

SUPPLEMENT NO. 7

INSERTION GUIDE

CITY OF FREDERICK LAND MANAGEMENT CODE

This supplement consists of reprinted pages replacing existing pages in the City of Frederick Land Management Code.

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This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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THE
CITY OF FREDERICK

LAND
MANAGEMENT
CODE

ADOPTED JULY 21, 2005
ORDINANCE NO. G-05-12
With Supp. No. 1 thru 7

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Sec. 404 USE REGULATIONS

(a) Permitted Uses

- (1) Permitted uses are listed in the Table 404-1. The following symbols are used:

Symbol	Meaning
P	indicates that a use is permitted as of right in the district.
C	indicates that a use is permitted only as a conditional use. Board of Zoning Appeals approval is required. Specific requirements for conditional uses are set forth in §308 (conditional uses) of this Code.
M	Indicates that a use is permitted only as a conditional use within the Mixed Use (MU) district. Planning Commission approval is required. Specific requirements for mixed-use conditional uses are set forth in §310 (Master Plans) of this Code.
A	Permitted only as an accessory use to a principal permitted use (see §§801 through 803)
T	Permitted only as a temporary use (see §867)
S	The (“S”) in Neighborhood Commercial zone stands for permitted use in shopping center only. See §863 for specific criteria and standards for Neighborhood Stores.

No symbol indicates that a use is prohibited in the district.

3, 12, 19, 23, 29, 30 **Table 404-1 is inserted at the end of this Section.**

- (2) No use is permitted pursuant to this Code, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless:
- A. The use is listed as a permitted or Conditional Use in this Section; and
 - B. all applicable permits and approvals have been issued by the agency or official with final decision making authority.

(b) Unlisted uses

- (1) No building permit shall be issued for a use not specifically mentioned or described by category in the Use Matrix. Evaluation of these uses shall be as set forth in subsection (3), below.
- (2) Notwithstanding any provision of this Section to the contrary, uses which are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Use Matrix.
- (3) Uses not listed as a permitted use or conditional use are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Zoning Administrator shall determine whether a materially similar use exists in this Section. Should the Zoning Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Zoning Administrator's decision shall be recorded in writing. Should the Planning Director determine that a materially similar use does not exist, this Chapter may be amended to establish a specific listing for the use in question.
- (4) The Zoning Administrator may determine that a use is materially similar if:
 - A. The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land- Based Classification Standards ("LBCS") of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>]. The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection C, below.
 - B. If the use cannot be located within one of the LBCS classifications pursuant to subsection A, above, the Zoning Administrator shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997) ("NAICS"). The use shall be considered materially similar if it falls within the same industry classification of the NAICS, and meets the requirements of subsection C., below. [Reference: <http://www.census.gov/epcd/www/naics.html>]

Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	RI2	RI6	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS	
Residential Uses																									
Accessory Apartments			C	C	C	C	C	C	P	C	C		C	C	P	C	C	P	P	C					
Accessory Detached Dwelling Unit			P	P	P	P	P	P							P		P								
Duplex					P	P	P	P							P	P	P	P					1100	1202	-
Multi-Family					P	P	P	P							P	P	P	P	P				1100	1200	
Multi-Family with Accessory Retail							C	C							P	C	C	P					-	-	-
Single-family	P	P	P	P	P	P	P	P	A						P	P	P	P					1100	1120	-
Townhouse					P	P	P	P							P	P	P	P					1100	1140	-
Two-family					P	P	P	P							P	P	P	P					1100	-	-
Accommodations and Group Living																									
Bed and breakfast inn		C	C	C	C	C	C	C	C	C					C	C	C	M						-	721191
Group Home					P	P	P	P							P	P	P	P		P			6520 6561	-	623220 623990
Hotel, Motel, and tourist court									P		P	P	P		P		P	P	P				1330	1330	-
Senior Living & Retirement Facilities					C	C	C	C							C	C		M		P			1200-1210	-	623312
Nursing Home/Domiciliary Care/Adult Living Facility		C	C	C	C	C	C	C		C					C	C		M	C	P			1230 1250 6520	-	623110 623111 623112 623312 623311
Rooming House			C	C	C	C	C	C							P	C	P	C	C				1320	-	721310
General Sales or Service																									
Accessory Drive Through Facilities									A	A	A	A	A	A	C		C	A	A	C					
Animal Care Services (including grooming & boarding)											P		P	P					P						
Animal Grooming (Excluding Boarding)										S	P				P			P	P				2720	-	541940
Antiques										P	P				P		P	P	P				2145	-	-
Apparel										S	P				P			P	P				2133	-	-
Arts, crafts, or hobby supplies										P	P				P		P	P	P				2134	-	45112, 45113
Art Gallery, including framing									P	P	P				P		P	P	P				-	4410	45392
Automobile Filling Station										P	P	C	P	P				P	P				2116	2270	4471
Automobile Parts or Accessories											P				P				P				2115	-	4413
Automobile Sales & Service Center (dealership)											P		P						P				2111	2280,	4411, 4413,

P = permitted by right A = accessory use
 C = conditional use T = temporary use
 M = Mixed-Use conditional use

S = shopping center use only

Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	RI2	RI6	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Automobile Sales Lot (new or used)											P		P						P			2111	-	44111-44113
Bakery, Baked Goods Store									A	P	P				P		P	P	P			2151	-	445291
Barber/ Cosmetology									P	P	P				P		P	P	P			2600	-	8121
Bicycle (non motorized) Sales and/or Repair										P	P				P			P	P			2113	-	-
Boats & Marine Supplies											P		P						P			2114	-	44122
Books, Magazines, newspapers, etc.									A	P	P	A			P		A	P	P			2135	-	4512
Broadcasting, Recording Studio									P		P	P	P	P				P	P			4220, 4223	-	5151, 5122
Building Supplies, lumber											P		P	P					P			2126, 2122, 3510	-	44410, 44419, 444190, 421320
Building Tradesmen (office, workshop, storage yard)																								
Appliance Repair											P		P	P					P					
Carpenter, Cabinetmaker									C		P		P	P			M		P			-	-	444190
Electrician									C		P		P	P			M		P			7330	-	23821
General Building Contractor (without outdoor storage areas)									C		P		P	P			M		P			7110-7450	-	23110-235990
General Building Contractor (with outdoor storage areas)													P	P					P			7110-7450	-	23110-235990
Heating, Air Conditioning, Refrigeration											P		P	P					P			2127, 7370	-	23822, 444190, 811310
Locksmith									C	S	P		P	P	P		M	P	P			2100	-	561622
Plumber											P		P	P					P			7370		23822
Pipe Fitter, Construction Equipment Fabricator											P		P	P					P			-	-	32612
Roofer											P		P	P					P			7380	-	23816
Sheet Metal Shop											P		P	P					P			-	-	322322
Sign Contractor									C		P		P	P			M		P			-	-	-
Utility Contractor											P		P	P					P			-	-	23899
Window, Glass, Mirror									C		P		P	P			M		P			-	-	-
Building Tradesmen Not Otherwise Listed											P		P	P					P			7100-7450	-	23110-235990
Business Machines/ Business Service Centers										S	P		P		P			P	P			2424	-	56143

P = permitted by right A = accessory use
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Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Camera sales & photo processing (including development & printing services)									A	P	P				P		A	P	P			2132	-	44313
Car Wash											P		P	P				M	P			-	2593	811192
Cards, stationary									A	P	P				P			P	P			2135	-	-
Caterer										S	P				P				P			2560	-	72232
Commercial Use in Historic Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	-	-	-
Construction Equipment, Sales, Service & Rental											P		P	P					P			-	-	444190
Convenience Stores, with gas sales										C	P				C			C	P			2152	2591	445120
Convenience Stores, without gas sales									A	P	P				P			P	P			2152	2591	445120
Dance, Music Instruction										P	P				P		P	P	P			6145	-	611610
Delicatessen									A	P	P	A	A		P			P	P			2151	-	722211
Department stores										S	P				P			P	P			2145	2240	4521
Discount Store										S	P				P				P	P		-	2250	452112
Drugs, cosmetics									A	P	P				P			P	P			2621	-	446110
Dry Cleaning									A	S	P				P			P	P			2600	-	81231
Electrical Systems Service											P	P	P	P	P			P	P			-	-	327113 33319
Eyeglasses, hearing aids									P	S	P				P		P	P	P			2163	-	44613
Fabrics, Sewing Supplies & Machines										S	P				P			P	P			-	-	45113
Farm Machinery Rental, Sales and Service											P		P	P					P			2000	-	421820
Farm Supplies & Hardware (including landscape, and garden supply sales)											P		P	P					P			2123	-	42491, 44422
Farmers Markets										P	P		P		P			P	P			-	2260	-
Fertilizer Sales													P	P								2000	-	421820
Financial Services (Bank, Savings and Loan, Credit Union office)									P	P	P	P	P	P	P			P	P			2200-2250	2100	521, 52211
Floor covering										S	P				P			P	P			-	-	44221
Flowers (Florist Shop)									A	P	P				P			P	P			2141	-	4531
Furniture and/or Appliances										S	P				P			P	P			2121, 2125	-	4431, 42321, 442

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S = shopping center use only

Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Garden center, including sales of trees, shrubs, garden supplies										P	P		P	P	P				P			2123, 9140	8400	1114
Gun Sales											P								P					
Grocery Stores										S	P				P			P	P			2151	-	445110
Handicraft Items (such as Pottery, Stained Glass, Woodwork)										P	P				P		P	P	P			-	-	-
Hardware, inside storage										S	P				P			P	P			2122	2592	444130
Ice Cream Parlor										P	P				P			P	P			2530	-	722213 311320 311330 311340
Industrial equipment, plumbing supplies and other heavy consumer goods not otherwise listed, sales and service, with outdoor storage.											P		P	P					P			2120 2127	-	444190 811310
Interior Decorator		P							P	P	P				P		P	P	P			2414	-	54141
Jewelry										S	P				P			P	P			2133	-	-
Laundromat										S	P				P			P	P			2600	-	8123
Lighting, Electrical Supplies										S	P				P			P	P			2122	2592	444130
Liquor, Beer, Wine										P	P				P			P	P			2155	2,155	4453
Luggage, Leather Goods										S	P				P			P	P			2133	-	44832
Meats, butcher shop										S	P				P			P	P			-	-	44521
Medical Supplies									P	S	P				P			P	P			2120	-	421450 532490
Mobile Homes, Trailers, Recreational Vehicles											P		P						P			2112	-	45393
Motorcycles, ATV's, Sales and Repair											P		P						P			2112-2114	-	441221 891490
Music & Records, Sales and Repair										P	P				P			P	P			2135	-	4512
Musical Instruments										S	P				P			P	P			2134	-	45114
Novelties, Souvenirs, Gifts									A	P	P				P			P	P			2135	-	45322
Office Furniture										S	P				P			P	P			-		44211
Office Supplies										S	P				P			P	P			-		4532
Offices, Business & Professional		P							P	P	P	P	P	P	P		P	P	P			2200-2455 5140-5160 6800-6820	2100	-
Offices, Regional (Bank, Savings and Loan, Credit Union, Insurance)									P		P	P	P	P	P			P	P			2200-2250	2100	521, 52211

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Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	M1	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Paint, Wallpaper										S	P				P			P	P			2130	2592	444130
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed									A	S	P				P			P	P			2600	-	812
Pet store or pet supply store										S	P				P			P	P			2710	-	453910
Photography Studio									P	P	P				P		P	P	P			-	-	-
Picture Framing										S	P				P			P	P			-	-	-
Professional services not otherwise listed									P		P				P			P	P					
Radio, TV Sales and Repair											P				P			P	P			2125	-	42362, 443112
Restaurant, General									C	P	P	C	P	P	P			P	P			2500-2520	2220	722
Restaurant, Fast Food										S	P		P	P	C			P	P			2520	2220	72221
Restaurant with Entertainment										S	C				C			C	C			2510	2220	-
Retail Sales not otherwise listed										S	P				P			P	P					
Shoes										S	P				P			P	P			2133, 2600	-	4483
Shopping Center										P	P				P			P	P			2500	2510-2560	44-45
Sporting goods										S	P				P			P	P			2134	-	45111
Stone Monuments (excludes engraving)											P		P		C				P			4700	-	-
Stone Monuments (including engraving)											P		P						P			4700	-	-
Tailoring									A	A	P				P			P	P			3130	-	315211 315212
Taxidermy													P	P					P			-	-	-
Tires, Batteries, Mufflers											P		P						P			2115	-	441320 811198
Tobacco Products									A	A	P				P		P	P	P			2143	-	422940
Toys										S	P				P			P	P			2134	-	42392, 45112
Truck Sales & Rental (Over 1 ton)											P		P	P					P			2112, 2332	-	53212
Truck Wash											P		P	P					P					
Upholstery, Curtain, Drapery Service										S	P		P	P	P			P	P			2120, 2454	-	56174, 811420
Used Merchandise Auction											P		P		P				P			2140	-	453998
Vehicle Services, Auto Repair Shop											P		P	P					P			2110	2280	81119

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Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	M1	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS	
Vehicle Services, Truck (1-ton+) Service and Repair Shop											P		P	P					P			2110	2280	81119	
Veterinary Clinic/Hospital without boarding		P									P		P	P	P				P	P		2418	-	541940	
Veterinary Clinic w/Boarding											P		P	P						P					
Video/DVD (Sales or Rental)										P	P				P				P	P		-	-	53223	
Warehouse clubs and superstores											P									P		2124	2250	452910	
Winery											C		C		C				C	C		-	-	-	
Industrial & Manufacturing Uses																									
Aircraft, Industrial Assembly Production													P	P						P		3370	-	336411	
Appliances, Assembly Production											P	P	P	P						P		3360	2621	334418	
Automobile, Assembly Production													P	P						P		-	-	33611	
Brick, Tile, Clay Products Manufacture													P	P						P		-	-	327121	
Cement Manufacture														P								-	-	3272	
Chemicals & Plastics Manufacturing and Processing													C	C						C		3320	-	325110-325199	
Clothing, Cloth Goods Manufacturing and Processing													P	P					M	P		3130	-	313	
Concrete, Asphalt Batching														P								-	-	327310	
Construction Equipment, Assembly Production											P	P		P						P		-	-	33312	
Distilled Products, Manufacturing and Processing													P	P					M	P		-	-	-	
Electronic Components, Manufacturing and Processing											P	P	P	P						P		-	-	334	
Electronic Equipment, Assembly Production											P	P	P	P					M	P		3360	2621	334418	
Fabricated Metal Products, Manufacturing and Processing													P	P						P		3300	2622	331	
Farm Equipment & Machinery, Assembly Production														P								-	-	333111	

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Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Fertilizer, Manufacturing and Processing														C								-	-	32531
Food & Beverage Manufacturing													P	P					P			3110		311
Glass, Ceramic Products, Manufacturing and Processing													P	P				M	P			3330	-	3272
Infectious Waste Disposal Service													C	C								4342	-	5622
Janitorial Services											P		P		P			P	P			2452	-	56172
Manufacturing, Not Otherwise Listed														P								3000-3440	-	31-33
Medical Laboratory									P		P	P	P	P	P			M	P			6513	2615	621511
Natural Resource, Bulk Plant														P								-	-	-
Newspaper Printing											P	P	P	P	P			M	P			4211	-	51111
Laboratories & Testing Offices in Conjunction with Scientific or Industrial Research & Development									P		P	P	P	P	C			M	P			2416 3000	-	33911
Laboratories, Testing, Manufacturing & Processing in Conjunction with Scientific or Industrial Research & Development												P	P	P				M	P			2416 3000	-	33911
Other Industrial Assembly, Production, Manufacturing, or Processing uses not otherwise listed														C								-	-	-
Paint, Allied Product, Manufacturing and Processing													C	P								-	-	3255
Paper Product, Manufacturing and Processing													C	C				M				3220	-	323121
Pharmaceutical, Cosmetic, Manufacturing and Processing									P			P	P	P					P			-	-	3254
Primary Metals, Foundries, Manufacturing and Processing													C	C								3340	2622	331
Printing, Bulk Photo Processing, Blueprinting Services											P	P	P	P				P	P			4210	-	32311
Quarries; sand, gravel or clay extraction (Mineral Extraction & Processing)														C								8000-8500	-	212

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Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Salvage Yards														C								2120		-
Sawmill														P								-	-	321113
Solar Energy Products Manufacturing												P	P	P					P			4314	6460	-
Stone Crushing														C								8500	-	212312, 212319, 21232
Textiles, Synthetic Fabrics													P	P					P			3130	-	313
Tools, Industrial Machinery, Mechanical Equipment												P	P	P					P			-	-	333
Trucks, Trailers and Other Vehicle, Industrial Assembly Production													P	P					P			-	-	-
Vehicle Storage Yards (RVs, etc.)											A		P	P					P			-	-	-
Wood Products													P	P					P			3210	-	321
Wood, Pressure Treating of														C								-	-	3219
Warehousing and Storage Uses																								
Bulk Plants for Non-hazardous liquids & gases														P								-	-	-
Coal Storage														P								-	-	454319
Distribution Center, Freight Terminal											A		P	P					P			-	2760	4841
Moving and Storage Facility											P		P	P					P					
Outdoor Storage of construction equipment, generally													P	P					P			3600 7100	-	-
Self Storage											P		P	P					P			3600	2710 2720	
Storage Warehouse											P		P	P				M	P			3600	2730 2740 2760	493
Storage Yards													P	P					P			3600	-	49311
Trucking Offices & Storage, Repair Shop											P		P	P					P			-	-	-
Arts, Recreation & Entertainment																								
Adult Bookstore and/or Adult Entertainment Centers											P		P	P					P	P		-	-	-
Arcade (pinball, video)										S	P				P				P	P		5320	-	71312
Bowling											P				P				P	P		5380	-	71395

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Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Carnival, Circus											T		T	T				T	T	T	T	5310	-	
Community Events	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			-
Conference Center									P		P	P	P	P				P	P	P		-	3400	-
Fair											T		T	T				T	T	T		5310	-	-
Fairgrounds/Agriculture and Special Event Center													P							P				-
Fine Arts Studio									P	S	P				P		P	P	P			5210	4410	71211
Golf Course & Club	P										P	P	P					P	P		P	5370	-	71391
Golf Driving Range	P										P		P	P					P		P	5370	-	-
Health Club or Spa									A	S	P		P		P			P	P		P	5370	-	71394 512131
Indoor Sports Complex											C		C					C	C			5380	3200	71312
Miniature Golf											P							P	P		P	5340	-	-
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5500	-	712190
Pool, Billiards										S	P				P			P	P			5380	-	-
Private Club											P				P			P	P	P		6830	-	71391
Reception Facility											P	P	P		P			P	P			-	3700 3800	-
Recreation, Social Service Center																				P	P	-	3700 3800	-
Skating Rink											P							P	P		P	5390	-	-
Swimming (Residential Development/ HOA specific-accessory) pools			P	P	P	P	P	P							P	P		P						
Swimming (non-accessory) pools										P	P				P			P	P		P	-	-	-
Tennis, Racquet Sports										P	P				P			P	P		P	-	-	-
Theater, movie											P				P			P	P		T	5110	3110	512131
Theater, stage	T									A	P				P			P	P		P			
Education, Public Administration, Health Care, and Institutional																								
Academic, Colleges																				P		6124-6140	4220	6113
Adult Day Care Center		C	C	C	C	C	C	C		P	P				C	C	C	P	P			6566	-	624120
Administrative Offices, Public Building																				P		6200 - 6221	-	92
Cemetery																				P		-	4700	-

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Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	MI	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Child Day Care Center		P	C	C	C	C	C	C	A	P	P				P			P	P	A		6562	-	624410
Church										P	P									P		6600	3500	-
Cultural Centers (Museum, Library, etc.)															P			P	P	P				71211
Funeral Home									C	P	P				P		P	P	P			6710	4700	81211
Funeral Home with crematorium									C		P				P		P	C	P			6710, 6720	4700, 4800	81221
Hospital																				P		6530	4110	622
Post Offices																								
Public Safety (police, fire, ambulance)									A	A	A	P	P	P	A		A	A	A	P		6400-6430	4500-4530	92216
Public Storage Yards, Shops, Maintenance Areas													P	P						P		3600	-	49311
Religious or Social Mission																				P		6600	3500	
Schools, Public/Private												P								P		6110-6123	4210	6111
Sheltered Workshop											P		P						P	P				
Vo-tech, Trade Schools & Training Centers									S	P	P	P	P		P			P	P	P		6140	4230	6115
Transportation Communication, Information, and Utilities																								
Airfield, General Aviation																				P		4110-4114	3920 5600-5650	481
Bus Depot													P	P						P		4133	5300	-
Heliprot											A	P	P	P				M		P		4110-4114	3920 5600-5650	481
Helistop											A	P	P	P				M		P		-	-	-
Parking Lot, Parking Garage, private									P		P		P	P	P		C	P	P			-		81293
Parking Lot, Parking Garage, public													P	P	P					P				
Truck Stop											P		P	P					P			-	-	-

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Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	M1	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS
Telecommunication Antenna on existing city-owned water towers, high voltage electric transmission towers, and existing athletic lighting structures, over sixty (60) feet in height, on public land																				C	C	4230	6510	-
Telecommunications Facility									C		C	C	C	C				C	C	C	C	4230	6500	-
Telecommunications Antennas enclosed within an existing structure or building subject to Section 866(b)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-
Agriculture																								
Agricultural Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Agricultural Production & Support Functions, Not Otherwise Mentioned													P	P					P			9100-9240 9300-9510		11, 12
Canning													P	P					P				-	-
Commercial kennel													P	P					P			6730		81291
Dairy, bottling													P	P					P			9320	2622	311511 311512 311513 311514 311520
Feed, grain mill													P	P					P				8100	3112
Feed, Grain, & Seed Sales													P	P					P				-	42451,
Fertilizer Sales													P	P					P				-	-
Greenhouse, commercial											P		P	P	P				P			9140	8500	1114
Livestock Sales														C								9200	-	42452
Meat, poultry packing or processing													P	P					P				-	11232,
Roadside Stand	T	T	T	T	T	T	T	T	T	T	T		T	T				T	T	T			6920	-
Temporary buildings, incidental to development	See Article 8 Temporary Use Regulations																							
* Land Use Coding Columns will be completed prior to approval																								

Table 404-1

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(h) Violations

Any person(s) who performs or allows to be performed any work without first obtaining a certificate of approval, fails to comply with any final notice issued pursuant to this article, or disregards a decision of the Historic Preservation Commission will be in violation of the provisions of this article. Any violation of this article is hereby deemed a municipal infraction punishable by a fine not to exceed five-hundred dollars (\$500). Each and every day that the violation continues shall be deemed a separate offense.

In addition to the foregoing penalty, where there is a violation of this article, The City of Frederick may institute permitted action to prevent, enjoin, abate or remove the violation.

(i) Appeals

Any person aggrieved by a decision of the Historic Preservation Commission may file a petition in the Circuit Court for Frederick County for judicial review of said decision, pursuant to the Maryland Rules of Procedure providing for judicial review of administrative agency decisions.

End Notes:

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- ¹ Supp. No. 1, Ord. No. G-05-13, § 1, 9-15-05
¹⁰ Supp. No. 3, Ord. No. G-06-26, § 7, 9-7-06
² Supp. No. 1, Ord. No. G-05-13, § 2, 9-15-05
¹¹ Supp. No. 3, Ord. No. G-06-5, § 1, 4-6-06; Ord. No. G-06-6, § 1, 4-6-06; Ord. No. G-06-7, § 1, 4-6-06; Ord. No. G-06-8, § 1, 4-6-06; Ord. No. G-06-9, § 1, 4-6-06; Ord. No. G-06-10, § 1, 4-6-06; Ord. No. G-06-17, § 1, 6-1-06; Ord. No. G-06-18, § 1, 6-1-06; Ord. No. G-06-19, § 1, 4-6-06; Ord. No. G-06-20, § 1, 7-6-06
³ Supp. No. 1, Ord. No. G-05-13, § 3, 9-15-05
¹² Supp. No. 3, Ord. No. G-06-29, § 1, 9-7-06
¹⁹ Supp. No. 4, Ord. No. G-07-3, § 1, 1-4-07
²³ Supp. No. 5, Ord. No. G-07-22, § 4, 10-18-07
²⁹ Supp. No. 7, Ord. No. G-08-10, § 4, 6-5-08
³⁰ Supp. No. 7, Ord. No. G-08-11, § 2, 6-5-08
⁴ Supp. No. 1, Ord. No. G-05-13, § 4, 9-15-05
²⁴ Supp. No. 5, Ord. No. G-07-22, § 5, 10-18-07
⁸ Supp. No. 2, Ord. No. G-05-17, § 2, 12-19-05
⁵ Supp. No. 1, Ord. No. G-05-13, § 5, 9-15-05
⁹ Supp. No. 2, Ord. No. G-05-17, § 3, 12-19-05
²⁵ Supp. No. 5, Ord. No. G-07-22, § 6, 10-18-07
¹³ Supp. No. 3, Ord. No. G-06-25, § 1, 9-7-06
¹⁴ Supp. No. 3, Ord. No. G-06-26, § 8, 9-7-06
²⁶ Supp. No. 5, Ord. No. G-07-22, § 7, 10-18-07
⁶ Supp. No. 1, Ord. No. G-05-15, § 6, 9-15-05
⁷ Supp. No. 1, Ord. No. G-05-15, § 7, 9-15-05
²⁰ Supp. No. 4, Ord. No. G-07-3, § 2, 1-4-07
¹⁵ Supp. No. 3, Ord. No. G-06-26, § 9, 9-7-06
²¹ Supp. No. 4, Ord. No. G-07-3, § 3, 1-4-07
¹⁶ Supp. No. 3, Ord. No. G-06-26, § 10, 9-7-06
²² Supp. No. 4, Ord. No. G-07-3, § 4, 1-4-07
¹⁷ Supp. No. 3, Ord. No. G-06-21, § 1, 7-6-06
²⁷ Supp. No. 5, Ord. No. G-07-22, §§ 8- 10, 10-18-07
²⁸ Supp. No. 6, Ord. No. G-08-4, § 1, 2-7-08
¹⁸ Supp. No. 3, Ord. No. G-06-26, § 11, 9-7-06

Pages 266-300 RESERVED.

20 24 **Table 607-1 Parking Schedule**

Parking			
Use	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Accessory uses			
Accessory uses	Not applicable	Not applicable	Not applicable
Accessory Apartment	Not applicable	Not applicable	Not applicable
Antennas/Satellite Dishes	Not applicable	Not applicable	Not applicable
Caretaker's dwellings	Not applicable	Not applicable	Not applicable
Deck	Not applicable	Not applicable	Not applicable
Driveways	Not applicable	Not applicable	Not applicable
Farm tenants dwelling	Not applicable	Not applicable	Not applicable
Fences	Not applicable	Not applicable	Not applicable
Garage	Not applicable	Not applicable	Not applicable
Gazebos	Not applicable	Not applicable	Not applicable
Greenhouses	Not applicable	Not applicable	Not applicable
Home Occupation	Not applicable	Not applicable	Not applicable
Home tutoring	Not applicable	Not applicable	Not applicable
Landscaping	Not applicable	Not applicable	Not applicable
Off-street Loading	Not applicable	Not applicable	Not applicable
Parking Lot, Parking Garage	Not applicable	Not applicable	Not applicable
Residential Accessory Uses	Not applicable	Not applicable	Not applicable
Sign	Not applicable	Not applicable	Not applicable
Storage Shed	Not applicable	Not applicable	Not applicable
Stormwater management facilities	Not applicable	Not applicable	Not applicable
Swimming Pool (accessory)	Not applicable	Not applicable	Not applicable
Tennis Courts (accessory)	Not applicable	Not applicable	Not applicable
Utilities	Not applicable	Not applicable	Not applicable
Residential Uses			
Duplex	1.5 per unit	2.5 per unit	Not applicable
Mixed Use w/ Accessory Retail	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Mobile Homes/ Manufactured Home	2 per unit	Not applicable	Not applicable
Multi-Family	1.5 per unit	2.5 per unit	1 per 10 vehicle spaces
Multi-Family with Accessory Retail	1 per 600 sf	1 per 150 sf	1 per 10 vehicle spaces
Residential/ Commercial Mixed Use	See Shared Parking	See Shared Parking	1 per 10 vehicle spaces
Single-family	2 per unit	Not applicable	Not applicable
Townhouse	2 per unit	3.0 per unit	Not applicable
Two-family	2 per unit	3.0 per unit	Not applicable

Parking			
Use	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Accommodations and Group Living			
Bed and breakfast inn	1 per guest bedroom plus 2 for owner	Not applicable	Not applicable
Domiciliary care facility	.3 per room	1 per room	
Group Home	1 per 375 sf	1.5 per 375 sf	1 per 10 vehicle spaces
Hotel, Motel, and tourist court	1 per room plus 1 per 800 sf of public meeting and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space	1 per 10 vehicle spaces
Multi-family housing for elderly persons	.3 per room	1 per room	1 per 10 vehicle spaces
Nursing Home	0.3 per room	1 per room	Not applicable
Rooming House	0.3 per room	1 per room	Not applicable
General Sales or Service			
Animal Care Services (including grooming)	1 per 1,500 sf	1 per 150 sf	Not applicable
Antiques	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Apparel	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Arts, crafts, or hobby supplies	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Art Gallery, including framing	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Automobile Filling Station	1 per 500 sf including service bays, wash bays and retail areas	1 per 375 sf including service bays, wash bays and retail areas	1 per 10 vehicle spaces
Automobile Parts or Accessories	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Sales & Service Center (dealership)	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Sales Lot (new or used)	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Bakery (retail)	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Barber/ Beautician	1 per 500 sf	2 per 500 sf	1 per 10 vehicle spaces
Bicycle (non motorized) Sales and/or Repair	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Boats & Marine Supplies	1 per 500 sf	1 per 150 sf	Not applicable
Books, Magazines, newspapers, etc.	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Broadcasting, Recording Studio	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Building Supplies, lumber	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Carpenter, Cabinetmaker	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Electrician	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
General Building Contractor (without outdoor storage areas)	1 per 600 sf	1 per 300 sf	1 per 10 vehicle spaces
Heating, Air Conditioning, Refrigeration	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Locksmith	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Plumber	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Pipe Fitter, Construction Equipment Fabricator	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Roofer	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Sheet Metal Shop	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Sign Contractor	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces

Use	Parking		
	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Utility Contractor	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Window, Glass, Mirror	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Building Tradesmen Not Otherwise Listed	1 per 1,500 sf	1 per 300 sf	1 per 10 vehicle spaces
Business Machines/ Business Service Centers	1 per 300 sf	1 per 200 sf	1 per 10 vehicle spaces
Camera sales & photo processing (including development & printing services)	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Car Wash	1 per 500 sf	1 per 150 sf	Not applicable
Cards, stationary	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Caterer	1 per 300 sf of GFA	1 per 200 sf of GFA	1 per 10 vehicle spaces
Commercial Use in Historic Structures	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Construction Equipment, Sales & Rental	1 per 500 sf	1 per 150 sf	Not applicable
Convenience Stores, with gas sales	1 per 500 sf	5 per 500 sf	1 per 10 vehicle spaces
Convenience Stores, without gas sales	1 per 200 sf	2 per 200 sf	1 per 10 vehicle spaces
Dance, Music Instruction	1 per 200 sf	1 per 150 sf	1 per 10 vehicle spaces
Data or Word Processing Services	1 per 300 sf	1 per 200 sf	1 per 10 vehicle spaces
Delicatessen	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Department stores	1 per 150 sf of sales area	2 per 150 sf of sales area	1 per 10 vehicle spaces
Discount Store	1 per 150 sf of sales area	2 per 150 sf of sales area	1 per 10 vehicle spaces
Drive-in window or drive-through facilities, retail, restaurant or bank	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces Refer to applicable principal use
Drugs, cosmetics	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Dry Cleaning	1 per 500 sf	2 per 500 sf	1 per 10 vehicle spaces
Electrical	1 per 500 sf	1 per 150 sf	Not applicable
Electrical Repair, General	1 per 500 sf	1 per 150 sf	Not applicable
Electrical Repair, Light	1 per 500 sf	1 per 150 sf	Not applicable
Eyeglasses, hearing aids	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Fabrics, Sewing Supplies & Machines	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Farm Machinery Sales	1 per 500 sf	2 per 500 sf	Not applicable
Farm Supplies & Hardware (including landscape, and garden supply sales)	1 per 300 sf	1 per 150 sf	Not applicable
Farmers Markets	1 per 500 sf of market area	1 per 150 sf of market area	1 per 10 vehicle spaces
Fast Food Restaurants	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Fertilizer Sales	1 per 300 sf	1 per 150 sf	
Financial Services (Bank, Savings and Loan, Credit Union office)	1 per 300 sf	1 per 200 sf	1 per 10 vehicle spaces
Floor covering	1 per 500 sf	1 per 150 sf	Not applicable
Flowers (Florist Shop)	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Furniture and/or Appliances	1 per 500 sf	1 per 150 sf	Not applicable
Garden center, including sales of trees, shrubs, garden supplies	1 per 500 sf	2 per 500 sf	Not applicable

Parking			
Use	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Greenhouse			Not applicable
not including sale of trees, shrubs, gardening supplies	1 per 500 sf	2 per 500 sf	Not applicable
including sale of trees, shrubs, garden supplies	1 per 500 sf	2 per 500 sf	Not applicable
Grocery Stores	1 per 300 sf	1 per 200 sf	1 per 10 vehicle spaces
Handicraft Items (such as Pottery, Stained Glass, Woodwork)	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Hardware, inside storage	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Hardware, outside storage	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Household Furnishings	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Ice Cream Parlor	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Industrial equipment, plumbing supplies and other heavy consumer goods not otherwise listed, sales and service, with outdoor storage.	1 per 500 sf	1 per 150 sf	Not applicable
Interior Decorator	1 per 200 sf	1 per 200 sf	1 per 10 vehicle spaces
Jewelry	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Laundromat	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Lighting, Electrical Supplies	1 per 500 sf	1 per 150 sf	Not applicable
Liquor, Beer, Wine	1 per 300 sf	1 per 150 sf	Not applicable
Luggage, Leather Goods	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Meats, butcher shop	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Medical Supplies	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Mobile Homes, Trailers, Recreational Vehicles	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Motorcycles, ATV's, Sales and Repair	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Music & Records, Sales and Repair	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Musical Instruments	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Novelties, Souvenirs, Gifts	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Office Furniture	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Office Supplies	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Offices, Business	1 per 1,000 sf	1 per 200 GFA	1 per 10 vehicle spaces
Offices, Regional (Bank, Savings and Loan, Credit Union, Insurance)	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Offices, Professional	1 per 1,000 sf	1 per 200 GFA	1 per 10 vehicle spaces
Other Retail Sales Uses	1 per 350 sf	1 per 200 sf	1 per 10 vehicle spaces
Paint, Wallpaper	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	1 per 500 sf	2 per 500 sf	1 per 10 vehicle spaces
Pet store or pet supply store	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Photography Studio	1 per 300 sf	1 per 200 sf	1 per 10 vehicle spaces
Photo Processing			
Picture Framing	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Professional Services Not Otherwise Listed	1 per 1,000 sf	1 per 150 sf	1 per 10 vehicle spaces

Parking			
Use	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Radio, TV Sales and Repair	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Residential/Commercial Mixed Use	See Mixed Use Section	See Mixed Use Section	1 per 10 vehicle spaces
Restaurant, General	1 per 4 seats	1 per 2.5 seats	1 per 10 vehicle spaces
Restaurant, Fast Food	1 per 3.5 seats	1 per 2 seats	1 per 10 vehicle spaces
Restaurant with Entertainment	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Retail Sales or Service, Not Otherwise Listed	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Shoes	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Shopping Center	1 per 250 sf	1 per 150 sf	1 per 10 vehicle spaces
Sporting goods	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tailoring	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Taxidermy	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tires, Batteries, Mufflers	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tobacco Products	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Toys	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Truck Sales & Rental (Over 1 ton)	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Upholstery, Curtain, Drapery Service	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Used Merchandise Auction	1 per employee plus 1 per 4 spaces of seating area	1.2 per employee plus 1 per 4 spaces of seating area	1 per 10 vehicle spaces
Vehicle Services, Generally	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Auto Repair Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Other Vehicle Repair and Service Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Truck (1-ton+) Service and Repair Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Veterinary Clinic	1 per 1,500 sf	1 per 150 sf	Not applicable
Videotape (Sales or Rental)	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Warehouse clubs and superstores	1 per 250 sf	1 per 150 sf	1 per 10 vehicle spaces
Winery	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Industrial & Manufacturing Uses			
Aircraft, Industrial Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Appliances, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Automobile, Assembly Production	1 per 1,500 sf	Not applicable	Not applicable
Brick, Tile, Clay Products Manufacture	1 per 1,500 sf	1 per 300 sf	Not applicable
Cement Manufacture	1 per 1,500 sf	Not applicable	Not applicable
Chemicals & Plastics Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Clothing, Cloth Goods Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable

Use	Parking		
	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Concrete, Asphalt Batching	1 per 1,500 sf	Not applicable	Not applicable
Construction Equipment, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Distribution center for products manufactured and/or assembled elsewhere if the manufacture or assembly of that product is permitted in the PB district	1 per 1,500 sf	1 per 300 sf	Not applicable
Distilled Products, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Electronic Components, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Electronic Equipment, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Fabricated Metal Products, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Farm Equipment & Machinery, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Fertilizer, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Glass, Ceramic Products, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Infectious Waste Disposal Service	Not applicable	Not applicable	Not applicable
Janitorial Services	1 per 300 sf	1 per 200 sf	Not applicable
Junk Yards	1 per 2 employees at peak shift, plus 1 per 5,000 sf of land area devoted to material storage, plus one for each company vehicle at peak shift	1 per 300 sf	Not applicable
Manufacturing, Not Otherwise Listed	1 per 1,500 sf	1 per 300 sf	Not applicable
Medical Laboratory	1 per 1,500 sf	1 per 300 sf	Not applicable
Natural Resource, Bulk Plant	1 per 1,000 sf	1 per 300 sf	Not applicable
Natural Resource, Other Uses	1 per 1,000 sf	1 per 300 sf	Not applicable
Newspaper Printing	1 per 1,500 sf	1 per 300 sf	Not applicable
Offices, Laboratories, Testing, Manufacturing & Processing in Conjunction with Scientific or Industrial Research & Development	1 per 1,500 sf	1 per 300 sf	
Other Industrial Assembly, Production, Manufacturing, or Processing uses not expressly listed above which will not generate heavy customer traffic, which comply with all M-O district provisions and performance standards set forth in Sections 4.04(3)(a)	1 per 1,000 sf	1 per 300 sf	Not applicable
Paint, Allied Product, Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable

End Notes:

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- ¹ Supp. No. 1, Ord. No. G-05-15, § 12, 9-15-05
⁹ Supp. No. 3, Ord. No. G-06-25, § 2, 9-7-06
¹⁰ Supp. No. 3, Ord. No. G-06-30, § 1, 9-7-06
¹¹ Supp. No. 3, Ord. No. G-06-26, § 19, 9-7-06
¹² Supp. No. 3, Ord. No. G-06-31, § 1, 9-7-06
² Supp. No. 1, Ord. No. G-05-15, § 13, 9-15-05
³ Supp. No. 1, Ord. No. G-05-15, § 14, 9-15-05
⁴ Supp. No. 1, Ord. No. G-05-15, § 15, 9-15-05
¹³ Supp. No. 3, Ord. No. G-06-25, § 3, 9-7-06
¹⁹ Supp. No. 5, Ord. No. G-07-22, § 13, 10-18-07
¹⁴ Supp. No. 3, Ord. No. G-06-25, § 4, 9-7-06
¹⁵ Supp. No. 3, Ord. No. G-06-26, § 20, 9-7-06
⁵ Supp. No. 1, Ord. No. G-05-15, § 16, 9-15-05
⁶ Supp. No. 1, Ord. No. G-05-15, § 17, 9-15-05
²⁰ Supp. No. 5, Ord. No. G-07-22, § 14, 10-18-07
²⁴ Supp. No. 7, Ord. No. G-08-10, § 3, 6-5-08
²¹ Supp. No. 5, Ord. No. G-07-17, § 1, 7-19-07
¹⁶ Supp. No. 3, Ord. No. G-06-26, § 21, 9-7-06
¹⁷ Supp. No. 3, Ord. No. G-06-32, § 1, 9-7-06
²² Supp. No. 5, Ord. No. G-07-22, § 17, 10-18-07
⁷ Supp. No. 1, Ord. No. G-05-15, § 18, 9-15-05
¹⁸ Supp. No. 3, Ord. No. G-06-26, § 22, 9-7-06
²³ Supp. No. 5, Ord. No. G-07-22, § 18, 10-18-07
⁸ Supp. No. 1, Ord. No. G-05-15, § 19, 9-15-05

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

- (1) The City may approve a zoning permit/certificate for a No-Impact Home Occupation in the RO, DB, DBO and DR Districts if:
 - A. Not more than 1,000 square feet of the total floor space of the dwelling is permitted for business purposes.
 - B. No signage is permitted on the lot or parcel in connection with the business.
- (2) Visitors to the home business and parcel deliveries are not restricted in the RO, DB, DBO and DR district.
- (3) Within five (5) days after receipt of an application for No-Impact Home Occupation zoning permit in a DR zone as provided in subsection (1), the applicant shall notify all property owners within 200 feet of the lot subject to the application. The notice shall include a description of the proposed home occupation, the address or location of the lot that is subject to the application, and the deadline for submitting any written objection. If a landowner subject to notification files a written objection within ten (10) days after the notice is mailed, the matter shall be referred to the Board of Zoning Appeals. The Zoning Board of Appeals shall then consider the application at its next regular meeting that occurs at least ten (10) days from the date that the written objection is received. The Zoning Board of Appeals shall determine whether the standards established in subsection (1), above, are met and shall approve or deny the application. Applications for a No-Impact Home Occupation in RO, DB, and DBO zone are not required to notify property owners.

Sec. 830 RESERVED

Sec. 831 RESERVED

Page 744 –750 Reserve

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

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

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

⁴²**Sec. 857 WINERY**

A Winery is permitted as a conditional use in certain zoning districts as specified in the Use Matrix - Table 404-1 and subject to compliance with the following criteria:

- (a) A winery shall comply with all regulations of the Maryland Annotated Code, Article 2B, and the Frederick County Alcoholic Beverages Regulations, including but not limited to any licensing provisions, and shall submit copies of all such licenses with the Conditional Use Application.
- (b) Except in the DB and MU zoning districts, the closest point of a winery structure may not be located less than 500 feet from a residentially zoned lot.
- (c) No more than forty (40%) percent of the total facility square footage may be used for accessory components of the operation including retail sales, tastings, and events.
- (d) A scaled building floor plan showing all components of the winery operations shall be submitted with the application along with the square footages of each area. Such plan shall depict at a minimum the following:

- ingress and egress points, manufacturing, storage, parking and loading, offices, public areas for tours, tasting, events, restrooms, and retail sales. Any areas outside the building (patios, terraces, plazas, etc.) to be used for events and tastings must also be shown and dimensioned.
- (e) Parking as required in § 607 shall be provided and it must be demonstrated that such parking will not have a substantial adverse impact on the adjacent neighborhood or properties.
 - (f) Live entertainment is permitted. Entertainment which includes sexual conduct, nudity, or obscenity is prohibited. In the application, the applicant shall specify the type of entertainment and days of the week and hours of the day in which entertainment is to be performed.
 - (g) The applicant shall provide guarantees as deemed necessary by the ZBA that the winery will not constitute a nuisance because of noise or other activities associated with the use. See LMC Section 319.
 - (h) Noise levels generated by the operation of the winery may not exceed the levels set forth in § 15-21 et. seq. of the Frederick City Code.

Sec. 858 ROOMING HOUSES

18(a) Applicability

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

19(b) Criteria

- (1) A rooming house shall include no more than two (2) tenants in the R4 through R20, and DR, zoning districts. This restriction does not apply to visitors.
- (2) The individual rooms may not contain any cooking facilities and shall not contain more than one (1) person per room.

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

Sec. 859 SALVAGE YARDS

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

- (a) All portions of the yard, all materials stored must be screened with Level V screening as set forth in § 605 of this Code.
- (b) No structure shall be closer than two hundred (200) feet to a property located within a Residential District or DR district.

- (c) Sound levels shall conform to § 15-21 of the City Code.
- (d) Access shall be limited to collector or arterial streets. Access to a local street is prohibited.

²⁰Sec. 860 SATELLITE ANTENNAS AND MICROWAVE EQUIPMENT

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

(a) Applicability

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

(b) Definitions

For purpose of this section:

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

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

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

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

(c) Exemptions

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

- B. Is more burdensome to satellite users than is necessary to achieve the health or safety objective; or
 - C. For the devices referenced in subsections (1) C through (1) F, above, that the regulation is not applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size and weight and pose a similar or greater safety risk as these antennas and to which the regulation would normally apply.
- (3) This section does not apply to communication antennas located on existing athletic lighting poles permitted by conditional use in §866 (Telecommunications Facilities), in any R, DR, or other district adjacent to an R or DR district.

(d) Satellite Antennas

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

- (1) A setback equal to the height of the antenna or the setback which applies to the principle structure, whichever is greater, is required between the property line and any part of the antenna. In addition, installation is prohibited between any street and principal building on the site except as provided in paragraph (2) below.
- (2) In any case where a lot backs up to a public right-of-way or private street, a setback of fifteen (15) feet is required between the public right-of-way or the curb of a private street and any portion of the satellite antenna.
- (3) The maximum height of the antenna shall be twelve (12) feet measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it.
- (4) All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground except those wires or cables attached flush with the surface of a building.
- (5) An antenna may not be installed with the use of guy wires.
- (6) An antenna may not have a highly reflective surface or color. In addition, colors shall be subdued.

- (6) Streamers, pennants, balloons, and inflatable signs utilized as temporary signage are permitted provided the following requirements are met:
 - A. No individual streamers, or pennants may be placed any higher than the roofline of the building.
 - B. Streamers or pennants that are placed on a line or tether may not extend higher than twenty-five (25) feet and must not drift into roadways, utility wires, or create any safety hazards.
 - C. All balloons and inflatable signs must be set back from the public right-of-way line(s) a distance equal to the height of the balloons or inflatable signs.
- (7) Construction site signs shall not exceed a total of one hundred (100) square feet. Such signs shall be removed within one (1) week following issuance of a zoning certificate.

Sec. 865 STONE MONUMENTS (excluding engraving)

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

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

Sec. 866 TELECOMMUNICATION FACILITIES**26 43 (a) Conditional uses**

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

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

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

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

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

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

- E. All new telecommunications facilities shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of antennae for two (2) or more carriers. The Zoning Board of Appeals may waive this provision if the co-location will have an adverse impact on the surrounding area.
 - F. The applicant shall provide a justification as to why the site was selected.
 - G. The applicant shall provide a study showing the service area and system coverage.
 - H. The applicant shall provide photo simulations of the telecommunications facility or co-location of antennas proposed on a water tower, high voltage electric transmission tower or athletic lighting structure and site including equipment areas at the base from at least two (2) directions and from a distance of no more than one (1) mile.
 - I. The applicant shall provide an inventory of all existing telecommunications facilities and telecommunications antennas within a one (1) mile radius of the proposed site and document why co-location on an existing telecommunications facility or other structure is not possible.
- (14) The applicant shall file an FAA Form 7460-1 Notice of Proposed Construction or Alteration where the proposed telecommunications facility or telecommunications antennas is within three (3) miles of the Frederick Municipal Airport and as required by Federal Aviation Administration Regulation Part 77.13.

(b) Telecommunication Antennas

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

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

of three hundred sixty (360) square feet or less which matches the color of the existing building or structure housing and antennas and meets the set backs and landscaping of an accessory structure in the particular district. The Historic Preservation Commission or Planning Department will be responsible for the architectural review and approval of the color, size, location and materials of the accessory building as applicable.

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

Sec. 867 TEMPORARY or SEASONAL USES

27(a) Applicability

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

Table 867-1 Temporary Uses

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

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

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

(b) Construction-related activities

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

(c) Public assembly

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

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

(d) Outdoor retail sales

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

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

(e) Yard or garage sales

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

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

²⁸(f) Fireworks

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

²⁹(g) Trailers, Mobile Homes, Recreational Vehicles

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

30 (h) Temporary Construction Trailers

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

(i) Temporary Special Entertainment at Restaurants

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

31 (j) Temporary Uses

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

Sec. 868 TOWNHOUSE DEVELOPMENTS

(a) Parking Space and Access Drive Requirements

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

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

(b) Building Design

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

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

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

End Notes:

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- ⁶ Supp. No. 3, Ord. No. G-06-25, § 5, 9-7-06
³³ Supp. No. 4, Ord. No. G-07-3, § 5, 1-4-07
⁷ Supp. No. 3, Ord. No. G-06-25, § 6, 9-7-06
³⁴ Supp. No. 5, Ord. No. G-07-22, § 19, 11-18-07
⁸ Supp. No. 3, Ord. No. G-06-25, § 7, 9-7-06
⁹ Supp. No. 3, Ord. No. G-06-25, § 8, 9-7-06
¹⁰ Supp. No. 3, Ord. No. G-06-26, § 25, 9-7-06
¹¹ Supp. No. 3, Ord. No. G-06-25, § 9, 9-7-06
¹² Supp. No. 3, Ord. No. G-06-25, § 10, 9-7-06
¹ Supp. No. 1, Ord. No. G-05-15, § 21, 9-15-05
³⁹ Supp. No. 6, Ord. No. G-08-4, § 2, 2-7-08
² Supp. No. 1, Ord. No. G-05-15, § 22, 9-15-05
³ Supp. No. 1, Ord. No. G-05-15, § 23, 9-15-05
³² Supp. No. 4, Ord. No. G-07-2, § 2, 1-4-07
³⁵ Supp. No. 5, Ord. No. G-07-22, § 20, 11-18-07
¹³ Supp. No. 3, Ord. No. G-06-25, § 11, 9-7-06
³⁶ Supp. No. 5, Ord. No. G-07-22, § 21, 11-18-07
¹⁴ Supp. No. 3, Ord. No. G-06-26, § 26, 9-7-06
¹⁵ Supp. No. 3, Ord. No. G-06-25, § 12, 9-7-06
¹⁶ Supp. No. 3, Ord. No. G-06-26, § 27, 9-7-06
¹⁷ Supp. No. 3, Ord. No. G-06-26, § 28, 9-7-06
⁴² Supp. No. 7, Ord. No. G-08-10, § 2, 6-5-08
¹⁸ Supp. No. 3, Ord. No. G-06-25, § 13, 9-7-06
¹⁹ Supp. No. 3, Ord. No. G-06-26, § 29, 9-7-06
²⁰ Supp. No. 3, Ord. No. G-06-26, § 30, 9-7-06
⁴ Supp. No. 1, Ord. No. G-05-15, § 24, 9-15-05
³⁷ Supp. No. 5, Ord. No. G-07-22, § 22, 11-18-07
³⁸ Supp. No. 5, Ord. No. G-07-22, § 23, 11-18-07
⁵ Supp. No. 1, Ord. No. G-05-15, § 25, 9-15-05
²¹ Supp. No. 3, Ord. No. G-06-25, § 14, 9-7-06
²² Supp. No. 3, Ord. No. G-06-34, § 1, 9-7-06
³⁹ Supp. No. 5, Ord. No. G-07-22, § 24, 11-18-07
⁴⁰ Supp. No. 5, Ord. No. G-07-22, § 25, 11-18-07
²³ Supp. No. 3, Ord. No. G-06-26, § 31, 9-7-06
²⁴ Supp. No. 3, Ord. No. G-06-26, § 32, 9-7-06
⁴¹ Supp. No. 5, Ord. No. G-07-22, § 26, 11-18-07
²⁵ Supp. No. 3, Ord. No. G-06-34, § 2, 9-7-06
²⁶ Supp. No. 3, Ord. No. G-06-35, § 1, 9-7-06
⁴³ Supp. No. 7, Ord. No. G-08-11, § 1, 6-5-08
²⁷ Supp. No. 3, Ord. No. G-06-26, § 33, 9-7-06
²⁸ Supp. No. 3, Ord. No. G-06-26, § 34, 9-7-06
²⁹ Supp. No. 3, Ord. No. G-06-36, § 1, 9-7-06
³⁰ Supp. No. 3, Ord. No. G-06-37, § 1, 9-7-06
³¹ Supp. No. 3, Ord. No. G-06-26, § 35, 9-7-06

Pages 838-900 RESERVED.

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⁹Telecommunications Facility

Any facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data or image transmission within a designated service area. A telecommunications facility consists of one or more antennas attached to a support structure and related equipment. Equipment may be located within a building, an equipment cabinet, or an equipment room within a building.

Temporary Structure

Any structure completely removed within 180 days from issuance of the permit. (Source: Floodplain Management regulations, § 720 of this Code.)

Tenant

For purposes of the Supplemental Use Regulations for Bed and Breakfasts, Rooming Houses, and Tourist Homes, a "tenant" is a natural person who occupies land or premises or who occupies, uses, and enjoys real property for a fixed time through a lease. For purposes of this definition, a "lease" includes a lease with the property owner, a sublease from a lessee of the property owner, or any other renter's interest or successor to a renter's interest. For all other regulations, the term "tenant" has the same definition as above, but may also include a business, corporation, partnership, or similar entity.

Terra Cotta

A hard, semifired, waterproof ceramic clay used in pottery and building construction.

Timber Harvesting

A tree-cutting operation affecting 1 or more acres of forest or developed woodland within a one (1) year interval that disturbs five thousand (5,000) square feet or more of forest floor. "Timber harvesting" does not include grubbing and clearing of root mass.

Top of the Bank

A geomorphic feature defined by the bankfull condition or annual mean high water elevation. (Source: Floodplain Management regulations, § 720 of this Code.)

Tourist Home

A dwelling in which, for compensation, lodging only is provided or offered to not more than nine (9) transient guests. A tourist home is not a home occupation.

Tract

- (a) An area of land with definite or ascertainable boundaries. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

- (b) (as applied to SWM)
Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan construction approval, or areas subject to this law.

Transient or "Transient guest"

A tenant who obtains lodging or lodging and meals at the leased premises for a continuous period of not more than four (4) months. A visitor is not considered a transient guest.

Transit Station

A building, structure, or area designed located on a commuter rail line and used for passenger pickup, drop off, embarking, or changing transportation modes. Facilities and improvements may include shelters, benches, signs, structures, and other improvements that provide security, weather protection, and access to nearby services.

Transitional Housing

A dwelling unit that:

- (a) provides housing, together with appropriate supportive services, to people, including deinstitutionalized people with disabilities, homeless individuals with disabilities, and homeless families with children; and
- (b) assists individuals and families to live independently within a certain time period. (See COMAR 05.12.01.03)

W

Walkway, Pedestrian

A paved right-of-way for pedestrians that is separate and protected from the traveled portion of the roadway, and free from vehicular traffic.

Warehousing

The storage of goods, wares, and merchandise which will be processed, sold, or otherwise disposed of off the premises.

Water Conservation Plan

A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, and for increasing the recycling and reuse of water.

Water Quality Volume (WQv)

The volume needed to capture and treat the runoff from ninety (90) percent of the average annual rainfall at a development site. Methods for calculating the water quality volume are specified in the 2000 Maryland Stormwater Design Manual Volumes I and II.

Watercourse

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow or flood water.

Watershed

- (a) For purposes of forest conservation
All land lying within an area described as a sub basin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.
- (b) (as applied in stormwater management regulations (§ 730)
The total drainage area contributing runoff to a single point.

Wetland

Any land that is

- (1) considered private wetland or State wetland pursuant to Title 9 Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or
- (2) defined as wetland under the procedures described in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” by the Federal Interagency Committee for Wetland Delineation, 1989, as amended.
(Source: Floodplain Management regulations, § 720 of this Code.)

Whip

An unbranched woody plant greater than twenty four (24) inches in height and having a diameter of less than 1 inch measured at two (2) inches above the root collar.

Window, Display

Transparent glass that is used to display items for sale in a business.
“Transparent glass” does not include glass block or glass that is tinted so as to obscure the display items.

Winery

An establishment defined and regulated by the State of Maryland Annotated Code Article 2B and the Frederick County Alcoholic Beverages Regulations, for the production, bottling, storage, distribution and sale of alcoholic beverages as well as accessory tasting and consumption of alcoholic products and food, retail sales of related items, educational tours, entertainment, and events in compliance with §857.

End Notes

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- ² Supp. No. 3, Ord. No. G-06-26, § 40, 9-7-05
¹ Supp. No. 1, Ord. No. G-05-15, § 26, 9-15-05
⁵ Supp. No. 5, Ord. No. G-07-21, § 6, 10-18-07
³ Supp. No. 3, Ord. No. G-06-25, § 15, 9-7-05
⁶ Supp. No. 5, Ord. No. G-07-22, § 30, 10-18-07
⁴ Supp. No. 4, Ord. No. G-07-2, § 3, 1-4-07
⁷ Supp. No. 6, Ord. No. G-08-4, § 3, 2-7-08
⁸ Supp. No. 7, Ord. No. G-08-10, § 1, 6-5-08
⁹ Supp. No. 7, Ord. No. G-08-11, § 3, 6-5-08

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