

CITY OF FRUITLAND

Zoning Ordinance

No. 67

with amendments through
January 3, 2006
(through Ordinance No. 225)

FRUITLAND ZONING ORDINANCE (NO. 67)
with Amendments through January 3, 2006
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FRUITLAND ZONING ORDINANCE (No. 67)

An ordinance to repeal Ordinance Nos. 49, 60 and 61 which are the zoning ordinances of the City and to re-enact in place thereof an entirely new ordinance which establishes types of residential, commercial, and industrial-use zones, provides comprehensive regulations and restrictions for each, provides for the administration, enforcement and amendment thereof, and for appeals from the provisions and enforcement thereof, and for the division of the City into specific zones to be shown on an official zoning map, and for the amendment of the zoning map, and providing civil penalties for the violation thereof as a municipal infraction and providing for the imposition of fines and costs by the District Court of Maryland upon persons who have failed or refused to pay the fine assessed by the City Manager for the municipal infraction or elected to stand trial therefore.

WHEREAS, Article 66B of the Annotated Code of Maryland requires the municipalities of the State of Maryland where zoning regulations now apply, to revise and update their zoning regulations and requirements;

AND WHEREAS, the Planning Commission of the City of Fruitland has restudied the applicable zoning ordinance and the zoning map of the City of Fruitland as presently amended, and has recommended a completely revised ordinance and zoning map in the light of the utility services presently available in and planned for the City of Fruitland and the prospective growth of and changes of land use within the limits of the City, and held public hearings thereon.

AND WHEREAS, the Planning Commission has divided the City into districts and prepared regulations pertaining to each type or subtype of such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure greater safety from fire, panic and other dangers; to promote health and the general welfare; to avoid undue concentration of population to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

AND WHEREAS, the Planning Commission has given careful consideration, among other things, to the character of districts and their suitability for particular uses, with a view to conserving and enhancing the value of the land and buildings and to encouraging the most appropriate use of land throughout the municipality.

SECTION I - ESTABLISHMENT OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP

A. Official Zoning Map - The City is hereby divided into zones, or districts and sub-districts, as shown on the official zoning map which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this ordinance. The official zoning map shall be identified by the signature of the president of the City Council, attested by the City Clerk, and bearing the seal of the City under the following words, "This is to certify that this is the Official Zoning Map of the City of Fruitland, Maryland with all corrections or amendments effective to (date)."

If the official zoning map shall thereafter be amended in any way, the changes reflected by such amendments shall be incorporated in and reflected on the official zoning map, the wording of which shall be the same as above except for the new effective date.

The preparation, correction, and reproduction of the official zoning map shall be the responsibility of the Director of Public Works and the original thereof, or a copy thereof,

certified by the Council President, to be a true and exact copy, shall be admissible in evidence in any legal proceeding requiring proof of the zoning districts of the City of Fruitland.

The official zoning map shall be kept in the custody of the Director of Public Works and shall be available for inspection at the City offices during normal business hours, and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures within the City.

B. Replacement of Official Zoning Map - In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of nature or a number of changes and additions, the Director of Public Works shall cause a new and exact copy of the old one to be prepared, shall submit it for inspection to the City Council of Fruitland, and if approved by the Council as depicting an exact reproduction of the proper official zoning map, the Council shall adopt the new one by resolution and it shall be certified as provided in Section A hereof. Unless each prior official zoning map has been lost or totally destroyed each superseded map shall be preserved for future reference.

SECTION II - RULES FOR INTERPRETATIONS OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed to follow such boundary lines.

D. Boundaries indicated as following railroad lines shall be construed to be midway between main tracks.

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water, shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E above, the Board of Appeals shall interpret the district boundaries.

H. Where a district boundary divides a lot which was in single ownership at the time of the passage of this ordinance, and still is at the time of the passage of this ordinance, and still is at the time an appeal is taken, the Board of Zoning Appeals may provide that the entire lot shall be included in either zoning district; provided, however, this provision shall not apply where the area affected would exceed one acre in size.

SECTION III - APPLICATION OF DISTRICT BOUNDARIES

The regulations set by this ordinance within each district shall be minimum regulation and shall apply uniformly to each class or kind of structure of land and particularly except as hereinafter provided;

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, or other open spaces than herein required; or in any other manner to run contrary to the provisions of this ordinance.

C. No part of a yard, or other open space, or off-street parking, or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance (12/11/73) shall meet at least the minimum requirements established by this ordinance.

E. All territory which may hereafter be annexed to the City may be re-zoned in the annexation ordinance but shall otherwise retain its county classification until passage of a zoning map amendment.

SECTION IV - NON-CONFORMING LOTS, NON-CONFORMING USE OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

A. Intent - Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage survival.

B. Non-Conforming Lots of Record - At the time of the passage of this ordinance there are recorded among the land records the plats of a number of subdivisions which do not meet the presently applicable zoning requirements. Lot areas, depths or widths may be less than those now required. Where the land owned by any person fails to meet present zoning requirements, but there is no additional land contiguous thereto available for purchase, the owner thereof shall not be denied a building permit for a structure otherwise permissible in the zoning district if the lot contains at least 70% of the minimum requirements presently applicable. If the lot is more than 30% deficient in any minimum requirement, a variance must be granted by the Board of Zoning Appeals before a building permit may be issued.

If at the time of the passage of this Ordinance any person shall own a number of contiguous lots within such a substandard subdivision, for the purpose of this Ordinance the interior lot lines of such person's land shall be disregarded, and he shall be regarded as owning a single undivided tract; and no building permit shall be issued for any structure to be erected

thereon until such person shall have a re-subdivision of his land approved by the Planning Commission; provided, however, that this shall not apply where more than eighty percent (80%) of the lots on the street shall be already improved and the minimum sideline restrictions for lots in that zoning district may be maintained; and further provided, however, that of the lots on the street which have been improved, the majority are substandard lots for that zoning district.

No person who is the owner of land in any subdivision which does not meet the present zoning requirements of the area in which it is located shall sell any portion of any lot or contiguous lots less than all of his holding without first having submitted to the Planning Commission a plat thereof showing both the area to be conveyed and received the approval of the Planning Commission, which said approval shall be endorsed upon said plat and signed by the Chairman thereof, and no plat describing such property nor any deed for any part thereof shall be offered to the Clerk of the Circuit Court for recording among the Land Records without such approval; and any grantor or grantors who execute any deed conveying or to convey land in any such subdivision in violation of the provision hereof shall be guilty of a municipal infraction as provided in Section XVI of Ordinance 107.

C. Non-Conforming Uses of Land (Or Land with Minor Structure ONLY)

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
3. If any such non-conforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

D. Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of be destroyed by any means, a permit to reconstruct must be obtained within ninety (90) days of destruction. The structure shall not be reconstructed except in conformity with the provisions of this Ordinance as it applies to said structure as a permitted use.
3. Should such structure be removed for any reason for any instance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. In the event any non-conforming structure exists on any land now or hereafter zoned R1-A or R1-B, such non-conforming structure shall be torn down or converted into a conforming use within eighteen months after the effective date of this Ordinance, or after the effective date of any Zoning Map Amendment changing the zoning of any area to R1-A or R1-B; except that this shall not apply to any mobile home which is a non-conforming use in such districts. The mobile homes may remain in place and occupied by the existing tenants until the termination of the tenancy. At the termination of such tenancy for any reason, the mobile home shall be removed within sixty (60) days after the termination of the tenancy.

E. Non-Conforming Uses of Structures or of Structures and Premises in Combination - If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered in any way which increases its square footage more than fifty percent (50%) provided all regulations of the district which permits such non-conforming use as a permitted use are complied with;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance;

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate conditions and safeguards in accordance with the provisions of this ordinance are followed;

4. Any structure, or structure and land in combination, in or on which non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. No structure, or structure and land in combination, in or on which a non-conforming use is being carried on in an area zoned R1-A or R1-B shall be continued for a period of more than eighteen (18) months from the date of the passage of this ordinance or from the date of passage of any subsequent Zoning Map Amendment changing any area to R1-A or R1-B; except that where a mobile home is used on a single lot or tract zoned R1-A or R1-B as a separate family living unit as a non-conforming use, the non-conforming use shall terminate at the termination of the existing tenancy, and the mobile home shall be removed within sixty (60) days after the termination of the existing tenancy.

7. Any mobile home used as a residence and located in any zone except R1-A or R1-B, and the use of which is a non-conforming use in the zone in which located, may continue as a non-conforming use until the termination of its use thereof by existing tenant. At the termination of such tenancy for any reason, the mobile home shall be removed within sixty (60) days after the termination of the tenancy. For the purposes of Subsections D(4), E(6) and E(7), the term "Tenant" shall mean the owner or rent payer, and shall be a single individual except in case of a married couple in which case it shall include both husband and wife and the survivor of them.

8. Notwithstanding any language contained in any other section of this ordinance, such language shall not be interpreted as forbidding or prohibiting the owner of a structure used solely as his residence in a commercial or industrial zone, which is destroyed or partially destroyed by fire or other casualty from repairing, reconstructing or replacing it as a single-family residence providing the following conditions are complied with.

a. A building permit shall be obtained within six (6) months after the date of casualty.

b. The residence shall be replaced on the original foundation, or on a foundation enclosing an area no larger than the original foundation.

c. If erected on a different foundation, the residence shall be so located as to comply with the setback, side yard, and rear yard provisions of this ordinance for houses erected in R1-C Zones.

d. Actual construction shall begin within twelve (12) months after the date of the fire or casualty, unless hardship extensions for additional six (6) months each are granted by the Board of Zoning Appeals.

F. Repairs and Maintenance - If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Uses Under Special Exception Provisions Not Non-Conforming Uses - Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Appeals action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION V - SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth herein and in Section VI of this ordinance. For the purposes of this ordinance the City of Fruitland is hereby divided into districts as follows:

- R1-A - Prime Residential, Single-Family
- R1-AA - Suburban Residential, Single Family
- R1-B - Select Residential - Single Family
- R1-C - General Residential, Single Family
- R1-D - Special Residential, Single Family
- R1-E - Mixed Residential, Single-Family & Duplex
- R-2 - Multiple-Family Residential
- R-3 - Townhouse & Apartment Residential
- R-4 - Mobile Home Residential
- C-1 - Central Business District
- C-2 - Neighborhood Business District
- C-3 - General Business District
- C-4 - Highway Business District
- C-5 - Shopping Center District

C-6 - Service Business District
C-7 - Business and Technology Park District
M-1 - Light Industrial District
M-2 - Industrial Park District
M-3 - Heavy Industrial District
W-1 - Conservation District

A. R1-A - Prime Residential, Single-Family

1. Uses Permitted - In all R1-A Districts no building, structure, or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified uses:

a. Agricultural activities which shall be limited to the growing of fruits, grains and vegetables on those parcels of land having an area of not less than five (5) acres are all subject to City and County health and sanitation ordinances.

b. Churches and related structures on a minimum site of three (3) acres, when approved by the Planning Commission.

c. Dwellings (single-family detached).

d. Parks and playgrounds (municipally-owned) after approval by the Planning Commission.

e. Signs.

1) Church or public building bulletin boards not exceeding ten (10) square feet in area.

2) Temporary signs not exceeding six (6) square feet in area appertaining to the lease, hire or sale of a building or premise, which sign shall be removed as soon as the premises are leased, hired, or sold.

3) Subdivision sign, non-illuminated, not more than one, pertaining to the sale of premises being developed on which it is maintained, and having an area of not more than three hundred (300) square feet. Said sign shall not exceed twelve (12) feet in height above ground and shall be removed by the developer when less than one-third of the original number of lots or less than ten lots (whichever is the lesser) remain to be sold by him. The non-illuminated name of any subdivision, however, may remain permanently affixed to any decorative wall or other decorative structure approved by the Planning Commission.

2. Accessory Uses

a. Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, that any such commercial vehicle shall not exceed one-ton capacity.

1) No garage or accessory building shall contain more than seven hundred and fifty (750) square feet of floor area.

2) Where garages or accessory structures are attached to the principal building, the accessory building or garage shall be located within the same setback as the principal building.

3) Where accessory buildings and garages are detached structures, said structures shall be no closer than ten (10) feet to any lot line, nor five (5) feet to any easement area and shall be located in the side or rear yards only.

b. The storage of one unoccupied travel trailer or small utility trailer or a single water craft in the rear yard, and which can be transported with trailer by a passenger

motor vehicle, and which is the property of the occupant of said lot, provided such trailer or water craft is parked at least ten (10) feet from any dwelling or property line.

3. Minimum Development Standards

a. Building Height - No building hereafter erected or altered in R1-A Districts shall exceed thirty-five (35) feet in height or two and one-half (2½) stories, except as provided in Section VI of this ordinance.

b. Lot Area - In R1-A Districts each lot shall contain at least fifteen thousand (15,000) square feet of land.

c. Lot Width - All lots shall have a minimum width of one hundred (100) feet at the building line with no less than thirty (30) feet of frontage on any approved right-of-way.

d. Lot Depth - All lots shall have a minimum depth of one hundred and twenty-five (125) feet.

e. Percentage of Lot Coverage - Dwellings and accessory buildings hereafter erected on any lot shall not cover more than twenty-five percent (25%) of the area of such lot.

f. Front Yard - Each lot shall have a front yard of not less than forty (40) feet.

g. Side Yards - All lots shall have two (2) side yards, each having a width of not less than ten (10) feet and the combined width of both side yards shall be not less than thirty (30) feet, provided that the principal buildings on adjoining lots shall be located not less than thirty (30) feet apart, which shall include the roof overhang but not the gutter.

h. Side Yards Abutting Upon a Street - The width of the side yard abutting upon a street shall be not less than thirty-five (35) feet when rear yards abut side yards, however when rear yards abut rear yards, the side yards shall be not less than twenty (20) feet.

i. Rear Yards - Each lot shall have a rear yard of not less than thirty-five (35) feet.

j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.

k. Buildings or Structures in Drainage ways - No principal or accessory buildings shall be constructed within fifteen (15) feet of the center of any natural drainage way.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law in addition to children of the family residing therein.

b. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

AA. R1-AA - Suburban Residential, Single-Family

1. Uses Permitted

a. Agricultural activities which shall be limited to the growing of fruits, grains and vegetables, on those parcels of land having an area of not less than five (5) acres, all subject to City and County health and sanitation ordinances.

b. Churches and related structures on a minimum site of three (3) acres, when approved by the Planning Commission.

c. Dwelling, Single-Family, Detached

d. Parks and Playgrounds, municipally-owned, after approval by the Planning Commission.

- e. Signs.
 - 1) Church or public building bulletin boards not exceeding ten (10) square feet in area.
 - 2) Temporary signs not exceeding six (6) feet in area appertaining to the lease, hire or sale of a building or premises, which sign shall be removed as soon as the premises are leased, hired or sold.
 - 3) Subdivision signs, non-illuminated, not more than one, pertaining to the sale of premises being developed on which it is maintained, and having an area of not more than three hundred (300) square feet. Said sign shall not exceed twelve (12) feet in height above-ground and shall be removed by the developer when less than one-third of the original number of lots or less than ten lots (whichever is the lesser) remain to be sold by him. The non-illuminated name of any subdivision, however, may remain permanently affixed to any decorative wall or other decorative structure approved by the Planning Commission.
- f. The maintenance of horses and other members of the equine family on those parcels of land having an area of one acre or more.

2. Accessory Uses

- a. Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One private garage for each residential lot in which there is housed not more than four (4) vehicles, not more than one of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, that any such commercial vehicle shall not exceed one ton capacity.
 - 1) No garage or accessory building shall contain more than twelve hundred (1200) square feet of floor area.
 - 2) Where garages or accessory structures are attached to the principal building, the accessory building or garage shall be located within the same setback as the principal building.
 - 3) Where accessory buildings and garages are detached structures, said structures shall be no closer than fifteen (15) feet to any lot line, nor five (5) feet to any easement area and shall be located in the side or rear yards only.
- b. The storage of one unoccupied travel trailer or small utility trailer, or a single watercraft in the rear yard, and which can be transported with trailer by a passenger motor vehicle, and which is the property of the occupant of said lot, provided such trailer or watercraft is parked at least ten (10) feet from any dwelling or property line.
- c. A stable for not exceeding four (4) horses. A stable shall not be attached to any other structure and no stable shall be located less than twenty (20) feet from any other structure on the same parcel of land.

3. Minimum Development Standards

- a. Building Height - No building hereafter erected or altered in R1-AA Districts shall exceed forty (40) feet in height or three (3) stories, except as provided in Section VI of this Ordinance.
- b. Lot Area - In R1-AA Districts each lot shall contain at least forty-four thousand (44,000) square feet of land.
- c. Lot Width - All lots shall have a minimum width of one hundred twenty (120) feet at the building line with no less than thirty-five (35) feet of frontage on any approved right-of-way.
- d. Lot Depth - All lots shall have a minimum depth of one hundred and sixty (160) feet.
- e. Percentage of Lot Coverage - Dwelling and accessory buildings hereafter erected on any lot shall not cover more than twenty-five percent (25%) of the area of such lot.

- f. Front Yard - Each lot shall have a front yard of not less than fifty (50) feet.
- g. Side yards - All lots shall have two (2) side yards, each having a width of not less than fifteen (15) feet and the combined width of both side yards shall be not less than forty (40) feet, provided that the principal building on adjoining lots shall be located not less than thirty (30) feet apart, which shall include the roof overhang but not the gutter.
- h. Side Yards Abutting Upon A Street - The width of the side yard abutting upon a street shall be not less than thirty-five (35) feet when rear yards abut side yards, however, when rear yards abut rear yards, the side yard shall be not less than twenty (20) feet.
- i. Rear Yards - Each lot shall have a rear yard of not less than forty (40) feet.
- j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this Ordinance.
- k. Buildings or Structures in Drainage Ways - No principal or accessory building shall be constructed within fifteen (15) feet of the center of any natural drainageway.

4. Uses Permitted by Special Exception

- a. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

B. R1-B - Select Residential District, Single-Family

1. Uses Permitted

- a. All uses permitted in R1-A Districts.
- b. Mini-cluster developments, as defined herein, as and approved by the Planning Commission.
- c. Duplex houses as part of a mini-cluster development.
- d. Public or privately owned and operated golf courses on a minimum site of ninety (90) acres, provided such use does not impair the natural appearances of such land or tend to produce noise or annoyance to surrounding properties after approval by the Planning Commission.
- e. Signs
 - 1) As permitted in R1-A Districts
 - 2) A non-illuminated sign containing not more than one hundred (100) square feet at the entrance of any park or golf course.

2. Accessory Uses - As permitted in R1-A Districts.

3. Minimum Development Standards

- a. Building Height - No building hereafter erected or altered in R1-B Districts shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stories, except as provided in Section VI of this ordinance.
- b. Lot Area - Each single-family dwelling together with its accessory buildings hereafter erected shall provide a lot area of not less than twelve thousand (12,000) square feet. Any mini-cluster approved by the Planning Commission shall contain at least twelve thousand (12,000) square feet for each family dwelling unit erected therein; but other lot and yard requirements shall be determined by the Planning Commission.
- c. Lot Width - All lots shall have a minimum width of ninety (90) feet at the building line with no less than thirty (30) feet on any approved right-of-way.
- d. Lot Depth - All lots shall have a minimum depth of one hundred and twenty-five (125) feet.

e. Percentage of Lot Coverage - All dwellings together with accessory buildings hereafter erected on any lot shall not cover more than thirty percent (30%) of the area of such lot.

f. Front Yard - Each lot shall have a front yard of not less than thirty-five (35) feet.

g. Side Yards - All lots shall have two side yards, each having a width of not less than ten (10) feet and the combined width of both side yards shall not be less than twenty-five (25) feet, provided that principal buildings on adjoining lots shall be located not less than twenty-five (25) feet apart, an overhang of not more than 24 inches shall not be included in the side-yard computation.

h. Side Yards Abutting Upon a Street - The width of the side yard abutting upon a street shall be not less than thirty-five (35) feet when rear yards abut side yards, however, when rear yards abut rear yards the side yard abutting the street shall be not less than twenty (20) feet.

i. Rear Yards - Each lot shall have a rear yard of not less than thirty-five (35) feet.

j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.

k. Buildings or Structures in Drainage ways - No principal or accessory buildings shall be constructed within fifteen (15) feet of the center of any natural drainage way.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law in addition to children of the family residing therein.

b. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

C. R1-C - General Residential, Single-Family

1. Uses Permitted

a. All uses permitted in R1-A and R1-B District.

b. Public schools, public libraries, private educational institutions, public or private non-profit recreational buildings or institutions.

c. Churches and related structures on a minimum site of one and one-half (1 1/2) acres.

d. Community buildings, country clubs, fraternal lodges, non-profit civic, social or patriotic clubs, after approval by the Planning Commission.

e. Public-owned buildings, transformer stations and sub-stations without service yards, water and sewer pumping stations.

f. Gardening activities or the production of agricultural products through the direct tilling of soil, together with facilities for the sale of the products thus produced thereon, provided such facilities shall be located on the premises and at least thirty (30) feet from the front line and at least fifteen (15) feet from any side lot line.

g. Cluster developments as defined herein and as approved by the Planning Commission.

h. Child care facility providing day care services for the number of children authorized by State law in addition to the children of the family who reside therein.

i. Offices of medical doctors, doctors of osteopathy, doctors of chiropractic, dentists and doctors of pediatric medicine.

2. Accessory Uses

- a. As permitted in R1-A and R1-B Districts.
- b. A temporary permit may be issued for the parking in the rear yard of one house trailer for not more than 30 days within any calendar year when the occupants of such house trailers are provided with the sanitary facilities used by the household on whose lot they are established and only when such trailer occupants are visiting relatives or nonpaying guests.
- c. Where the lot contains at least 20,000 square feet a special permit may be issued by the Planning Commission for the parking of a school bus or commercial vehicle in the rear yard, provided the parking area shall be at least ten (10) feet from any lot line.
- d. Where the lot contains more than three (3) acres commercial and farm vehicles may be parked without permit, provided the parking area is at least seventy-five (75) feet from any lot line. All such vehicles must be the property of the owner of the land where parked, shall not be used for lease or hire, and may not be serviced or repaired on the premises.

3. Minimum Development Standards

- a. Building Height - No building hereafter erected or altered shall exceed thirty-five (35) feet in height or two and one-half (2 ½) stories except as provided in Section VI of this ordinance.
- b. Lot Area - Each lot hereafter created shall contain an area of not less than 10,000 square feet. Any mini-cluster approved by the Planning Commission shall contain at least 10,000 square feet for each family dwelling unit erected therein, but other lot and yard requirements shall be determined by the Planning Commission.
- c. Lot Width - All lots hereafter created shall have a minimum width of seventy-five (75) feet at the building line with no less than thirty (30) feet frontage on any approved right-of-way.
- d. Lot Depth - All lots hereafter created shall have a minimum depth of one hundred and twenty-five (125) feet.
- e. Percentage of Lot Coverage - Single-family dwellings together with accessory buildings shall not cover more than thirty percent (30%) of the area of such lot.
- f. Front Yard - Each lot shall have a front yard of not less than 30 feet, provided, however, that where a front yard of greater or lesser depth than above specified exists in front of dwelling on more than half the improved lots on one side of the street in any block, the depth of the front yard for any building thereafter erected or placed on any lot in such block shall not be less than the average depth of front yards of such existing buildings.
- g. Side Yard - All lots shall have two (2) side yards, each having a width of not less than ten (10) feet and the combined width of both side yards shall be not less than twenty-five (25) feet, provided that principal buildings on adjoining lots shall be located not less than twenty-five (25) feet apart, and provided that the overhang shall not exceed twenty-four (24) inches (not including gutter). For lots of less than seventy-five (75) feet in width which were on record as of the date of this ordinance, the required combined width of side yards may be reduced six (6) inches for each foot thereof by which the width of such lot is less than seventy-five (75) feet, provided that the minimum side yard shall be not less than five (5) feet and the combined width of both side yards not less than fifteen (15) feet, and provided further, that principal buildings on adjoining lots shall be located not less than fifteen (15) feet apart.
- h. Side Yards Abutting Upon a Street - The width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards, however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.
- i. Rear Yards - Each lot shall have a rear yard of not less than thirty-five (35) feet.

j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.

k. Buildings of Structures in Drainage Ways - No principal or accessory building shall be constructed within fifteen (15) feet of the center of any natural drainage way.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law.

b. A home occupation as defined in Section XVIII of this Ordinance may be conducted on the premises, but only so long as such occupation meets the requirements of such definition in all respects.

c. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

CC. R1-D - Special Residential, Single-Family

1. Uses Permitted

a. Dwellings, Single-Family Detached

b. Signs

1) Temporary signs not exceeding six (6) square feet in area appertaining to the lease, hire or sale of a building or premises, which sign shall be removed as soon as the premises are leased, hired or sold;

2) Subdivision sign, non-illuminated, not more than one, pertaining to the sale of premises being developed on which it is maintained, and having an area of not more than three hundred (300) square feet. Said sign shall exceed 12 feet in height above ground and shall be removed by the developer when less than one-third ($\frac{1}{3}$) of the original number of lots or less than ten lots (whichever is the lesser) remain to be sold by him. The non-illuminated name of any subdivision, however, may remain permanently affixed to any decorative wall or other decorative structure approved by the Planning Commission.

2. Accessory Uses

a. Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One private garage for each residential lot in which there is house not more than three (3) vehicles, not more than one of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, that any such commercial vehicle shall not exceed one-ton capacity.

1) No garage or accessory building shall contain more than seven hundred and fifty (750) square feet of floor area.

2) Where garages or accessory structures are attached to the principal building, the accessory building or garage shall be located within the same setback as the principal building.

3) Where accessory buildings and garages are detached structures; said structures shall be no closer than six (6) feet to any lot line, nor five (5) feet to any easement area, and shall be located in the side or rear yards only.

d. The storage of one unoccupied travel trailer or small utility trailer, or a single water craft in the rear yard, and which can be transported with trailer by a passenger motor vehicle, and which is the property of the occupant of said lot, provided such trailer or water craft is parked at least ten (10) feet from any dwelling or property line.

3. Minimum Development Standards

a. Building Height - No building hereafter erected or altered in R1-D Districts shall exceed thirty-five (35) feet in height or two and one-half (2½) stories, except as provided in Section VI of this Ordinance.

b. Lot Area - Each lot hereafter created shall contain an area of not less than seventy-five hundred (7500) square feet.

c. Lot Width - All lots hereafter created for single-family dwellings shall have a minimum of sixty-five (65) feet at the building line with no less than thirty (30) feet on any approved right-of-way.

d. Lot Depth - All lots hereafter created shall have a minimum depth of one hundred and ten (110) feet.

e. Percentage of Lot Coverage - Single-family dwellings, together with accessory buildings, shall not cover more than thirty-five percent (35%) of the area of such lot.

f. Front Yard - Each lot hereafter created shall have a front yard of not less than thirty (30) feet.

g. Side Yard - All single-family lots shall have two (2) side yards, each having a width of not less than six (6) feet and the combined width of both side yards shall not be less than twenty-one (21) feet, provided that the principal buildings on adjoining lots shall be not less than twenty-one (21) feet apart, providing that the overhang shall not exceed twenty-four (24) inches, not including gutter.

h. Side Yards Abutting upon a Street - The width of the side yard abutting upon a street shall be not less than fifteen (15) feet.

i. Rear Yards - East lot shall have a rear yard of not less than twenty-five (25) feet.

j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this Ordinance.

k. Buildings or Structures in Drainage Ways - No principal or accessory building shall be constructed within fifteen (15) feet of the center of any natural drainage way.

l. Size of Principal Structure - Each single-family dwelling hereafter erected shall contain at least nine hundred and sixty (960) square feet of living space on the first floor, with a minimum of fifteen hundred (1500) square feet if the structure contains two floors.

4. Uses Permitted by Special Exception

a. A home occupation as defined in Section XVIII of this Ordinance may be conducted on the premises, but only so long as such occupation meets the requirements of such definition in all respects.

b. A Group Day Care Center or similar institution as the same may be designated and licensed by the appropriate State and/or County agency, and upon such terms and conditions as the Board of Zoning Appeals shall require in order that the use shall be compatible with the remainder of the zone and the surrounding zones.

c. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

CD. R1-E - Mixed Residential

1. Uses Permitted

a. All uses permitted in R1-A and R1-B Districts.

b. City-owned utility equipment necessary to serve the area.

c. Cluster developments as defined herein and as approved by the

Planning Commission.

- d. Duplex houses.
- 2. Accessory Uses
 - a. As permitted in R1-A and R1-B Districts.
- 3. Minimal Development Standards

- a. Building Height - as in R1-C Districts.
 - b. Lot Area - each lot hereafter created for single-family development shall contain an area of not less than ten thousand (10,000) square feet. Any mini-cluster approved by the Planning Commission shall contain at least ten thousand (10,000) square feet for each family dwelling unit erected therein, but other lot and yard requirements shall be determined by the Planning Commission. Lots on which duplex houses are to be built must contain a minimum of twelve thousand (12,000) square feet, with a minimum of six thousand (6,000) square feet on each half lot rented or conveyed with one-half of the duplex house.

- c. Lot Width - All lots hereafter created shall have a minimum width of eighty (80) feet at the building line with no less than forty (40) feet frontage on any approved right-of-way.

- d. Lot Depth - All lots hereafter created shall have a minimum depth of one hundred and twenty-five (125) feet.

- e. Percentage of Lot Coverage - Single-family or duplex dwellings, together with accessory buildings, shall not cover more than thirty percent (30%) of the area of such lot.

- f. Front Yard - Each lot hereafter created shall have a front yard not less than thirty (30) feet.

- g. Side Yard - All single-family lots shall have two (2) side yards, each having a width of not less than ten (10) feet and the combined width of both side yards shall be not less than twenty-five (25) feet, provided that principal on adjoining lots shall be located not less than twenty-five (25) feet apart, provided that the overhang shall not exceed twenty-four (24) inches, not including gutter. All duplex lots shall have two (2) side yards, each having width of not less than fifteen (15) feet, and provided further that the principal building on a duplex lot shall have a party wall centered on the lot dividing line, such party wall shall be of fire resistant construction and shall continue to the peak of the roof of the duplex house.

- h. Side Yards Abutting a Street - As provided in R1-C Districts.

- i. Rear Yards - As provided in R1-C Districts.

- j. Off-Street Parking - Off-street parking facilities shall be provided for two (2) cars on each lot, except for mini-cluster developments which shall be as provided in Section VI of this Ordinance.

- k. Buildings or Structures in Drainage Ways - As provided in R1-C Districts.

- l. Garage Buildings on Duplex Lots - When a garage building is attached to and made structurally a part of the principal building on the lot, it may be constructed with one side formed by the party wall, but no portion thereof shall project into the required side yard. Detached garages shall be constructed as provided in Section VI of this Ordinance.

- 4. Uses Permitted by Special Exception

- a. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

D. R-2 - Multiple-Family Residential

- 1. Uses Permitted

- a. All uses permitted in R1-C Districts.

- b. Two, three, and four-family dwellings.
- c. Townhouses not exceeding five-dwelling units in one group.
- d. Boarding, rooming, and lodging houses.
- e. A residence may be used for a home occupation as defined in

Section XVIII of this ordinance.

f. Hospitals, animal hospitals, clinics, and sanatoriums for contagious, mental, drug or alcohol addict cases, nursing homes and institutions of a philanthropic and charitable nature, after approval by the Planning Commission.

2. Accessory Uses

a. Buildings and uses customarily incidental to the above permitted uses shall include for each dwelling unit not more than one private garage with parking space for not more than two motor vehicles for each living unit it services, not more than one of which may be a commercial vehicle not exceeding one-ton capacity.

b. For uses requiring approval by the Planning Commission, storage of vehicles on the premises shall be approved by the Planning Commission.

c. The storage or parking of trucks, truck tractors, or truck trailers of over one-ton capacity, or the storage or parking of coaches or buses (except school buses), tourist cabins or tents shall not be allowed or considered a legal accessory use.

3. Minimum Development Standards

a. Building Height - No building hereafter erected or altered shall exceed thirty-five (35) feet in height or two and one-half (2 1/2) stories unless approved by the Planning Commission.

b. Lot Area

- 1) Single-family dwelling - same as for R1-C Districts
- 2) Two-family dwelling - 12,000 square feet
- 3) Three-family dwelling - 15, 000 square feet
- 4) Four-family dwelling - 17,000 square feet
- 5) Five townhouse units - 19,000 square feet

c. Lot Width - No building shall hereafter be erected on a lot less than seventy-five (75) feet in width, and the width shall increase at least fifteen (15) feet for each dwelling one more than two.

d. Lot Depth - All lots hereafter created shall have a minimum depth of one hundred and twenty-five (125) feet.

e. Percentage of Lot Coverage - Dwelling units together with accessory buildings hereafter erected on any lot shall not cover more than thirty percent (30%) of the area of such lot. Paved patios shall be included in this percentage.

f. Front Yard - Each lot shall have a front yard of not less than twenty-five (25) feet.

g. Side Yard - All lots shall have two (2) side yards. Side yards for single-family dwellings shall be as provided for R1-C Districts. For multi-family lots no side yard shall be less than fifteen (15) feet and shall increase two and one-half (2 1/2) feet for each dwelling unit over two.

h. Side Yards Abutting Upon a Street - The width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards; however, when rear yards abut upon rear yards the side yard abutting the street shall be not less than twenty (20) feet.

i. Rear Yards - Each lot shall have a rear yard of not less than thirty-five (35) feet. This shall not include paved patios or area fenced for single-family use.

j. Off-Street Parking Facilities - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.

k. Buildings or Structures in Drainage ways - No principal or accessory buildings shall be constructed within fifteen (15) feet of the center of any natural drainage way.

1. Submission to Planning Commission

1) Every person proposing to erect three or more dwelling units on any lot or tract of land shall submit two (2) copies of both a floor plan of the proposed building(s) and a site plan to the Planning Commission.

2) Every person proposing to erect more than ten dwelling units on any tract of land, or any person proposing to develop any tract of land for multi-family residential use containing more than three (3) acres of land shall submit five (5) copies of both floor plans and front elevation of each proposed building and a comprehensive development plan to the Planning Commission.

m. Minimum Dwelling Unit Standards

A one-bedroom apartment shall contain at least 690 square feet; a two-bedroom apartment, at least 815 square feet; a three-bedroom apartment at least 975 square feet, in addition, no bedroom hereafter erected in any apartment building erected in a multi-family zone shall contain less than 100 square feet of space.

n. Maximum Density Standards

No tract or parcel of land for which an approved site plan or a comprehensive development plan shall be required shall contain more than 25 bedrooms per acre, regardless of the number of dwelling units proposed to be erected thereon, fractions shall be resolved to the next larger whole number.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by law.

b. A home occupation as defined in Section XVIII of this Ordinance may be conducted on the premises, but only so long as such occupation meets the requirements of such definition in all respects.

c. Such other temporary or permanent uses of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

d. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal and household items, specifically excluding industrial and commercial storage, to be utilized by those residents of the development, subdivision, or neighborhood in which the same are located, not to exceed one (1) story in height, to be screened and fenced as approved and set forth by the Board of Zoning Appeals, not to exceed one (1) acres in area, and not to exceed one (1) storage unit per dwelling unit within the area served.

No individual storage unit to exceed one hundred fifty (150) square feet. The Board of Zoning Appeals to determine from the evidence presented to it, the "area to be served" and the screening appropriate so as not to create a detriment to the area.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal and household items, specifically excluding industrial and commercial storage, to be utilized by those residents of the development, subdivision, or neighborhood in which the same are located, not to exceed

one (1) story in height, to be screened and fenced as approved and set forth by the Board of Zoning Appeals, not to exceed one (1) acre in area, and not to exceed one (1) storage unit per dwelling unit within the area served.

No individual storage unit to exceed one hundred fifty (150) square feet. The Board of Zoning Appeals to determine from the evidence presented to it, the "area to be served" and the screening appropriate so as not to create a detriment to the area.

E. R-3 Townhouse and Apartment Residential

1. Uses Permitted

- a. All uses permitted in R1-C Districts
- b. Townhouses
- c. Apartment buildings
- e. Cluster developments
- f. Mini-clusters
- g. Offices of licensed practitioners of the healing arts when contained at least sixteen (16) dwelling units.
- h. Duplex houses

2. Accessory Uses

Accessory buildings or uses customarily incident to any of the above permitted uses. No individual garages shall be erected for the use of apartment residences, but a single garage may be erected to serve the apartment building or a garage area built as a part thereof.

3. Minimum Development Standards

a. Building Height

1) Townhouses - No townhouses shall exceed 35 feet in height or three (3) stories.

2) Apartment buildings - No apartment shall exceed 85 feet in height or seven (7) stories, not including basements or stories below ground level on one face of the building.

b. Lot Area

1) Townhouses

a) Lot size - Each townhouse dwelling unit shall have a minimum lot size of 2,000 square feet computed to the center of each party wall. Every group of townhouses shall be located on a tract containing no less than 3,400 square feet of land per dwelling unit and further provided that no townhouse group shall be located on a tract containing less than 60,000 square feet of land.

b) Building coverage - Not more than 35% of the lot or tract shall be occupied by townhouse buildings.

c) Green area - Not less than 50% of the lot or tract of land area shall be devoted to open space; provided, however, that interior patio courts containing not less than 120 square feet in area with a minimum dimension of ten (10) feet may be computed as green area.

2) Apartment Buildings

a) One or two stories above ground level - a minimum lot area of 3,000 square feet for each dwelling unit, but no apartment building shall be built on a lot or tract containing less than 20,000 square feet.

b) Three stories and over - a minimum lot area of 2,000 square feet shall be provided for each dwelling unit, but no apartment building three stories or over shall be built on a lot or tract containing less than 40,000 square feet.

c. Yards

1) Townhouses - No townhouse dwelling unit shall be built less than 30 feet from any street line or parking area, except that the patio court referred to in subsection b(1)(c) above may extend into the thirty-foot space required in the rear of each townhouse dwelling unit.

2) Apartment Buildings

a) No apartment building shall be constructed at a distance of less than 40 feet from any property line and shall be set back a minimum of five (5) additional feet for each story over two stories. Where more than one apartment building shall be erected on a tract the minimum distance between them shall be 40 feet with five (5) additional between them for each story over two (2) stories.

b) Apartment construction shall be in accordance with a comprehensive plan which shall make adequate provision for access and suitable protection of surrounding properties. Where more than one apartment building is to be constructed on a site, external walks and parking areas shall be lighted.

c) Notwithstanding any other provisions of this subsection, apartment building tracts shall provide on-site open space areas equal to 30% of the total land area, excluding parking, loading and service areas.

d. Lot Frontage - Each lot used for a townhouse dwelling unit shall be not less

than 19 feet in width and there shall be not more than nine (9) townhouses in

any one group.

e. Roads and Road Frontage

1) Townhouses - Each tract used for townhouses must have at least 150 feet of frontage on a public road. Interior access drives which are improved in accordance with the standards set for public access street shall be paved and have curbs and gutters. Points of access to public roads shall be approved

Administration, or other

appropriate highway authority.

2) Apartments - Each tract used for apartment buildings must have at least 100

feet of frontage on a public road. An additional 50 feet of public road frontage shall be required for each additional apartment building located on

the tract. Interior access drives and points of access shall be governed in (e) (1) immediately above.

f. Off-Street Parking Requirements - shall be as specified in Section VI of this

ordinance.

g. Floor Area

1) Townhouses

a) The total usable living space in a townhouse dwelling unit shall be not less than 1100 square feet, exclusive of utility area, attic, and garage. Basement space not to exceed 400 square feet may be counted toward the minimum

b) Every townhouse dwelling unit shall have a ground coverage area of not less than 570 square feet per floor and a minimum of 1100 square feet of total gross floor area, exclusive of utility area, attic, and garage.

2) Apartment buildings - The average area of usable living space in an apartment shall be at least 500 square feet per dwelling unit for apartment buildings three (3) stories and over, and 600 square feet per dwelling unit for apartment buildings less than three (3) stories.

h. Green Areas, Private Streets, Walkways and Parking Spaces - In the event individual townhouses or apartment dwelling units are to be sold, prior to sale the developer shall submit to the Planning Commission copies of the proposed instruments which provide for the control of all green areas, private streets, walkways, and parking areas (and in the case of apartment buildings, all interior common service and access areas), such instruments shall be referred to the City Solicitor to determine that the City of Fruitland shall have the authority to require the owners of the individual dwelling units to make adequate provision for the common areas to ensure they do not become unkempt, unsightly, and fall into such disrepair as to make them dangerous or unsafe for use.

i. Application and Site Approval

An applicant for a building permit for townhouses or apartment buildings shall submit in addition to the information required in subsection VII(c) of this ordinance, a statement showing the planned ownership and operation of the townhouse or apartment house developments; and if unit sale is planned he shall comply with subsection (h) immediately above, and if lease is planned, no change of type of ownership from lease to sale shall be permitted without prior approval of the Planning Commission; and any townhouse or apartment development application hereafter filed shall be filed subject to this requirement and, with implied consent thereto, an application for a permit to build a group of townhouses or an apartment building shall be deemed to be a subdivision application.

j. Design and Appearance

It is the intent and purpose of these regulations that townhouse groups and developments and apartment buildings and apartment complexes be of such design as to avoid monotony; that they shall be kept and maintained together with their surrounding grounds in good repair and attractive condition; and the City of Fruitland shall have full power and authority to require owners and developers their successors and assigns, to maintain their developments and to enforce the covenants and conditions which may be contained in their conveyances.

k. Recreational Areas

In the event swimming facilities and/or playground areas are provided as part of

a development, these areas shall be enclosed by a fence at least four (4) feet high. Such area shall be included in the computation of open space.

l. Public Sewage Required

m. Duplex Houses. The development standards for duplex houses as set forth in Section V.CD.3 which apply to duplex houses in the R1-E zone, shall apply to duplexes hereunder.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law.

b. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

c. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal and household items, specifically excluding industrial and commercial storage, to be utilized by those residents of the development, subdivision, or neighborhood in which the same are located, not to exceed one (1) story in height, to be screened and fenced as approved and set forth by the Board of

Zoning Appeals, not to exceed one (1) acre in area, and not to exceed one (1) storage unit per dwelling unit within the area served.

No individual storage unit to exceed one hundred fifty (150) square feet. The Board of Zoning Appeals to determine from the evidence presented to it, the "area to be served" and the screening appropriate so as not to create a detriment to the area.

F. R-4 Mobile Home Residential

1. Uses Permitted

- a. Mobile home parks (approved by Planning Commission)
- b. Mobile home on single lots
- c. Agricultural uses (limited to the growing of fruits, grains and vegetables)
- d. Child care facility providing day care services for the number of children authorized by State law in addition to children of the family who reside therein.

2. Accessory Uses

- a. Mobile Home Parks
 - 1) Accessory buildings or uses customarily incident to the operation of a park, the servicing of the home sites and provision of recreation for the residents thereof.

2) Parking of commercial vehicles of over one ton capacity shall not be permitted in mobile home parks, only in the off-street spaces specially provided by the park management.

- b. Mobile Homes on Single Lots

- 1) Building Height - No building hereafter erected or altered shall exceed 25 feet in height or two (2) stories unless approved by the Planning Commission.

- 2) Areas

- a) A mobile home park shall contain no less than 12 acres of land.

- b) Minimum mobile home lot areas shall be as follows:
 - (1) Mobile homes containing less than 860 square feet - lot area 4,000 square feet

- (2) Mobile homes containing between 860 and 1200 square feet - lot area 6,000 square feet

- (3) Mobile homes containing over 1200 square feet - lot area 8,000 square feet

- c) Other space

- At least 2,000 square feet of space shall be included in a mobile home park (in addition to the space utilized for green area or recreational uses).

- 3) Lot widths and depths - No mobile home shall be located on a site less than 50 feet in width. No mobile home wider than 14 feet shall be located on a site less than 60 feet in width. No mobile home shall be located on a site less than 80 feet in depth.

- 4) Yards - No mobile home shall be located on any lot so that any part thereof shall be less than five (5) feet from any lot line.

- 5) Site Requirements - Each site shall provide a firm foundation for the mobile home, water and sewer connections, and such other anchoring devices as will permit each mobile home connected thereto to remain upright and in place in winds with a force of 70 miles per hour.

- 6) Skirting - Mobile homes shall be skirted on all sides.

7) Streets and Service Lanes - No street in the mobile home park shall be less than 30 feet in width. In addition, service lanes at least 20 feet in width shall serve the rear of each home site, and site parking shall be adjacent to the service lanes.

8) Off-Street Parking - Off-street parking shall be provided as specified in Section VI of this ordinance.

9) Walkways and Lighting - Walkways shall be provided to and from all service and recreational areas. Walkways and streets shall be adequately lighted.

10) Electrical Services - Each home site shall be provided with a minimum 100 ampere entrance equipment, approved disconnecting device, and over current protective device.

11) Other Requirements - Each mobile home park shall comply with the requirements of the City's mobile home ordinance.

b. Mobile Home Developments

1) Building Height - No building hereafter erected or altered shall exceed 25 feet in height or two (2) stories, unless approved by the Board of Zoning Appeals.

2) Lot Area - No lot shall contain less than 7500 square feet.

3) Lot Width and Depth - No lot shall be less than 70 feet in width or less than 100 feet in depth.

4) Yard Areas - No mobile home shall be located less than 25 feet from the front property line, nor less than ten (10) feet from any other property line.

5) Foundations - All mobile homes shall be skirted or attached to a permanent foundation, and shall be so fixed in place as to withstand winds of a force of 70 miles per hour.

6) Utilities - Every mobile home development shall be served by public water and sewer systems.

7) Sidewalk and Gutter - Each mobile home development shall be provided with sidewalk and gutter. Roll gutters shall be acceptable.

8) Off-Street Parking - Off-street parking shall be as specified in Section VI of this ordinance.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law.

b. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

c. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal and household items, specifically excluding industrial and commercial storage, to be utilized by those residents of the development, subdivision, or neighborhood in which the same are located, not to exceed one (1) story in height, to be screened and fenced as approved and set forth by the Board of Zoning Appeals, not to exceed one (1) acre in area, and not to exceed one (1) storage unit per dwelling unit within the area served.

No individual storage unit to exceed one hundred fifty (150) square feet. The Board of Zoning Appeals to determine from the evidence presented to it, the "area to be served" and the screening appropriate so as not to create a detriment to the area.

G. C-1 Central Business District

1. Uses Permitted

- a. Food markets
- b. Banks and other financial institutions
- c. Retail sales
- d. Business and professional offices
- e. Pharmacies
- f. Restaurants without curb service, with or without cocktail lounges
- g. Personal service establishments performing services on the premises
- h. Service establishments performing services on the premises
- i. Government offices, fire houses, and police stations
- j. Private clubs and lodge halls
- k. Private schools
- l. Office buildings

m. Child care facility providing day care services for the number of children authorized by State law.

2. Accessory Uses

a. Buildings and uses customarily accessory to any of the above permitted uses, but which will not be detrimental either by reason of dust, odor, noise, smoke or vibration to the surrounding neighborhood

1) Advertising signs shall not be placed closer than 100 feet to any adjacent residential district and shall not be larger than 100 square feet in display service; except that this shall not apply to letters containing the name or type of business placed flush against the building on which they are placed.

2) Signs shall pertain to the use of the premises and if illuminated shall not be of the flashing or intermittent type.

b. Garages used exclusively for storage of commercial and/or passenger motor vehicles used in connection with a permitted business.

c. Off-street parking lot or structure

3. Minimum Development Standards

a. Building Height - No building hereafter erected or altered shall exceed 60 feet or four (4) stories in height, except as provided in Section VI of this ordinance.

b. Greenbelt - All nonresidential uses when adjacent to a residential district shall provide and maintain a twenty-foot greenbelt, or a decorative wall, in compliance with Section XVIII of this ordinance.

c. Lot Area - No lot shall be less than 10,000 square feet in area, except lots of record at the time of the adoption of this ordinance, and which are also under separate ownership at the time a building permit is applied for.

d. Front Setback - Every building erected or altered shall be set back ten (10) feet from the inside of the public sidewalk.

e. Side Setback

1) On interior lot line - Any building hereafter erected without windows facing an interior lot line shall be built on the lot line. If windows are provided, the floor on which the windows are provided shall be set back ten (10) feet from the inside of the public sidewalk.

2) On street side of corner lots - Any building with a side abutting a street shall be set back ten (10) feet from the inside of the public sidewalk.

f. Rear Yard - A rear yard of not less than 20 feet shall be required; where alleys exist or are created, the measurement of the rear yard may include one-half the width of an alley at least 20 feet in width.

g. Off-Street Parking - Off-street parking facilities required by Section VI of this ordinance may be provided on a separate lot.

4. Uses Permitted by Special Exception

a. Child care facility providing day care services for the number of children authorized by State law.

b. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal, household items and commercial storage, specifically excluding industrial storage and warehousing, not to exceed two (2) stories in height, to be screened and fenced as approved and set forth by the Planning Commission, not to exceed two (2) acres in area, and which shall not be limited to use by individuals or businesses within the City, or any part thereof. The Planning Commission shall determine from the information presented to it, the appropriate screening, height and acreage so as not to create a detriment to the area.

H. C-2 Neighborhood Business District

1. Uses Permitted

- a. Food markets
- c. Banks and other financial institutions
- d. Retail sales
- d. Business and professional offices
- e. Pharmacies
- f. Restaurants, with or without curb service
- g. Personal service establishments performing services on the premises or acting as pick-up stations only
- h. Government offices
- i. Theaters or similar recreational or cultural establishments within a structure
- j. Off-sale beer, wine and liquor
- k. Laundromat
- l. Clubs and lodges
- m. Neighborhood shopping center not exceeding 30,000 gross square feet of floor area after site plan approval by the Planning Commission
- n. Child care facility providing day care services for the number of children authorized by State law.

2. Accessory Uses

- a. Off-street loading facilities
- b. Off-street parking lot or structure
- c. Other accessory uses and structures clearly incidental and customary to and associated with a permitted use

3. Uses Permitted by Special Exception

a. Gasoline service stations, provided:

- 1) Bulk storage of inflammable liquids shall be underground
- 2) The entrance or exit shall be at least 50 feet

scrap 3) There shall be no open storage or accumulation of junk or

an adjoining residential district. 4) No structure or building shall be erected within 50 feet of

b. On-sale beer and wine

c. Other uses which are determined by the Board of Appeals to be of the same general character as those listed above and which will not be detrimental to permitted uses in the district or in adjoining districts. In rendering an opinion the Board of Appeals must follow the special exception procedure.

d. Child care facility providing day care services for the number of children authorized by State law.

4. Minimum Development Standards

a. Lot area - No lot shall be less than 15,000 square feet.

b. Off-street parking shall be provided as specified in Section VI of this ordinance.

c. Minimum lot dimensions - No lot shall have less than 80 feet frontage at the building line and a minimum depth of 125 feet.

d. Minimum yards and setbacks - All buildings shall be set back 75 feet from any adjoining street or streets, ten (10) feet from all other buildings.

e. Green area - At least five percent (5%) of the total lot area shall be landscaped and maintained in a suitable manner.

f. Height limitations - 25 feet.

g. Lot coverage - No lot shall contain principal or accessory buildings which cover more than 30% of the lot.

h. There shall be no open storage on any lot or open areas of any structure; nor shall any commercial products be displayed in open areas.

i. Exterior lighting shall be diffused and directed away from adjoining areas.

j. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural plantings at least eight (8) feet in height.

k. Greenbelt - All nonresidential uses, when adjacent to a residential district, shall provide a twenty-foot greenbelt or decorative wall, in compliance with Section XVIII of this ordinance.

l. Advertising signs shall not be placed closer than 200 feet to any adjacent residential district and shall not be larger than 150 square feet in display surface. Signs shall pertain to the use of the premises on which located and if illuminated shall not be of the flashing or intermittent type.

I. C-3 General Business District

1. Uses Permitted

a. Retail market where groceries, fruit, vegetables, dairy products, meat, and other items of food and non-food nature are sold.

b. Banks and other financial institutions.

c. Book, stationery or card store.

d. Business and professional offices.

e. Drug store.

f. Variety store.

g. Hardware and craft stores.

h. Florist gift shop.

i. Department stores and specialty shops.

- j. Restaurant or tearoom.
- k. Shops producing merchandise to be sold at retail on the premises with no more than five (5) production employees.
- l. Personal service establishments performing services on the premises, i.e., barber shop, tailor shop, etc.
- m. Service establishment of an office-showroom workshop, i.e., electrician, decorator, dressmaker, etc.
- n. Places of public recreation and cultural or physical development, i.e., bowling alleys, dance studios, conservatories, turkish baths, etc.
- o. Private clubs and lodge halls.
- p. Mortuaries.
- q. Public utility buildings, with service but no storage yards.
- r. Private schools or colleges.
- s. Child care facility providing day care services for the number of children authorized by State law.

2. Accessory Uses

- a. Buildings and uses customarily accessory to any of the above-permitted uses, but which will not be detrimental either by reason of dust, odor, noise, smoke, or vibration to the surrounding neighborhood.
- b. Accessory structures, uses and signs customarily incidental to the above-permitted uses, subject to the following restrictions:
 - 1) Advertising signs shall not be placed closer than 100 feet to any adjacent residential district, shall face away from the residential district and shall not be larger than 150 square feet in display surface
 - 2) Signs shall pertain to the use of premises on which located.
 - 3) Signs or letters erected flush against the building and advertising the business of the occupant.
- c. Garages to be used exclusively for storage of commercial and/or passenger motor vehicles which are to be used in connection with a business permitted; or which are conducted as a department of a department store conducted on the same premises.

3. Uses Permitted by Special Exception

- a. Retail sales of lawn furniture, playground equipment, home and garden supplies conducted in the open or in a temporary structure.
- b. Recreational space providing children's amusement park, shuffle board, miniature golf, and other similar recreation when part of a planned development or facility.
- c. Gasoline and oil service stations, automobile garages and repair shops and as an accessory thereto, towing and temporary storage of vehicles (for the purpose of repair provided that such use is as approved by the board of zoning appeals, if known at the time the primary use is granted a special exception, or if thereafter, as approved by the Planning Commission.) and car washes are also permitted as a special exception.
- d. Taverns and night clubs.
- e. Billboards not larger than 300 square feet in display surface.
- f. Child care facility providing day care services for the number of children authorized by state law.
- g. Only a double-wide mobile structure for office use exclusively. Special exception shall require that the mobile structure be placed on a permanent foundation, a building permit be obtained, and the special exception be renewed at the end of

five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to city utilities.

h. Towing and temporary storing of vehicles provided that (i) an office is located either on site or elsewhere within the corporate limits of the City of Fruitland and that the public is adequately notified by signs as to how to retrieve vehicles; (ii) the part of the lot used for vehicle storage is no less than 10,000 square feet in area; (iii) and that lighting, fencing, security and screening are as approved by the Board of Zoning Appeals which may be guided but not controlled by the requirements set by the Maryland state police for those towing for the Maryland State Police, and upon a finding that the operation will not be intrusive on the neighboring properties.

i. The sale of goods and products to the general public on a retail and/or wholesale basis.

j. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

4. Minimum Development Standards

a. Building Height - No building shall exceed 50 feet or three stories in height, except as provided in Section VI of this ordinance.

b. Greenbelt - All nonresidential uses, when adjacent to an existing residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty-foot greenbelt, or decorative wall, in compliance with Section XVIII of this ordinance.

c. Lot Area - In no case shall a business lot be less than 10,000 square feet, except lots on which a commercial structure was erected at the time of adoption of this ordinance.

d. Setback - Every structure hereafter erected or altered shall be set back from the front lot line at least 50 feet on lots containing less than 30,000 square feet; and 75 feet in lots containing 30,000 square feet or over.

e. Side Yards - Every structure hereafter erected or altered shall have two side yards at least 15 feet in width on lots containing less than 30,000 square feet, and 20 feet in width on lots containing 30,000 square feet or over. The side yards on the street side of corner lots shall be fifty percent (50%) wider than otherwise required.

f. Rear Yards - Every structure hereafter erected or altered shall have a rear yard not less than 20 feet in width.

g. Off-Street Parking - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.

h. Green areas for flowers and shrubbery so arranged as not to impede vehicular traffic shall occupy at least five percent (5%) of the total lot area not used for buildings.

i. Shopping centers over 30,000 square feet in area are subject to approval by the Planning Commission.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal, household items and commercial storage, specifically excluding industrial storage and warehousing, not to exceed two (2) stories in height, to be screened and fenced as approved and set forth by the Planning Commission, not to exceed two (2) acres in area, and which shall not be limited to use by individuals or businesses within the City, or any part thereof. The Planning Commission shall

determine from the information presented to it, the appropriate screening, height and acreage so as not to create a detriment to the area.

J. C-4 Highway Business District

1. Uses Permitted

- a. All uses permitted in C-1, C-2 or C-3 business districts.
- b. Amusement parks upon approval by the Planning Commission.
- c. Taverns and night clubs upon approval by the Planning Commission.
- d. Outdoor theaters.
- e. Circuses or carnivals upon approval by the Planning Commission.
- f. Outdoor lots for the sale of boats, motor vehicles, mobile homes, farm equipment, or similar equipment, both new and used.
- g. Outdoor lots for the sale of building materials and supplies.
- h. Storage and sale of oils, gases, greases and other combustibles upon approval by the Planning Commission.
- i. Gasoline and oil service stations.
- j. Public stables and riding academies.
- k. Child care facility providing day care services for the number of children authorized by State law.
- l. Motels and hotels, upon approval by the Planning Commission.

2. Accessory Uses

- a. Buildings and uses customarily accessory to any of the above permitted uses, but which will not be detrimental to the surrounding neighborhood.
- b. Accessory structures, uses and signs customarily incidental to the above permitted uses, but which will not be detrimental to the surrounding neighborhood.
- c. Towing and temporary storage of vehicles may be considered an accessory use to the uses permitted in 1.f and 1.i. above so long as such towing and storage are for the purpose of repair and/or sale and that the fencing, lighting and lot size are as approved by the Planning Commission.

3. Uses Permitted by Special Exception

- a. Any business not specifically listed which is of the same general nature as those specifically listed and which would not be detrimental to the surrounding neighborhood. The burden of proof shall be upon an applicant to prove both the conformity of the business to the general plan and that there would be no detriment to the neighborhood.
- b. Child care facility providing day care services for the number of children authorized by State law.
- c. Towing and temporary storing of vehicles provided that (i) an office is located either on site or elsewhere within the corporate limits of Fruitland and that the public is adequately notified by signs as to how to retrieve vehicles; (ii) the part of the lot used for vehicle storage is no less than 10,000 square feet in area; (iii) and that lighting, fencing, security and screening are as approved by the Board of Zoning Appeals which may be guided but not controlled by the requirements set by the Maryland State Police for those towing for the Maryland State Police and upon a finding that the operation will not be intrusive on the neighboring properties.
- d. Only a double-wide mobile structure for office use exclusively. A Special Exception shall require that the mobile structure be placed on a permanent foundation with skirting to hide the chassis and understructure, a building permit be obtained and a special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to City utilities.

4. Minimum Development Standards

The same minimum standards shall prevail as are provided for C-3

Districts.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal, household items and commercial storage, specifically excluding industrial storage and warehousing, not to exceed two (2) stories in height, to be screened and fenced as approved and set forth by the Planning Commission, not to exceed two (2) acres in area, and which shall not be limited to use by individuals or businesses within the City, or any part thereof. The Planning Commission shall determine from the information presented to it, the appropriate screening, height and acreage so as not to create a detriment to the area.

K. C-5 Shopping Center Business District

1. Uses Permitted

a. Shopping centers developed according to a Comprehensive Development Plan approved by the Planning Commission.

b. Convention halls.

c. Stadium and sports arenas.

d. Motels and hotels.

e. Child care facility providing day care services for the number of children authorized by State law.

f. All uses permitted in C-1, C-2, C-3 AND/OR C-4 Business Districts, upon approval by the Planning Commission, provided that the Planning Commission may only approve such uses upon those lots which, at the time of the original zoning, were less than 150,000 square feet in area and remain a single lot or combination of lots which are less than 150,000 square feet in area.

2. Accessory Uses

a. Buildings and uses customarily accessory to any of the above permitted uses.

b. Accessory structures, uses, and signs customarily incidental to the above uses.

3. Uses Permitted by Special Exception

a. Gasoline and oil service stations and car washes.

b. Taverns and cocktail lounges not operated as part of a permitted use.

c. Billboards not larger than 300 square feet in display space.

d. Child care facility providing day care services for the number of children authorized State law.

e. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right of by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

4. Minimum Development Standards

a. Buildings shall be designed so that facades, signs, and other appurtenances will have an integrated and harmonious appearance, so that parking and landscaped areas are harmonious and attractively arranged, and in a manner which will not adversely affect the appearance of surrounding development.

b. All complexes in the district, when feasible, will be served by single common sewer, gas, water, lighting, power and heating systems or services.

c. Building height - shall be subject to the approval of the Planning Commission, but in no event shall exceed 100 feet.

d. Building area coverage - The ground area occupied by all buildings shall not exceed 30% of the gross lot or tract area.

e. Lot area - In no case shall a business lot be less than 150,000 square feet in area. The foregoing requirement shall not apply to a lot which was in existence prior to the original zoning and was then and remains a single lot or combination of lots less than 150,000 square feet in area, provided that the use of said lot for other than its pre-existing, non-conforming use must be approved by the Planning Commission pursuant to Section V.K.1.e. above.

f. Customer parking - Notwithstanding any other requirements of this ordinance, off-street parking shall be provided as follows:

1) For shopping centers - one off-street parking space for each 200 square feet of gross floor area, not including basement storage.

2) For motels and hotels - one parking space for each bedroom unit and on additional parking service areas, including shops, eating and drinking establishments, and meeting rooms.

3) For convention halls, stadiums, and sports arenas - one parking space for each 75 square feet of gross floor area for each shopping center establishment.

g. Loading space - There shall be one off-street loading and unloading space for each 75 square feet of gross floor area for each shopping center establishment.

h. Paving and illumination - All roadways, parking areas, and pedestrian walks shall be paved with a hard surface material which shall be maintained in good condition at all times and shall be properly illuminated when used after dark in such a manner as to prevent the direct transmission of light into adjacent residential properties.

i. Screening - Whenever a nonresidential use is located adjacent to a residentially zoned area, a twenty-foot greenbelt shall be provided on the side adjacent to such residential zone, unless it is divided by a street from the residential zone.

j. Greenspace - Shrubbery and/or flowers so arranged as not to impede the movements of vehicular traffic shall occupy at least five percent (5%) of the total lot areas not used for buildings and structures.

k. Surface Drainage - Run-off of surface waters shall not flood adjacent areas, nor flood natural drainage courses over or through adjacent areas.

l. Signs.

1) Shopping Centers - No more than two free-standing signs not over 30 feet in height with a maximum surface area of 100 square feet. Such signs shall not be located closer than 20 feet from any property line. Only one flat wall identity sign shall be permitted for each operation business whether lighted or unlighted. Such signs shall be mounted flush with the building, shall contain only the store name, and with letters a maximum of 30 inches in height.

2) Motels, Hotels, Gasoline & Oil Service Stations - No more than one double-faced free standing sign not over 30 feet in height with a maximum surface area of 120 square feet. Such signs shall not be located closer than 20 feet from any property line.

3) Convention Halls, Stadiums, and Sports Arenas - Subject to approval by the Planning Commission, but no free-standing sign shall exceed the size or height permitted for shopping centers.

m. Planning Commission Review - The Comprehensive Development Plan for shopping center or motel complex shall be submitted to the Planning Commission for

review, inspection, revision, and approval. If any question arises over compliance with this ordinance the burden of proof shall rest with the applicant and the Planning Commission may require compliance with additional conditions which are reasonably required to protect the public health, safety, and welfare.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal, household items and commercial storage, specifically excluding industrial storage and warehousing, not to exceed two (2) stories in height, to be screened and fenced as approved and set forth by the Planning Commission, not to exceed two (2) acres in area, and which shall not be limited to use by individuals or businesses within the City, or any part thereof. The Planning Commission shall determine from the information presented to it, the appropriate screening, height and acreage so as not to create a detriment to the area.

KL. C-6 Service Business District

1. Uses Permitted

- a. Automobile garages, paint and body shops, and installation of glass
- b. Shop producing merchandise to be sold at retail on the premises with no more than ten (10) production employees
- c. Furniture repair and restoration shops
- d. Scientific or industrial research or testing laboratories not dealing with infectious diseases, lethal gases or explosives
- e. Service establishment of an office, showroom, workshop, i.e., electrician, upholsterer, decorator, etc.
- f. Repair facilities for electrical or mechanical devices not requiring cranes or similar lifting device
- g. Childcare facility, providing childcare services for the number of children authorized by State Law in a childcare center, not an in-home setting
- h. Public schools, public and private libraries, public and private non-profit recreational buildings and institutions

2. Accessory Uses

- a. Buildings and uses customarily accessory to any of the above permitted uses, but which will not be detrimental either by reason of duct, odor, noise, smoke, or vibration to the surrounding neighborhood
- b. Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the following restrictions:
- 1) Advertising signs shall not be placed closer than fifty (50) feet to any adjacent residential district, shall face away from the residential district and shall not be larger than one hundred (100) square feet of display surface.
 - 2) Signs shall pertain to the use of premises on which located
 - 3) Signs or letters erected flush against the building and advertising the business of the occupant

3. Uses Permitted by Special Exception

- a. Uses similar to but not listed among the businesses permitted by right
- b. Only a double-wide mobile structure for office use exclusively. A Special Exception shall require that the mobile structure be placed on a permanent foundation

with skirting to hide the chassis and understructure, a building permit be obtained, and a special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to City utilities.

4. Minimum Development Standards

a. Building Height - No building shall exceed fifty (50) feet or three stories in height, except as provided in Section VI of this ordinance.

c. Greenbelt - All non-residential uses when adjacent to an existing residential district or adjacent to an alley which abuts an existing residential district shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section XVIII of this Ordinance. All work shall be conducted entirely within the buildings on the premises and there shall be no outside storage of work in progress.

d. Lot Area - In no case shall a business lot be less than ten thousand (10,000) square feet, except lots on which a commercial structure was erected at the time of adoption of this Ordinance.

e. Set Back - Every structure hereafter erected or altered shall be set back from the front line at least fifty (50) feet on lots containing less than thirty thousand (30,000) Square feet, and seventy-five (75) feet in lots containing thirty thousand (30,000) square feet or over.

f. Side Yards - Every structure hereafter erected or altered shall have two side yards at least fifteen (15) feet in width on lots containing less than thirty thousand (30,000) square feet, and twenty (20) feet in width on lots containing thirty thousand (30,000) square feet or over the side yards on the street side of corner lots shall be fifty percent (50%) wider than otherwise required.

g. Rear Yards - Every structure hereafter erected or altered shall have a rear yard not less than twenty (20) feet in width.

h. Off-Street Parking - Off-street parking facilities shall be provided as specified in Section VI of this Ordinance.

5. The following is permitted upon approval by the Planning Commission:

a. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal, household items and commercial storage, specifically excluding industrial storage and warehousing, not to exceed two (2) stories in height, to be screened and fenced as approved and set forth by the Planning Commission, not to exceed two (2) acres in area, and which shall not be limited to use by individuals or businesses within the City, or any part thereof. The Planning Commission shall determine from the information presented to it, the appropriate screening, height and acreage so as not to create a detriment to the area.

L. M-1 Light Industrial District

1. Uses Permitted

- a. Bakery and bakery products
- b. Clothing manufacturing
- c. Electronic and electrical equipment parts and appliance manufacturing
- d. Agricultural uses as permitted in R1-A Districts
- e. Industrial parks (as set forth in Section "M" hereof)
- f. Industrial uses contained entirely in one building where there is no smoke, odor, noise, or pollutant emission
- g. Mail order house
- h. Printing and publishing plants

- i. Utility plants and buildings
- j. Research facilities
- k. Compounding, processing, and packaging of cosmetics and drugs
- l. Warehouses (excluding truck terminals)
- m. Wholesale distributors
- n. Delicatessen, confectionery or lunchroom
- o. Child care facility providing day care services for the number of children authorized by state law.]

- p. Towing and temporary storing of vehicles provided that (i) an office is located either on site or elsewhere within the corporate limits of the City of Fruitland and that the public is adequately notified by signs as to how to retrieve vehicles; (ii) the part of the lot used for vehicle storage is no less than 10,000 square feet in area; (iii) and that lighting, fencing, security and screening are as approved by the Board of Zoning Appeals which may be guided but not controlled by the requirements set by the Maryland State Police for those towing for the Maryland State Police, and upon a finding that the operation will not be intrusive on the neighboring properties.

- q. Such other temporary or permanent use of land, buildings or structures (other than those which may be located on and serve as accessory uses to a lot or parcel of land on which there exists a dwelling unit), to be used as a temporary or permanent storage, one form of which is sometimes referred to as mini-storage, of personal household items, commercial storage, and industrial storage and warehousing.

2. Accessory Uses

- a. Buildings and uses customarily incidental to the above
- b. The storage and parking of trucks, truck tractors, or truck trailers and the towing and/or temporary storage of vehicles in the director use of a permitted business.
- c. Signs advertising the name or business of the occupant of the premises where located containing not over 150 square feet of display space

3. Uses Permitted by Special Exception

- a. Outdoor advertising structure
- b. Publicly and privately owned and operated buildings and uses of a recreational, cultural, professional, or administrative nature
- c. Tavern
- d. Truck terminal or outdoor storage of trucks and truck bodies for sale or repair

- e. Outdoor storage of products for sale or repair which do not deteriorate under normal atmospheric conditions and which do not under normal ranges of heat or coldness give off or emit any odors noticeable beyond the boundaries of the property on which they are stored.

- f. Child care facility providing day care facilities for the number of children authorized by state law.

- g. Retail businesses which by the nature of their goods and products require a warehouse-type component such as carpet stores, furniture and appliance stores, machinery stores, and building supply stores, or other businesses as may meet the requirement.

- h. Business establishments which offer personal services to animal and pet owners, kenneling and boarding excepted, such as pet grooming and training, and veterinary services.

- i. Cement and concrete mixing plants wherein cement and/or concrete is mixed for loading on to delivery vehicles for immediate use (this does not permit the manufacture of the ingredients of cement/concrete.)

- j. Telecommunications towers and attendant equipment subject to the following standards:

- 1) the tower shall be set back from all property lines no less than one-third ($\frac{1}{3}$) of the height of the tower;
- 2) the tower and all attendant equipment shall be surrounded by a chain-linked fence as may be required or approved by the Board of Zoning Appeals with a minimum height of 6 feet;
- 3) a minimum of one off-street parking space shall be provided;
- 4) any such tower less than 150 feet in height shall be designed and constructed so as to accommodate a minimum of two telecommunication antenna systems, and all towers 150 feet or more in height shall be designed and constructed so as to accommodate a minimum of three telecommunication antenna systems;
- 5) any such telecommunication tower which it was not used or occupied for the purpose for which it was intended, for a period of six continuous months shall, without further notice, be determined to have forfeited its special exception, and shall, at the owner's expense, be dismantled and removed from the premises unless, within a six month period thereafter, the owner of said tower shall apply for and be granted a new special exception to maintain of the same;
- 6) any such communication tower erected, maintained and operated hereunder, shall meet or exceed all standards with regard to emissions and safety as imposed by all applicable State and Federal laws and regulations, and as imposed by the BOCA National Building Code as amended; and
- 7) any telecommunication tower constructed, maintained and operated pursuant to the special exceptions set out herein shall be constructed, maintained and operated as a mono-tower unless the Board of Zoning Appeals shall specifically set forth some other type of telecommunication tower when granting the special exception for the same, and shall base that grant upon a specific request and evidence taken and the finding that the use requested meets the requirements for a special exception and cannot be met by use of a mono-tower without creating undue hardship on the applicant.

k. Only a double-wide mobile structure for office use exclusively. A special exception shall require that the mobile structure be placed on a permanent foundation with skirting to hide the chassis and understructure, a building permit be obtained, and a special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to City utilities.

l. Certain uses not commonly found in the aforesaid district, but requiring buildings or structures, which would commonly be found in such zones, to permit use of such structures for recreational, instructional, athletic and artistic endeavors to include such things as gymnastics, indoor track, exercise, boxing and marshal arts, indoor swimming and diving, sculpture, painting and design, recording and videotaping of performances and productions, dance activities, fencing and rehearsal and of stage productions, but without presentation to the public.

m. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

4. Minimum Development Standards

a. Building height - Subject to approval of Planning Commission if over 50 feet, the foregoing requirement shall not apply to silos, bins or other such structures which are specifically approved as part of the granting of a special exception.

b. Lot area - Minimum lot area for each use shall be 25,000 square feet

- c. Minimum width and depth - No lot shall be less than 100 feet wide nor less than 175 feet in depth
- d. Set back - Seventy-five (75) feet from front lot line, not less than 30 feet from any other lot line, and 40 feet from any line which abuts a residential zone
- e. Off-street parking - Off-street parking facilities shall be provided as specified in Section VI of this ordinance.
- f. Landscaping - All areas not devoted to building and parking facilities shall be landscaped and maintained in a suitable manner. At least five percent (5%) of the total land area shall be landscaped.
- g. Minimum lot area for each use permitted by special exception under subsection V(L), 3(d) and (e) of this ordinance shall be 35,000 square feet; and the Board of Zoning Appeals may require as a condition of approval that the applicant install a twenty-foot greenbelt or a six-foot decorative wall to shield the stored vehicles, bodies, or materials from adjoining properties or the public street or streets bounding the applicant's property.

5. Special Performance Standards

- a. In Light Industrial Districts which abut residential districts, no plant, business, or operation shall create or generate any noise between the hours of midnight and 6:00 a.m. which shall exceed fifty (50) decibels at the dividing line between the industrial and residential districts; nor shall any such plant, business, or operation generate or create any repetitive mechanical noises during said period as will seriously impair the sleep of those residents of the residential district whose homes immediately abut the industrial district.

M. M-2 Industrial Park Districts

1. Uses Permitted

- a. Manufacturing, fabrication, assembly, processing, storage (which said storage shall include mini-storage and warehousing), wholesaling or distribution of manufactured goods, research, office and related facilities, provided the individual uses shall not constitute a detriment to the Comprehensive Development Plan of the industrial park, or constitute a nuisance to the surrounding area.

2. Uses Permitted By Special Exception

- a. Telecommunication towers and attendant equipment subject to the following standards:
 - 1) The tower shall be set back from all property lines no less than one-third ($\frac{1}{3}$) of the height of the tower;
 - 2) The tower and all attendant equipment shall be surrounded by a chain-linked fence, or other such fence as may be required or approved by the Board of Zoning Appeals with a minimum height of 6 feet;
 - 3) A minimum of one off-street parking space shall be provided;
 - 4) Any such tower less than 150 feet in height shall be designed and constructed so as to accommodate a minimum of two telecommunication antenna systems, and all towers 150 feet or more in height shall be designed and constructed so as to accommodate a minimum of three telecommunication antenna systems;
 - 5) Any such telecommunication tower which is not used or occupied for the purpose for which it was intended, or a period of six continuous months shall, without further action, be determined to have forfeited its special exception, and shall, at the owner's expense, be dismantled and removed from the premises unless, within a six month period thereafter the owner of said tower shall apply for and be granted a new special exception for the maintenance of the same;
 - 6) Any such telecommunication tower erected, maintained and operated hereunder, shall meet or exceed all standards with regard to emissions and safety

as imposed by all applicable State and Federal laws and regulations, and as imposed by the BOCA(Intl.) Building Code as amended; and

7) That any telecommunication tower constructed, maintained and operated pursuant to the special exceptions set out herein shall be constructed, maintained and operated as a mono-tower unless the Board of Zoning Appeals shall specifically set forth some other type of telecommunication tower when granting the special request and evidence taken and the finding that the use requested meets the requirements for a special exception and cannot be met by use of a mono-tower without creating undue hardship on the applicant.

b. Only a double-wide mobile structure for office use exclusively. A special exception shall require that the mobile structure be placed on a permanent foundation with skirting to hide the chassis and understructure, a building permit be obtained, and a special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to City utilities.

c. Certain uses not commonly found in the aforesaid districts, but requiring buildings or structures which would commonly be found in such zones, to permit use of such structures for recreational, instructional, athletic and artistic endeavors to include such things as gymnastics, indoor track, exercise, boxing and martial arts, indoor swimming and diving, sculpture, painting and design, recording and videotaping of performances and productions, dance activities, fencing and rehearsal of stage productions, but without presentation to the public.

d. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

3. Minimum Development Standards

a. A comprehensive development plan shall be submitted to the Planning Commission for any proposed industrial park. After approval by the Planning Commission, the plan must also be submitted to and approved by the City Council. The plan shall contain whatever use restrictions are deemed necessary to protect the health, safety, and general welfare of surrounding residents and property owners, provided that such restrictions shall not be so severe as to prevent the sound development of an industrial park.

b. Lot area - A minimum of 15 acres, with each individual use located on a lot containing not less than 25,000 square feet.

c. Setback/Buffer Areas

1) That a setback of 100 feet shall be maintained between the nearest portion of any building erected in an industrial park district to the nearest lot or parcel of land currently zoned residential on which there is an existing dwelling;

2) That the required buffer be reduced to 75 feet from the nearest point of a building erected within such park to the nearest point of any dwelling erected on a residential property not improved at the time the park's Comprehensive Development Plan is approved, and further that in such instance the park property not be required to set back from its property boundary more than 25 feet thereby reducing the buffer if necessary to comply;

3) That the setback requirements between an industrial park and any industrial or commercial property and the park remain unchanged;

4) That in computing distance between an industrial park or any building therein and the adjoining district boundary, the width of any road, lane, or street shall be considered totally within the buffer zone district, whether the actual district line runs in the center of the street or on either side thereof.

d. Off-street parking - Off-street parking shall be as approved in the comprehensive plan.

e. Special requirements

1) No outdoor material or supply storage areas shall be permitted within the front yard setback line on each site nor shall signs or outdoor advertising structures be permitted within the front yard.

2) Signs shall contain only the name of the business or the principal business conducted on the premises, or both. Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall not exceeding 100 square feet. Illumination of such signs shall be non-pulsating and uncolored or diffused and confined to the face of the sign.

3) All areas of the parcels or area not improved for use by vehicles or covered by a structure, structures, building or buildings shall be landscaped.

N. M-3 Heavy Industrial District

1. Uses Permitted

a. Any use permitted in an M-1 District

b. Any other industrial use confined entirely within a building or structure which complies with the performance standards set forth in subsection 4(g) hereof.

c. Billboards and other advertising signs

d. Coal or wood yard

e. Construction and farm equipment sales and storage yard

f. Lumber and building supply yard

g. Municipal incinerator

h. Bulk storage of flammable liquid

i. Planing or saw mill

j. Shipyard

k. Service, supply, maintenance, storage, and terminal facilities for land and water transportation

l. Concrete, brick, or block plant

m. Outdoor lots for the sale of boats, motor vehicles, mobile homes, travel trailers, and farm and industrial equipment and machinery, both new and used.

n. Towing and temporary storing of vehicles provided that (i) an office is located either on site or elsewhere within the corporate limits of the City of Fruitland and that the public is adequately notified by signs as to how to retrieve vehicles; (ii) the part of the lot used for vehicle storage is no less than 10,000 square feet in area; (iii) and that lighting, fencing, security and screening are as approved by the Board of Zoning Appeals which may be guided but not controlled by the requirements set by the Maryland State Police for those towing for the Maryland State Police, and upon a finding that the operation will not be intrusive on the neighboring properties.

o. Telecommunication towers and attendant equipment subject to the following standards:

(1) the tower shall be set back from all property lines no less than one-third ($\frac{1}{3}$) Of the height of the tower;

(2) the tower and all attendant equipment shall be surrounded by a chain-linked fence as may be required or approved by the Planning Commission with a minimum height of 6 feet;

(3) a minimum of one off-street parking space shall be provided;

(4) any such tower less than 150 feet in height shall be designed and constructed so as to accommodate a minimum of two telecommunication antenna systems, and all towers 150 feet or more in height shall be designed and constructed so as to accommodate a minimum of three telecommunication antenna systems;

(5) any such telecommunication tower which is not used or occupied for the purpose for which it was intended, or a period of six continuous months shall, without further action, be determined to have forfeited special exception, and shall, at the owner's expense, be dismantled and removed from the premises unless, within a six month period thereafter the owner of said tower shall apply for and be granted a new special exception for the maintenance of the same;

(6) any such telecommunication tower erected, maintained and operated hereunder, shall meet or exceed all standards with regard to emissions and safety as imposed by all applicable State and Federal laws and regulations, and as imposed by the BOCA national Building Code as amended; and

(7) that any telecommunication tower constructed, maintained and operated hereunder shall be constructed, maintained and operated as a mono-tower and shall be less than two hundred (200) feet in height.

p. Warehouses

q. Mini-storage and other storage for the temporary or permanent storage of personal household items, commercial storage, and industrial storage.

2. Uses Permitted by Special Exception

a. Recreational facility

b. Public or private schools providing courses in vocational education

c. Industrial facilities confined entirely within a building or structure which comply with all the performance standards set forth in subsection 4(g), except one, and that one exceeds permissible limits by not more than fifteen percent (15%). Additional setback requirements may be imposed by the Planning Commission in such cases.

d. Junk yards surrounded by a greenbelt fifteen (15) feet in width on all sides, adequately maintained plus an eight (8) foot visibility reducing fence inside the greenbelt.

e. Only a double-wide mobile structure for office use exclusively. Special Exception shall require that the mobile structure be placed on a permanent foundation, a building permit be obtained, and the special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to city utilities.

f. The storage and parking of trucks, truck tractors or truck trailers and the towing and/or temporary storage of vehicles in the direct use of a permitted business.

g. Telecommunications towers which by their height, design, manner of construction, maintenance and operation or other reason, do not come within the uses permitted in this district as set forth in Section N.1.o. above, but only upon a finding by the Board of Zoning Appeals that shall specifically set forth some other type of telecommunication tower when granting the special exception for the same, and shall base that grant upon a specific request and evidence taken and the finding that the use requested meets the requirements for a special exception and cannot be met by use of a mono-tower under two hundred (200) feet in height without creating undue hardship on the applicant.

h. Only a double-wide mobile structure for office use exclusively. Special Exception shall require that the mobile structure be placed on a permanent foundation with skirting to hide the chassis and understructure, a building permit be obtained, and a special exception be renewed at the end of five (5) years. If sewer and water are within four hundred (400) feet of the structure, it shall be connected to City utilities.

i. Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenure and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district.

3. Uses Prohibited

- a. Dwellings, churches, hospitals, or other institutions providing overnight care or accommodation for people
- b. Manufacture of fireworks or explosives
- c. Manufacture of nauseous gases and corrosive liquids
- d. Tannery
- e. Arsenal

4. Minimum Development Standards

- a. Building height - Subject to approval of Planning Commission if over fifty (50) feet, the foregoing requirement shall not apply to telecommunication towers less than two hundred (200) feet in height nor to other such structures which are specifically approved as part of the granting of a Special Exception.
- b. Lot area - Minimum lot area for each use except billboards shall be forty thousand (40,000) square feet.
- c. Minimum width and depth - Minimum width shall be 150 feet and minimum depth 200 feet.
- d. Setback - One hundred (100) feet from the front lot line, sixty (60) feet from all other lot lines; provided that a storage yards may be only twenty (20) feet from a side or rear lot line where a fifteen (15) foot greenbelt backed up by a visibility reducing fence at least six (6) feet high is provided. Not more than fifty (50) feet of front yard may be used for motor vehicle parking.

e. Off-street parking - Off-street parking shall be so specified in Section VI of this ordinance.

f. Landscaping - All areas not devoted to building and parking facilities shall be landscaped, provided that landscaped areas must equal at least five percent (5%) of the total land area.

- g. Special performance standards
 - 1) Noise measured at the street line shall not exceed 85 decibels
 - 2) Smoke, dust, dirt and fly ash shall be kept to a minimum and no discharge thereof shall be visible for more than eight (8) minutes in every hour.
 - 3) The emission of obnoxious odors of any kind is prohibited.
 - 4) No gas shall be emitted which is deleterious to public health, safety or general welfare.
 - 5) Glare shall not be emitted or reflected so as to be seen from any point beyond the limits of the property.
 - 6) No tanks containing inflammable liquids shall be located less than one hundred (100) feet from the closest property line, and the land in the area of each tank shall be graded to reduce the danger of run-off on surrounding properties.
 - 7) Repetitive mechanical noises shall be muffled so as not to become objectionable due to intermittence, heat, frequency or shrillness.
 - 8) All storage areas shall be laid out and used to permit ready access by fire fighting equipment.
 - 9) Adequate provision shall be made, and approved by the Planning Commission, for the disposal of all industrial waste not permitted to be discharged into the public sewers.

h. Enforcement of Standards of Performance, Development or Screening - any business or industry operating in a heavy industrial district which repeatedly violates one or more of the standards of performance, development or screening provided in this ordinance or as a special condition of a special exception granted to a business or industry operating in a heavy industrial district may after being given three warnings by certified mail addressed to the business at its address on the tax books of the city, of its continued violations

at least one week apart, be enjoined from further operation until the violation complained of has been corrected; and the final warning shall contain notice that if the violation has not been corrected within fifteen (15) days after date of the notice or steps satisfactory to the director of public works leading to its correction have been taken within said fifteen (15) days, then the city solicitor shall be authorized and directed to seek an immediate injunction in the Circuit Court for Wicomico County, Maryland against the continued operation of said business within the city until the violation has been corrected or steps satisfactory to the court to clear up the violation has been taken and the court costs and reasonable attorneys' fees shall be paid by the person in violation.

O. W-1 Conservation District

1. Uses Permitted
 - a. Agricultural uses as permitted in R1-A Districts
 - b. Forestry
 - c. Camping and recreation areas
 - d. Pumping stations and sewage disposal plants and lagoons
 - e. Industrial waste irrigation meeting the standards of the Maryland

State Board of Health

2. Uses Prohibited
All other uses are prohibited.
3. Development Standards
No building or structure shall be erected without prior approval of the

Planning Commission.

P. C-7 Business and Technology Park District

1. Permitted Uses
 - a. Business and technology parks developed according to a comprehensive development plan approved by the Planning Commission. The purpose of the Business and Technology Park District is to permit the development of an area which will attract a variety of businesses. The district is designed to be compatible with commercial and light industrial uses, manufacturing and assembly processes, sales (not retail except in conjunction with another recognized function), service oriented businesses which provide services to businesses and individuals (but not personal services), business offices and educational uses. It is not intended that the educational uses will entail an actual school for grades 12 or below. Child care facilities which primarily serve employees of the park, however, are permitted. In considering the comprehensive plan the Planning Commission must take a flexible approach so as to permit compatible businesses developed by new technology. Each comprehensive plan shall set forth for Planning Commission approval a general statement of the expected uses and a number of examples.

2. Accessory Uses

- a. Residence of caretaker, office manager or other personnel whose presence is vital to the operation of the business, provided that any residence be included within the business structure so as not to be residential in appearance.

3. Minimum Development Standards

- a. A comprehensive development plan shall be submitted to the Planning Commission for any proposed business and technology park. The plan shall provide details as to the provision of water and sewer services, streets and street lighting, storm-water management, landscaping and any other matters of infrastructure which may be required by City ordinances.

- b. Lot area - A minimum of ten (10) acres per park with each individual use located on a lot containing not less than 25,000 square feet.

c. Setbacks - In accordance with the approved comprehensive development plan, however, a twenty-foot (20') buffer zone of trees or other approved natural growth shall be erected adjacent to any residential district.

d. Off-street parking - Off-street parking shall be as approved in the comprehensive development plan.

e. Paving and illumination - All roadways, parking areas, and pedestrian walks shall be paved with a hard surface material which shall be maintained in good condition at all times and shall be properly illuminated after dark.

f. Signs - One sign of welcome and identification allowed at each entrance to the park, not to exceed 200 square feet of surface area per sign. One flat wall identity sign and/or one free-standing sign in a front yard shall also be permitted, not to exceed 100 square feet of surface area per sign face. In the event that some or all of the structures in the park are visible from a commercialized, non-residential area, road or highway, upon request, the Planning Commission may approve additional signage directed towards such commercialized area, not to exceed 200 square feet of surface area per lot.

4. Special Requirements

a. No outdoor material or supply storage areas shall be permitted within the front yard setback line on each site nor shall any untagged vehicles be stored anywhere on the property unless such storage is an integral part of the business use of the property and then such storage shall not be visible from any street.

b. Any proposed deviation from the approved comprehensive development plan must be submitted to the Planning Commission as an amendment to the plan. Any questions of permitted uses, interpretation of the provisions of the ordinance or variances therefrom shall be submitted to the Board of Zoning Appeals.

c. Specific Uses Prohibited

(1) Residential uses not associated with the specific business of the park

(2) Industrial uses causing emission of smoke, odor, dust or noise within sight or hearing distance of the street

(3) Manufacture of nauseous gases and corrosive liquids

5. Flexible Lot Lines and Standards

a. The provisions of paragraph 4.b. above notwithstanding certain deviations from the comprehensive plan approved by the Planning Commission shall be permitted upon notice to the Planning Commission, unless the Planning Commission specifically prohibits such deviation at the time of the original comprehensive plan approval.

b. The following are subject to change upon notice to the Planning Commission:

(1) The location and wording of signs, within the signage provisions of 3.f.

(2) The combining of contiguous whole lots to create larger single lots (subject to the filing of the appropriate plat)

(3) The re-subdivision of lots combined as per b.2. to restore the original lot lines. This does not permit the creation of new lots without the full approval process.

(4) The relocation of off-street parking and loading areas, so long as the new areas meet the requirements for size and setbacks

(5) The placement of additional lights or change in light styles along the park's roadways, if at no additional cost to the City

(6) The placement of curb cuts

6. Uses Permitted By Special Exception

a. Certain uses not commonly found in the aforesaid districts, but requiring buildings or structures which would commonly be found in such zones, to permit use of such structures for recreational, instructional, athletic and artistic endeavors to include such things as gymnastics, indoor track, exercise, boxing and marshal arts, indoor swimming and diving, sculpture, painting and design, recording and videotaping of performances and productions, dance activities, fencing and rehearsal of stage productions, but without presentation to the public.

Section VI. Supplementary District Regulations

A. Visibility at Intersections in Residential Districts - On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow so as materially to impede vision between a height of two and one-half and ten (10) feet above the centerline grades of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said lot lines twenty-five (25) feet from their point of intersection.

B. Fences, Walls and Hedges - Fences, walls and hedges shall be permitted in any required yard or along the edge of any yard, provided no such fence, wall or hedge violates the prohibitions of Section A hereof.

C. Accessory Buildings - No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within ten (10) feet of any other building.

D. Erection of More than One Principal Structure on a Lot - In any district where more than one structure housing a permitted or principal use may be erected on a single lot, yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

E. Exceptions to Height Regulations - The height limitations contained in Section V hereof do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually requiring placement above the roof level and not intended for human occupancy.

F. Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing with utilities, fire protection and required off-street parking.

G. Parking, Storage, or Use of Major Recreational Equipment - For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, pickup campers or coaches, motorized dwellings, tent trailers, and the like; and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No more than one piece of major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street; except that this shall not apply to such equipment parked for a twenty-four (24) hour period for loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes regardless of the place of parking on the premises.

H. Parking and Storage of Unlicensed Vehicles - Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially-zoned property other than in completely enclosed buildings. No such vehicle or trailer shall be parked or stored on any commercial or industrially-zoned property outside of a completely enclosed building, except on a lot maintained for the sale of new and used vehicles or trailers without a written permit from the Director of Public Works, which permit shall extend for ninety (90) days, and shall not be subject to renewal. (Note: See Ord. 160).

I. Loading Space - Whenever any building or structure or part thereof is regularly used for the receipt or delivery of freight, there shall be provided and maintained on the premises adequate space for standing, loading and unloading services in order to avoid

interference with public use of streets or alleys. Such space shall have a minimum dimension of ten (10) feet by twenty-five (25) feet with a minimum clearance of fourteen (14) feet; and shall be larger where the nature of receipt or delivery requirements shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. One such space shall be provided for every loading bay, and/or for every twenty thousand (20,000) square feet or fraction thereof building floor use or land use for the above-mentioned purposes.

J. Off-Street Parking Requirements - In all districts, off-street parking facilities for the storage or parking of vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed.

1. General Rules

a. Loading spaces shall not be construed as supplying off-street parking space.

b. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded; fractions over one-half shall require one parking space.

c. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor space shall be provided and maintained in the amount specified for that use.

d. "Floor area" in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.

e. Off-street parking facilities for single or multi-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve. The location of required off-street parking facilities for other residential buildings shall be within three hundred (300) feet of the building they are intended to serve. Location of off-street parking facilities in commercial and industrial zones shall be as prescribed.

f. In the case of a use not specifically mentioned, the requirements in off-street parking facilities for a similar use mentioned herein shall apply.

g. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that such facilities shall not collectively be less than the sum of the requirements for the various individual uses computed separately. Each off-street parking space for which a charge is made for the use thereof, and which otherwise meets the requirements of this ordinance toward the requirements of the total number of properties which it serves upon approval of the Planning Commission.

2. Residential Zoning District Parking Requirements

a. Single-Family Residential Lots

1) R1-A and R1-B Districts - two parking spaces on each lot

2) R1-C and R1-D Districts - one parking space on each lot

b. Mini-Cluster Developments - Two parking spaces for each dwelling unit; and further provided that where more than ten parking spaces are joined together in a group (laterally, back-to-back, or by a roadway). A ten-foot landscape divider shall be installed separating each group of parking spaces, but no landscape divider shall contain plants or shrubbery more than two and one-half feet in height.

c. Cluster Development - two parking spaces for each dwelling unit; and further provided that where more than ten parking spaces are joined together in a group

(laterally, back-to-back or by a roadway, a ten-foot landscape divider shall be installed separating each group of parking spaces, but no landscape divider shall contain plants or shrubbery more than two and one-half feet in height.

d. Multi-Family Residential Units - Two parking spaces for each dwelling unit; and further provided that where more than ten parking spaces are joined together in a group (laterally, back-to-back, or by a roadway), a ten-foot landscape divider shall be installed separating each group of parking spaces, but no landscape divider shall contain plants or shrubbery more than two and one-half feet in height.

e. Townhouse Groups - two parking spaces for each dwelling unit; and further provided that where more than ten parking spaces are joined together in a group (laterally, back-to-back or by a roadway), a ten-foot landscape divider shall be installed separating each group of parking spaces, but no landscape divider shall contain plants or shrubbery more than two and one-half feet in height.

f. Apartment Houses - One parking space for each bedroom in each apartment house.

g. Mobile Home Residential Lots - One parking space on each lot.

h. Mobile Home Parks - Two parking spaces on each lot, plus one-third parking space for each lot in a special area reserved for boats over eighteen feet in length, boat trailers, and commercial vehicles over one ton capacity.

i. Churches - One space for every three seats in the main unit of worship. Where individual seats are not provided, each twenty inches of bench shall be construed as one seat.

j. Tourist Homes and Boarding Houses - One parking space for each sleeping room.

k. Public and Private Schools - One parking space for each employee, plus one space for each student enrolled in the 10th, 11th and 12th grades. All schools shall provide sufficient off-street space for the safe and convenient loading and unloading of students.

l. Public or Private Nonprofit Recreational or Cultural Institutions - as approved by the Planning Commission.

m. Clubs, Fraternal Lodges - One parking space for each fourth (40) square feet of floor space in the club or lodge facilities.

n. Publicly-Owned Buildings and Public Utility Stations and Sub-Stations - as approved by the Planning Commission.

o. Hospitals, Animal Hospitals, Clinics, Sanitaria, Nursing Homes and Similar Institutions - as approved by the Planning Commission, but not less than one space for each employee on the day shift plus one space for each three patient beds.

3. Commercial Zoning District Parking Requirements

a. Residential uses in commercial zones shall provide the off-street parking provided in subsection 2 hereof.

b. Central Business District - as approved by the Planning Commission with the understanding that some publicly owned off-street parking facilities should be provided for the public in the vicinity of public buildings.

c. Neighborhood Business District

1) Retail sales - one space for each one hundred (100) square feet of floor space.

2) Banks, business or professional offices - one parking space for each one hundred fifty (150) square feet of floor area.

3) Restaurants - one parking space for each one hundred (100) square feet of floor space, plus one parking space for each two (2) employees per shift.

4) Theaters and auditoriums - one space for each four (4) seats plus one space for each two (2) employees per shift.

5) Personal service establishments - one space for each twenty-five (25) square feet of floor space plus one space for each employee.

6) Dance halls, bowling alleys, billiard rooms, exhibition halls, etc. - one space for each one hundred (100) square feet of floor space, plus one space for each employee.

7) Neighborhood shopping centers - as approved by the Planning Commission.

d. Highway Business District

1) All highway business district establishments shall have their off-street parking plans approved by the Planning Commission.

e. General Business District

1) All general business district establishments shall have their off-street parking plans approved by the Planning Commission.

f. Shopping Center Business District

1) All shopping center district establishments shall have their off-street parking plans approved by the Planning Commission.

g. All off-street parking which requires approval by the Planning Commission shall be based upon estimates of use and shall be reasonable without inhibiting the movement of traffic in surrounding streets and highways. Developers' estimates of use shall be accompanied by supporting data.

4. Industrial District Parking Requirements

a. As approved by the Planning Commission, but not less than one space for each three employees on the largest numerical shift, plus one customer parking space for each one thousand (1,000) square feet of floor space.

5. Parking Space Dimension Requirements

a. As approved by the Planning Commission, but a width of nine (9) feet, a length of eighteen (18) feet with a maneuvering lane twenty (20) feet in width, shall be considered as a standard for normal parking.

6. Submission Requirements

All applications for building permits for structures other than one and two family dwellings shall be accompanied by plans identifying parking stalls and giving their widths, lengths, maneuvering areas, and points of ingress and egress.

7. Construction Requirements

All off-street parking areas shall be hard surfaced with concrete or plant-mixed bituminous material, shall be maintained in a useable dust-proof condition, shall be graded and drained to dispose of all surface water, and the parking stalls and maneuvering areas shall be clearly marked as well as places of ingress and exit.

8. Curb Cuts

It shall be unlawful for any person to cut, break out or remove any curb or to construct a curb return or driveway approach in the right-of-way of a public street, way or alley except as authorized by the Department of Public Works.

K. Circuses, Fairs, Carnivals, Etc.

Permits for circuses, fairs, carnivals, and similar uses in any district may be obtained after approval by the Director of Public Works and under the following conditions:

1. Sponsored by a local nonprofit organization where the sponsor is to receive a substantial percentage of the net profit of the entire affair.

2. Such use and occupancy will not be disturbing to the public peace and tranquility.

3. Such use shall not create an undue traffic hazard and congestion.
4. The length of the affair shall not exceed sixteen (16) days.
5. Off-street parking is provided.
6. A fee of ten dollars (\$10.00) [for each three-day period the circus, fair or carnival is to continue be submitted with the application of a local nonprofit organization which is the sponsor of said circus, fair or carnival; and a fee of fifty dollars (\$50.00) by any non-profit organization whose principal location or place of meeting is not within the fruitland city limits for each three-day period said circus, fair or carnival is to continue. There shall be a limit of three (3) circuses, fairs or carnivals in one location within the City in any calendar year and no event shall be scheduled in that location more often than every five weeks after the close of an earlier one.

L. Railroad Spurs

The extension of all railroad spur lines and sidings shall be approved by the Planning Commission. All plans to cross streets and highways shall first receive the approval of the Director of Public Works and the Chief of Police.

M. Building Setbacks on Major Streets and Highways

1. No building or structure shall be erected or constructed within the area set down by the City's Master Thoroughfare Plan.
2. All setbacks, where required, shall be measured from the proposed right-of-way established by the City's Master Thoroughfare Plan.

N. Attached Garage Buildings

On interior lots when a garage building is attached to and made structurally a part of the principal building on the lot, the following minimum side yard requirements shall apply:

1. In all R-1 Districts, two (2) side yards each having a width of not less than ten (10) feet and the combined widths of both side yards not less than twenty (20) feet.
2. On lots less than sixty (60) feet in width, which were of record on the date of adoption of this ordinance, or on lots in a proposed subdivision approved by the Planning Commission as to lot and street layout at the time of the adoption of this ordinance, a minimum combined width of both side yards of ten (10) feet shall be permitted, provided such principal buildings shall not exceed 12 inches, not including gutter.

O. Detached Garage Buildings

1. All detached garages located in side and rear yards and within ten (10) feet of the rear wall of any principal building shall comply with all yard requirements applicable to the principal structure in the district. In no event shall garages locate closer than five (5) feet from any side lot lines.
2. Detached garages shall not exceed one story or ten feet in height to the eaves, and shall not occupy more than thirty percent (30%) of the area of any rear yard, and shall not be nearer than two (2) feet to the side lot line, provided, however, that where there are existing accessory buildings or garages on the same or adjacent lot, such accessory buildings or garages shall not be constructed closer than four (4) feet to such existing accessory building.
3. Garages on corner lots which face a side street shall not be constructed closer than twenty (20) feet from the side street lot line; garages which face the front street and are attached to and become a part of the principal building shall not be constructed closer than twenty (20) feet from the side street lot line or closer to the side lot line than the location of the principal building thereon whichever is greater.

P. Detached Accessory Buildings

1. All major detached accessory buildings, other than a garage, shall not exceed one story or ten (10) feet in height measured to the eaves shall not occupy more than thirty percent (30%) of the rear yard and shall not be located closer than ten (10) feet from a side lot line.

Detached accessory storage buildings containing less than two hundred fifty (250) square feet without utilities may be located not less than two (2) feet from a property line, except that on a corner lot it may not be closer to the street than the principal building on the lot.

2. When the principal building on a parcel of property has not been constructed the building permit for an accessory building or garage shall not be issued until the building permit for the principal building has been issued by the building department.

Q. Lot Use for Yards, Courts, Etc.

No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area per family, or percentage of lot occupancy in connection with an existing or proposed building or structure, including tents and trailer coaches, shall again be used as part of the lot required in connection with any other building or structure existing or intended to exist at the same time.

R. Building Grades

Any building requiring yard space shall be located at such an elevation as to cause the surface water to run away from the walls of the building. A building grade line (sometimes referred to as the finish line), shall mean the elevation of the ground adjoining the building on all four (4) sides. A first floor elevation shall mean the height to which the first floor extends above the building grade. A sloping earth grade shall be maintained and established from the center of the front lot line to the finished grade line at the building front and from the rear wall of the building to the rear lot line. The height of the finish grade line of any dwelling shall not be less than twelve (12) inches nor more than eighteen (18) inches above the curb or crown of the abutting street measured from the center of the front of the building.

When a building is being constructed, the yard around it shall be graded in such a manner as to prevent the run-off of surface water onto the adjacent properties. Grades shall be approved by the building inspector.

No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.

S. Yard Use

No part of any required yard, except a rear or side yard, shall be used for any detached garage or any accessory building other than a garage or for storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

T. Community Unit Plan

The following regulations apply to planned residential developments and are intended to permit and encourage flexibility in land area design within the general pattern of land use and population density of the particular residence district in which the development is proposed, and for the purpose of bringing about arrangements of buildings and open spaces that will contribute to the desirability of living environment of the dwellings included in such planned developments with respect to daylight and sunlight, air circulation, privacy and general amenities.

The owner(s) of any tract of land comprising an area of not fewer than 20 acres may submit to the Planning Commission a plan for the use and development of all the tracts of land for residential purposes as permitted in R-1, R-2 and R-3 Districts and a neighborhood shopping center. The Planning Commission shall submit their recommendations to the City Council members, stating the reasons for approval of the application and specific evidence that the proposed community plan meets the following conditions:

1. That the buildings shall be used for residential purposes only, and the usual accessory uses such as garages, except that a part of the area may be developed for local business. In the event an area for such business is proposed, it shall be related to the proposed estimated population of the area, shall be in compliance with the requirements of Section V, C-2 District, of this ordinance, and a public hearing shall be held by the Planning Commission, in accordance with the requirements governing re-zoning public hearings, prior to any final decision approving the proposed planned residential development.

2. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

3. That the front, side or rear yards on the perimeter of the project shall be not less than the yard requirements for the district in which the development is located.

4. That provision be made for sufficient (a) utility easements to service the property and (b) parking facilities in compliance with Section VI-I of this ordinance.

U. Height Exceptions

1. Height of public and semi-public buildings, churches, cathedrals, temples, hospitals, sanitariums, or schools shall not in any case exceed fifty-five (55) feet, and if the height of any such building exceeds the height allowed in the district concerned, then any such building shall be set back from all lot lines not less than one foot in addition to the required yard dimensions for each foot by which such buildings exceed the height allowed in the district concerned.

2. Height of office buildings and technical laboratories in industrial districts may be increased in height up to ten (10) stories or one hundred fifty (150) feet when such a building is set back from all lot lines not less than one foot in addition to the required yard dimensions for each foot by which buildings exceed the height allowed in the district concerned.

Office buildings in commercial and industrial districts may be increased in height up to eight (8) stories or one hundred (100) feet, provided that such buildings are set back:

a. From the front property line a distance equal to the height of said building;

b. From the side and rear property line a distance equal to one-half the height of said building;

c. From a residential lot line or residential district line a distance equal to the height of said building.

3. Height of hotels may be increased to ten (10) stories or one hundred fifty (150) feet provided such building shall be set back from all lot lines not less than one foot in addition to the required yard dimensions for each foot by which such buildings exceed the height allowed in the district concerned.

4. The height restrictions of this sub-section do not apply to silos, bins or other such structures within industrial, commercial or agricultural districts, the heights of which have been specifically approved by Special Exception.

V. Billboards

Billboards, where permitted, shall not project more than fifty (50) feet above the average ground level or more than fifteen (15) feet above the roof line of a building, whichever is lower. No sign shall be placed within thirty (30) feet of a residential district boundary. (See Ordinance No. 164).

W. Essential Services, being herein defined as facilities and structures owned or maintained by a government, a public agency, or a public utility, and for the purpose of and directly necessary for providing communication, electric, gas, sewer, water, or compatible services of a public utility nature, shall be inherent uses in any district. However, relay stations, storage stations, electric sub-stations, and all other buildings used in or maintained for the rendering of an essential service, although inherent uses in the C-1 or —1 Districts shall be permitted only by special exception in any other district.

SECTION VII - ADMINISTRATION AND ENFORCEMENT: BUILDING PERMITS AND ZONING COMPLIANCE

A. Administration and Enforcement

A code official designated by the City Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Council may direct. If the code official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

B. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the administrative official in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review granting special exception or variance as provided by this ordinance.

C. Application of Building Permit

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the administrative official after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans similarly marked shall be retained by the administrative official.

- D. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses
It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses of structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance. No permit for erection, alteration, moving or repair of any buildings shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section XVI of this ordinance.

- E. Expiration of Building Permit

Building permits issued under this section shall remain in full force and effect for a period of one year from the date of issuance and shall then automatically expire; provided, however, that if the work described in the building permit shall not be commenced within ninety (90) days of the issuance of said permit it shall then automatically expire at the end of the said ninety (90) days, and further provided, that if the work described in the building permit is certified by the city building inspector to be substantially complete within one year of the issuance of same, the said work may be continued for a reasonable period of time thereafter in order to reach final completion without obtaining a new building permit.

Upon the expiration of any building permit prior to the final completion of the work described therein, the administrative official shall mark said permit "canceled" and notify the holder of the permit in writing of the same and that no further work shall proceed, the failure of the administrative official to do so shall not, however, extend the life of any permit.

In the event that the nature or amount of work to be done reasonably may require more than one year to reach substantial completion, and the work and/or premises cannot be reasonably divided into one-year phases, the administrative

official shall, if requested, issue a special building permit which said permit shall not have a pre-designated expiration date, but shall be subject to renewal annually upon the following grounds:

1. Certification by the City building inspector that substantial progress is being made on the work described in the permit;
2. A written request by the applicant for a one-year extension of the permit; and
3. The payment of a one hundred dollar (\$100.00) fee.

F. Construction and Use to be a Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section XVI hereof.

SECTION VIII - BOARD OF ZONING APPEALS: ESTABLISHMENT AND PROCEDURE

A Board of Zoning Appeals is hereby established which shall consist of five (5) members appointed by the City Council, each for a term of five (5) years. Of the members originally appointed, one shall be appointed for a one-year term, one for a two-year term, one for a three-year term, one for a four-year term, and one for five-year term. Replacement members shall be appointed by the President of the City Council and confirmed by the City Council. Vacancies shall be filled in the same manner for the unexpired term of the member whose seat is vacated. Members of the Board may be removed by the City Council after a public hearing upon the affirmative vote of four-fifths of the Council membership.

A. Proceedings

The Board of Zoning Appeals shall elect a chairman from among its membership to serve for a period of one year. The Board shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance. The City Council shall furnish a secretary for the Board who shall record its minutes, proceedings and its decisions in all appeals and the opinions of the members. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its meetings which shall show the vote of each member upon each question, or if absent or failing to vote. It shall keep records of its examinations and other official actions all of which shall be a public record.

The Board of Appeals shall establish a fee schedule which shall be sufficient to cover the cost of all public notices given in respect to individual appeals, and such other costs as shall properly be attributed to such appeals.

B. Hearings, Appeals, Notice

Appeals to the Board concerning the interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or department of the City affected by any decision of the administration official. Such appeals shall be taken within sixty (60) days after the date of the decision of the administrative official by filing with the secretary of the Board a notice of appeal specifying the grounds thereof and paying such fee as shall have been prescribed by the Board. The secretary shall forthwith notify the chairman of the Board of Zoning Appeals and shall give such notice of the time, place and nature of the appeal to the

public and the remaining members of the Board as may be prescribed by this ordinance the rules of the Board or as the chairman may, in addition, direct.

The Board shall fix a reasonable time for the hearing of the appeal, and shall give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or attorney.

C. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board, that by reason of facts stated in the appeal, a stay would, in his opinion, cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Board, or by the Circuit Court for Wicomico County.

SECTION IX - THE BOARD OF ZONING APPEALS, POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determinations made by the administrative official charged with enforcement of any portion of this ordinance.
- B. Special Exceptions
To hear and decide upon application for such Special Exceptions as the Board is specifically authorized to pass upon by the provisions of this Ordinance; to decide such questions of law or fact as are involved in determining whether a special exceptions should be granted; and to set forth such conditions and safeguards as are appropriate as conditions for the granting of a special exception; or to deny any special exception when the Board determines that it would create a condition not in harmony with the purpose and intent of this ordinance or would be prejudiced to the orderly development of the surrounding area.

A Special Exception shall not be granted by the Board unless and until:

1. A written application is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. The fee set by the Board rules is paid to the City Treasury.
3. Notice of the nature and purpose of the special exception has been given in a newspaper of general circulation in Wicomico County, at least ten (10) days in advance of the public hearing; and the owner of the property for which such special exception is sought or his agent has been given notice by mail or in person at least ten (10) days in advance of the public hearing of the time and place thereof.
4. A public hearing has been held at which all persons present shall be given an opportunity to be heard.
5. The Board shall find (a) that it is empowered to grant the special exception applied for; and (b) that the granting thereof will not adversely affect the public interest.
6. The Board shall make written findings certifying compliance with any specific rules governing individual special exceptions and that

satisfactory provision and arrangement has been made concerning the following where applicable:

- a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b. Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties in the district generally;
- c. Refuse and service areas, with particular reference to the items in "a" and "b" above;
- d. Utilities, with reference to locations, availability, and compatibility;
- e. Screening and buffering with reference to type, dimensions and character;
- f. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjacent properties and other property in the district.

C. Variances, Conditions Governing Applications, Procedures

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-

conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given as in Section IX (B) (3) above.
3. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
4. The Board of Appeals shall make findings that the requirements of Section IX (C) (1) have been met by the applicant for a variance.
5. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section XVI thereof of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

D. Board Has Powers of Administrative Official on Appeals, Reversing Decision of Administrative Official

In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, or decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance.

SECTION X - APPEALS FROM THE BOARD OF APPEALS

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Appeals may seek review by a court of record of said decision, in the manner provided by the laws of the State and particularly by Article 66B of the Annotated Code of Maryland, but no department, board or bureau of the City of Fruitland shall

seek court review of any decision of the Board of Zoning Appeals without prior approval of the City Council.

SECTION XI - DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Article 66B of the Annotated Code of Maryland.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this section and this Ordinance. Under this Ordinance the City Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and (2) establishing a schedule of fees and charges as stated in Section XII below.

SECTION XII - SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION XIII – AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

SECTION XIV - PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION XV - COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Said complaint, stating fully the causes and basis thereof,

shall be filed with the administrative official. He shall record properly said complaint, immediately investigate, and take action thereon as provided by this Ordinance.

SECTION XVI. PENALTIES FOR VIOLATION

A. Violation to Constitute A Municipal Infraction

Violation of the provisions of the ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a municipal infraction.

B. City Manager to Issue Citations and Assess Fines

The city manager of Fruitland shall deliver to any person deemed to have committed a municipal infraction by violating the terms of this ordinance or of the conditions and safeguards provided in connection with the grant of a variance or special exception a citation which shall set forth the following: (1) the name and address of the person charged; (2) the nature of the infraction; (3) the location and the time that the infraction occurred; (4) the amount of the infraction fine assessed; (5) the manner, location and time in which fine may be paid to the municipality; (6) the person's right to elect to stand trial for the infraction; (7) that the person shall be liable for double the original fine if he fails to pay the fine assessed within 15 days of the date of notice or fails to file notice of his intention to stand trial.

C. Amount of Fine or Penalty

1. A fine not to exceed \$100.00 may be imposed by the city manager for each municipal infraction of which the person is guilty, a repeat offender of the same violation may be assessed a fine not to exceed \$200.00.

2. The city manager may notify the person cited for a municipal infraction that each day during which the municipal infraction continues shall constitute a separate and distinct municipal infraction and assess a fine not to exceed \$100.00 for each additional infraction. Such daily infractions, however, do not make the person a repeat offender within the meaning of subsection c-1 hereof.

D. Failure to Pay the Fine Assessed or Elect to Stand Trial

1. In the event any person receiving a citation for a municipal infraction fails to pay the fine assessed by the date of payment on the citation and fails to file a notice of his intention to stand trial, the city manager shall send a formal notice of the infraction to the owner's last known address (not a post office box) by registered or certified mail with return receipt requested and may notify the person that he/she is liable for an additional fine not to exceed twice the original fine.

2. In the event the citation has not been satisfied within 35 days after its original date the city manager shall request adjudication of the citation from the District Court of Maryland for Wicomico County and shall file with the said court a copy of the original citation and all further proceedings.

3. In the event the person cited shall give notice to the City of his intent to stand trial, the city manager shall immediately forward to the said district court a copy of said notice and a copy of the original citation.

4. The city manager, together with such other employees of the City as he may require, shall appear at any municipal infraction hearings scheduled for violations of this ordinance.

E. Person Liable for Violation of this Ordinance

The owner or tenant of any building, structure, premises, or part, thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any condition which constitutes a municipal violation under the ordinance may each be found guilty of a municipal infraction under this ordinance and suffer the fines herein provided.

F. Other Remedies

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance, and such other action shall not relieve the persons cited for a municipal infraction for liability for payment of the fine or fines assessed.

SECTION XVII - SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION XVIII – DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

A. The word “person” includes a firm, association, organization, partnership, trust or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural and the singular.

C. The word “shall” is mandatory, the word “may” is permissive.

D. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied.

E. The word “lot” includes the words “plot” or “parcel”.

F. Accessory use or structure - a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

G. Apartment Building - a single residential structure designed and constructed to contain four or more separate dwelling units regardless of the internal arrangement of such units of the ownership thereof, provided, however, that dwelling units in a row with separate ground floor front and rear entrances shall be deemed townhouses and not an apartment building.

G.1. Boarding House - a single residential structure which is held out by the on-premises owner or keeper as a place for the accommodation of those who enter under contract to take and receive their meals at the said boarding house for an agreed compensation over a stated period of time, generally set out in monthly intervals and in which, if sleeping facilities are provided the same are merely incidental to the provision of meals providing no more than one (1) room for sleeping, as well as bathroom facilities shared or separate, and use of the dining area for the purpose of dining only, and which do not fit within the common understanding of a

motel or hotel and further are not governed by the provisions of Maryland Real Property Article, Title 8 - Landlord and Tenant, Subtitle 2 - Residential Leases, Subtitle 3 - Distress for Rent and Subtitle 4 - Landlords Remedies Other Than Distraint.

G.2. Lodging House and/or Rooming House - A single residential structure which is held out by the on-premises owner or keeper as a place for accommodation of those who enter under contract for the use of a furnished room for sleeping and residing at an agreed rate for a certain period of time, generally not to exceed a month also providing bathroom facilities either shared or separate and in which the service or taking of meals, if any, is incidental, and consist of breakfast where applicable, and for which no other facilities are provided to the tenant and which do not fit within the common understanding of a motel or hotel and further are not governed by the provisions of Maryland Real Property Article, Title 8 - Landlord and Tenant, Subtitle 2 - Residential Leases, Subtitle 3 - Distress for Rent and Subtitle 4 - Landlords Remedies Other Than Distraint.

H. Cluster Development - A planned residential tract, subdivision or area comprised of different types of dwelling units planned and arranged in clusters by type with open areas between each type which is maintained in a park-like appearance.

[Clusters in areas zoned for townhouse and apartment residential uses need not have any single family dwellings; no such cluster shall contain more than twelve dwelling units per acre, but use such as recreational facilities and club houses shall be included in the computation of density per acre. No dwelling unit in a cluster shall be provided with less than three thousand (3,000) square feet of land if individually sold.]

I. Dwellings, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

J. Dwelling, Mobile Home - A detached residential dwelling unit constructed upon a permanent chassis and equipped with a hitch or other device by which it is designed for transportation, after fabrication, on streets or highways on its own axle or wheels whether or not the said hitch and or wheels are later removed, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer is not to be considered a mobile home. Manufactured homes which do not possess the characteristics set forth herein and which meet the requirements of the City's building code, as designated from time to time, shall not be considered mobile homes.

K. Dwelling, Two-Family - A detached residential building, other than a mobile home, containing two (2) dwelling units and designed for occupancy by not more than two (2) families.

L. Dwelling, Multi-Family - A residential building, other than a mobile home, occupied by three (3) or four (4) families with the number of families in residence not exceeding the number of dwelling units provided.

M. Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a weekly or monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. As used herein the phrase "physically separated" shall not require a permanent structural separation, but is intended to encompass areas of the structure which are separated by use and convenience, so that different floors or wings of a structure, even if served by only one entrance and not otherwise separated shall constitute separate dwelling units if containing independent cooking, bathroom and sleeping facilities and are utilized as separate units.

N. Family - one or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three (3) unrelated individuals, but further provided that children under the age of eighteen (18) years

who are related by blood, marriage or adoption or are legally recognized foster children of one or more of the adults living therein shall not be counted in determining whether there are more than three (3) unrelated people in the group.

O. Filling Station - Buildings and premises where gas line, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made and no other:

1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing and sale of automotive washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
12. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers;
14. Provision of restroom facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening or body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

P. Greenbelt

1. An eight-foot (8') greenbelt shall be a solid planting strip composed of evergreen trees spaced not more than twenty (20) feet apart and not less than one row of evergreen shrubs, spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

2. A twenty-foot (20') greenbelt shall be a planting strip composed of two rows of evergreen trees, spaced alternately at not more than twenty feet (20') apart, and not less than three (3) rows of evergreen shrubs, spaced at not more than eight feet (8') apart and which are at least five (5) feet or more in height after one full growing season after planting, and which shrubs will eventually grow to a height of not less than twelve (12) feet at maturity, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

3. A decorative masonry wall, not less than three feet (3') nor more than six feet (6') in height and not less than eight inches (8") in thickness may be substituted for either of the above greenbelts, upon approval of the Building Director, and shall be maintained in an attractive condition.

Q. Group Housing - A residential development involving the ultimate construction of a number of residential units of the same or different types of buildings or structures, on a lot, parcel or tract of land, or on a combination of lots under one ownership.

R. Height of Buildings - The vertical distance from the ground level adjoining the building to the highest point on the roof surface in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

S. Home Occupation - An occupation conducted in a dwelling unit or an auxiliary building on the same lot as the dwelling unit, provided that:

1. No persons other than the members of the family residing on the premises shall engage in said occupation.

2. The use of the dwelling unit for a home occupation shall be clearly incidental to and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling shall be used in the exercise of the home occupation; if auxiliary buildings are used for the home occupations, the twenty-five percent (25%) rule shall apply to the combined floor areas of both the dwelling and the auxiliary building used in the home occupation. Example: Dwelling 1,000 square feet, auxiliary building 400 square feet, total 1,400 square feet, usable for home occupation 350 square feet.

3. There shall be no change in the outside appearance of the dwelling or auxiliary buildings or other visible evidence of the exercise of said home occupation. No sign of any kind may be placed on the property either to indicate the nature of the occupation nor to direct persons to the entrance or building used for the home occupation.

4. No more than one home occupation may be conducted on any property, and there shall be no sales on the premises of any item manufactured or made in the home occupation nor shall there be any display room maintained on the premises of items previously made or manufactured.

5. No new building or an extension of an existing building shall be erected to contain a home occupation or to enlarge one.

6. No work on any power boat, motor vehicle or chain saw shall be classed as a home occupation under this definition.

7. No property abutting the land on which the dwelling unit is erected may be acquired and used for any business and such business defined as a home occupation.

8. No traffic shall be generated by such a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by this exercise of said home occupation shall be met off the street and elsewhere than in a required front yard.

9. No equipment or materials shall be used in a home occupation which create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the lot boundaries, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. "Electrical interference" shall be defined as any use of equipment or force which creates visual or audible disturbance or interference in radio, television or other electronic receivers off the premises, or causes fluctuations in line voltages off the premises.

10. Home occupations shall be permitted in R1-C and R1-D Single Family Residential and Multi-Family Residential Districts and then only by special exception granted by the Board of Zoning Appeals, except for those occupations already in existence on or before January 1, 1986. Home occupations being conducted prior to January 1, 1986 shall meet all the requirements and restrictions hereinbefore set forth, and shall at the end of two years obtain a renewal special exception. Special exceptions for home occupations shall be limited to two years but may be renewed for like periods without advertising upon submission of evidence that they continue to meet all the requirements of the subsection.

11. Any special exception or "grandfather" right to conduct a home occupation granted under this ordinance shall expire if the holder removes his residence to another

location, and shall be required to reapply for a new special exception and pay such fee as shall then be required.

T. Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

U. Lot

A parcel of land of a size at least sufficient to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such a lot shall have frontage on an improved public street or on an improved private street and may consist of:

1. A single lot on record
2. A portion of a lot on record
3. A combination of complete lots on record, or of complete lots on record and portions of lots on record, or of portion of lots on record.
4. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

V. Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" of this section.

W. Lot Measurements

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rear-most points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at the foremost points (where they intersect with street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sacs where the 80% requirement shall not apply.

X. Lot on Record

A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Y. Lot Types

The diagram (Figure 1) which follows illustrates terminology used in this Ordinance with reference to "corner" lots, "interior" lots, "reversed frontage" lots, and "through" lots.

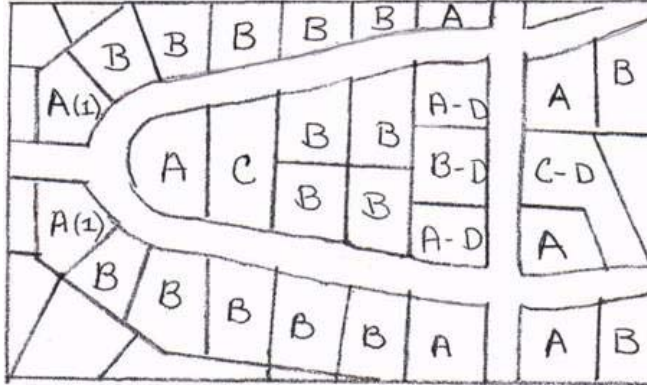


Figure 1

In the diagram, "A" is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle less than 135 degrees. See lots marked "A-1" in the diagram.

"B" is an interior lot defined as a lot other than a corner lot with only one frontage on a street.

"C" is a through lot defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting on two streets may be referred to as double frontage lots.

"D" is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot ("A-D" in the diagram), an interior lot ("B-D") or a through lot ("C-D").

"E" is a mini-cluster, defined as a planned development containing not less than two acres of land where dwellings are closely grouped because of peculiarities of terrain and the portion unsuitable for dwelling use is kept in open space for common use of all residents of the development.

Z. Outdoor Advertising Business

Provision of outdoor displays or display space on a lease or rental basis only.

AA. Parking Space, Off-Street

For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking area for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.

BB. Signs

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

CC. Signs - Number and Surface Areas (Note: See Ordinance No.164)

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

DD. Sign, On-Site

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

EE. Sign, Off-Site

A sign other than an on-site.

FF. Special Exception

A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning divisions or districts as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

GG. Street Line

The right-of-way line of a street.

HH. Structure

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

II. Townhouses

A row of single dwelling units designed and constructed with party walls connecting the adjoining units and with each dwelling unit having separate first floor level front and rear entrances.

JJ. Travel Trailer

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

KK. Variance

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship as used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, establishment or expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

LL. Yard

A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

MM. Yard, Front

A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard no fence or wall shall be permitted which materially impedes vision across such a yard above the height of thirty (30) inches and no hedge or other vegetation shall be permitted which materially impedes vision across such yard, between the heights of thirty (30) inches and ten (10) feet.

In case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard on half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the administrative official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such a lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

NN. Yard, Side

A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established, shall be considered side yards.

“Width” of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

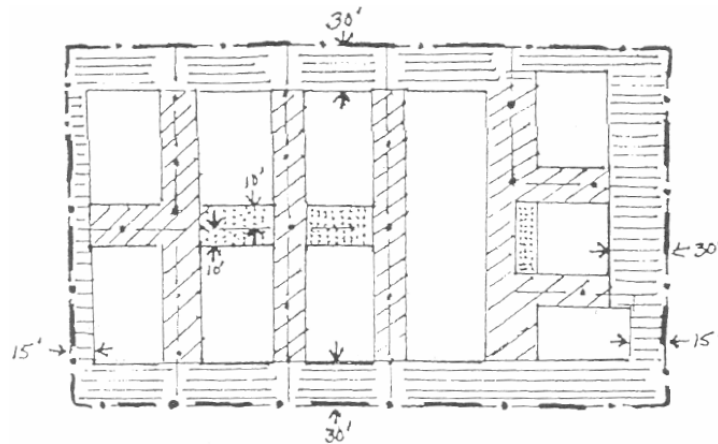
OO. Yard, Rear

A yard extending across the rear of a lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

“Depth” of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

PP. Yard, Special

A yard behind any required yard adjacent to a public street required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly implies. In such cases, the administrative official shall require yard with minimum dimensions as generally required for a side yard or a rear yard, the district determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.



The illustration here assumes front yard depths required at 30 feet (half-depth front yards 15 feet), side yard widths 10 feet, and rear yard depths 10 feet. Note that "A", a special yard is shown indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

QQ. Site Plan

A site plan is a plot plan of the area to be developed which shall show at least the following:

1. Total area
2. Land area to be devoted to buildings, land area to be devoted to open space
3. Proposed number of bedrooms
4. Overall bedroom density of the site, land area devoted to parking, and number and arrangement of the spaces
5. Compliance with setback requirements
6. Drainage and utility easements
7. Streets, sidewalks, curb and gutter when required, street lighting and fire protection measures
8. Recreational facilities (including fencing where required)

RR. Comprehensive Development Plan

A comprehensive development plan is a complete development plan which includes all of the information required for a site plan and in addition thereto gives the following:

1. A copy of all proposed deed restrictions, covenants, by-laws, or other instruments designed to provide for continuing maintenance and control of common area
2. Provisions for garbage and trash collection
3. Landscaping and its relationship to natural features of the site
4. Location of service facilities such as laundry rooms, community recreational rooms or buildings, etc., and the specific services to be provided therein
5. Location and type of mail delivery receptacles for the occupants

6. Facilities for access by the handicapped
7. An identification box or sheet showing the meaning of symbols used here they are not identified in writing
8. An impact statement showing the effect of the development, if any, on area schools, on the city's water, sewer and storm water drainage capacities in the area, and its effect on traffic on the streets serving the proposed development: this impact statement shall contain the comments and findings of the director of public works before submission.

SS. Child Care Facility

1. Any place, however designated, licensed by the appropriate state and/or county agency to provide care for children separated from their parents or guardians during any part of the day.
2. A child care facility shall include group day care centers, which are child care facilities designed and operated to provide care simultaneously for groups of five (5) or more children in a facility which is not the home of the child nor the care provider.
3. A child care facility may operate as a school, however, schools which do not require a state and/or county license for child care are not child care facilities within the meaning of this Ordinance.

TT. Duplex house. A two family dwelling as defined herein, in which the two dwelling units are side by side and share a party wall.

UU. Warehouse. A structure adapted and used to hold goods, stores and wares temporarily or for a length of time. For the purposes of this Ordinance the goods, stores or wares may be owned by the owner or tenant of the said warehouse or may be held by a warehouseman as that term is used in the Maryland Commercial Law, and specifically shall include storage facilities used by moving and storage companies or other similar businesses to hold and house goods of others awaiting transport to another location, and/or such goods of others being held in storage for an undetermined period of time.

SECTION XIX - REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on December 11, 1973.

AND WHEREAS, the Planning Commission has given due consideration to the suggestions and objections presented in the public hearings held thereon and submitted its final report to the City Council reflecting the comments and suggestions so received;

AND WHEREAS, the City Council has also given due notice of a public hearing relating to zoning districts, regulations, and restrictions and held such hearing;

AND WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland and of the City Charter of Fruitland have been fully complied with;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF FRUITLAND, MARYLAND that this Ordinance shall take effect from and after the date of its final passage.

The attached ordinance was introduced and read to the City Council of Fruitland at a meeting held on the 19th day of November, 1973, and finally passed at a meeting held on the 11th day of December , 1973, having been published as required by law in the meantime.

(Signatures of Councilmen on Original)

Graydon Mezick

Aubrey E. Pusey

Arthur A. Widdowson

Duffy N. McKenzie