Within ten (10) business days upon being provided notice of the decision by staff~, interested parties may file an informal administrative appeal to the Planning and Zoning Commission. If an informal appeal is filed, the case shall be heard at the next regularly scheduled public meeting of the Planning and Zoning Commission. No fee is required for the informal appeal. Staff shall give notice of the public meeting to the applicant, the party filing the appeal and to surrounding property owners and the public by posting the notice on the City's web site and bulletin board and such appeal shall be included on the agenda for the Planning and Zoning Commission. The decision of the staff or Planning and Zoning Commission may be further appealed to the Board of Zoning Appeals. All fees for further appeal shall apply.

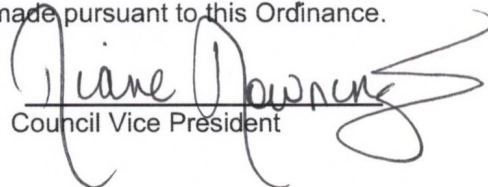
Nothing in these regulations excludes, exempts, or otherwise supersedes the requirements to comply with any and all other zoning regulations or other applicable local, State, or Federal requirements.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the COUNCIL that Article XII, entitled "Urban Design Standards" and Section 230-82 entitled Architectural Design Minimum Requirements for Neighborhood Compatibility be adopted;

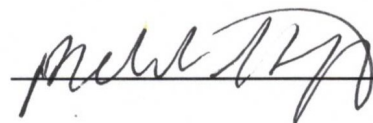
AND BE IT FURTHER ENACTED AND ORDAINED that Exhibit A attached hereto entitled "Neighborhood Compatibility Worksheet," are hereby approved and adopted as documentation to be used for completion and approval of applications made pursuant to this Ordinance.


8-4-2025
Date Introduced

9-15-2025
Date Passed


Council Vice President

APPROVED BY ME THIS DAY OF
September 24,
2025


City Clerk


Mayor, Todd J. Nock