

ARTICLE 8 SUPPLEMENTAL USE REGULATIONS

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Sec. 801 ACCESSORY APARTMENTS

Accessory apartments are permitted as a conditional use when all the following conditions are met:

⁶(a) Accessory apartments are allowed in residential properties in RO, R4, R6, R8, R12, R16, R20, DR and DBO districts under the following conditions:

- (1) A maximum of one (1) accessory apartment may be added within a single family dwelling.
- (2) The accessory apartment is to be added to the single family detached dwelling constructed at least five (5) years prior to the conditional use application.
- (3) The property owner must reside in dwelling at all times while the accessory apartment is being used and occupied.
- (4) The property owner must have resided in a dwelling for one (1) year prior to the application of an accessory apartment.
- (5) Any separate unit entrance must be on a side of the building not a street side or on the rear of the dwelling.
- (6) At least one (1) parking space shall be provided per unit beyond the required parking for the principal use. Parking spaces shall be located in the rear yard and behind the principal dwelling unit.
- (7) The following minimum lot area requirements shall apply:

R4, R6	10,000 square feet lot area
RO	10,000 square feet lot area
R8, DR, DBO	6,000 square feet lot area
R12, R16, R20	5,000 square feet lot area

(b) Accessory apartments are allowed in nonresidential properties in NC, GC, DBO, M1, M2 and IST districts under the following conditions:

- (1) The nonresidential structure is designed to provide a separate entrance for the accessory apartment.
- (2) At least one (1) parking space shall be provided per unit beyond the required parking for the principal use. Parking spaces shall be located in the rear or side yard.
- (3) The following minimum lot area per accessory apartment requirements shall apply

DBO	6,000 square feet lot area per apartment
NC, GC, IST	10,000 square feet lot area per apartment
M2, M1	10,000 square feet lot area per apartment

(c) Accessory apartment(s) shall be in compliance with all other provisions of this Code and applicable building code requirements.

- (d) Use of an accessory apartment(s) shall not transfer with the sale of a property. A new owner must reapply for approval of the accessory apartment conditional use.
- (e) The applicant must provide guarantees deemed appropriate by the Board that the addition of the accessory apartment(s) will not result in excessive concentrations of such units within a neighborhood, that sewer and water service is adequate for that additional unit and that the accessory apartment will be compatible with the existing neighborhood and not result in any activity which will detract from the residential character of a neighborhood.

³³**Sec. 802 ACCESSORY DETACHED DWELLING UNITS**

This section implements Policy H.2 of the Comprehensive Plan to promote the development of housing with costs that reflect the range of incomes generated within the City while protecting the quality of life of existing neighborhoods. This policy directs the City to consider changing regulations to permit accessory dwelling units by right on the same lot as the principal detached owner-occupied single-family dwelling unit in new developments that have had a master plan approved for a PND, TND, or MU master plan after January 4, 2004. New developments that wish to have accessory dwelling units must gain Planning Commission approve of the concept at the Master Plan stage of development.

(a) Applicability

This section applies to any "accessory detached dwelling unit" (an "ADDU"). An "accessory detached dwelling unit" is defined in Section 1002.

⁷(b) Standards

- (1) ADDU's are permitted only in the zoning districts indicated in § 404 in R4, R6, R8, R12, R16, R20, DR, and MU.
- (2) Not more than one accessory dwelling unit may be established on a lot.
- (3) The height of the ADDU shall not exceed fifty percent the height of the Principal Dwelling Unit.
- (4) ADDU's shall not exceed a gross floor area one-thousand (1,000) square feet or more than fifty percent of the principal structure's floor area, whichever is less.

- (5) At least one (1) additional parking space for the ADDU shall be provided. Parking spaces shall be located in the rear yard and behind the principal dwelling unit.
- (6) The Planning Commission shall review the ADDU component of the Master Plan based upon the following minimum characteristics:
 - A. Alley frontage;
 - B. Proximity with other ADDUs;
 - C. Compatibility of exterior building materials;
 - D. Ratio of the area of open and green space; and
 - E. Compatibility with architectural features of the principal structures proposed.

The applicant shall provide documentation to address items A-E.

- (7) No more than ten percent of the detached single family dwelling units in a project may be constructed as ADDU's.
- (8) A home occupation may not be located in the ADDU.
- (9) The resident owner of the principal dwelling must reside in the principal dwelling or the ADDU; however, a temporary absence of less than one year is permitted. During this absence, the resident owner's dwelling unit may not be rented. This condition must become part of the HOA documents.
- (10) The ADDU shall meet the requirements of all City codes, have adequate water and sewer hook-ups, be sprinkled for fire suppression, and meet all requirements for public services: such as, but not limited to, school capacity, water and sewer capacity, and traffic generation. Impacts measured for an ADDU shall be equal to those of a single multi-family dwelling unit. The parkland requirement for an ADDU may be found in Section 608: Parks and Open Space.
- (11) Prior to building permit approval, the property owner must record a declaration of restrictions containing a reference to the deed under which the property was acquired and stating the following.
 - A. The ADDU shall not be sold separately from the primary residential dwelling unit.

- B. The zoning certificate for the ADDU shall be in effect only so long as either principal residence, or the ADDU, is occupied by the owner of record as their principal residence. This language shall be included within the HOA documents.
- C. The declarations in this section are binding upon all successors in ownership.
- D. Upon sale of the property, the new owner of the subject property must file an ADDU Registration with the Planning Department within 60 days acknowledging the deed restrictions on the property.
- E. The property owner will abide by all conditions of the ADDU section of the Land Management Code.

(c) Procedures

- (1) Applications for use of ADDUs within proposed TND, PND, or MU developments shall be reviewed and approved by the Planning Commission for the number of ADDUs in the development at the master plan stage of development. The submittal shall include all submittal requirements in Table 1102-1, Submittal Requirements, and items A-D below:
 - A. Density of ADDU's plus breakdown of lot distribution.
 - B. Notation relative to any setbacks or dimensional requirements for the ADDU.
 - C. Architectural drawings or renderings submitted for the principal single family structures shall include comparable drawings for the ADDU.
 - D. Additional requirements are section 802.c A-D is required at the Preliminary Plat stage or the Final Site Plan stage; which ever comes first.
- (2) Projects that are developed with a preliminary plan being the first formal plan of review shall be reviewed and approved by the Planning Commission for the number of ADDUs during the preliminary plan stage of development. The following details must be submitted and reviewed and approved by the Planning Commission with a request for a proposal for ADDU lots for a subject preliminary plan:

- A. Building envelope(s) as required by dimensional requirements of Section 405-1;
 - B. Existing structures on the lot (s);
 - C. Schematic architectural design of the ADDU and the principal structure.
 - D. Location of the principal or accessory structure(s);
 - E. Location of the access to the site by the ADDU.
- (3) An ADDU may not be established on an existing lot.
- (4) No ADDU may be established on a lot created pursuant to a subdivision plat that is approved after January 14, 2007, unless it is authorized by a site plan approved by the Planning Commission as provided in § 309.
- (5) The ADDUs that are built in later phases will be shown on the final site plan. A note referencing ADDUs on lots that will be built in later phases will appear on the preliminary plan and the final plat for the subject project.
- (6) ADDUs that are delineated on a final site plan and that are constructed at a later date will not require approval of an additional final site plan.

⁶¹Sec. 803 ACCESSORY USES AND STRUCTURES

(a) Accessory Uses and Structures - General Regulations

Accessory uses and structures which are customarily incidental to the permitted principal use or structure, which are clearly subordinate to the permitted principal use or structure and which do not significantly alter the character of the permitted principal use or structure are permitted subject to requirements of this Section 803. This subsection (a) does not apply to a driveway or other paved parking area in a residential zoning district.

- (1) Accessory uses and structures shall be located on the same parcel as the permitted principal use or structure.
- (2) Except as provided by subsection (d), no accessory use or structure shall be located within any required front yard.
- (3) Any accessory uses and structures located within six (6) feet of the permitted principal use or structure or attached in any manner to the principal use or structure shall comply with the setback (yard) requirements of such permitted principal use or structure.
- (4) Unless otherwise regulated by this Code all accessory uses and structures which are separated from the principal use or structure by more than six (6) feet shall be located at least three (3) feet from every lot line and six (6) feet from every street or alley right-of-way line.
- (5) Unless otherwise regulated by this Code the lot coverage of accessory uses or structures shall not exceed 30% percent of the required yard area where they are being placed. The following are exempt from this requirement:
 - A. Accessory residential structures in the DR, DB, DBO districts; and
 - B. Decks, landings, and related open stairs;
- (6) Except as provided elsewhere in this Code, no accessory structure shall exceed seventy percent (70%) of the maximum height allowed for the permitted use, except in conjunction with agriculture, industrial use, or an ADDU as provided in §802.

(b) Accessory Uses not Listed in Use Matrix

The Zoning Administrator may issue a Zoning Certificate for an accessory use that is not listed in the Use Matrix (§ 404, Table 404-1) upon a finding that the proposed use:

- (1) is subordinate to the principal building, structure, or use; and
- (2) is customarily incidental to the permitted principal use or structure; and
- (3) conforms to all of the requirements of subsection (a), above; and
- (4) does not generate any additional traffic.

(c) Accessory Structure for Domestic or Farm Animals

Accessory structures housing farm animals or farm equipment shall be located at least fifty (50) feet from a street right-of-way, and five hundred (500) feet from an adjacent property in an R district. Such structures shall not exceed a height of fifty (50) feet.

(d) Accessory Structures in Front Yards

Accessory structures in front yards shall be limited to the following:

- (1) Mailboxes
- (2) Driveways and parking areas
- (3) Signs as permitted by §864.
- (4) Fences as permitted by §821.
- (5) A flagpole. The flagpole must be set back from a property line one (1) foot for every foot of flagpole height. This provision does not apply to commercial flags that are utilized for advertising and identification which are provided for by §864 (Signs).

(e) Corner Lots

- (1) In all districts allowing residential uses, including all applicable end townhouse units, where any dwelling or structure is located on a corner lot or reverse corner lot, no accessory structure shall be located within the front yard specified by § 405, (except as modified elsewhere in this Code.

- (2) On a corner lot in any district, no structure, parking area or landscape material shall be placed in any yard that impedes visibility across the corner in accordance with the § 611(t) (Sight Triangle).

8(f) Portable Storage Containers

Portable storage containers are prohibited as on-site long-term storage in all districts, except M1 and M2. Portable storage containers may temporarily be located on property in a RC, RO, R4, R6, R8, R12, 16, R20 or DR district for no more than thirty (30) days. Portable storage containers may temporarily be located on property in a PB, MO, NC, GC, DB, DBO, MU, MXE, IST or PRK district for no more than ninety (90) days. In M1, M2, MO, PB, NC, and GC a portable storage container shall also include truck trailers, which may or may not be licensed for travel on public roads.

(g) Residential Driveways and Parking Areas

This subsection (g) applies to residential zoning districts.

- (1) Except as otherwise provided in subsection (g)(3), driveways and other paved parking areas shall not exceed the lesser of (i) 30% of the required front yard; or (ii) 30% of the actual front yard. For purposes of this section, “actual front yard” means that portion of a lot, extending between the two side lot lines, between the front lot line and a line drawn parallel thereto at the point where the front façade of the dwelling unit is closest to the front lot line.
- (2) The amount of paving permitted under subsection (g)(1) is allowed only to the extent that it will not cause the total amount of impervious surface on a lot to exceed the impervious surface ratio set forth in § 405 of this Code.
- (3) This subsection (g)(3) applies only to development projects subject to the minimum parking space requirements of § 607(b) of this Code. At the request of the applicant, at the time of preliminary subdivision plat or final site plan approval, the Commission may grant a modification to the requirements of this subsection. A modification may allow the maximum paved area permitted by subsection (g)(1) to be increased by the minimum extent necessary to meet the minimum parking space requirements.
- (4) Driveways and other paved parking areas must be located at least 3 feet from interior lot lines.

Sec. 804 ADAPTIVE REUSE

¶ Purpose: *The purpose of this section is to foster the renovation and reuse of structures which have historic, architectural, economic or other value to the City and are vacant or at risk of becoming under-utilized, vacant or demolished. This section encourages the revitalization of distressed areas and the conversion of older or historically significant buildings to more economically sustainable uses. This will help to reduce vacant space as well as preserve the City's architectural and cultural past. This revitalization will also facilitate the development of a "24-hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other.*

(a) Applicability

This section applies to any building or structure that is determined by the Historic Preservation Commission to meet all of the following standards:

- (1) The building or structure was constructed on or before the effective date of this Code.
- (2) The building or structure:
 - A. is designated as an historic landmark, qualifying property, or thematic grouping, or is located on a landmark site, or a historic district, designated pursuant to § 423 or
 - B. complies with the building design standards of § 604; or
 - C. has sufficient historic, architectural, economic or other values that outweigh the public interests underlying the parking, landscaping or other standards waived in subsection (d), below, that might impede its reuse and preservation.
- (3) The building or structure is no longer economically viable in its current use or uses. In making this finding, the Historic District Commission shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Historic District Commission may require the applicant to submit independently verified documentation.

(b) Standards

Adaptive Reuse projects shall comply with the requirements of this Code except as set forth in subsection (d), below.

(c) Permitted Uses

- (1) The following uses are permitted in any building designated pursuant to subsection (a), above:

Table 804-1 Permitted Adaptive Reuse Uses

(A)	(B)
If the building or structure is located in the following districts:	The building or structure may be used for any use permitted in the following districts or the existing zoning district:
R12	R16
R16	R20
MO, PB, NC	MO, PB, NC
M1, M2	M1, GC, R20
DR	DBO
DBO	DB

- (2) Live entertainment may be permitted in conjunction with a commercial use of such a property provided the entertainment is permitted by the granting of a conditional use by the Zoning Board of Appeals.

(d) Reuse Incentives

As an incentive for redevelopment and reuse, adaptive reuse projects designated pursuant to subsection (a), above are entitled to the incentives set forth below. Incentives with a check mark (√) in Column (B) apply to the existing floor area of the building or structure. Incentives with a check mark (√) in Column (C) apply to the floor area that is added to a building or structure. If Column (B) or (C) has no check mark, then the incentive does not apply to existing or new floor area, respectively.

Table 804-2 Adaptive Reuse Incentives

(A)	(B)	(C)
Incentive	Existing Floor Area	New Floor Area
Dimensional Standards. Existing floor area, setback encroachments, yards, or heights that do not comply with the standards permitted in the zoning district are permitted.	√	
Floor Area Ratio. Residential floor area that does not exceed more than 33 percent of the floor area of the ground floor is not considered new floor area for purposes of calculating a floor area ratio.	√	√


(A)	(B)	(C)
Incentive	Existing Floor Area	New Floor Area
Mezzanines are not included in the calculation of floor area for the purpose of determining compliance this with the standard, so long as it does not add a new dwelling unit.		
Density. Dwelling units, joint living and work quarters and guest rooms are not subject to the minimum lot area requirements of the zoning district.	√	
Off-Street Parking. The required number of parking spaces shall be the lesser of the number of spaces that existed on the site as of the effective date of this Code, or the minimum number of spaces required by § 607. The number of spaces shall be maintained and not reduced. Adaptive Reuse projects are otherwise exempt from the parking standards of § 607 of this Code.	√	
Site Plan Review. Adaptive Reuse projects of less than 3,000 gross floor area are exempt from the requirements for Site Plan Review set forth in Article 3, Section 309.	√	
Loading Space. If no loading spaces exist, then a loading space is not required in conjunction with the development of an Adaptive Reuse project. Where an existing loading space is provided, the requirements of § 607 (Parking and Loading Standards) apply.	√	

Sec. 805 ADULT DAY CARE

Adult day care centers are permitted by right in GC, MU, and MXE. Adult day care centers are permitted as a conditional use in all RO, R4, R6, R8, R12, R16, R20, DB, DR, and DBO districts and subject to the following requirements:

- (a) The applicant must provide guarantees as may be deemed necessary by the Board that the proposed adult day care center will not constitute a nuisance because of the number of persons being cared for, increased traffic, noise, or any other activity associated with the use which may be disruptive to the neighborhood.
- (b) The property must be appropriate for the use and of sufficient size and shape so as to accommodate the proposed number of persons to be cared for, parking, passenger pick up and drop off areas. A site plan meeting the requirements of Sections 308 and 1102 must be submitted with the application for Adult Day Care.
- (c) The property to be used as an adult day care center must contain no less than one hundred (100) square feet for each of the first five (5) clients being cared for, and sixty (60) square feet for each additional client after the first five (5). Space requirements do not include office space, bathrooms, storage, examination room, but shall include dining room if it is also used for activities.
- (d) The adult day care center shall provide day care services only on a nonresidential basis. Days and hours of operation shall conform to the requirements set forth in COMAR Section 10.12.04.05N.

⁹ ¹⁰ **Sec. 806 ADULT USES**

 **Purpose and findings:**

- *The purpose of this Section is promote the health, safety, and general welfare of the citizens of The City of Frederick through the establishment of reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within The City of Frederick.*
- *The intent of this Section is to create a content-neutral mechanism to address the secondary effects of adult entertainment businesses; it is not the intent of this Section to suppress any speech protected by the First Amendment.*
- *It is neither the purpose nor the effect of this Section to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is neither the intent nor the effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.*
- *It is neither the purpose nor the effect of this Section to condone or legitimize the distribution of obscene materials.*

The Board of Aldermen of the City of Frederick makes the following findings:

- *That adult entertainment businesses, as hereinafter defined, exist or may exist within The City of Frederick; and*
- *That adult entertainment businesses are subject to the zoning laws and other provisions of this Code; and*
- *That adult entertainment businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the communities where they locate, and*
- *That there is a substantial body of knowledge about the adverse secondary effects of adult entertainment businesses on the public health, the general welfare, and property, and that this knowledge should be used to develop reasonable regulations that will protect the public health, the general welfare, and property; and*
- *That such secondary effects include increased crime, downgrading of property values, increased urban blight, and lower quality of life; and*

- *That alcohol consumption in adult entertainment businesses increases the likelihood of crime and other secondary effects, and encourages undesirable behavior that is detrimental to the public health, safety and welfare; and*
- *That such secondary effects are particularly acute when adult entertainment businesses are located in close proximity to one another; and*
- *That The City of Frederick has a substantial interest in protecting the quality of life of its citizens by reducing the secondary effects of adult entertainment businesses; and*
- *That this Section is a fair and reasonable means of achieving, and substantially advances, the governmental interests set forth herein, and have been drafted to provide the controls necessary to accomplish such governmental interests.*

(a) Applicability

This Section applies to all adult entertainment businesses operating in The City of Frederick as of the effective date of this Section and to all adult entertainment businesses locating and operating or proposing to operate in the City at any time thereafter.

(b) Zoning Certificate

(1) Zoning Certificate Required

No adult entertainment business may begin operating within The City of Frederick unless and until said business has obtained a Zoning Certificate from the City in accordance with Section 302 of this Code and this Section.

(2) Information for Adult Entertainment Businesses

In addition to the requirements of § 302, (Zoning Permit and Certificate) each application for a zoning certificate for an adult entertainment business shall include the following:

- A. In accordance with §806(e) of this Code, a certified survey prepared by a licensed surveyor or licensed engineer showing distances from the nearest portion of the structure to be used for an adult entertainment business to the nearest property line of the premises of a church, school, park, or residential area, as those terms are defined in Article 10 of this Code; and

- B. The name and mailing address of all owner(s) of the adult entertainment establishment
- C. A filing fee will be charged in accordance with the fee schedule contained in §1103 of this Code.

(3) Processing a Zoning Certificate for an Adult Business

- A. The zoning certificate shall be approved or denied within five (5) working days after the application is filed and determined to be complete, unless additional time is needed to review structural issues unrelated to the use of the adult entertainment business, in which case the generally applicable time period relating to issuance of a zoning certificate shall apply.
- B. If the zoning certificate application is not approved or denied within the time period established in this subsection, the application shall be deemed approved and the applicant may file an application for a certificate of occupancy.
- C. In order to guarantee prompt judicial review of any adult entertainment application, and in recognition of the restrictions on the City of Fredericks authority to require courts in Maryland or the federal circuits to action within any given time period, a temporary zoning certificate shall be issued if:
 - 1. the zoning certificate is denied, and
 - 2. the applicant brings a timely action for judicial review, as defined in the rules of procedure for the court in which the application is brought, and
 - 3. the proposed adult entertainment business is not located in a residential zoning district.
- D. A temporary zoning certificate issued pursuant to subsection C, above, expires when a final judicial determination is made relating to the application. If the applicant prevails, the a permanent zoning certificate shall be issued within five (5) working days after the applicant notifies the Director of Planning about the outcome of the lawsuit. If the City prevails, the temporary zoning certificate becomes null and void, and the applicant shall bring the premises into compliance of this Code within ten (10) working days after the final judicial decision is rendered.

11(c) Location Restrictions

Adult entertainment businesses are permitted as a principal use in the GC, M1, M2, MU and MXE districts provided that:

- (1) The adult entertainment business may not be operated within:
 - A. 1,250 feet of a church;
 - B. 1,250 feet of a school;
 - C. 1,250 feet of a public park with active recreation uses, excluding the City's golf course;
 - D. 1,250 feet of a child day care center;
 - E. 1,250 feet of a RO, R4, R6, R8, R12, R16, R20, and DR zoning district, or the residential component of a mixed use project in an MU or MXE zone; or
 - F. 1,500 one thousand five hundred feet of another adult entertainment business.
- (2) An adult entertainment business cannot be operated in the same building, structure, or portion thereof containing another adult entertainment business.
- (3) For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park with active recreation uses (excluding the City's golf course), a residential zoning district or component as further described in subsection (e)(1)E above, or a child day care center.
- (4) For purposes of subsection (e) (1)F of this section, the distance between any two (2) adult entertainment business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(d) Non-Conforming Uses

- (1) Any adult entertainment business lawfully operating as of the effective date of this Section in violation of the locational requirements set forth in subsection (e) above is a non-conforming use and is subject to the provisions of §806 of this Code. If two or more adult entertainment businesses are within one thousand five hundred feet (1,500) feet of one another and otherwise in permissible locations, the adult entertainment business that was first established and continually operated at a particular location is the conforming use and any later established adult entertainment business is non-conforming.
- (2) An adult entertainment business is not rendered non-conforming by the later establishment of any of the uses set forth in Section (e) (1) above.

(e) Variance

(1) Applicability

The Zoning Board of Appeals may authorize variances to the provisions of Section (e) of this Section in accordance with the criteria set forth in subsection (g) (2) of this Section. The granting of a variance does not exempt the applicant from any provisions of this Section other than modifying the locational restrictions set forth in Subsection (e).

(2) Decision-making Criteria, Variances for Adult Entertainment Businesses.

- A. The Board may authorize a variance from the locational restrictions set forth for adult entertainment businesses in §806(e) of this Code.
- B. The Board may authorize a variance only upon specific findings that:
 1. A sufficient physical barrier separates the adult entertainment business from the land use(s) any of the protected uses set forth in §806(e), so as to substantially fulfill the purpose of the distance requirement. Such physical barriers may include, but are not limited to, limited access streets or highways, walls, and natural or manmade waterways; and

2. The strict application of the provisions of these regulations will create an undue hardship unique to the applicant for a particular location; and
3. All other applicable provisions of §806 and this Code will be observed.

(f) Exterior Portions of Adult Entertainment Businesses

- (1) An owner or operator of an adult entertainment business shall not allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- (2) An owner or operator of an adult entertainment business shall not allow the exterior portion of the adult entertainment business to have flashing lights, or any drawing, photograph, phrase or other matter considered obscene as that term is defined in the Criminal Law Article of the Maryland Annotated Code.
- (3) An owner or operator of an adult entertainment business shall not allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to an adult entertainment business if the following conditions are met:
 - A. The establishment is a part of a commercial multi-unit center; and
 - B. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- (4) Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of an adult entertainment business.
- (5) Notwithstanding any other City ordinance, code or regulation to the contrary, no person may erect, construct or maintain for any adult entertainment establishment any sign containing any drawing, photograph, phrase or other matter considered obscene as that term is defined in the Criminal Law Article of the Maryland Annotated Code.

(g) Alcoholic Beverages Prohibited

The sale, use or consumption of alcoholic beverages on the premises of an adult entertainment business is prohibited.

(h) Exception

Notwithstanding any other provision of this Section, movies rated G, PG, PG-13, or R by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this Section.

Sec. 807 ANTENNA ACCESSORY TO RESIDENCES

No amateur radio transmission antenna shall be constructed until plans for the same have been submitted to and approved by the Planning Department. The plan shall show location, height, and configuration of the equipment. If approved, the structure shall be constructed in such a manner as not to present any electrical hazard to any person around, near, or upon the antenna.

Sec. 808 AUTOMATIC TELLER MACHINE (ATM)

An ATM is permitted as an accessory structure and use to an office, bank, college, or shopping center, subject to the following:

- (a) Site plan approval of such facility shall be sought and obtained from the Planning Commission prior to issuance of building permit.
- (b) The site plan shall show the location of principal buildings and roadways on the site in the vicinity of the ATM; the location of the ATM on the site, its size and height; the exterior building materials to be used in the construction of the ATM; the method of lighting the ATM; and the method and nature of all signage for the ATM.
- (c) The ATM shall have no on-site employees.
- (d) A freestanding ATM shall not exceed two hundred (200) square feet in footprint (outside measurements), shall not exceed eleven (11) feet in height, shall provide sufficient parking including one disabled space, shall be limited to signage only as a part of the structure, shall be located no closer than thirty (30) feet to any exterior property line of the campus, and shall provide Level II or Level III screening designed in such a way as to be appropriate under the circumstances of the request.

Sec. 809 BED AND BREAKFAST / TOURIST HOMES

12(a) Applicability

Tourist homes or bed and breakfast homes are permitted as a conditional use in RO, R4, R6, R8, R12, R16, R20, PB, NC, DB, DR, DBO, and MU districts provided all of standards established in subsection (b) are met.

(b) Standards

- (1) The applicant must provide guarantees as deemed appropriate by the Board that the property is adequate for the proposed use and that the use of a particular property for a tourist home or bed and breakfast home will not constitute a nuisance because of increased vehicular traffic, noise, odor or any other activity associated with the use which may be disruptive to the residential character of the neighborhood.
- (2) Except within NC, DB, and DBO districts, no more than one such use shall be permitted per block or closer than five hundred (500) feet to another such use. This distance shall be measured along the street frontage from the closest property line between the subject properties.
- (3) The property owner shall reside at the subject property.
- (4) There shall be no exterior evidence that a building is being used for any purpose other than a residence except for one permitted sign of no more than two (2) square feet.
- (5) Off-street parking shall be provided; one (1) space per guest room. In no case shall parking be provided in a front yard. All parking areas must be adequately screened as required by § 605 of this Code.
- (6) Bed and breakfast homes shall not be used, leased or rented for business or wedding reception activities.
- (7) Breakfast is the only meal that may be served to guests, and it must not be served to any other paying nonresident of the premises. No separate cooking areas shall be maintained other than the main kitchen.

- (8) A paying guest must not remain in a bed and breakfast lodging for more than fourteen (14) days within a thirty (30) day period.
- (9) In order to preclude adverse neighborhood impact, the Zoning Board of Appeals may limit the number of occupants per room.
- (10) The owner of the premises must maintain a register of all paying guests listing the guests' names; dates of arrival and departure; room number and number of occupants per room. If requested, this register must be made available to appropriate city officials.

Sec. 810 RESERVED

¹Sec. 811 CHILD DAY CARE CENTER

- (a) Child daycare centers shall be permitted in RO, NC, GC, DB, MU, and MXE district subject to review and approval of a site plan pursuant to § 309 of this Code.
- (b) Child day care centers may be permitted in IST and PB districts as an accessory use to the principal use without a conditional use.
- (c) In all districts, pursuant to COMAR 07. 04.01 for Family Care Centers, a residential property is exempt from any required approval when care is being provided for eight (8) or fewer children.
- (d) Pursuant to the Maryland Code (§5-572) (Child Care Centers) are subject to local zoning regulations. Small Child Care Centers, caring for between eight (8) and twelve (12) children, are allowed in all R Districts provided all of the following conditions and requirements must be met:
 - (1) **The applicant must provide guarantees as may be deemed necessary by the Board that the proposed child daycare center will not constitute a nuisance nor be disruptive to the neighborhood due to the number of children being cared for, noise, traffic, or any other activity associated with the use. The Board will specifically consider existing daycares within a five hundred foot (500) radius of the proposed daycare in order to determine the extent of neighborhood impact. Said radius shall be measured from the center point of the front building setback line.**
 - (2) A child daycare center may not employ more than one (1) nonresident and must have off-street parking available for the one (1) employee.
 - (3) It must be demonstrated to the Board's satisfaction that sufficient pickup and drop-off areas are available.
 - (4) Daycare centers must have a minimum lot area of no less than one thousand (1,000) square feet per child to be cared for.
 - (5) Applicant must be able to present a childcare licensing certificate and inspection report from the Child Care Administration of the State of Maryland.

**Sec. 812 COMMERCIAL & INDUSTRIAL USE
SUPPLEMENTARY REGULATIONS**

- (a) Goods processed, stored or sold shall be limited to those which are not hazardous or objectionable by reason of odor, dust, smoke, steam, cinders, gas, fumes, noise, vibration, fire, explosion, radiation, refuse matter or water carried waste.
- (b) In the all districts, the storage of flammable materials shall be in accordance with the State Fire Marshal and Maryland Department of the Environment regulations.
- (c) In all districts except M1 and M2, all business and services shall be conducted within completely enclosed buildings except for automobile or other vehicle sales.
- (d) In the GC, M1 and M2 districts, outdoor storage of material awaiting sales, delivery, or further processing shall be permitted only in the GC, M1 and M2 districts provided:
 - (1) such storage areas are in a side or rear yard no closer than fifty (50) feet from a property in a district other than GC, M1 and M2 and screened as required by § 605 (Landscaping Standards);
 - (2) such storage areas are in a side or rear yard no closer than ten (10) feet from a property in the GC, M1 and M2 districts and screened as required by § 605;
 - (3) such storage areas are in a front yard for panhandle lots shall be adjacent to and no closer than ten (10) feet from a property in the GC, M1 and M2 districts and screened as required by § 605;
 - (4) such storage areas are no closer than fifty (50) feet from a street right of way.
- ³⁹(e) In the Carroll Creek Overlay district, accessory retail sales is permitted in the M1 district as set forth in § 420(d) of this Code. Except in the Carroll Creek Overlay District accessory retail sales are permitted as a conditional use for any manufacturing, processing, assembly, warehouse, or distribution center in the M1 and M2 districts provided articles sold are:
 - (1) Products manufactured, assembled, or processed on site; or
 - (2) Parts or accessories to products manufactured, assembled, or processed on site; or

- (3) Articles stored or distributed by a warehouse or distribution center.
- (4) In no event shall more than ten (10%) percent or one thousand (1,000) square feet of the floor area, whichever is less, of a building which is used for manufacturing, processing, assembly, storage or distribution of products, be used for retail sales.
- (5) Service facilities likewise are limited to repair of and or service of products manufactured, processed, assembled, stored or distributed by the principle use.
- (6) Nothing herein contained shall be construed to permit the operation of general retail sales businesses in the M1 and M2 districts other than as provided in this section.
- (7) Off-street parking for accessory retail sales shall be provided according to requirements for retail sales of § 607 (Parking and Loading Standards) of this Code.

³⁴ **Sec. 813 COMMERCIAL USE IN HISTORIC STRUCTURES**

- (a) **Purpose and Applicability.** The purpose of this section is to permit, as a conditional use, the use of a historically significant structure for purposes not otherwise permitted (either by right or as a conditional use) in the zoning district in which it is located. This section applies in every zoning district except for the downtown business (DB) district.
- (b) **Definition.** For purposes of this section, “historically significant structure” means a structure that is (1) listed on the City’s inventory of historic resources within the current Comprehensive Plan; or (2) located in a historic preservation overlay zone.
- (c) **Permitted Uses.** Subject to the requirements of this Section 813 and any other applicable regulation, the Board may approve the use of a historically significant structure and any accessory structure on the same lot for any of the following uses: restaurant, restaurant with entertainment, winery, antique or gift shop, museum, cultural center, business or professional office, or any other use functionally similar to one of the foregoing. If the proposed use is permitted by right or as a conditional use in the district in which the historically significant structure is located, then the provisions of Section 813 are not applicable and the use of the structure must be approved in accordance with all other applicable regulations.
- (d) **Review by Historic Preservation Commission and Planning Commission.**
- (1) **Historically Significant Structures in HPO.** In accordance with Section 423 of this LMC, the Historic Preservation Commission (HPC) shall review any proposed alteration to the exterior of a structure located within a Historic Preservation Overlay (HPO) district.
- (2) **Historically Significant Structures Not in HPO.**
- (A) **Recommendation by HPC.** If a historically significant structure is not within an HPO, the HPC shall evaluate the proposed alteration using the Secretary of the Interior’s Standards for Rehabilitation and determine whether the alteration will be detrimental to the historic character or appearance of the building, its appurtenances, or the streetscape. Based on its determination, the HPC will forward to the Planning Commission a recommendation as to whether or not the proposed alteration should be approved.

- (B) Decision by Planning Commission.** The Commission shall consider the recommendation of the HPC in deciding whether to approve a final site plan including the proposed alteration. The Planning Commission shall approve only alterations that are not detrimental to the historic character or appearance of the structure, its appurtenances, or the streetscape.
- (e) Nuisance.** The applicant must provide guarantees as deemed necessary by the Board that the use will not constitute a nuisance or otherwise be disruptive to the neighborhood because of increased traffic, noise, odor, or other activity associated with the commercial activity.
- (f) Parking.** Except as otherwise provided in this subsection (f), parking shall be provided in accordance with Section 607 of this LMC. The Board may approve modified parking requirements if reasonable mitigation is provided or the historic significance of the structure or its site would be negatively impacted by the provision of parking in accordance with Section 607.
- (g) Signage.** One non-illuminated sign may be installed at each major entrance to the site. Each sign must be four feet or less in height and 32 square feet or less in area.
- (h) Additional Requirements for Certain Uses.**
- (1) Restaurant with Entertainment.** The use of a historically significant structure as a restaurant with entertainment is subject to the requirements of Section 856 of this LMC.
 - (2) Winery.** The use of a historically significant structure as a winery is subject to the requirements of Section 857, subsections (a) and (c) through (f) of this LMC.
- (i) Other Laws.** A use permitted under this Section 813 is subject to all other applicable laws and regulations, including but not limited to review by the Historic Preservation Commission and Planning Commission.

Sec. 814 CONDOMINIUM

- (a) In any district where a property is to be established as a condominium, it shall be subject to the requirements of the Maryland Condominium Act, Maryland Real Property Code, and Title 11. This Code applies to property subject to the condominium form of ownership, but shall be construed and applied with reference to the overall nature and use of the property without regard to the form of ownership. Such properties shall also meet the requirements of the City Building Code.
- (b) Where a developer desires to convert an existing or proposed condominium project into a non-condominium subdivision, the conversion shall be subject to Planning Commission approval under the Subdivision Regulations of Article 5 of this Code. In the event of such conversion, the Planning Commission shall require changes to the design plan, including varying yard and area requirements, in order that the design conforms as closely as possible to this Code. Nothing in this section authorizes the developer to construct, or the Planning Commission to allow, additional dwelling units or more commercial or industrial floor space than was present in the original condominium concept.

**Sec. 815 CONSTRUCTION AND BUILDING TRADE/
CONTRACTOR'S OFFICES IN PB ZONING DISTRICT**

Certain construction and building trade/contractor's offices are permitted in the PB district as conditional uses, as identified in the Use Matrix of § 404, provided the conditions listed below are met. These selected construction and building trade/contractor's offices are conditional uses in the PB district because their operational characteristics do not include outside storage and have limited tractor-trailer traffic and loading requirements.

- (a) No outside storage is permitted. All operations of the business must be completely enclosed within the building.
- (b) The final site plan shall provide for parking of all vehicles specially outfitted for construction activities to be parked in the rear of the site and properly screened.
- (c) The applicant shall provide guarantees as deemed necessary by the Board that the use of a property for a construction or building trade/contractor's office will not constitute a nuisance because of noise or other activities associated with the use. The failure of the owner of a construction, or building trade/contractor's office to consistently abide by all conditions, limitations, and restrictions which may be specified by the Board in granting a conditional use may result in the certificate of occupancy for being revoked.

Sec. 816 CONVENIENCE STORES WITH GAS SALES

Convenience stores with gas sales are permitted as a conditional use in the NC, DB, and MU districts provided that all of the following conditions are met:

- (a) The lot on which the service station/convenience store must front and have access to an arterial or collector street.
- (b) The service station/convenience store must meet the off street parking requirements in Section 607 (Parking and Loading) of this Code, no provision for payment-in-lieu of parking is allowed as a condition of this use.
- (c) The use shall be in conformance with the definition of a convenience store in Article 10 of this code which permits no more than two thousand five hundred (2,500) square feet of customer service area within the convenience store. No modification shall be granted to this requirement.
- (d) The use shall be in conformance with the Performance Standards in Article 4 of this Code; however, no modification shall be granted to the landscaping requirements.

**Sec. 817 CONVERSION OF DOWNTOWN GROUND LEVEL
BUSINESS TO DWELLING**

The ground level of buildings in the DB district which are designed for business occupancy may be converted to dwellings only upon findings by the Zoning Board of Appeals that continued business use of the building is not viable or practical and that the loss of business use in the building would not be detrimental to the continued business activity of downtown.

Sec. 818 CONVERSION TO DWELLING

- (a) Except as provided for under paragraph (b) below, the conversion of a building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Code, and only when the resulting occupancy shall comply with the minimum lot area, minimum area per dwelling unit, and yard requirements of § 405 governing new construction in the district.

- (b) Buildings within the DB district only which existed as of February 6, 1986 may be converted or modified to accommodate dwelling units regardless of minimum lot area and lot area per dwelling unit of § 405 (Dimensional and Density Regulations) subject to the following limitations:
 - (1) One dwelling unit for each eight hundred fifty (850) square feet of gross floor area within the existing building shall be permitted on the lot or one (1) dwelling on each floor above the ground level shall be permitted.

 - (2) Buildings with ground level floors designed for business occupancy, whether occupied or vacant, may not be modified so that the entire ground level is converted to dwellings but must retain space viable for business occupancy adjacent to the street unless total ground floor conversion is authorized by the Zoning Board of Appeals as a Conditional use (see § 308: Conditional Uses).

Sec. 819 DRIVE-THROUGH FACILITIES

(a) Applicability

- (1) This section applies to any lot or parcel that contains a drive-through facility, or any building or structure that has an attached drive-through facility. A “drive-through facility” means any window or similar location at which food, merchandise, or services are delivered to a customer while located in a motor vehicle. A drive-through facility may consist of driveway lanes, an ordering station, and a drive-through pick up window.
- (2) A drive through facility is permitted accessory use in PB, NC, GC, MO, M1, M2, MU, and MXE. A drive through facility is a conditional use in DB, DBO, and IST.

(b) Circulation

- (1) A minimum of seven (7) queue spaces, including the vehicle being serviced, shall be provided for the first drive-through facility, unless otherwise specified in this Code. If more than one drive-through lane is provided at a facility, the number of queue spaces per lane may be reduced to a minimum of five (5) queue spaces. Each queue space shall be a minimum of twenty (20) feet in length and shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be a minimum of twelve (12) feet in width and shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site.
- (2) A bypass lane shall be provided with a minimum width of nine (9) feet and shall be clearly distinguished from the queuing lane by markings.
- (3) Other one-way lanes shall be a minimum of fifteen (15) feet in width.

(c) Conditions

In the DB, DBO, and IST Districts drive-through facilities are conditional uses only when the following are met:

- (1) Ingress and egress from the drive-through shall not be from an arterial street.
- (2) The queue area shall be internal to the site and not front on a street.
- (3) Pedestrian traffic shall not be impeded by drive-through traffic.

Sec. 820 RESERVED

Sec. 821 FENCES, WALLS, AND HEDGES

^{2, 3, 32, 8}(a) Generally

- (1) A fence, wall or hedge must comply with § 611 (t) when placed at the intersection of two roadways. When placed at the intersection of any other travel way and a roadway, the fence, wall, or hedge must be set back a distance of 15 feet from the corner where the two property lines intersect.
- (2) The height of fences, walls, and hedges shall be measured as the vertical measurement along the length of the outside face when measured from the final, finished grade.
- (3) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
- (4) The finished side of the fence shall face outward toward surrounding properties and right-of-ways.

(b) Residential Zoning Districts

- (1) Above ground electrical fences, barbed wire fences, and chain link fences with vinyl or wooden slats are prohibited in or adjacent to residential and mixed use districts.
- (2) Except as otherwise permitted, fences, walls, and hedges are prohibited beyond the front façade of the principal structure.
- (3) A wall constructed between lands of different elevations, for the purposes of protecting structures or preventing erosion, that does not extend above the higher of the two finished grades is permitted beyond the front façade of the principal structure.
- (4) A fence or wall shall not exceed six feet in height in any yard. Hedges located in a rear or side yard may exceed six feet in height.
- (5) A fence, wall, or hedge is permitted on corner lots as follows:
 - A. In a back-to-back corner lot, a fence not exceeding six feet in height is permitted along the property line abutting the secondary street frontage. (Figure 821-1)

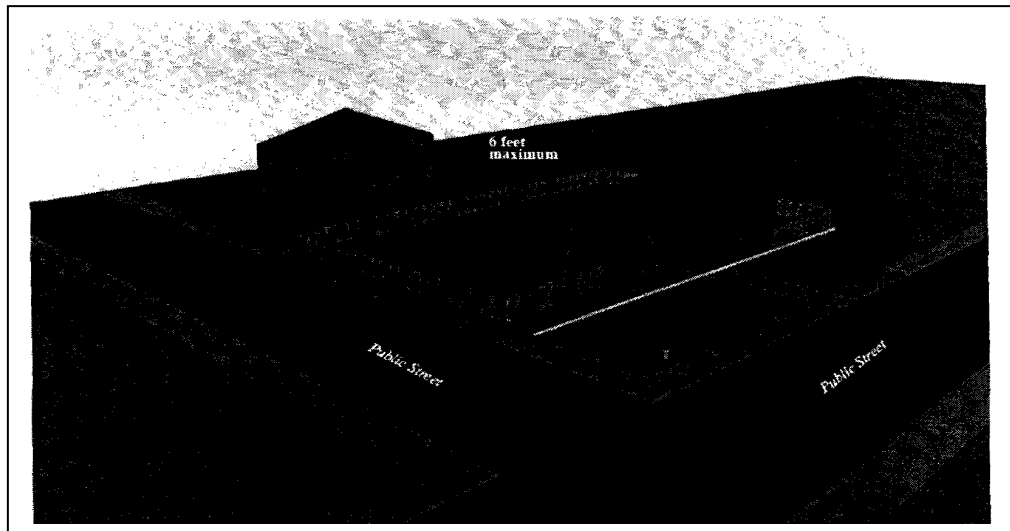


Figure 821-1

- B. In a reversed corner lot where a right of way separates the subject lot from the adjacent residential lot that fronts on the corner lot's secondary frontage, a fence not exceeding six feet in height is permitted along the property line abutting the secondary street frontage. (Figure 821-2)

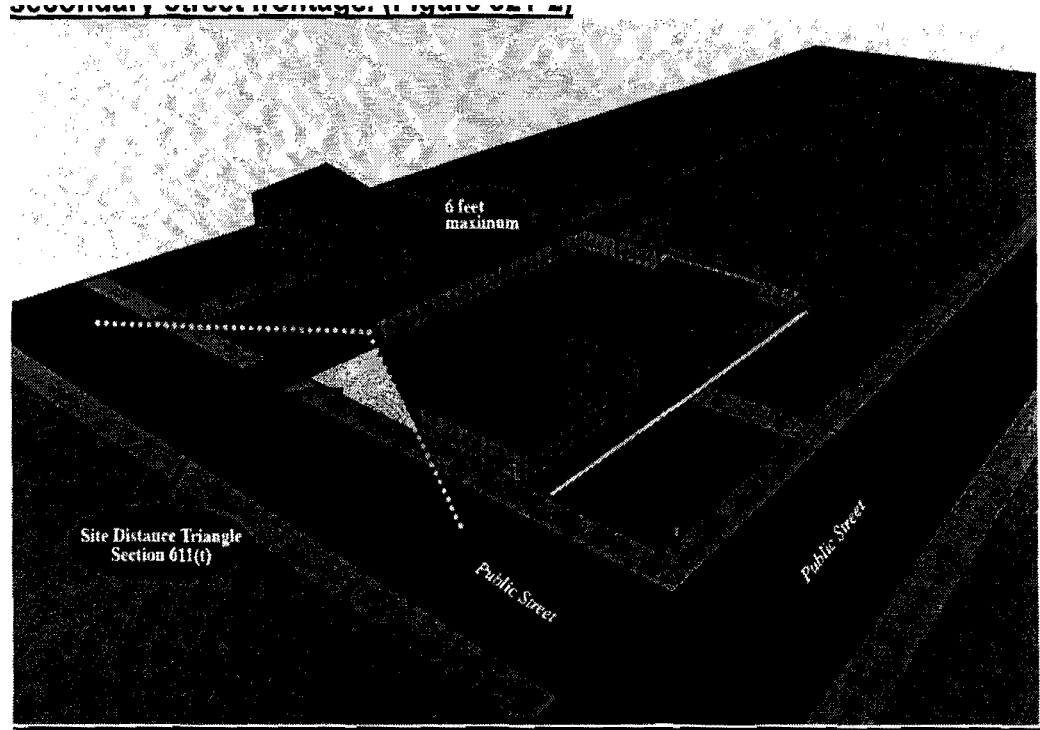


Figure 821-2

- C. In a reversed corner lot that directly abuts another residential lot, the portion of the fence, wall or hedge located within the required yard abutting the secondary frontage may not exceed four feet in height. (Figure 821-3)

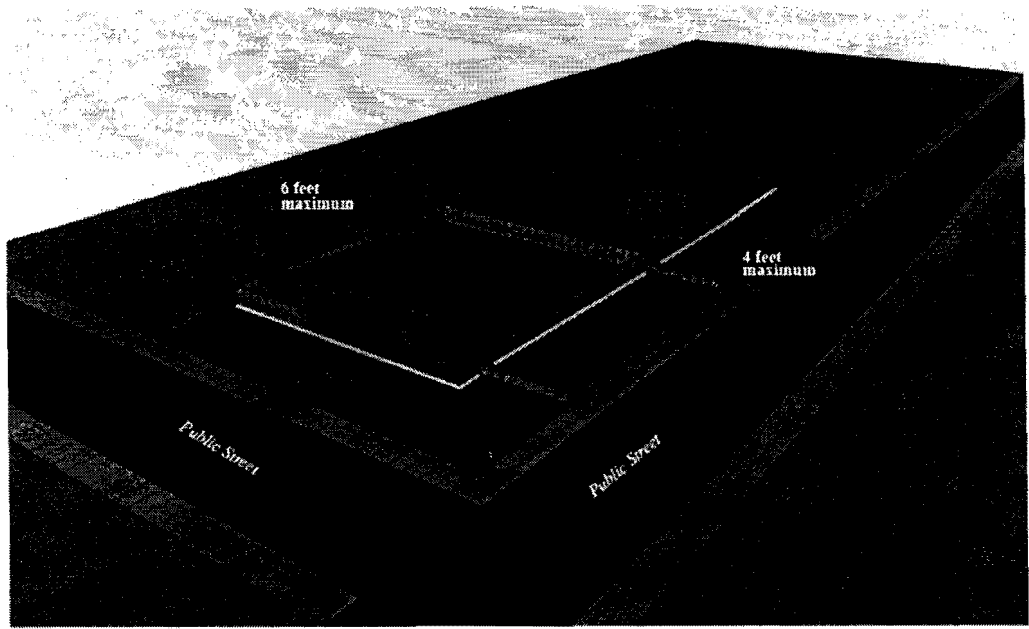


Figure 821-3

- (6) Housing types with no backyard (i.e. back-to back townhouses, quadraplexes and similar housing types)

In the case of lots which are approved for a housing type which have no backyards, fences, walls, and hedges may be constructed in front yards.

- A. To obtain approval of such fences, the applicant shall submit an overall fencing plan for all such lots which front on a particular street, such plan to be approved by the Planning Commission as part of site plan approval for the housing units on the block, or subsequent to site plan approval.
- B. No such fencing plan shall be approved unless the development in which the lots are located shall have recorded, or shall plan to record documents creating a Homeowner's Association which is empowered to maintain, repair, and replace all such fencing.
- C. As part of the site plan review, the Department shall review such Homeowners Association documents to ensure that the documents contain provisions as set forth herein.

(7) Multi-family Dwelling Units

Fences, walls or hedges may be constructed in the front of any multiple-family dwelling unit project, subject to Planning Commission approval of the fencing plan as part of site plan approval or subsequent to site plan approval provided that:

- A. The maximum height of any fence, wall or hedge permitted under this subsection may not exceed four (4) feet.
- B. For purposes of this subsection, a multiple-family dwelling unit shall be defined as having a minimum of twenty-five (25) dwelling units.
- C. Fences, walls or hedges in the front yard of multiple-family dwelling units may be located in an R8, R12, R16, or R 20 district.
- D. Fences, walls or hedges shall not be permitted in the public right-of-way, and shall be permitted only in dedicated common open space or on property owned by the Homeowners' Association.
- E. Fences, walls or hedges shall be designed and constructed in compliance with §611(t) so as not to impede or obstruct visibility on any street or public way.

35(c) Non-residential Zoning Districts

- (1) A fence, wall, or hedge not exceeding eight (8) feet in height may be located in any yard of any lot in a NC, GC, DB, PB, MO, IST, MU1, or MU2 district not abutting a residential, RO, or DBO district. A fence along a lot line abutting a residential, RO, or DBO district zoned lot shall be six (6) feet in height or less.
- (2) In the M1, M2, and MXE districts, a fence, wall, or hedge may not exceed eight (8) feet in height in the front yard and shall not exceed ten (10) feet in height when adjacent to any nonresidential district, in accordance with § 605. A fence along a lot line abutting an R, DR, or DBO lot shall be six (6) feet in height or less.
- (3) Barbed wire is permitted in commercial and industrial districts provided barbed wire is installed on top of a fence that is at least six feet in height.

(d) Modifications

- (1) The Planning Commission may approve modifications to the height and location of fences, walls, or hedges.
- (2) In addition to the review criteria of Section 309(m)(4), the Planning Commission shall also consider the following criteria in approving a fence modification:
 - A. The proposed fence, wall, or hedge complies with the sight triangle provisions outlined in Section 611(t);
 - B. The proposed fence, wall, or hedge is consistent with the scale and design of the surrounding community;
 - C. The proposed fence, wall, or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

[Cross-references: Fences in the Historic District - see § 423; fences for swimming pools - see §803 (accessory uses); 611 (sight triangle area)]

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Sec. 822 RESERVED

Sec. 823 FUNERAL HOMES

- (a) Funeral homes are permitted as a conditional use in the DR, GC, and PB districts provided that all the following conditions and requirements can be met:
- (1) Applicant provides guarantees as deemed appropriate by the Zoning Board of Appeals that a funeral home will not adversely effect the character of the existing residential neighborhood due to any increased traffic or other characteristics which would be disruptive to the neighborhood.
 - (2) Funeral directing and embalming shall be permitted on the premises, however, the operations of a crematorium shall not be permitted on the premises.
 - (3) Off-street parking to service the proposed facility must be sufficient to meet the requirements of Section 607 as it applies to funeral homes.
 - (4) Any service entrance to the proposed facility shall be screened in accordance with Section 605 (Level III screening.)
 - (5) Parking shall be screened as required by Section 605.
 - (6) Funeral homes must be located on at least a minor arterial or within one city block of a minor arterial street to ease traffic flow. The funeral home must have direct access to the minor arterial by a City street and not an alley.
- (b) Funeral homes with a crematorium shall be permitted in the PB, GC, and MU districts provided that all of the following conditions and requirements are met:
- (1) Applicant provides guarantees as deemed appropriate by the Board that a funeral home will not adversely affect the character of the existing neighborhood due to any increased traffic or other characteristics which would be disruptive to the neighborhood.

- (2) Funeral directing and embalming shall be permitted on the premises. The operation of a crematorium shall be permitted on the premises.
- (3) Off-street parking to service the proposed facility must be sufficient to meet the requirements of § 607 as it applies to funeral homes.
- (4) Any service entrance to the proposed facility shall be screened in accordance with §605 (Level III screening).
- (5) Parking shall be screened as required by § 605.
- (6) Funeral homes must be located on at least a minor arterial or within one city block of a minor arterial street to ease traffic flow. The funeral home must have direct access to the minor arterial by a City street and not an alley.
- (7) Funeral directing, embalming services, sales of prearranged funeral contracts and the operation of a crematorium facility constructed in compliance with all Federal and State laws and regulations including, but not limited to, those promulgated by the State of Maryland, Department of Environment Air Management Administration shall be permitted. Incidental sales of caskets, vaults, monuments, markers and flowers shall be limited to catalog and/or display sales of these items for prearranged individual viewings or funerals. A display area of no more than two thousand (2000) square feet may be allowed within the building. Outdoor storage of incidental sales items and/or outdoor assembly of incidental sales items shall not be allowed on the premises.
- (8) Off-street parking to serve the proposed facility must be sufficient
- (9) Any service entrance to the proposed facility shall be screened in accordance with § 605 (Level III screening). Any additional landscaping necessary to screen this use from adjacent residentially zoned properties or uses may be required by the Board of Zoning Appeals.
- (10) Parking shall be screened as required by § 605.

Sec. 824 GAS STATIONS & GAS SALES

The number of fuel dispensing pumps for any gas station or any convenience store with gas sales shall not exceed the following:

¹³Table 824-1 Gas Pumps by Location or District

Zoning District or Location	Pumps/1,000 square feet of lot area
Lots that are within 200 feet of the following zoning districts, measured from the lot line to the zoning district boundary:	
RC (Resource Conservation)	0
R4 (Low Density Residential), R6 (Low Density Residential), R8 (Medium Density Residential), R12 (Medium Density Residential), R16 (High Density Residential)	0.01
R20 (High Density Residential)	0.02
The following districts, except in the locations described above:	
RO (Residential - Office)	0.0
PB (Professional Business)	0.0
NC (Neighborhood Commercial)	0.1
GC (General Commercial)	0.4
DR (Downtown Residential)	0.0
DBO (Downtown Office Commercial)	0.2
DB (Downtown Commercial / Residential)	0.1
M1, M2 (Industrial)	0.4
PND (Planned Neighborhood District)	0.03
MXE (Mixed Employment)	0.2
MU (Mixed Use)	0.2

Sec. 825 GOLF COURSE AND COUNTRY CLUB

Golf course and club may be permitted in the RC, GC, M-1, M-2, MU, MXE, and PRK districts provided that all of the following conditions and requirements are met:

- (a) The applicant must provide guarantees as deemed necessary by the Planning Commission through the review of a final site plan, pursuant to § 309 of this Code, that the use of the property will not constitute a nuisance because of increased traffic, noise, light or glare, or other activity associated with the use which would be a disturbance to any adjacent property situated in an R or D district.
- (b) Lighting shall be directed towards the property and away from any adjacent property in an R, IST or D district.
- (c) Applicant must own a minimum of fifty (50) continuous acres for a nine (9)-hole course and a minimum of one hundred and ten (110) continuous acres for an eighteen (18) hole course. The acreage must be comprised of land in the above-referenced districts or a combination thereof; and in no event may the acreage set forth herein be comprised of land on which a golf course and club is not permitted.
- (d) Any structure located in the above-referenced districts shall be screened from adjacent residential dwelling units with Level I screening as specified in § 605 of this Code.

Sec. 826 GOLF DRIVING RANGES

Golf driving ranges are permitted in the RC, GC, M1, M2, MXE, and PRK districts provided that all of the following conditions and requirements can be met:

- (a) All structures and fences shall be at least one hundred (100) feet from all property lines.
- (b) All parking areas shall be at least fifty (50) feet from all property lines.
- (c) All structures shall be screened with Level I screening as specified by § 605 of this Code.
- (d) Range distances must be at least four hundred and fifty (450) feet
- (e) The applicant shall provide guarantees as deemed necessary by the Planning Commission through the review of a final site plan, pursuant to § 309 of this Code, that the use will not constitute a nuisance because of increased traffic, noise, or other activity associated with the use that may be disruptive to the residential character of the neighborhood.
- (f) All lighting must be directed away from adjacent residential property.
- (g) Hours of operation shall not extend beyond 10:00 P.M.

Sec. 827 GROUP HOMES

Purpose: this section provides guidance for city agencies to accommodate group homes and similar living arrangements. These residences are protected by state and federal law. This section applies these laws to this Code, and establishes uniform, non-discriminatory regulations that accommodate these uses while protecting neighborhoods.

(a) Single-Family Group Homes

(1) Applicability

This section applies only to public group homes, nonprofit private group homes, and alternative living units. These are subject to Maryland Code, Health-General § 7-603. This section implements § 7-603.

(2) Requirements

To avoid discrimination in housing and to afford a natural, residential setting, a group home or an alternative living unit for individuals with developmental disability:

- A. Is deemed conclusively a single-family dwelling;
- B. Is permitted to locate in all residential zones; and
- C. Is not subject to any special exception, conditional use permit, or procedure that differs from that required for a single-family dwelling.

The provision of separately identified living quarters for staff does not affect the conclusive designation as a single-family dwelling under this paragraph.

(b) Regulated Group Homes

³⁶(1) Applicability

This section applies to any Regulated Group Home, as defined in Section 1002. These group homes are not subject to the protections established by state law as described in subsection (a), but are protected by the federal Fair Housing Act.

Regulated Group homes are permitted in R8, R12, R16, R20, DB, DR, DBO, and MU, districts if all of the following conditions are met. Group homes are permitted in IST without conditions. For purposes of this section, a "regulated group home" means a

residential facility in which more than eight (8) disabled persons unrelated by blood, marriage, adoption or guardianship resides with one or more resident counselors or other staff persons. A "disabled person" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons.

(2) **Fair Housing Act**

The Zoning Administrator may render an interpretation that any other facility that is protected by the federal Fair Housing Act, 42 U.S.C. § 3601 et seq., but not expressly enumerated in subsection (a), is subject to the protections provided by this section. The Zoning Administrator may waive any provision of this section if he determines that the waiver is necessary to afford disabled persons equal opportunity to use and enjoy a dwelling.

(3) **Location**

Group homes are permitted in R8, R12, R16, R20, DB, DR, DBO, and MU, and are considered a principal permitted use in the IST district. Pursuant to the requirements of the federal Fair Housing Act and applicable case law, this Code does not require conditional use permits or any other form of discretionary review for group homes. A variance is required to the extent that the group home seeks a variance from the standards that apply to other uses in the applicable zoning district. A Site Plan is also required to demonstrate compliance with all applicable provisions of this Code.

(4) **Standards**

Group homes are a permitted use in all residential zoning districts. The standards applicable to group homes are the same as for single family dwelling units located within those districts. Evidence of any license, certifications or registration required for the group care home by a state or federal agency or a copy of all materials submitted for an application for any such license shall be provided.

Sec. 828 HELIPORTS/ HELISTOPS

Heliports and Helistops are permitted in the GC, M1, M2 and IST districts provided that all of the following conditions and requirements are met:

- (a) The applicant must provide guarantees as deemed necessary by the Planning Commission through the review of a final site plan, pursuant to § 309 of this Code, that the use of a property will not create a hazard nor constitute a nuisance because of increased traffic, noise or other activity disruptive to the use of adjacent property or the neighborhood.
- (b) The applicant must submit for the Planning Commission's review a site plan with information required by § 309. In addition, this plan must indicate approach zones, landing areas, lighting, fire protection measures, windbreaks or fences, and all other relevant information concerning the proposed use.
- (c) The applicant must provide guarantees as the Planning Commission deems necessary that the proposed heliport or helistop meets all Federal Aviation Administration requirements, that required approvals and licenses have been obtained and that the property will be constructed and continually maintained in conformance with the approved site plan.

Sec. 829 HOME OCCUPATIONS

(a) Applicability and Definitions

- (1) This section applies to any home occupation or no-impact home occupation as defined below.
- (2) For purposes of this section, a "home occupation" means any full or part-time occupational or business use within a dwelling, other than a no-impact home occupation.
- (3) For purposes of this Subsection, a "no-impact home occupation" means a business that:
 - A. Is consistent with the residential character of the dwelling unit;
 - B. Is subordinate to the use of the dwelling unit for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit;
 - C. Uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors or that causes an increase of common expenses that can be solely and directly attributable to a no-impact home-based business; and
 - D. Does not involve use, storage, or disposal of any grouping or classification of materials that the United States Secretary of Transportation or the State or any local governing body designates as a hazardous material.
- (4) For purposes of this Section, a "home occupation" or "no-impact home occupation" does not include telecommuting. "Telecommuting" means work outside of the office that involves no deliveries, storage, customer visits, or similar activities.
- (5) No home occupation is permitted unless it is authorized by a Conditional Use. No no-impact home occupation is permitted unless it is authorized by a Zoning Certificate. No Conditional Use is required for a no-impact home occupation.

(b) Conditional uses

Home occupations are permitted as a conditional use in all R, all D, NC and GC districts if all of the following conditions and requirements are met:

- (1) The applicant must provide guarantees that the use of a property as a home occupation will not constitute a nuisance because of increased pedestrian or vehicular traffic, noise, or other activity associated with the use of the dwelling for business purposes which may be disruptive to the residential character of the neighborhood.
- (2) A home occupation must be secondary to the residential use of the property and shall be conducted totally within the dwelling. Not more than Twenty (20) percent% of the floor area of the dwelling or three hundred (300) square feet, whichever is greater, may be devoted to a home occupation.
- (3) Only one person who is not a resident of the dwelling may be employed/work/volunteer on site in conduct of a home occupation.
- (4) A home occupation may not result in any external evidence that a building is being used for any purpose other than a dwelling.
- (5) Except for the permitted employee who may be employed, a home occupation may result in no vehicular traffic, except for a maximum of one (1) daily local home delivery from services such as UPS or FedEx, and in no case shall result in delivery by tractor trailer trucks.
- (6) If deemed appropriate, the Board may permit a home occupation for a specified period of time with periodic review and approval required to ensure conformity with the conditions and requirements.

59 (c) No-Impact Home Occupations (Generally)

- (1) Except as provided in subsection (2), below, the Planning Department may approve a zoning permit/certificate for a No-Impact Home Occupation in all R Districts other than RO, DB, DBO, or DR if:
 - A. No customer visits are allowed in connection with the no impact home occupation. For purposes of this section, a "customer visit" means a visit to the home by one automobile transporting one or more clients or customers.
 - B. No employees, or any person may engage on site in the home occupation, other than the household residing in the dwelling unit are permitted.
 - C. No deliveries or storage related to the home occupation are permitted.
 - D. Not more than twenty percent (20%) or three hundred (300) feet of the total floor space of the dwelling is permitted for business purposes, whichever is less.
 - E. If the dwelling is used as a child day care center, then no other home occupations are allowed on the premises.

(d) No-Impact Home Occupations, RO, DB, DBO and DR Districts

- (1) The City may approve a zoning permit/certificate for a No-Impact Home Occupation in the RO, DB, DBO and DR Districts if:
 - A. Not more than 1,000 square feet of the total floor space of the dwelling is permitted for business purposes.
 - B. No signage is permitted on the lot or parcel in connection with the business.
- (2) Visitors to the home business and parcel deliveries are not restricted in the RO, DB, DBO and DR district.

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Sec. 830 RESERVED

Sec. 831 RESERVED

Page 744 –750 Reserve

Sec. 832 INDOOR SPORTS COMPLEX

An Indoor Sports Complex is permitted as a conditional use in the GC, MU, MXE and M1 districts provided all of the following conditions are met:

- (a) The use of the property as an Indoor Sports Complex will not constitute a nuisance to other adjoining properties because of the increased pedestrian or vehicular traffic, noise, or other activity associated with such use of the property. Such use of the property shall be compatible with the existing industrial uses.
- (b) In industrial zones an Indoor Sports Complex shall be located to assure the safety of the users of the facilities from industrial activities.
- (c) A minimum floor area of 40,000 square feet and contain at least one (1) playing surface or field, with a minimum of twenty five thousand (25,000) square feet of playing surface, and include designated areas for teams, coaches, and spectators within the facility. The facility shall meet the following criteria:
 - (1) Team and individual sports that may be played at an Indoor Sports Complex shall include, but not be limited to, soccer, lacrosse, field hockey, roller hockey, ice hockey, flag football, volleyball, basketball, badminton, weight lifting, roller skating, squash, handball, racquetball, track and field events and functionally similar sporting activities.
 - (2) The combined playing surface(s), coaches and spectator areas shall encompass at least seventy percent (70%) of the total useable square feet of the Indoor Sports Complex.
 - (3) Areas for personal fitness shall encompass no more than fifteen percent (15%) of the total useable square feet of the Indoor Sports Complex, and may include areas for weight training, aerobic conditioning, and other fitness development regimens.
 - (4) Offices for sports-related professional businesses shall encompass no more than seven and one-half percent (7.5%) of the total useable square feet of the Indoor Sports Complex, and may include offices for personal trainers, coaches, sports medical professionals, sports associations and functionally similar users.
 - (5) Ancillary support services shall encompass no more than seven and one-half percent (7.5%) of the total useable square feet of the Indoor Sports Complex, and may include food service, sports retailers, sports-related entertainment and similar related uses.

- (d) All boundaries of the Indoor Sports Complex adjoining a residential district use shall be screened with a minimum of Level III screening or be protected with a berm or a sound attenuation wall, if necessary, along such boundary lines as specified by § 605 of this Code, and shall be screened along such other property lines as the Zoning Board of Appeals shall require.
- (e) Parking shall be provided at the rate of one (1) space for every two and two-tenths (2.2) persons based upon one-third (1/3) of the maximum occupants of the facility pursuant to the fire safety code. Additionally, a graded grassy area adjacent to the parking lot(s) shall be established for overflow parking spaces. The rate of additional overflow parking spaces shall be a minimum of twenty (20 %) percent of the required parking spaces. Frequent use of the public street or the overflow area for parking, as determined by the Planning Commission based on a staff report prepared by the Planning Department, shall require pavement of the overflow area.
- (f) An Indoor Sports Complex that will host paid spectator's events will require submittal of a traffic study that will address traffic flow and additional parking requirements. The traffic study shall be submitted with the conditional use application and shall be sealed by a licensed traffic engineer.
- (g) As provided for in § 308, the Board may terminate this conditional use if the conditions of approval are violated.
- (h) The Zoning Board of Appeals may modify the fifty (50) foot building setback line to no less than twenty (20) feet if there are extenuating circumstances based on the irregular shape of the lot or other natural features that make it impractical to maintain a fifty (50) foot setback. In such cases, a sound attenuation wall, earthen berms, or additional landscaping must occupy the square footage of the area that has been modified.
- (i) The applicant must establish to the Zoning Board of Appeals that the conditional use is in compliance with the definition of an Indoor Sports Complex as defined in Article 10.
- (j) The applicant shall submit a floor plan for the Indoor Sports Complex with the application.

**Sec. 833 INDUSTRIAL MANUFACTURING AND PROCESSING
OF SELECT USES IN THE M1 DISTRICT**

- (a) The following industrial uses are permitted as a conditional use in the M1 district, as identified in the Use Matrix of § 404, provided all of the conditions and requirements set forth in subsections (1) through (5) are met:
- Chemical & Plastic Manufacturing and Processing
 - Distilled Products, Manufacturing and Processing
 - Paper Products, Manufacturing and Processing
 - Paint & Allied Products Manufacturing and Processing
 - Primary Metals, Foundries, Manufacturing and Processing
 - Other Industrial Manufacturing and Processing
- (1) All activity must be within a completely enclosed building.
- (2) All required environmental protection and public health approvals must be obtained prior to Zoning Board of Appeals' approval.
- (3) No building or activity shall be closer than five hundred (500) feet from a lot in a district other than the M1 and M2 districts.
- (4) Access to the property shall be from a street designated as a collector or arterial on the Comprehensive Plan.
- (5) The applicant must provide adequate guarantees to ensure that no hazardous or nuisance effluent will be released into the air, water or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.
- (b) The following industrial uses, with associated outdoor activities, are permitted as a conditional use in the M1 district, as identified in the Use Matrix of § 404, provided all of the conditions and requirements set forth in subsections (1) through (7) are met:
- Concrete, Asphalt Batching
- (1) All other activities, including stockpiles of material, shall be set back at least 50 feet from all property lines and no closer than 100 feet from a Residential District or Downtown District.
- (2) All roads within the premises, all machinery and equipment shall be maintained and operated in such a manner so as to control dust, noise, vibration and other adverse features, so that effect of the operation do not transcend the boundaries of the property.

- (3) A dust control plan shall be submitted for review and approval by the Board. Maintenance of dust on site shall be a condition of approval. Failure to control dust and debris shall be processed in accordance with §§317 and 319.
- (4) All required environmental protection and public health approvals must be obtained prior to Zoning Board of Appeals' approval.
- (5) No building or activity shall be closer than five hundred (500) feet from a lot in a district other than the M1 and M2 districts.
- (6) Access to the property shall be from a street designated as a collector or arterial on the Comprehensive Plan.
- (7) The applicant must provide adequate guarantees that no hazardous or nuisance situation will result from the operation and that all applicable state and federal regulations will be complied with.

**Sec. 834 INDUSTRIAL MANUFACTURING AND PROCESSING
OF SELECT USES IN THE M2 DISTRICT**

- (a) The following industrial uses are permitted as a conditional use in the M2 district, as identified in the Use Matrix of § 404, provided all of the conditions and requirements set forth in subsections (1) through (5) are met:
- Chemical & Plastic Manufacturing and Processing
 - Distilled Products, Manufacturing and Processing
 - Fertilizer, Manufacturing and Processing
 - Paint & Allied Products Manufacturing and Processing
 - Paper Product, Manufacturing and Processing
 - Primary Metals, Foundries, Manufacturing and Processing
 - Wood, Pressure Treating
 - Other Industrial Manufacturing and Processing
- (1) All activity must be within a completely enclosed building.
 - (2) All required environmental protection and public health approvals must be obtained prior to Zoning Board of Appeals' approval.
 - (3) No building or activity shall be closer than five hundred (500) feet from a lot in a district other than the M1 and M2 districts.
 - (4) Access to the property shall be from a street designated as a collector or arterial on the Comprehensive Plan.
 - (5) The applicant must provide adequate guarantees to ensure that no hazardous or nuisance effluent will be released into the air, water or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.

- (b) The following industrial uses, with associated outdoor activities, are permitted as a conditional use in the M2 district, as identified in the Use Matrix of § 404, provided all of the conditions and requirements set forth in subsections (1) through (7) are met:
- Concrete, Asphalt Batching
- (1) All other activities, including stockpiles of material, shall be set back at least 50 feet from all property lines and no closer than 100 feet from a Residential District or Downtown District.
 - (2) All roads within the premises, all machinery and equipment shall be maintained and operated in such a manner so as to control dust, noise, vibration and other adverse features, so that effect of the operation do not transcend the boundaries of the property.
 - (3) A dust control plan shall be submitted for review and approval by the Board. Maintenance of dust on site shall be a condition of approval. Failure to control dust and debris shall be processed in accordance with §§317 and 319.
 - (4) All required environmental protection and public health approvals must be obtained prior to Zoning Board of Appeals' approval.
 - (5) No building or activity shall be closer than five hundred (500) feet from a lot in a district other than the M1 and M2 districts.
 - (6) Access to the property shall be from a street designated as a collector or arterial on the Comprehensive Plan.
 - (7) The applicant must provide adequate guarantees that no hazardous or nuisance situation will result from the operation and that all applicable state and federal regulations will be complied with.
- (c) The following industrial uses, with associated outdoor activities, are permitted as a conditional use in the M2 district, as identified in the Use Matrix of § 404, provided all of the conditions and requirements set forth in subsections (1) through (7) are met:
- Livestock sales
- (1) All sales activity must be within a completely enclosed building.
 - (2) All buildings having animals within them must be at least 300 ft. from the property line.

- (3) No building, pen or other enclosure for animals shall be closer than 500 ft. to a Residential District or Downtown District.
- (4) The applicant provides adequate guarantees to ensure the sanitary and humane treatment of animals and compliance with all state and federal laws which may apply.

Sec. 835 INFECTIOUS WASTE DISPOSAL SERVICES

This section applies to establishments that dispose infectious waste, as defined in COMAR 26.04.07.02. Such establishments are permitted as a conditional use in the M2 district subject to the following conditions:

- (a) The applicant must provide adequate guarantees that the facility complies with all state and local health regulations, that all required licenses have been obtained, and that the facility will be constructed and continually maintained in conformance with these approvals.
- (b) The applicant shall provide written approval by the Maryland Secretary of the Environment or the Secretary's designee pursuant to COMAR § 26.04.07.03 to the Board with submittal of any application for approval.

Sec. 836 MINERAL EXTRACTION & PROCESSING

Mineral extraction (quarries, pits, etc.) and mineral processing (stone crushing and natural resources bulk plant) are be permitted as a conditional use in the M2 district provided that all the following conditions and requirements are met:

- (a) No extraction or processing operation occurs within 200 feet of any property line and no closer than 500 feet from a NC, CG, or IST district or 750 feet from a Residential District or Downtown District.
- (b) All other activities, including stockpiles of material, shall be set back at least 50 feet from all property lines and no closer than 100 feet from a Residential District or Downtown District.
- (c) The property must have primary access from a street classified as an arterial on the Comprehensive Plan.
- (d) The applicant must provide guarantees as deemed necessary by the Board that no hazardous or obnoxious situation will result from the operation and that all applicable state and federal regulations will be complied with.
- (e) All roads within the premises, all machinery and equipment shall be maintained and operated in such a manner so as to control dust, noise, vibration and other adverse features, so that effect of the mineral extraction operation does not transcend the boundaries of the property.
- (f) Protective fencing shall be erected and maintained between any quarry or pit and any public road and also about any quarry where extraction operations have ceased for a period of three years. Such fencing shall be chain link at least 6 feet in height.
- (g) Whenever extraction operations on a premise are terminated all quarries and pits shall be fenced in a manner specified above. All fences shall be maintained in a safe and secure condition or other satisfactory arrangements shall be made for a safe and desirable continuing use or disposition of the property. The responsibility for maintaining such properties shall rest with the owner and his successors in title.

Sec. 837 MIXED USE (MU) CONDITIONAL USE REVIEW

This Code requires the Planning Commission to approve mixed-use conditional uses identified in the Use Matrix (§ 404) as part of review and approval of the Master Plan. In those cases, the Planning Commission shall study the specific property involved and the neighborhood, cause the property to be posted in a conspicuous place, hold a public hearing, and consider all testimony and data submitted, and shall hear any person for or against the matter. However, the application for a mixed-use conditional use shall not be approved where the Planning Commission finds the proposed use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood, or is inconsistent with the expressed intent of the planned mixed use established in the City of Frederick Comprehensive Plan.

(a) Decision-making Criteria, General

In deciding such matters, the Planning Commission shall consider the following:

- (1) The proposed mixed-use conditional use complements other uses included within the Master Plan or those within a half-mile of the site.
- (2) The proposed mixed-use conditional use supports the orderly growth and improvement of the neighborhood and community.
- (3) The proposed mixed-use conditional use is an appropriate use of land and structures, given the context of the site and development patterns, and is in accordance with the Comprehensive Plan.
- (4) Facilities for sewer, water, transportation, and other services and the ability of the City or County to supply such services.
- (5) The proposed mixed-use conditional use does not hinder the convenience of walking from place to place.
- (6) The effect of such use upon the peaceful enjoyment of people in their homes.
- (7) The number of people residing, working, or studying in the immediate areas, in order to prevent the overcrowding or over-concentration of similar uses.
- (8) Traffic conditions including facilities for pedestrians, such as sidewalks and safety zones, and parking facilities available, and the access of cars to highways.

- (9) The preservation of cultural and historic landmarks.
- (10) The conservation of property values.
- (11) The effect of odors, dust, gas, smoke, fumes, vibration, glare, or noise upon the uses of surrounding properties.
- (12) The contribution, if any, that a proposed use, building, or addition would make toward the deterioration of areas and neighborhoods.

(b) Site Specific Criteria

- (1) All activity must be within a completely enclosed building, no outside storage shall be permitted.
- (2) All required public health approvals must be obtained prior to Planning Commission's approval.
- (3) Access to the property shall be from a street designated as a collector or arterial on the Comprehensive Plan. The applicant shall demonstrate traffic generation from the site does not negatively affect pedestrian movement within the mixed use area.
- (4) The applicant shall demonstrate to the Planning Commission's satisfaction that noise levels resulting from the operation of the mixed-use conditional use shall not be disruptive to a mixed employment/retail/office/residential environment.
- (5) The applicant must provide guarantees as deemed necessary by the Commission to ensure that no hazardous or obnoxious effluent will be released into the air, water or onto the ground and that all wastes and by-products will be disposed of in a safe and healthful manner.

¹⁴Sec. 838 MIXED USE DEVELOPMENT, VERTICAL

(a) Applicability

This section applies to Mixed-Use Buildings or Live-Work Units.

(b) Generally

Mixed-Use Building and Live-Work Units shall comply with the following criteria:

Table 838-1 Mixed Use Building/Live-Work Units Standards

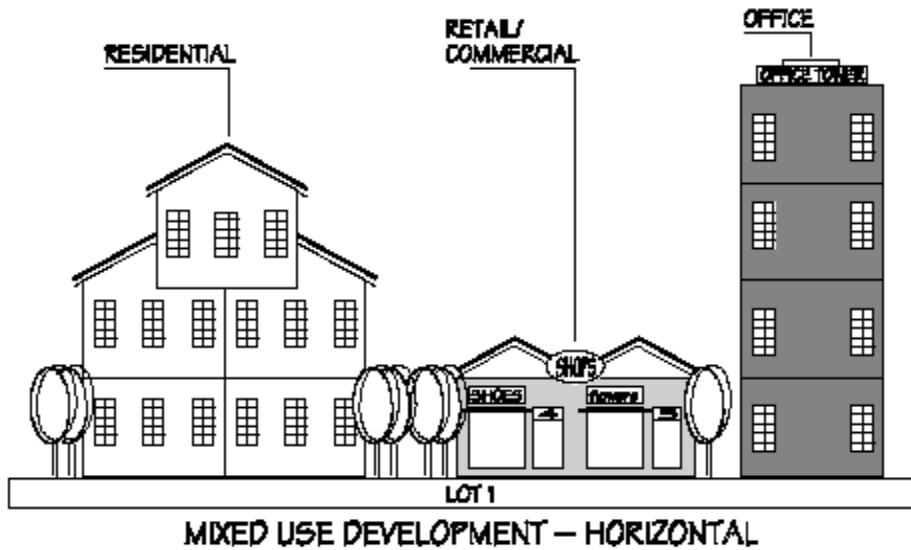
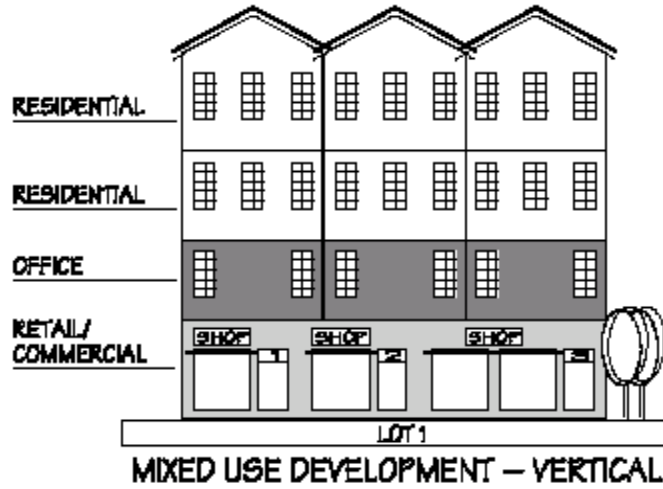
(A) Development Standards	(B) Mixed-Use Building	(C) Live-Work Units
Locational Criteria	<ul style="list-style-type: none"> ➤ In any MXE, MU, DB, DR, NC, or DBO District ➤ In any Horizontal Mixed Use 	<ul style="list-style-type: none"> ➤ In any MXE, MU, DB, DR, NC, R12, R16, R20, or DBO District ➤ In any Horizontal Mixed Use ➤ In any TND, or Commercial Retrofit Use Pattern
Types of land uses allowed	Residential, Retail, Office, Industrial	Residential, Retail, Office
Permitted density or intensity	No density restrictions apply. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.	See subsection (b), below. No density restrictions apply. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.
Distribution of uses	By floor (see below)	By floor (see below)
• Uses permitted on first floor	Retail, Office, Industrial	Commercial or office only
• Uses permitted on second floor	Residential, Retail, Office, Industrial	Residential only
• Uses permitted above second floor	Residential, Office	Residential only

(c) Density

The density of mixed-use buildings or live-work units shall not exceed the following:

Table 838-2 Mixed Use Density

Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Non-Residential Floor Space (square footage)	Zoning Districts
10	1:1	NC
20	2:1	NC, R12, R16, R20, DR
50	4:1	MXE, MU, or DBO



Sec. 839 RESERVED

Pages 763 – 770 Reserved

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Sec. 840 MULTI-FAMILY with ACCESSORY RETAIL

Certain retail uses in multifamily developments are permitted in R16, R20, DR, and DBO districts as a conditional use provided that all of the following conditions and requirements are met:

- (a) Only the following types of retail or service uses are permitted:
- Banks or savings and loan offices
 - Barber and beauty shops
 - Bookstores
 - Drug stores
 - Dry-cleaning and laundry pickup stations
 - Florists
 - Food and beverage stores
 - Gift shops
 - Jewelry stores
 - Laundromats
 - Newsstands
 - Doctors and dentists office
 - Restaurants
 - Variety and dry goods stores
 - Any use not enumerated above that is permitted in a NC (Neighborhood Commercial) zoning district
- (b) The establishments shall be primarily for the service of the residents of the building or complex in which it is located, and no deliveries shall be made except to such residents.
- (c) There shall be no entrance directly from the exterior of the building to a retail or service establishment.
- (d) No signs related to a retail or service establishment shall be visible from the exterior of the building.
- (e) The establishments shall not be located on any floor above the ground level, except that a restaurant may be located on a top floor or penthouse.
- (f) The establishments shall be so located and constructed as to protect occupants of the building or complex from noise, traffic, odors, and interference with privacy.

^{15, 16, 62} **Sec. 841 NURSING HOME/ DOMICILIARY CARE/
ADULT LIVING FACILITY**

Nursing homes, domiciliary care, and adult living facilities are allowed as a permitted principal use in the IST districts, as a conditional use in RO, R4, R6, R8, R12, R16, R20, NC, DB, DR, MO, AND MXE districts, and as a mixed use conditional use in the MU district, provided that all of the following conditions can be met:

- (a) The applicant provides guarantees as deemed appropriate by the Zoning Board of Appeals that the facility will not adversely affect the character of any existing residential neighborhood nor influence the future development of a planned residential area because of the size or appearance of the building, increased traffic, noise, or other characteristic of the use which may be out of character with residential use. All buildings must be architecturally compatible with existing structure in the immediate area.
- (b) The applicant must obtain all required state approvals and licenses prior to the Board's approval of the use.
- (c) The site of the proposed use must be adequately protected from noise, traffic, air pollution or other potential hazards to the residents of the facility.
- (d) A site plan with information required by Section 309 must be provided for the Board's review. This plan must show the proposed facility and all future expansions.
- (e) The following density limitations shall apply:

Table 841-1 Nursing Home/Domiciliary Care/ Adult Living Density

R4 and R6	500 sq. feet of lot area per bed
R8 and R12	400 sq. feet of lot area per bed
All other R, NC, DB, DR, MO, MU, and MXE districts	300 sq. feet of lot area per bed

¹⁷Sec. 842 LABORATORIES & TESTING OFFICES IN DB

Laboratories and testing offices in conjunction with scientific or industrial research and development are permitted as conditional uses in the DB district provided that all of the following conditions and requirements can be met:

- (a) The proposed conditional use will complement and be compatible with the other office, residential, and retail uses occurring in the downtown districts.
- (b) The applicant must provide adequate guarantees that the facility complies with all state and local health and safety regulations, that all required licenses have been obtained, and that the facility will be constructed and continually maintained in conformance with these approvals. Furthermore, the applicant must provide adequate guarantees that no hazardous or nuisance situation will result from the operation and that all applicable state and federal regulations will be complied with.

Sec. 843 - 849 RESERVED

Page 774 – 790 Reserved

Sec. 850 PARKING LOT, COMMERCIAL

A private commercial parking lot or structure is permitted as a conditional use in the DBO district provided that all of the following conditions and requirements can be met:

- (a) Single level structures or lots providing more than four (4) spaces must have a driveway access to an alley or a street that is approved by the City Engineer.
- (b) Maximum height of a multi-level parking structure is forty (40) feet or three (3) levels, whichever is less.

Sec. 851 RESERVED

Sec. 852 PUBLIC UTILITIES/ESSENTIAL SERVICES

Public utilities and other essential services are permitted in any district provided that plans for any such facilities which are above ground are submitted to the Commission for review, and that the recommendations of the Commission are followed, and further provided that, when such above ground facilities are proposed in a DR or R district, the Commission finds that no feasible alternative location in another district is available.

Sec. 853 RECEPTION FACILITY

Reception facilities are permitted as a permitted principal use in the GC, M1, DB, MU, and MXE Districts providing the operation is in compliance with the City building code and with the following conditions:

- (a) Food and beverage are to be provided only for the period for which the facility is reserved.
- (b) The applicant shall be required to demonstrate that parking can be provided on-site and will not have a substantially adverse impact on the adjacent neighborhood or properties. The number of spaces required shall be based on the parking standard cited in § 607.
- (c) Entertainment may be permitted, if the use also receives a “Restaurant with Entertainment” conditional use, provided such entertainment does not qualify as “adult entertainment” as defined in Article 10.
- (d) Noise emissions shall comply with § 15-21 of the City Code.
- (e) As part of the Planning Commission review of the site plan, the applicant shall document what provisions have been taken for traffic and crowd control and disbursement for all scheduled functions.
- (f) The applicant shall provide guarantees as deemed necessary by the Planning Commission during the final site plan review process that the use of the property for a reception facility will not constitute a nuisance because of noise or other activities associated with the use.

Sec. 854 RESTAURANT, FAST FOOD

***¶ Purpose:** this section accommodates fast food restaurants, while minimizing their impacts on vehicular and pedestrian circulation and public safety. It implements Policy T.8.3 of the Comprehensive Plan.*

Fast food restaurants are permitted as a conditional use in the DB district provided that all of the following conditions and requirements are met:

- (a) The applicant must provide guarantees as deemed necessary by the Zoning Board of Appeals that the use will not constitute a nuisance because of unusual noise, odors, litter or any other activity associated with the use.
- (b) The site must be found to be appropriate for the use proposed and will not create a traffic hazard or increased congestion because of the frequency of turning movement into and out of the site or the traffic circulation pattern associated with the use conflicting with the existing vehicular and pedestrian traffic in the neighborhood.
- (c) Any use abutting an R or DR district must provide Level III screening as set forth in Section §605 of this Code.
- (d) No drive-through operations shall be permitted as part of a fast food restaurant in the DB district.

Sec. 855 RESTAURANT, GENERAL, IN PB or MO DISTRICT

A Restaurant, general, is permitted as a conditional use in the PB or MO District provided that all of the following conditions and requirements can be met:

- (a) The minimum lot size shall be three (3) acres.
- (b) The minimum lot width shall be one hundred (100) feet.
- (c) Parking on the PB or MO zoned lot shall be located no closer to the adjacent R or DR zoned tract property line than one hundred (100) feet, and shall be appropriately landscaped to provide an adequate buffer for any adjacent R or DR zoned tract.
- (d) The Restaurant, general, building and all accessory structures shall be located at least one hundred (100) feet from any adjacent R or DR zoned tract property line. In this subsection (d), the word "structures" shall not include signs, drives and/or entrance features.
- (e) The applicant shall provide such assurances as are deemed necessary by the Board that the Restaurant, general, will not constitute a nuisance because of increased traffic, noise, light or glare, or other activity associated with the use which would be a disturbance to any adjacent R or DR zoned property.

Sec. 856 RESTAURANT WITH ENTERTAINMENT

Restaurant are permitted as a conditional use to provide entertainment in the GC, MU, MXE, and DB districts providing that the operation is in compliance with applicable sections of the City Building Code and the following regulations.

- (a) This is intended to be a business establishment which offers for sale unpackaged food to the consumers in a ready-to-consume state, in individual servings or in non-disposable containers, and where the customer consumes these foods while seated at tables located within the building.
- (b) There must be regular seating capacity at tables (not including seats at counters or bars) for at least eighty (80) percent of the patrons.
- (c) Alcoholic beverages (excluding off premises sales alcoholic beverages) and entertainment should not constitute greater than forty (40) percent of the total quarterly revenues.

- (d) Except as provided in the DB zone, the applicant shall be required to demonstrate that parking can be provided on site and will not have a substantial adverse impact on the adjacent neighborhood or properties.

The number of parking spaces required shall be based on the parking standards cited in § 607.

- (e) Except in the DB zone, no restaurant with entertainment is permitted to be closer than five hundred (500) feet from a lot in a residential district.
- (f) Entertainment which includes sexual conduct, nudity, or obscenity shall be prohibited.
- (g) The applicant shall provide guarantees as deemed necessary by the Board that the use of a property for a restaurant with entertainment will not constitute a nuisance because of noise or other activities associated with the use. The failure of the restaurant with entertainment's owner/managers to consistently abide by all conditions, limitations, and restrictions which may be specified by the Board in granting a conditional use may result in the certificate of occupancy for entertainment being revoked.
- (h) The sound levels shall conform to § 15-21 of the City Code.

^{42, 60} **Sec. 857 WINERY**

A Winery is permitted as a conditional use in certain zoning districts as specified in the Use Matrix - Table 404-1 and subject to compliance with the criteria set forth in this section.

- (a) A winery shall comply with all regulations of the Maryland Annotated Code, Article 2B, and the Frederick County Alcoholic Beverages Regulations, including but not limited to any licensing provisions, and the applicant shall submit copies of all such licenses with the Conditional Use Application.
- (b) Except in the DB and MU zoning districts, the closest point of a winery structure may not be located less than 500 feet from a residentially zoned lot. The Board may waive this criteria if the applicant demonstrates that adequate screening or buffering will be provided by other commercial structures, roadways, or trees to ensure the winery will not have a substantial adverse impact on adjacent neighborhoods or residential properties.
- (c) Live entertainment, retail sales, tasting rooms, food service are permitted as part of the winery operations, however, area dedicated to these uses

cannot comprise more than a total of 40% of the total square footage of a winery.

1. Entertainment – The Board will specify in its approval of a winery the type of entertainment and days of the week and hours of the day in which entertainment is to be performed. Entertainment which includes sexual conduct, nudity, or obscenity is prohibited.
- (d) The application for a winery as a conditional use must include a scaled building floor plan showing all components of the winery operations and the square footages of each area. The floor plan must depict the following: ingress and egress points, manufacturing, storage, parking and loading, offices, public areas for tours, tasting, events, restrooms, and retail sales. Any areas outside the building (patios, terraces, plazas, etc.) to be used for events and tastings must also be shown and the dimension of these areas provided.
 - (e) The applicant shall provide guarantees as deemed necessary by the Board that the winery will not constitute a nuisance because of noise or other activities associated with the use.
 - (f) Special events at a winery are permitted in all zoning districts in accordance with the temporary use provisions of Section 867 for public assemblies. Prior to each event, the Applicant must obtain a zoning permit from the Building Department. The permit application must demonstrate that appropriate on or off-site parking arrangements have been made for event parking. The Applicant must also demonstrate that the special event will not have a substantial adverse impact on adjacent properties. In residential districts or on properties abutting residential zoning districts, no more than four special events per year are permitted.

Sec. 858 ROOMING HOUSES

18(a) Applicability

- (1) Rooming Houses are permitted as a Residential Accessory Use only by Conditional use in R4, R6, R8, R12, R16, R20, DR, MU, and MXE if the conditions established in subsection (b) are met.
- (2) This section does not apply to lawfully established rooming houses, as documented by registration of the rooming house with the Planning Department prior to January 1, 2002. Owners of a rooming house that did not register the rooming house, and continue to operate shall be considered an illegal nonconforming use and when identified the necessary actions will be taken in accordance with § 317 (Violations).

19(b) Criteria

- (1) A rooming house shall include no more than two (2) tenants in the R4 through R20, and DR, zoning districts. This restriction does not apply to visitors.
- (2) The individual rooms may not contain any cooking facilities and shall not contain more than one (1) person per room.
- (3) The minimum lease period is at least four (4) months per tenant. The Board may require the applicant to provide a lease.
- (4) The property owner shall reside at the subject property.
- (5) The applicant must provide guarantees as deemed appropriate by the Zoning Board of Appeals that the property is adequate for the proposed use and that the use of a particular property for a rooming house will not constitute a nuisance because of increased vehicular traffic, noise, odor, or any other activity associated with the use which may be disruptive to the character of the neighborhood.
- (6) In order to maintain the character of a particular neighborhood the Board may require that no more than one such use be permitted any closer than five hundred (500) feet. For the purpose of this section, the five hundred (500) feet will be measured from the closest property line between the subject properties.
- (7) There shall be no exterior evidence that a building is being used for any purpose other than a residence.
- (8) Off-street parking shall be provided: one (1) space per lodger room in addition to meeting the required single-family residential parking standard. The additional parking shall not be provided in a front yard.
- (9) Upon receipt of written notice of a violation of the terms of this section, the Zoning Administrator or designee may inspect the property after giving a twenty four (24) hour notice.
- (10) The Board may require any landscaping to minimize the impact of a larger parking lot.
- (11) Minimum lot size shall be the required minimum for the zoning district, plus an additional fourteen hundred (1,400) square feet per leased room.

Sec. 859 SALVAGE YARDS

Salvage yards, including automobile wrecking yards, are permitted as a conditional use in the M2 district subject to the following conditions:

- (a) All portions of the yard, all materials stored must be screened with Level V screening as set forth in § 605 of this Code.
- (b) No structure shall be closer than two hundred (200) feet to a property located within a Residential District or DR district.
- (c) Sound levels shall conform to § 15-21 of the City Code.
- (d) Access shall be limited to collector or arterial streets. Access to a local street is prohibited.

²⁰**Sec. 860 SATELLITE ANTENNAS AND MICROWAVE EQUIPMENT**

Purpose: The City finds that the installation of satellite and microwave antennas and equipment can, unless controlled, affect the aesthetic, safety, and values of residential, commercial and industrial areas. Therefore, the installation of these antennas and equipment is regulated to result in locations which are the least visible from public rights-of-way in the vicinity, while not burdening adjacent property owners with adverse visual impacts. These regulations are also designed to avoid conflict with federal law governing satellite earth stations by exempting satellite antennas that are below the size thresholds established in 47 C.F.R. § 25.104 and 47 C.F.R. § 1.4000.

(a) Applicability

This section applies to the installation of satellite antennas and microwave equipment in all zoning districts within the City.

(b) Definitions

For purpose of this section:

"Fixed wireless signals" means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals. [Source: 47 C.F.R. § 1.4000].

"Satellite antenna" means a dish-shaped device designed to receive television signals transmitted from orbiting satellites.

"Microwave receiving antenna" means a dish-shaped device designed to receive signals transmitted from ground-mounted transmitters.

"Satellite earth station" means a complex that includes transmitters, receivers, and communications antennas at the earth station site together with the interconnecting terrestrial facilities (cables, lines, or microwave facilities) and modulating and demodulating equipment necessary for processing of traffic received from the terrestrial distribution system(s) prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution system(s). [Source: 47 C.F.R. § 25.103]

(c) Exemptions

- (1) This section does not apply to any of the following devices, provided that such devices are not located in the front yard:
 - A. Any satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any RO, PB, NC, GC, DB, DR, DBO zoning district or the non-residential areas of an MXE, MO or MU district.
 - B. A satellite earth station antenna that is one (1) meter or less in diameter in any area, regardless of land use or zoning category.
 - C. An antenna that is used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, and is one (1) meter or less in diameter.
 - D. An antenna that is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite, and that is one (1) meter or less in diameter or diagonal measurement.
 - E. An antenna that is used to receive television broadcast signals.
 - F. A mast supporting an antenna described in paragraphs (1) C, (1) D, or (1) E above.

- (2) The Zoning Board of Appeals may waive the front yard restriction of subsection (1) if the applicant demonstrates that the restriction:
 - A. Is not necessary to accomplish the health or safety objectives recited in the purpose statement of this section; or
 - B. Is more burdensome to satellite users than is necessary to achieve the health or safety objective; or
 - C. For the devices referenced in subsections (1) C through (1) F, above, that the regulation is not applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size and weight and pose a similar or greater safety risk as these antennas and to which the regulation would normally apply.
- (3) This section does not apply to communication antennas located on existing athletic lighting poles permitted by conditional use in §866 (Telecommunications Facilities), in any R, DR, or other district adjacent to an R or DR district.

(d) Satellite Antennas

A satellite antenna or microwave antenna may be installed in any zoning district, as an accessory use. Each satellite antenna shall comply with the following criteria:

- (1) A setback equal to the height of the antenna or the setback which applies to the principle structure, whichever is greater, is required between the property line and any part of the antenna. In addition, installation is prohibited between any street and principal building on the site except as provided in paragraph (2) below.
- (2) In any case where a lot backs up to a public right-of-way or private street, a setback of fifteen (15) feet is required between the public right-of-way or the curb of a private street and any portion of the satellite antenna.
- (3) The maximum height of the antenna shall be twelve (12) feet measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it.
- (4) All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground except those wires or cables attached flush with the surface of a building.

- (5) An antenna may not be installed with the use of guy wires.
- (6) An antenna may not have a highly reflective surface or color. In addition, colors shall be subdued.
- (7) No more than one antenna is allowed on a parcel.
- (8) Landscaping or solid screening shall be installed around an antenna to screen it from adjacent public streets, public areas of the development or adjacent properties. No such screening is required when the antenna is located so that it is not visible from adjacent public streets, public areas of the development or adjacent properties.
- (9) Additional landscape screening shall be installed around an antenna located in a hillside area where visibility from surrounding areas is greater.
- (10) A satellite antenna may not be installed on the roof of a structure.
- (11) An antenna shall be maintained in an operational state with no structural defects or visible damage.

(e) *Microwave Receiving Antennas*

Microwave receiving antenna installation shall comply with the following criteria:

- (1) A microwave receiving antenna installed in a residential zoning district or residential area of a planned unit district shall comply with the following:
 - A. The antenna shall be mounted on a building or roof.
 - B. If installed on a roof, the highest point of the antenna may not be higher than the diameter of the antenna above the roof surface directly under the antenna.
- (2) A microwave receiving antenna installed in any nonresidential zoning district or nonresidential portion of a planned unit district shall comply with the following:
 - A. Installation is prohibited in any required front or street side yard setback area.

- B. All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except those wires or cables attached flush with the surface of a building.
 - C. An antenna may not be installed with the use of guy wires.
 - D. The antenna shall be placed on the site so as not to interfere with on site pedestrian or vehicular circulation.
 - E. Landscaping or solid screening shall be installed around the base of any tower so as to screen the tower from view and to provide a physical separation between the tower and any pedestrian or vehicular circulation.
- (3) An antenna shall be maintained in an operational state with no structural defects or visible damage to the antenna or its structure.

(f) Microwave Transmitting and Relay Equipment

Microwave transmitting and relay dish-shaped antennas may be installed in any zoning district except residential districts or residential areas of mixed use districts subject to obtaining a zoning certificate and subject to all requirements of subsection (e), above.

Sec. 861 SENIOR LIVING and RETIREMENT FACILITIES

Senior Living facilities are allowed as a permitted principal use in MU and as a conditional use in R8, R12, R16, R20, DR and DB districts provided that all of the following conditions and requirements are met:

- (a) The applicant must provide guarantees that the Senior Living facility will not have an adverse effect on the use or development of property in the neighborhood because of increased traffic, noise, or other activity associated with the facility that may be disruptive to the neighborhood.
- (b) The applicant must demonstrate that the facility will adequately meet the specialized needs of a particular group for which the facility is intended.
- (c) In R8, R12, R16, and R20 districts, at least fifty (50) percent of the land area of any project for this use remaining after dedication of streets and parking areas shall be devoted to open space. In DR, DB, and MU districts, at least fifteen (15) percent of the land area of any project for this use remaining after dedication of streets and parking areas shall be devoted to open space. In calculating open space, patio slabs and pedestrian walkways and recreation areas, not contained in buildings, may be included. Of the minimum required open space, at least six hundred (600) square feet or fifty (50%) , which ever is greater, shall be located in a common area so as to permit and encourage leisure activities by the occupants. The facility must be adequately protected from noise, traffic, air pollution or other potential hazards to the residents of the facility.
- (d) A site plan must be provided for the Board's review showing the proposed facility and all future expansions.
- (e) The following density limits shall apply:
 - (1) R8 district: one (1) residential unit per three thousand (3,000) square feet of lot area.
 - (2) R12 district: one (1) residential unit per fifteen hundred (1,500) square feet of lot area.
 - (3) R16, R20, & DR districts: one (1) residential unit per six hundred and fifty (650) square feet of lot area.
 - (4) DB and MU districts: one (1) residential unit per three hundred and thirty three (333) square feet of lot area.
- (f) Parking shall be provided as follows: one (1) space per two (2) dwelling units, with ten percent (10%) of the total number of parking spaces being designated as disabled parking spaces.

- (g) Public water and sewer systems shall be available and have capacity adequate to accommodate the site, as determined by the Engineering Department.
- (h) All walkways, parking lots, dumpsters and site amenities shall be accessible for the disabled according to ANSI requirements.
- (i) Parking lots, dumpsters and open space areas shall be in close proximity to the dwelling units.
- ⁴(j) Ancillary facilities such as dining rooms, beauty parlors, libraries, laundry rooms, meeting rooms, theaters, craft workshops, and retail stores as allowed and regulated by §859 (Retail Uses in Multifamily Developments) and serving exclusively the residents and occasional guests of the Senior Living facility are permitted provided there is no exterior evidence of such facilities.

Sec. 862 RESERVED

Sec. 863 SHOPPING CENTERS and BIG BOX STORES

(a) Applicability

No shopping center or big box store is permitted unless it complies with the standards and procedures established by this Section.

³⁷(b) Definitions

For purposes of this Section:

- (1) "Shopping Center" means a group of three (3) or more retail stores, service establishments and other similar uses which are designed as an integrated unit and managed or coordinated as a total entity. There are four (4) types of shopping centers that may be permitted with the City as follows:

Table 863-1 Types of Shopping Centers

Shopping Center Classifications	Abbreviations for Shopping Centers	Division by Gross Building Square Footage	Applicable Zoning
Ground Floor Retail as Part of a Mixed Use Building	MUR	NA	DB, DBO, MU, TND
Neighborhood Stores	NS	Up to 59,999	NC, GC, PND, MU
Convenience Center	CC	60,000 - 99,999	GC, PND*, MU
Community/Regional	CR	100,000 - 900,000	GC

*Convenience Centers are permitted in PND only if commercial land is rezoned General Commercial (GC).

- (2) "Big Box Store" means a single retail establishment with a gross floor area not less than sixty thousand (60,000) square feet, and which may include fast food restaurants and/or other accessory retail uses with an entrance inside the primary retail establishment.

(c) Procedures

A shopping center or big box store is permitted only after submission to and approval by the Planning Commission of a site plan as required by § 309 and general building plans, architectural elevations and specifications as may be required for the purpose of administering these regulations. Enlargement or reconstruction of an existing shopping center or big box store is subject to the same procedure.

(d) Standards that apply to All Shopping Centers or Big Box Stores

No shopping center or big box store is permitted unless it complies with the following requirements:

- (1) All business and services must be conducted within enclosed buildings except for the sale of automotive fuels, oils, and other fluids at service stations, or unless specifically authorized by the Commission in connection with site plan approval.
- (2) All parking areas must be at least twenty-five (25) feet from adjacent street right-of-ways and 10 feet from all other lot lines. The intervening area is subject to the applicable landscaping requirements established in § 605.
- (3) Floodlights or spotlights must not be mounted more than twenty (20) feet above ground and must be shaded to protect adjacent residential areas and the passing public from all avoidable glare. No lights must simulate or conflict with any traffic, police, safety, or emergency lights.

(e) Standards for Neighborhood Shopping Center Uses

Uses listed in Table 404-1 in the Neighborhood Commercial zoning district column that have an “S” for a specific use are only allowed as a permitted uses provided:

- (1) The proposed use is located in a shopping center compliant with the size limitations of subsection (a) above, and
- (2) For shopping centers over 20,000 square feet, the proposed use does not lease more than sixty-seven percent (67%) of the total gross floor space of the neighborhood shopping center.

(f) Standards that Vary by Zoning District/Use Pattern

The following standards apply to any Shopping Center or Big Box Store within the zoning districts designated below. Where the subsection indicates the standard is mandatory (“M”), it is required within the designated zoning district(s) or use patterns. Where the subsection indicates the standard is optional (“O”), it is not required within the designated zoning district(s). Shopping Centers or Big Box Stores located in the GC district must comply with at least three (3) of the optional standards provided below in addition to the mandatory standards.

38Table 863-2 Shopping Center/Big Box Store Design

Standard	DB	NC	GC	MU	PND	TND
All rooftop mechanical equipment must be shielded from view with materials equal to the height of the equipment and that are consistent and compatible with the architectural style of the building.	M	M	M	M	M	M
Building facades must include at least three (3) of the following architectural details: bulkheads or kick plates, piers, display windows, friezes, parapets, transom windows, and recessed entryways.	M	M	O	M	O	M
The principal structure must have a primary pedestrian entrance facing the street in addition to any other access that may be provided.	M	M	M	M	M	M
Windows and entryways must comprise at least 50 percent of the first floor facade.	M	M	O	M	O	M
The front façade must be divided into structural bays that do not exceed thirty (30) feet or less in horizontal length. The Planning Commission may authorize an increase in this distance to match the average frontage along the same block face. Structural bays must be formed by vertical and horizontal articulation (i.e., sculpted, carved or penetrated wall surfaces defined by recesses and reveals) such as: <ul style="list-style-type: none"> • breaks (reveals, recesses) in the surface of the front elevation; or • placement of window and door openings; or • the placement of balconies, awnings, and/or canopies; or • courtyards. 	M	M	O	M	O	M
At least one entrance must be provided for every sixty (60) feet of façade length.	M	M	O	M	M	M
At least one pedestrian protective device, such as an awning or a canopy, must be provided.	M	M	O	M	O	M
In order to establish major identifiable focal points, massing and details of structures at block corners must be different from the massing and detail of the other structures in the block face.	M	M	O	M	O	M
Predominant exterior building materials must not include the following: smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels.	M	M	O	M	M	M
Buildings that exceed 10,000 sf of gross floor area must be divided into more than one story.	M	O	O	M	O	M
All doorways facing street rights-of-way must be recessed at least 3 feet.	M	M	O	M	M	M
At least 50 percent of the windows of any facade facing a street right-of-way must be real multi-light windows.	M	M	O	M	O	M

Standard	DB	NC	GC	MU	PND	TND	
Blank walls facing a street line exceeding thirty (30) feet in width must provide plantings, artwork, or architectural details in order to provide visual interest. Plantings may include a landscaped trellis with at least one (1) shrub or tree planted per five (5) square feet. Maintenance must conform to the landscaping standards (§ 605).	M	M	M	M	M	M	
For blocks that exceed 150 feet in length, construction of a mid-block pedestrian walkway must connect two street rights-of-way.	M	M	M	M	M	M	
Include at least one of the following streetscape elements in the required front yard: street trees, park benches, decorative lighting, trash cans, or similar elements.	M	M	M	M	M	M	
Site furnishings must be provided in or abutting sidewalks, courtyards, forecourts, patios, parks, plazas, playgrounds, or pedestrian paths. The applicant must provide a unified theme for site furnishings. Site furnishings include the following: benches or outdoor seating, trash receptacles, transit shelters, bollards, tree grates, bike lockers or bike racks, pedestrian scale lighting, public art, or clock towers.	M	M	M	M	M	M	

Sec. 864 SIGN REGULATIONS

¶ Purpose: *this Section permits the reasonable and consistent communication of messages, while providing regulations that prevent hazardous and unsightly clutter and confusion.*

⁴⁵(a) General Regulations

- (1) No exterior sign shall be placed or altered unless in compliance with this and any other relevant ordinance.
- (2) Before any exterior sign shall be placed or altered in size, height, or location, a zoning certificate must be issued. Appeals related to the denial or issuance of a zoning permit or zoning certificate may be filed in accordance with Section 302.
- (3) No zoning certificate is necessary for refacing an existing sign within an existing frame, unless an electrical permit is necessary, or the property is in the HDO.
- (4) As of the enactment date of this Section, all freestanding signs must be landscaped around the base. Such landscaping shall be depicted on the Zoning Certificate application.
- (5) Site plans as required under Section 309 shall designate for approval the amount and location of signage to be erected on the property. No Zoning Certificate for a sign shall be approved that is inconsistent with the signage identified on the approved site plan.
- (6) Notwithstanding any other provision of this Code, no sign shall be subject to any limitation based on the content of the message contained on such sign. Any sign authorized in this Section may contain any non-commercial copy in lieu of any other copy.

46(b) Prohibited Signs

The following types of signs are prohibited in all districts:

- (1) No sign shall cast illumination, directly or indirectly, on any street, or on any adjacent property within a residential district.
- (2) No sign shall be permitted which by reason of its intensity color, location, flashing, movement, or other characteristics will interfere with or resemble traffic control devices, or police, fire, or ambulance signals. No sign will be approved that obscures the view of the street by a pedestrian or motorist, especially at intersections or that distracts or causes misinterpretation by passing motorists or in any other manner impairs public safety.
- (3) No signs shall be placed in the sight triangle established by § 611 (t). The sight triangle shall be identified on the site plan or Zoning Certificate and shall be verified by the Engineering Department during the site plan or Zoning Certificate review process.
- (5) Except as determined to be a contributing resource in the Historic District Overlay or as under Section 420 no sign shall remain erected on a site that advertises an activity, business, product, or service no longer produced or conducted on site. Where the owner or lessor of the property is actively seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.
- (6) Pole Signs in the HDO, CCO, DB, and DBO districts.
- (7) Portable signs except for sandwich board signs in the DB District (see §864 (p))
- (8) Advertising vehicles, defined as an operable or inoperable motor vehicle, trailer, or semi-trailer that is not used for transportation in the daily non-advertising activities of the business at which it is parked, and is parked in the public view for the purposes of attracting attention. Advertising vehicles include any temporary or permanent signs resting on or attached to vehicles.
- (9) No sign may be affixed to a utility pole, tree, City-maintained street light, or traffic control device.
- (10) Roof-mounted signs.
- (11) Markings on public sidewalks and streets.

- (12) Temporary signs in the HDO.

⁴⁴(c) Exempt Signs

The following signs are exempt from this Section if they meet all the requirements of their applicable subsection below:

- (1) Any official or public notice or warning required by a valid and applicable federal, state, or local law, regulation or chapter, by a public utility company or by order of a court of competent jurisdiction;
- (2) Any sign inside a building, not attached to a window or door that is not visible from off the site on which it is located;
- (3) Any sign inside an athletic field or other enclosed outdoor space, where the sign is not legible from more than three feet beyond the lot line of the site on which it is located;
- (4) Works of art with no commercial message; and
- (5) Holiday decorations with no commercial message.
- (6) Latex balloons that are less than 18 inches in diameter.
- (7) Political signs
- (8) On-premise real-estate sales or lease/rent signs that added together are less than 15 square feet for residentially zoned properties or 100 square feet for non-residentially zoned properties.
- (9) House numbers
- (10) The flag, emblem, insignia, poster, or other display of a nation, state, or political subdivision.
- (11) Religious symbols such as crosses, stars, painted or sculptured statues, stained glass window or the like.
- (12) Signs that are attached to the sides of gas station fuel pumps, or located on the top of fuel pumps that do not exceed four (4) square feet in area.
- (13) Government sponsored banners affixed to light standards promoting community events.

- (14) Wayfinding signs that are part of a City-sponsored and coordinated program and approved by the Mayor and Board.
- (15) Signs located on bus shelters and approved by the Board of Adermen.

47(d) Signs - How Measured

- (1) The area of a sign shall be the product of its greatest horizontal and vertical dimensions, including background and borders but excluding supports.
- (2) Only one face of a double-faced sign shall be computed for sign area purposes.
- (3) For purposes of this section, "lot frontage" means the length of the property abutting a street right-of-way, measured as a straight line between the extreme property corners along a street right-of-way. Denied access rights-of-way shall not be considered for the purposes of computing lot frontage.
- (4) For purposes of this section, "building frontage" means the architecturally designed front of a building on a public street, parking lot, or pedestrian walk where the primary access to the structure is provided. In the case of buildings located on the corner of two right-of-ways, where the primary entrance is located on the corner of the building, the "building frontage" is the longer of the two sides which front along the right of way. The Building front shall be no more than one face of a building. *See also 863 "Shopping Centers"*
- (5) Where projections or embellishments extend beyond the principal sign area, a reasonable vertical and horizontal area encompassing such projections or embellishments shall be used to compute overall sign area.
- (6) Letters or numbers that are carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure shall not be computed for purposes of sign area allotment.

48(e) Location

- (1) No sign other than an official traffic-related sign shall be located within or project into a public right-of-way, except as provided in Subsections (h)(2), (i)(1), (i)(2), (p)(4), and (q)(5).
- (2) No more than one free standing sign, shall be permitted on a lot for each public street upon which the lot fronts, except for allowable off premise signs as regulated in 864(n). For the purpose of this subsection, a limited access highway is not considered a public street for purposes of computing the number of freestanding signs.
- (3) No freestanding signs are permitted on a limited access highway.

49(f) Height

- (1) The height of a freestanding sign is measured as the vertical distance from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. The height of an attached sign is measured as the vertical distance from the highest point of the sign to the lowest point of the sign, including decorative embellishments.
- (2) Signs shall not exceed the height permitted in Table 864-1.
- (3) A sign attached to a building shall not exceed the actual height of such structure, and shall be an integral part of the building's architecture.
- (4) In accordance with FAA FAR Part 77 Regulations, FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, must be submitted to the Federal Aviation Administration and the Maryland Aviation Administration when applicants are proposing signs eight (8) feet or over in the Airport Overlay Zone.

(g) Size

The maximum area of all signs on a lot which are intended to be visible to a pedestrian or motorist shall be as follows:

5, 21, 22, 39, 50 **Table 864-1 Sign Dimensions**

District/Use	Height (maximum, freestanding)	Size (maximum, per lot)	Freestanding sign size (maximum)	Attached Sign Size (maximum, percent of building front)
Residential Zoning Districts (R4, R6, R8, R12, R16, R20, DR)				
No signs permitted on residential lots Except as provided in Section 864(c) And Section 864(m)				
Neighborhood Commercial District (NC)				
Retail uses	6 ft	2 sf/bf	32 sf	100%
Office Uses	6 ft	1.5 sf/bf	32 sf	100%
Other uses	5 ft	32 sf total	32 sf	100%
Institutional (IST)				
Institutional uses	6 ft	32 sf total	32 sf	--
All other uses	6 ft	32 sf total	32 sf	--
Residential/Office (RO)				
Office uses, generally	4 ft	8 sf total	8 sf	--
Institutional uses	4 ft	32 sf total	8 sf	--
Other	4 ft	24 sf total	8 sf	--
Professional Business (PB)				
Office uses, generally	6 ft	1.5 sf/bf	75 sf	100%
Institutional uses	6 ft	32 sf total	32 sf	--
Other	6 ft	24 sf total	24 sf	--
General Commercial (GC)				
--				
Retail uses, generally	15 ft	2 sf/bf	100 sf	100%
Shopping centers (see also subsection (k), below)	15 ft	2 sf/bf	100 sf	125%
Other	15 ft	2 sf/bf	75 sf	100%
Industrial Districts (MO, M1, M2, MXE)				
Industrial uses	6 ft	2 sf/bf	100 sf	150%
Other	6 ft	2 sf/lf	100 sf	100%

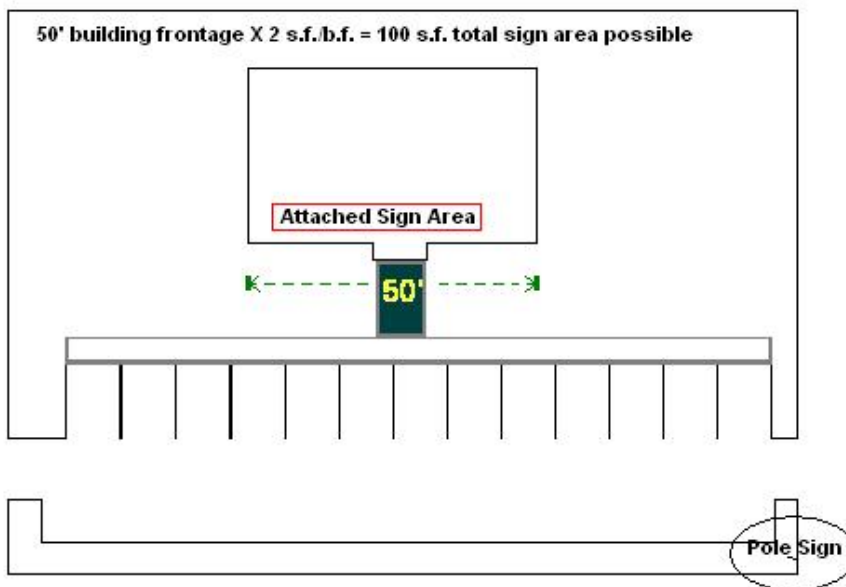
Downtown Districts (DB, DBO)				
Commercial uses	4 ft	2 sf/bf	32 sf	125%
Institutional uses	4 ft	32 sf total	32 sf	125%
Other uses	4 ft	2 sf/bf	32 sf	100%
Mixed Use (MU-1, MU-2, PND, TND, Use Patterns)				
Residential uses	4 ft	2 sf total	--	--
Commercial uses	6 ft	2 sf/bf	32 sf	--
Institutional uses	6 ft	32 total sf	32 sf	--
Industrial or employment uses	6 ft	2 sf/bf	32 sf	--
Other uses	6 ft	20 sf total	20 sf	--

Notes to Table 864-1:

See Use Matrix (§404) and Article 10 for definition of uses. This Table does not permit any use that is not permitted by the Use Matrix.

Abbreviations: ft = feet; sf = square feet, lf= linear feet of lot frontage; bf = linear feet of building frontage.

Max. Attached Sign Size (in sf) = linear feet of building frontage (bf) X percent of building front



Example #1: If the above drawing was a retail building located the NC District, a building with 50 feet of frontage provides the property owner a maximum potential of 100 s.f. signage of the site. The maximum free standing signage allowed for the pole sign is 32 s.f., which leaves 68 s.f. potentially available for the attached signage. However, in the NC zone a property owner is only allowed a maximum attached signage equal to 100% building frontage or in this case 50 s.f. So, in this example, the NC property can have 50 s.f. of attached signage and 32 s.f. of freestanding signage on a pole.

Example #2: If the above drawing was a stand alone retail building located in the GC District, a building with 50 feet of frontage provides the property owner a maximum potential of 100 s.f. signage for the site. The maximum free standing signage allowed for the pole sign is 100 s.f, which if fully used, would leave 0 s.f. available for attached signage. This property owner may choose to allocate the total amount of signage to building mounted signage and/or freestanding signage, provided that the maximum attached signage does not exceed 100 s.f.

Example #3: If the above drawing was a commercial building located in the DB District, a building with 50 feet of frontage provides the property owner a maximum potential of 100 s.f. signage for the site. The maximum free standing signage allowed for the pole sign is 32 s.f., which leave 68 s.f. potentially available for the building attached signage. In the DB zone a property owner is allowed a maximum attached sign equal to 125% of the building frontage or in this case 62.5 s.f. In this example, the maximum amount of signage based on the building frontage cannot be achieved because the DB property can have a maximum of 62 s.f. of attached signage and 32 s.f. of freestanding signage.

(h) Attached Signs

- (1) No sign attached in a perpendicular fashion to a building shall extend more than thirty six (36) inches from the wall of the building and no such sign shall be less than eight feet above the ground.
- (2) In the DB and DBO districts, attached signs may project into a public right-of-way no more than thirty (30) inches.

⁵¹(i) Canopy Signs

- (1) In the DB and DBO Districts, or on a street designated as a "Main Street" on a PND, TND, MU or MXE site plan, canopy signs may project into the public right-of-way no more than eight (8) feet and must be at least eight (8) feet above grade.
- (2) On gas station canopies (protective structures over gasoline pumps), no more than one-third (1/3) of the canopy can be signage.

⁵²(j) Changeable Copy Signs

Twelve (12) square feet (per side) of changeable copy board may be added to any permanent freestanding sign within the GC, NC, IST, MU, MO, M1, and M2 districts for the exclusive purpose of advertising temporary sales, promotions or events or expressing a noncommercial message. For the purposes of this section "changeable copy board" shall mean a sign on which copy is changed manually or electronically but must be in conformance with subsection (a) of this section. This square footage may be transferred from the maximum temporary signage allotment for the property, if the applicant chooses this option and it is approved by staff and noted on the Zoning Certificate for the temporary signage.

^{40, 58}(k) Shopping Centers

- (1) A shopping center is permitted one freestanding sign for each of not more than two major streets upon which the center fronts. (For the purpose of this subsection, a limited access highway shall not be considered a public street on which the lot fronts.) Every such sign shall be located at least twenty-five (25) feet back from the lot lines. No such sign shall exceed fifteen (15) feet in total height. The total area of each permitted freestanding sign serving any shopping center shall not exceed one hundred (100) square feet, subject to subsection (g), above.
- (2) The building/wall signage for each individual leased space shall be determined by the width of the building frontage of the leased space. The definition of "building frontage" is the same as in 864(d) (4).
- (3) At the site plan review stage, the Planning Commission may modify the requirements of this subsection (k) and those of §864(g), Table 864-1 "Sign Dimensions," in order to increase the Per Lot Maximum Size and/or the Maximum Percent of Building Front for Attached Signs for any building within the shopping center that is constructed with architectural design elements on all four sides, provided that the Per Lot Maximum Size shall not exceed 3 sf/bf, as

calculated in the manner set forth in this Section 864. A complete signage package that sets forth the proposed areas, dimensions, types, elevations and locations of all signage to be erected at the shopping center shall be submitted as part of each formal application for a modification pursuant to this Section 864(k)(3).

²³ **(l) Industrial and Business Parks**

In addition to the signs permitted above, freestanding signs are permitted in PB, MO, M1, and M2 districts at each major street entrance to the Industrial or Business Park. The total area of such freestanding signs shall measure no more than one square foot per acre of the development site. If the development site is less than fifty (50) acres, one sign of fifty (50) square feet may be erected. Signs shall not exceed six (6) feet in height.

^{24, 53} **(m) Residential Entry Signs**

- (1) One (1) residential entry sign per entrance to a residential subdivision, apartment complex, or townhouse development, is permitted provided each sign does not exceed the following:
 - A. Three (3) to five (5) dwelling units located as a unified residential entity eight (8) square feet.
 - B. Five (5) to fifteen (15) dwelling units located as a unified residential entity – sixteen (16) square feet.
 - C. Sixteen (16) plus dwelling units located as a unified residential entity – twenty (24) square feet or one (1) square foot for each four (4) dwelling units, whichever is greater.
- (2) A residential entry sign shall not exceed six (6) feet in height. A site plan approved by the Planning Department or Planning Commission must accompany each application for a Zoning Permit for such signs and clearly identify the neighborhood number of units, and locations and size of all proposed community identification signs.
- (3) A development that includes multiple family dwelling, townhouses or duplexes for rental may place upon the residential entry sign an additional temporary sign no larger than three (3) square feet to be securely mounted to and easily removable from the residential entry sign.

^{41, 54}(n) **Off Site Directional Signs**

- (1) Off site directional signs are permitted in any nonresidential zoning district, except in the HDO, subject to the following requirements:
 - A. Such signs shall comply with the requirements of the State Highway Administration.
 - B. No such sign shall exceed ten (10) square feet in area.
 - C. The sign shall be no further than six hundred (600) feet from the property being identified. This distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the sign to the property line of the establishment that is identified.
 - D. Only one (1) off-site sign shall be allowed per business.
 - E. The total amount of off site signage on the receiving or hosting property shall not be more than ten (10) square feet.
 - F. For the purpose of computing sign area allowed on the receiving or hosting property, an off-street directional sign shall count against the lot on which the sign is placed.
 - G. The use being advertised must be a conforming use or a legally non-conforming use,
 - H. Off-premise signs for home occupations are not allowed.
 - I. Off-premise signs shall not obscure visibility of vehicles, pedestrians, or other signs.
 - J. Changeable copy signs are not allowed.
 - K. Written authorization from the property owner hosting the off-site directional sign shall be submitted, acknowledging the restrictions on sign area placed on the property, and establishment of a recorded sign maintenance easement on the hosting lot prior to issuance of the sign permit.

- (2) In addition to the requirements established above, off-site signs are permitted for a commercial area that is internal to a Mixed Use Employment Center (MXE) subject to compliance with all of the following criteria:
- A. The premises upon which the use is located shall receive access only from a street that is internal to the development. "Internal to the development" means that the street is not located along the boundary of the development site.
 - B. The premises upon which the use is located shall have no frontage on an interstate, arterial or collector street identified in "Map T-1: 2030 Roadway Classifications" in the Comprehensive Plan.
 - C. No roof signs are allowed.
 - D. Illuminated signs shall have lights that are shielded or hooded so that the light source is not visible off of the premises. Only white lights shall be used for illumination. Illuminated signs shall not be illuminated with an intensity of greater than fifty (50) foot candle at one hundred (100) feet from the sign when directly viewed.
 - E. Off-site signs shall not be internally illuminated
 - F. The maximum size is three (3) square feet per business listed on the sign up to a maximum of fifteen (15) square feet for a multi-business sign.
 - G. Only one (1) off-site signs is allowed on a private lot.
 - H. Only one (1) off-site sign is allowed per establishment.
 - I. The maximum height and minimum setback from lot lines is the same as for on-site signs.

⁵⁵ (o) Outdoor Advertising Signs and Billboards

Outdoor advertising signs and billboards are prohibited in all districts. This section applies to any outdoor advertising sign. An “outdoor advertising sign” means any billboard or off-site sign. A “billboard” means any off-site sign on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.

⁵⁶ (p) Sandwich board Signs

Sandwich board signs are allowed in the DB district and shall comply with the following:

- (1) Signs shall be made of wood or other durable material.
- (2) Signs shall be displayed outside only during hours of operation.
- (3) Sign shall be placed directly in front of the respective business frontage.
- (4) If placed on a public sidewalk, the sign shall be placed so as to leave a clear pedestrian path of at least four (4) feet.
- (5) Only one (1) sandwich board sign is permitted per business.
- (6) Due to sandwich board sign not being affixed to the building, the Historic Preservation Commission is not required to approve such signs in the HDO.

^{25, 57} (q) Temporary Signs

- (1) One (1) temporary sign is permitted per property subject to the following:
 - A. The sign shall not be dilapidated in any way; and
 - B. A zoning certificate shall be obtained before erecting the sign; and
 - C. Temporary signs shall not exceed two (2) square feet in residential and downtown districts, and twenty-four (24) square feet in all other districts.
 - D. Temporary signs must be firmly attached on all four (4) sides to the principal structure.

- E. Temporary signs may be removed from the property after thirty (30) days.
- (2) The sign shall not obstruct the visibility of vehicles or pedestrians or create a safety hazard.
 - (3) Any sign(s) which fails to meet these requirements can be removed, discarded by the City and shall subject the installer (owner, vendor, developer, builder or realtor) of the sign to further enforcement action.
 - (4) Temporary real estate directional sign per realtor, developer, builder, or residential development is permitted in the City right-of-way provided the following requirements are met:
 - A. The signs are only placed from Friday at 7:00 p.m. to Sunday at 8:00 p.m.
 - B. The signs do not exceed two (2) square feet in size.
 - C. The sign does not exceed three (3) feet in height as measured from the ground to the top of the sign.
 - D. The sign is supported on metal or wooden stakes supplied by the installer and shall not be attached to any tree, utility pole, traffic control signs, traffic signal poles, walls of buildings, fences or other structures.
 - E. Only one (1) sign per realtor, developer, builder or residential community is permitted at any intersection.
 - (5) Streamers, pennants, balloons, and inflatable signs utilized as temporary signage are permitted provided the following requirements are met:
 - A. No individual streamers, or pennants may be placed any higher than the roofline of the building.
 - B. Streamers or pennants that are placed on a line or tether may not extend higher than twenty-five (25) feet and must not drift into roadways, utility wires, or create any safety hazards.
 - C. All balloons and inflatable signs must be set back from the public right-of-way line(s) a distance equal to the height of the balloons or inflatable signs.

- (6) Construction site signs shall not exceed a total of one hundred (100) square feet. Such signs shall be removed within one (1) week following issuance of a zoning certificate.

Sec. 865 STONE MONUMENTS (excluding engraving)

Sales of stone monuments are allowed as a principal permitted use in DB, GC, M1, and MXE districts and as a conditional use in the DB Downtown Business District, provided that all of the following conditions and requirements can be met:

- (a) There shall be no on site stone engraving.
- (b) Any outdoor storage areas must be fully enclosed by a fully opaque wood fence or with other screening materials approved by the Board. Reasonable outdoor display shall be permitted provided it is shown on a plan approved by the Board.
- (c) Loading operations shall be limited to the time period between 8 A.M. and 7 P.M.

Sec. 866 TELECOMMUNICATION FACILITIES

26 43(a) Conditional uses

New telecommunications facilities may be permitted as a conditional use in the GC, PB, MO, M1, M2, MU, MXE, PRK and IST districts. The co-locations of telecommunications antennas may be permitted as a conditional use on city owned water towers or high voltage electric transmission towers or athletic lighting structures, over sixty (60) feet in height, on public land (including the replacement and extension of existing athletic lighting structures, over sixty (60) feet in height, on public land) in the districts listed in Table 404-1. Such new telecommunications facilities and co-location of telecommunication antennas shall be permitted provided that all of the following conditions and requirements can be met.

- (1) The applicant shall provide guarantees as deemed necessary by the Board that the proposed structures will not be a hazard to adjacent properties or constitute a nuisance because of radio interference or other potentially disruptive activity associated with operation of the tower or antenna.
- (2) All telecommunications facilities including extension towers added to existing structures must be set back from all property lines a distance equal to the height of the tower, including the extension, if applicable. This standard shall not apply to city owned water towers, high voltage electric transmission towers, or athletic lighting structures. The Zoning Board of Appeals may modify this setback distance, but not to a distance less than the fall zone of the support structure as demonstrated by a structural engineer licensed in the State of Maryland through submission of a signed and sealed structural analysis, or specifications from the support structure manufacturer.
- (3) Fencing may be provided to secure the telecommunications facility. No barbed wire or razor wire fencing is to be permitted in residential areas. All fences or other structures on the property accessory to the telecommunications facility shall be no closer than fifty (50) feet to a property line, except for city owned water towers, high voltage electric transmission towers, or athletic lighting structures. Any parking space required by § 607 and accessory to the telecommunications facility shall be no closer than fifteen (15) feet from the street or to other property unless a residentially zoned property is adjacent to the site in which case the distance shall be twenty-five (25) feet. Screening of accessory equipment may be achieved by enclosure in a structure architecturally compatible with the area in which the site is located or by vegetative buffering. Fences and parking areas accessory to the telecommunications

facility shall be screened by Level I screening. Level III screening shall be used on sites that are adjacent to residentially zoned property. The Zoning Board of Appeals may modify these setbacks if it determines that fencing and screening will adequately buffer the facility from adjoining properties and that there will not be a negative impact to an adjoining property.

- (4) For antenna(s) and accompanying equipment building or cabinets, screening shall be provided as required by the Board.
- (5) No new telecommunications facility may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the new site is to serve. The applicant shall demonstrate that a diligent effort has been made to co-locate the proposed telecommunications antennas in the GC, PB, MO, M1, M2, PRK and IST districts, and that due to valid considerations, including physical constraints and technical feasibility, no appropriate location is available in those districts. The applicant shall support this demonstration with a map acceptable to the Planning Department showing the area in which it needs to locate a tower(s), and all existing city owned water towers, high voltage electric transmission towers, or other existing athletic lighting structures, over sixty (60) feet in height, on public land and communications towers within that area of sufficient height to support its antenna(s). The applicant shall also describe why those existing city owned water towers, high voltage electric transmission towers, or other existing athletic lighting structures, over sixty (60) feet in height, on public land and communications towers were not appropriate.
- (6) Communications antennas to be co-located on city owned water towers or athletic lighting structures, over sixty (60) feet in height, on public land shall be the color of the background tower or athletic lighting structure, in order to minimize visibility. The applicant shall minimize the visibility of antennas and equipment cabinets through careful design, siting and screening where appropriate. The applicant shall provide drawings or photographs showing existing and proposed equipment on the water tower, high voltage electric transmission towers, or athletic lighting structure. Applicant shall also demonstrate that the antennas or tower will not have an adverse effect on the historic vistas of the City. No telecommunications facilities are permitted in the Historic District. A balloon test shall be taken in areas where historic vistas, gateways to the City or other significant City landmarks may be affected by the location of an antenna or tower. Photo documentation of the balloon test taken at the site shall be submitted for the Zoning Board of Appeals' review and approval.

- (7) The applicant shall provide a sealed statement from a structural engineer stating that the water tower, high voltage electric transmission towers, or athletic lighting structure is strong enough to support the equipment proposed by the applicant and that the planned installation will be structurally sound.
- (8) The applicant shall provide a sealed statement from a licensed professional radio frequency engineer stating that the antennas proposed meet the radio frequency safety standards as established by the regulating agency for such antenna(s).
- (9) The applicant shall provide a copy of the lease or a letter of intent from the owner of the property (including the appropriate authority of the City, County, State or Federal Government for the subject site if involving a City owned water tower, high voltage electric transmission towers, or athletic lighting structures, over sixty (60) feet in height, on public land). The applicant shall also include the duration of the lease, if the term is not stated within the body of the lease. If the lease does not so require, the applicant shall agree to remove the telecommunications facility or antenna(s) in accordance with the provisions of paragraph (13) D of this Section 866(a). If the site of the proposed telecommunications facility or antenna co-location is located on City property, the project must be in conformance with the City's Antenna Policy.
- (10) All telecommunications facilities must comply with the applicable local, state and federal laws, rules and regulations.
- (11) For purposes of this section, the term "public land" means any property owned by the City, County, State or Federal governments. For purposes of this Section 866 (11) the term athletic lighting structure means a lighting structure for an athletic facility. "Telecommunications facility" shall have the meaning set forth in Article 10, Definitions, of this LMC. Applicants shall file an agent authorization letter from the responsible government agency identifying its interest in the property and granting the applicant permission to seek the conditional use.
- (12) A new telecommunications facility may exceed the maximum height permitted within all R districts after a determination by the Zoning Board of Appeals that its visual profile and appearance would make no substantial change in the character of the area, provided, however, that in no event shall the maximum allowed tower height exceed 199 feet.
- (13) For any application, the following is required:

- A. The applicant shall publish notice of the proposal, using a block advertisement of a size acceptable to staff, which includes a map showing the site and a five hundred (500) foot radius, in any newspaper of general circulation in the City of Frederick.
- B. The applicant for a telecommunications facility shall hold an informational meeting in the area of the tower or athletic lighting structure within two weeks after submitting the application. Written notice of such meeting shall be provided to all abutting property owners, property owners within a three hundred foot (300') radius of the property on which the site is located, and the relevant NAC as determined by the City.
- C. The applicant shall maintain the telecommunications facility in a safe condition.
- D. The telecommunications facility, or antennas co-located on a water tower, high voltage electric transmission tower or athletic lighting structure shall be utilized continuously for wireless communications. In the event the telecommunications facility or antennas co-located on a water tower, high voltage electric transmission tower or athletic lighting structure ceases to be used for wireless communications for a period of one (1) year the approval will terminate. The applicant shall remove all wireless communication equipment within ninety (90) days thereafter. In the case of communications antennas co-located on a water tower, high voltage electric transmission tower or athletic lighting structure, the applicant shall remove all wireless communications equipment and return the water tower, high voltage electric transmission tower or athletic lighting structure to its preexisting condition, reasonable wear and tear excepted. In the event the telecommunications facility or antennas co-located on a water tower, high voltage electric transmission tower or athletic lighting structure ceases to be used for wireless communications, the applicant shall notify the Planning Department in accordance with Section 301(e)(1) of the LMC when such use initially ceases.
- E. All new telecommunications facilities shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of antennae for two (2) or more carriers. The Zoning Board of Appeals may waive this

provision if the co-location will have an adverse impact on the surrounding area.

- F. The applicant shall provide a justification as to why the site was selected.
 - G. The applicant shall provide a study showing the service area and system coverage.
 - H. The applicant shall provide photo simulations of the telecommunications facility or co-location of antennas proposed on a water tower, high voltage electric transmission tower or athletic lighting structure and site including equipment areas at the base from at least two (2) directions and from a distance of no more than one (1) mile.
 - I. The applicant shall provide an inventory of all existing telecommunications facilities and telecommunications antennas within a one (1) mile radius of the proposed site and document why co-location on an existing telecommunications facility or other structure is not possible.
- (14) In accordance with FAA FAR Part 77 Regulations, the applicant shall file FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, with the Federal Aviation Administration and the Maryland Aviation Administration where the proposed telecommunications facility or telecommunications antennas is within three (3) miles of the Frederick Municipal Airport and as required by Federal Aviation Administration Regulation Part 77.13.

(b) Telecommunication Antennas

Telecommunication antennas and related equipment for public or private use are permitted in all districts subject to the following conditions.

- (1) The antenna(s) are enclosed on all sides within an existing building or structure or are located behind and no higher than a penthouse or parapet walls or extensions thereof and are enclosed on all sides by such walls or extensions. The Historic Preservation Commission will review and approve the proposed penthouse, parapet walls or extensions within the HDO.
- (2) Related communications equipment is enclosed or located as set forth in subparagraph (1) above or is enclosed within a new building of three hundred sixty (360) square feet or less which matches the color of the existing building or structure housing and antennas and

meets the set backs and landscaping of an accessory structure in the particular district. The Historic Preservation Commission or Planning Department will be responsible for the architectural review and approval of the color, size, location and materials of the accessory building as applicable.

- (3) The applicant shall provide a sealed statement from a structural engineer stating that the building or structure is strong enough to support the equipment proposed by the applicant and that the planned installation will be structurally sound.
- (4) The applicant shall provide a sealed statement from a licensed professional radio frequency engineer stating that the antennas proposed meet the radio frequency safety standards as established by the regulating agency for such antenna(s) licensed.
- (5) The antenna(s) and related communications equipment shall remain an accessory use of the property at all times. At such time the antenna(s) become unnecessary they will be removed by the owner of the equipment.

Sec. 867 TEMPORARY or SEASONAL USES

27(a) Applicability

- (1) Authorized temporary commercial uses, including permitted locations, duration, and maximum number per calendar year, and whether or not a zoning permit is required, shall be as set forth in Table 867-1, below.

Table 867-1 Temporary Uses

Activity	Zoning Districts where permitted	Duration	Maximum Number per year for lot or parcel	Zoning Permit/ Certificate Required?
Auctions	Any district	3 days	1	No
Christmas Tree sales	Any district, subject to review of traffic circulation and parking	60 days	1	Yes
Construction Trailers or mobile home office (see subsection (b), below)	Any district	If part of an approved site development project, temporary structures are permitted during the construction phase and must be removed within two weeks of the certificate of completion.	Not applicable	Yes
Model homes used as office sales offices	Any district	One model home per phase of a residential development is permitted. The sales office must be removed within three (3) months of the completions of that phase of the development	Not applicable	Yes
Fireworks stand	GC	30 days	1	Yes
Outdoor retail sales (see subsection (d), below)	GC	10 days	4	Yes unless expressly shown on development plan
Produce stand or farmers market (not applicable to permanent farmers markets in D district)	RC, any commercial or industrial district	90 days	Not applicable	No

Activity	Zoning Districts where permitted	Duration	Maximum Number per year for lot or parcel	Zoning Permit/Certificate Required?
Public assembly including carnival, circus, festival, show, exhibit, outdoor dance, community fair, concert, or other enterprise of a similar nature (see subsection (c), below)	GC, DB, M1, IST, MU	1 week	Not applicable	Yes
Seasonal sales of produce, hand-crafted items, or decorations	NC, GC, DB, , M1,IST, MU	30 days	2	Yes
Yard/Garage Sales (see subsection (f), below)	Any residential district	3 consecutive days, limited to the daylight hours	4	No

- (2) In addition to the temporary uses authorized by this Section, the Zoning Board of Appeals may authorize temporary uses in accordance with subsection (j).

(b) Construction-related activities

- (1) Temporary structures are permitted in any district in connection with the site of building and land development or redevelopment, including grading, paving, installation of utilities, building construction, and the like, and such structures may include offices, model home offices, construction trailers, construction dumpsters, and storage buildings.
- (2) Construction dumpsters shall be subject to the following requirements:
- A. No construction dumpster may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;
 - B. Every construction dumpster shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and
 - C. Every construction dumpster shall be routinely emptied so as not to create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials.

(c) Public assembly

Public assembly activities, including associated temporary structures such as tents, shall be permitted as set forth in Table 867-1, subject to the following additional regulations:

- (1) No such temporary structure, including a tent, shall be permitted to remain on site for a period longer than two (2) days following the time period for which the zoning permit for the temporary public assembly activity is issued;
- (2) Sufficient space for parking shall be provided on the site to meet the parking requirements of Article 6, § 607;
- (3) Adequate provision shall be made for utility services;
- (4) Such activity shall not occur between the hours of 2:00 A.M. and 6:00 A.M.; and
- (5) No amplifiers, speakers, or other similar equipment shall be permitted outside of any temporary structure, including a tent, or permanent building.

(d) Outdoor retail sales

- (1) This subsection (d) shall apply to any temporary outdoor retail sales activity, except for the following uses on commercial property which shall be exempt from the regulations of this subsection: mobile food vendors in the Downtown Business district (DB), mobile food vendors intended for job and construction sites, mobile ice cream vendors, the sale of goods as part of a neighborhood fair or other special event which has an approved zoning permit, and the sale of homegrown produce, Christmas trees, fireworks, or temporary uses regulated elsewhere in this section.
- (2) The Zoning Administrator may grant a zoning permit for a temporary outdoor retail sales display for a period consistent with Table 867-1 above, provided:
 - A. The sales activity is incidental to the principal use; and
 - B. The sales activity is conducted by an on-site tenant who sells similar or related merchandise.
 - C. A temporary outdoor retail sales display area shall not encroach into a public right-of-way and shall not utilize required parking or loading spaces.

- D. Temporary retail sales activities shall be prohibited on vacant property.

(e) Yard or garage sales

For purposes of this subsection, a “yard or garage sale” means a public sale at a dwelling at which personal items belonging to the residents of the dwelling are sold. Yard or garage sales shall be a permitted use in all residential zoning districts and in association with any dwelling unit, subject to the following regulations:

- (1) Items purchased elsewhere expressly for resale at a yard or garage sale shall be prohibited;
- (2) Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale; and
- (3) Commercial outdoor sales activities shall be prohibited.
- (4) Shall comply with the provisions of Sec. 15-38 of the City Code, regarding Yard Sales.

²⁸(f) Fireworks

The sale or distribution of fireworks is considered a temporary use in the GC zoning district. In addition to the criteria for approval of a Zoning Permit, such uses shall conform to all applicable provisions of the Maryland Public Safety Code, Title 10. For purposes of this subsection, "fireworks" has the same meaning as defined in Maryland Public Safety Code § 10-101, which is incorporated by reference.

²⁹(g) Trailers, Mobile Homes, Recreational Vehicles

Parking of trailers, recreational vehicles, mobile homes, or boats for residential purposes (i.e. living in the structure for a cumulative period exceeding 30 days over one continuous year period) in any district shall be prohibited except on a farm. One mobile home may be used as living quarters of members of the immediate family owning or operating the farm, or by a tenant family, or any employees primarily engaged in the operation of the farm. Said mobile home shall be set back at least fifty (50) feet from any industrial activity and at least twenty (20) feet from any property line. (See §720(f)(3) for applicability of manufactured housing in the floodplain.)

30(h) Temporary Construction Trailers

Construction trailers or sales trailers may be parked on property in any district when used in conjunction with active construction. This shall not be interpreted to exclude the placement of such trailers when not in use due to inclement or seasonal weather restrictions.

(i) Temporary Special Entertainment at Restaurants

The Zoning Administrator upon written application may grant a one (1) day zoning permit for entertainment to occur at a restaurant. The applicant shall provide documentation regarding hours of entertainment, and special provisions necessary to accommodate increased attendance at the restaurant. The zoning permit shall be reviewed by the appropriate city departments to insure coordination of public safety and neighborhood compatibility. No more than three (3) such one (1) day permits shall be issued in a year.

31(j) Temporary Uses

Subject to the requirements of this subsection, the Zoning Board of Appeals may authorize the temporary use of a building or premises in any district for a use that does not conform to the provisions of this Code. To be authorized pursuant to this subsection, a temporary use must be of a temporary nature and must not involve the construction of a new building. If the Zoning Board of Appeals authorizes a temporary use pursuant to this subsection, the building department shall grant a temporary and revocable zoning permit that will expire six months from the date it is issued. The Zoning Board of Appeals may place conditions on its approval to safeguard the public health, safety, convenience, and general welfare. The Zoning Board of Appeals may authorize the Planning Department to approve the renewal of a temporary zoning certificate for one or two successive six-month periods.

Sec. 868 TOWNHOUSE DEVELOPMENTS

(a) Parking Space and Access Drive Requirements

Townhouse developments must meet the following minimum street requirements in order to qualify for City acceptance.

- (1) Twenty-four (24) feet curb-to-curb streets for two-way traffic with no parking should be encouraged where possible. On-street parking spaces cannot be counted as spaces on a twenty-four (24) foot street.
- (2) A twenty four (24) foot street with a 1-foot right-of-way on each side of the street shall be the minimum standard for acceptance for two-way traffic.
- (3) Total thickness of paving shall consist of six inches of bituminous concrete (4" base course, 2" surface course).
- (4) The City shall require all streets to provide a continuous loop throughout the development to insure uniform flow of traffic.
- (5) All curb and gutter shall be constructed to City of Frederick standards.
- (6) All signing and paving marking shall conform to the Manual of Uniform Traffic Control Devices as adopted by the City of Frederick.

(b) Building Design

The number of dwelling units in a townhouse building shall not exceed ten (10). The number of dwelling units with a continuous front is six (6).

**Sec. 869 VETERINARIAN CLINIC, ANIMAL CARE SERVICES
WITH BOARDING, OR COMMERCIAL KENNEL**

- (a) Veterinarian clinics with boarding and animal care services with boarding are permitted as a principal use in the GC, M1, M2, and MXE districts provided that all of the following conditions (1) through (4) can be met:
- (1) All areas for animal care shall be within a completely enclosed building or shall be buffered with Level III screening as specified by § 605 of this Code.
 - (2) No building or area for animal care shall be closer than two hundred (200) feet to any lot in an R or DR district.
 - (3) The applicant shall provide guarantees as deemed necessary by the Board that the use will not constitute a nuisance because of noise, odor, or any other activity characteristic of the use which would be disruptive to the neighborhood.
 - (4) The boarding of animals is not permitted unless it is associated with medical procedures performed by a veterinarian.
- (b) Commercial kennels are permitted as a principal use in the M1, M2, and MXE districts provided that all of the conditions of §869(a)(1) through (4) above can be met:

End Notes:

- ⁶ Supp. No. 3, Ord. No. G-06-25, § 5, 9-7-06
³³ Supp. No. 4, Ord. No. G-07-3, § 5, 1-4-07
⁷ Supp. No. 3, Ord. No. G-06-25, § 6, 9-7-06
⁶⁰ Supp. No. 10, Ord. No. G-12-04, § 1, 2-12-12, as previously amended in Supp. No. 7, Ord. No. G-08-10, § 2, 6-5-08
⁶¹ Supp. No. 9, Ord. No. G-10-05, § 2, 4-25-10 as previously amended in Supp. No. 9, Ord. No. G-10-03, § 4, 4-11-10, Supp. No. 5, Ord. No. G-07-22, § 19, 11-18-07, Supp. No. 3, Ord. No. G-06-25, § 7, 9-7-06
⁶² Supp. No. 10, Ord. No. G-12-11, § 2, 5-27-12
³⁴ Supp. No. 10, Ord. No. G-12-03, § 1, 2-12-12
⁸ Supp. No. 10, Ord. No. G-11-26, § 3, 11-27-11
⁹ Supp. No. 3, Ord. No. G-06-25, § 8, 9-7-06
¹⁰ Supp. No. 3, Ord. No. G-06-26, § 25, 9-7-06
¹¹ Supp. No. 3, Ord. No. G-06-25, § 9, 9-7-06
¹² Supp. No. 3, Ord. No. G-06-25, § 10, 9-7-06
¹ Supp. No. 1, Ord. No. G-05-15, § 21, 9-15-05
³⁹ Supp. No. 6, Ord. No. G-08-4, § 2, 2-7-08
² Supp. No. 1, Ord. No. G-05-15, § 22, 9-15-05
³ Supp. No. 1, Ord. No. G-05-15, § 23, 9-15-05
³² Supp. No. 4, Ord. No. G-07-2, § 2, 1-4-07
³⁵ Supp. No. 5, Ord. No. G-07-22, § 20, 11-18-07
¹³ Supp. No. 3, Ord. No. G-06-25, § 11, 9-7-06
³⁶ Supp. No. 5, Ord. No. G-07-22, § 21, 11-18-07
⁵⁹ Supp. No. 8, Ord. No. G-09-19, § VII, 12-14-09
¹⁴ Supp. No. 3, Ord. No. G-06-26, § 26, 9-7-06
¹⁵ Supp. No. 3, Ord. No. G-06-25, § 12, 9-7-06
¹⁶ Supp. No. 3, Ord. No. G-06-26, § 27, 9-7-06
¹⁷ Supp. No. 3, Ord. No. G-06-26, § 28, 9-7-06
⁴² Reserved
¹⁸ Supp. No. 3, Ord. No. G-06-25, § 13, 9-7-06
¹⁹ Supp. No. 3, Ord. No. G-06-26, § 29, 9-7-06
²⁰ Supp. No. 3, Ord. No. G-06-26, § 30, 9-7-06
⁴ Supp. No. 1, Ord. No. G-05-15, § 24, 9-15-05
³⁷ Supp. No. 5, Ord. No. G-07-22, § 22, 11-18-07
³⁸ Supp. No. 5, Ord. No. G-07-22, § 23, 11-18-07
⁴⁵ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
⁴⁶ Supp. No. 8, Ord. No. G-09-06, § 2, 3-6-09
⁴⁴ Supp. No. 8, Ord. No. G-09-3, § 1, 2-20-09
⁴⁷ Supp. No. 8, Ord. No. G-09-3, § 2, 3-6-09
⁴⁸ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
⁴⁹ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
⁵ Supp. No. 1, Ord. No. G-05-15, § 25, 9-15-05
²¹ Supp. No. 3, Ord. No. G-06-25, § 14, 9-7-06
²² Supp. No. 3, Ord. No. G-06-34, § 1, 9-7-06
³⁹ Supp. No. 5, Ord. No. G-07-22, § 24, 11-18-07
⁵⁰ Supp. No. 5, Ord. No. G-09-6, § 2, 3-6-09
⁵¹ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
⁵² Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
⁴⁰ Supp. No. 5, Ord. No. G-07-22, § 25, 11-18-07
⁵⁸ Supp. No. 8, Ord. No. G-09-17, § 2, 12-14-09
²³ Supp. No. 3, Ord. No. G-06-26, § 31, 9-7-06
²⁴ Supp. No. 3, Ord. No. G-06-26, § 32, 9-7-06

- ⁵³ Supp. No. 8, Ord. No. G-09-6, §2, 3-6-09
- ⁴¹ Supp. No. 5, Ord. No. G-07-22, § 26, 11-18-07
- ⁵⁴ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
- ⁵⁵ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
- ⁵⁶ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
- ²⁵ Supp. No. 3, Ord. No. G-06-34, § 2, 9-7-06
- ⁵⁷ Supp. No. 8, Ord. No. G-09-6, § 2, 3-6-09
- ²⁶ Supp. No. 3, Ord. No. G-06-35, § 1, 9-7-06
- ⁴³ Supp. No. 7, Ord. No. G-08-11, § 1, 6-5-08
- ²⁷ Supp. No. 3, Ord. No. G-06-26, § 33, 9-7-06
- ²⁸ Supp. No. 3, Ord. No. G-06-26, § 34, 9-7-06
- ²⁹ Supp. No. 3, Ord. No. G-06-36, § 1, 9-7-06
- ³⁰ Supp. No. 3, Ord. No. G-06-37, § 1, 9-7-06
- ³¹ Supp. No. 3, Ord. No. G-06-26, § 35, 9-7-06

Pages 839-900 RESERVED.