

*ZONING
ORDINANCE*

*TOWN OF
FRIENDSVILLE*

Garrett County, Maryland

Adopted
May 21, 2018

Mayor and Town Council Town of Friendsville

P.O. Box 9
Friendsville, Maryland 21531

Founded 1765

RESOLUTION 2018-1

WHEREAS, The Land Use Article of the Annotated Code of Maryland empowers the town to prepare, enact, amend and provide for the administration and enforcement of a zoning ordinance within its territorial limits; and,

WHEREAS, the Mayor and Town Council (the "Town") has formally adopted a Comprehensive Development Plan for the town; and,

WHEREAS, portions of the Plan are recommended to be implemented through the zoning districts, and boundaries and regulations pertaining to such districts; and,

WHEREAS, the Town duly adopted a Zoning Ordinance entitled "Zoning Ordinance for Friendsville, Maryland" effective March 15, 2005; and,

WHEREAS, the Town has provided public notice and has held a public hearing on a proposed amended Friendsville Zoning Ordinance dated 2018, and has found that its adoption is in the public interest; and,

WHEREAS, the Town desires to repeal the 2005 Friendsville Zoning Ordinance and to enact, as a new comprehensive ordinance, the Friendsville Zoning Ordinance, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Town Council does hereby repeal the 2005 Friendsville Zoning Ordinance and enact the following as the Zoning Ordinance for the Town of Friendsville, Maryland duly adopted by majority vote of the Mayor and Town Council of Friendsville, Maryland, this 21st day of May, 2018; and it is further resolved the effective date of this Zoning Ordinance shall be May 21st, 2018.

Attest: Karen S. Benedict
Karen S. Benedict, Clerk

Spencer R. Schlosnagle
Spencer R. Schlosnagle, Mayor

Pamela S. Humberson
Pamela S. Humberson, Council President

Edward B. Kelley
Edward B. Kelley, Council Member

Sheryl A. MacLane
Sheryl A. MacLane, Council Member

Julia V. Sines
Julia V. Sines, Council Member

Robert H. Sines
Robert H. Sines, Council Member

Jess Whittemore
Jess Whittemore, Council Member

**Mayor and Town Council
Friendsville Town Hall
313 Chestnut Street
P.O. Box 9
Friendsville, MD 21531
Founded 1765**

FRIENDSVILLE MAYOR AND TOWN COUNCIL

Spencer R. Schlosnagle, Mayor
Pamela S. Humberson
Edward B. Kelley
Sheryl A. MacLane
Julia V. Sines
Robert H. Sines
Jess Whittemore

Town Clerk/Treasurer
Karen S. Benedict

FRIENDSVILLE PLANNING COMMISSION

Carol Calhoun
Leslie Halapy (Chairman)
Mike Robinson
Freda Sines
Phil Smith
Julia V. Sines, Member-at-Large

FRIENDSVILLE ZONING BOARD OF APPEALS

Rob Smith (Chairman)
Robin Sines
Kim Thomas
Chad Fike (alternate)

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**ARTICLE 1
TITLE AND GENERAL PROVISIONS**

100 TITLE

This Ordinance shall be known and may be cited as "The Town of Friendsville Zoning Ordinance."

101 SCOPE

An Ordinance to regulate and restrict within the Town of Friendsville: a) the location, height, bulk, and size of structures; b) building lines, minimum frontages, depths and areas of lots, and percentages of lots which may be occupied; c) the size of yards and other open spaces; d) temporary uses and structures; e) the density and distribution of population; f) to divide the Town into Zoning Districts as shown on the attached "Zoning Map -Town of Friendsville" attached to and adopted as part of this Ordinance; g) the types of businesses, residences, or other purposes permitted within each zoning district for which land may be used or structures may be erected, expanded or used; h) within each District to regulate the location, height, bulk, and size of structures, building lines, minimum frontages, depths and areas of lots, and percentages of lots which may be occupied, the size of yards and other open spaces, and i) to provide for the administration of this Ordinance, including for fees to compensate the Town for administrative costs, and for the enforcement of this Ordinance; and j) to regulate Sensitive Areas as required under State law.

102 PURPOSES

The purposes of this Ordinance are the promotion of the public health, safety, morals, or the general welfare by:

- A. Encouraging the most appropriate use of land.
- B. Preventing the overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Lessening congestion in the road and streets.
- E. Avoiding undue congestion of population.
- F. Providing for adequate light and air.
- G. Securing safety from fire, panic, and other dangers.
- H. Facilitating the adequate provision of transportation, water, sewerage, and other public facilities.
- I. Giving reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses.
- J. Giving effect to the goals, policies and proposals of the Comprehensive Development Plan for Friendsville, Maryland.
- K. Serving such other purposes for zoning as are authorized under State law.
- L. Carrying out the Visions as established in the 1992 State Economic Growth, Resource Protection and Planning Act, the Smart Growth and Neighborhood Conservation Act of 1997 and the Smart and Sustainable Growth Act of 2009.

103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience, and general welfare. This Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect

in any manner whatsoever any easements, covenants, other agreements between parties; provided, however:

- A. where a provision of this Ordinance imposes greater restrictions upon the use of land or structure than are imposed or required by any statute, other ordinance, regulation, permit, easement, covenants, or agreement, the provision of this Ordinance shall prevail; and
- B. where any statute, other ordinance, regulation or permit imposes greater restriction than this Ordinance, such other statute, other ordinance, regulation or permit shall be controlling if applicable.

104 REPEALER

The pre-existing "Zoning Ordinance for Friendsville, Maryland" of 2005, as amended, is hereby repealed. Other previous ordinances and resolutions adopted by the Mayor and Town Council of Friendsville are also hereby repealed to the extent that they directly conflict with or impose less restrictive standards than the provisions of this Ordinance.

105 SEVERABILITY

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

**ARTICLE 2
DEFINITIONS**

200 GENERAL

- A. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:
- 1) words used in the present tense include the future;
 - 2) the singular includes the plural;
 - 3) the word "person" includes a corporation, institution, partnership, and association, as well as the individual;
 - 4) the word "lot" includes the word "plot" or "parcel";
 - 5) the term "shall" is always mandatory;
 - 6) the word "used" or "occupied" as applied to any land or building shall be construed to include the words "arranged or designed to be used or occupied";
 - 7) the word "Council" and the words "Town Council" shall always mean the Town Council of Friendsville, Maryland;
 - 8) the word "Commission" and the words "Planning Commission" shall always mean the Friendsville Planning Commission;
 - 9) the word "Board" shall always mean the Board of Zoning Appeals of Friendsville, Maryland;
 - 10) the word "Town" shall always mean the Town of Friendsville, Maryland.
- B. Any word or term not defined herein shall be used with a meaning of standard usage.

201 DEFINITION OF TERMS

Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Ordinance, the meanings given in the following clauses.

1. Accessory Building. See Building, Accessory.
2. Accessory Use. See Use, Accessory.
3. Adult Use. A use involving one or more of the following and which shall only be permitted in a zoning district where the use is specifically permitted by this Ordinance:
 - a) Adult Bookstore. A use with a significant portion of the market value of all items offered for sale or rent being adult materials, or which has over 15 square feet of floor area occupied by adult materials for sale or rent.
 - 1) "Adult materials" shall be defined as books, films, videotapes (including those offered on coin or token operated machines), magazines or similar printed materials, and/or paraphernalia which is distinguished or characterized by a clear emphasis on the depiction, display or description of uncovered male or female genitals.
 - b) Adult Live Entertainment Use. A commercial use or club involving employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation paid to the entity operating the use or to persons involved in such display.

- c) Adult Theater. A use involving the display of film or videotape "adult materials" to 3 or more persons at a time in a room and that is related to some form of monetary compensation by the persons viewing such matter.
 - d) Massage Parlor. A use in which manipulative exercises using the hands or a hand-held mechanical device are conducted by one or more persons on the exposed skin of one or more other persons within private or semi-private rooms, and that is related to some form of monetary compensation paid by the person(s) receiving the massage.
 - 1) This use shall not include any of the following: i) massages by State-licensed massage therapists or health care professionals, ii) massages involving persons who are related to each other, iii) massages within a licensed hospital or nursing home, iv) hand massages of the face, hands or feet, or v) therapeutic massages that are clearly incidental to a permitted exercise club or municipal, college or high school athletic program.
4. Alley. A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.
 5. Alterations. As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.
 6. Bed and Breakfast Inn. An owner-occupied, single-family detached dwelling unit in which a guestroom or guestrooms are provided, for compensation, as overnight accommodations for transient visitors, and in which breakfast is customarily included in the charge for the room. A bed and breakfast establishment is subordinate to the use of the dwelling unit as a residence, and it is not a hotel, motel, rooming, lodging house or other use defined or regulated elsewhere in this Ordinance. (See Article 5, Section 515, Bed and Breakfast)
 7. Building. A type of "structure" that is a combination of materials having a roof and walls to form a structure for the shelter of persons, animals or materials. The word "building" shall include any part thereof.
 8. Building, Accessory. A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal building. (See Article 5, Section 506)
 9. Building Area. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, steps, eaves, and gutters.
 10. Building Coverage. The percentage of the lot area covered by the building area.
 11. Building Height. A building's vertical measurement from the mean level of the finished lot grade in front of the building to the highest point in the roof line of a flat roof or of a roof having a slope in less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of the roof having a slope of 15 degrees or more.
 12. Day Care.
 - a) Family Day Care Home. A facility registered by the Maryland Department of Human Resources as a "Family Day Care Home" and within which care is given to a child younger than 13 years

old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the provider is paid in cash or in kind.

- b) Child Care Center. A facility licensed by the Maryland Department of Human Services as a "Child Care Center" and that, for part or all of a day, or on a 24 hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage. Such a center may include but is not limited to a non-public nursery school.

13. Dwelling. A building or portion thereof arranged or designed to provide one or more dwelling units.

- a) Dwelling Unit. A dwelling or portion thereof providing complete living facilities for one family; provided however that the term "dwelling unit" shall not be deemed to include rooming, boarding or lodging houses or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.
- b) Single-Family Detached Dwelling. A building, commonly known as a single-family house designed for and occupied exclusively as a residence having one dwelling unit from ground to roof and open space on all sides; where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof.
- c) Twin Dwelling. A single building containing two dwelling units completely separated by a vertical party wall, and intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.
- d) Townhouse or Rowhouse. A portion of a building designed for and occupied exclusively as a residence for only one family and having i) only one dwelling unit from ground to roof, ii) two points or independent outside access, iii) at least two other dwellings built in conjunction therewith, and iv) any portions of one or two walls in common with an adjoining dwelling.
- e) Multi-Family ("Apartment") Dwelling. Three or more dwelling units that are attached to each other in some manner on one lot, other than townhouses.
- f) Two Family Detached Dwelling. A single building containing two dwelling units intended to each be occupied by a family living independently of each other, and that does not meet the definition of a "Twin Dwelling."
- g) Manufactured/Mobile Home. See listed separately
- h) Sectional Home. See listed separately.

14. Family. An individual, or two or more persons related by blood or marriage, or group of not more than four persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

15. Front Yard. See "Yard, Front."

16. Group Home. The use of a lawful dwelling unit to house persons who need special care and oversight because of mental retardation/ developmental disability, old age, physical disability, physical or emotional abuse committed against themselves, or mental illness. Such persons shall function as a common household unit.

- a) A Group Home may also serve other types of persons if the applicant proves to the Board of Zoning Appeals that such persons are protected under the Americans With Disabilities Act as having "disabilities." In such case, the applicant shall also prove to the Board of Zoning Appeals that the use will involve adequate on-site supervision.
- b) A Group Home shall not include the housing or treatment of persons who can reasonably be considered a threat to the physical safety of others. A Group Home shall not include any use meeting the definition of a "Treatment Center." See Section 514 of this Ordinance.

17. Home Occupation. A routine and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building, and which is: a) clearly accessory to the dwelling, b) primarily conducted by resident(s) of the dwelling, and c) meets the standards of Article 4 and Article 5, Section 518.

18. Hotel. See Motel or Hotel

19. Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed materials or articles, such as but not limited to the following: metal, appliances, motor vehicles that are abandoned, motor vehicle parts, machinery, and building materials. This term shall not include solid waste that is temporarily stored in an appropriate container that is awaiting imminent disposal, or waste within a permitted solid waste transfer or disposal facility or area, or vehicles currently being restored.

20. Junkyard. Land used for the outdoor storage of: a) 5 or more motor vehicles that do not display current State vehicle registration (other than vehicles that are not required to be registered in order to operate on a public street), b) one or more mobile/ manufactured homes that are not in habitable condition and/or c) "junk" covering 1,000 or more square feet of land area.

21. Lot. A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded deed filed among the Land Records of Garrett County.

22. Lot, Comer. Lot abutting two or more streets at their intersections, where the interior angle of the intersection does not exceed 135 degrees.

23. Lot Lines. The lines bounding a lot provided any street lines shall be considered lot lines for purposes of this Ordinance.

- a. Front Lot Line. The legal street right-of-way line. If a lot is adjacent to two or more streets, the front lot line shall be along the street that serves as the front for the majority of the properties on the block.
- b. Rear Lot Line. Any lot line that is parallel to or within 45 degrees of being parallel to a street line. If a lot is adjacent to two streets, the applicant may choose which lot line that is not adjacent to a street shall be considered the rear lot line. If a lot has no street frontage, then the lot line furthest from a street shall be considered the rear lot line. Each lot shall have a rear lot line.

- c. Side Lot Line. Shall mean any lot line which is not a Front Lot line or Rear Lot Line.
24. Lot. Width of. The width of a lot measured at the minimum front yard line.
25. Mobile or Manufactured Home. A single-family detached dwelling unit manufactured in one complete section, designed for a long-term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported, after fabrication, on its own wheels, or on flatbed or other trailers, arriving at the site where it is to be occupied as a complete dwelling, and ready for occupancy except for minor and incidental unpacking and assembly operations.
- a. Double-wide" manufactured homes and "sectional homes" shall be considered single family detached houses instead of mobile homes. The term Mobile Home shall not include "travel trailers" (see definition).
26. Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes intended for non-transient use.
27. Motel or Hotel. A building or group of buildings for the accommodation of transient guests containing guest rooms for rent.
28. Nonconformities. See Section 800.
29. Personal Care Home. A use providing residential and support services to persons who are age 60 and over, b) have physical disabilities and/or c) have mental retardation, and who as a result need oversight and assistance with daily activities, such as meal preparation.
30. Residential District. The RD, SR and TR zoning districts.
31. Restaurant. An establishment for the accommodations of the public equipped with a dining room with facilities for preparing and serving regular meals to be consumed primarily on the premises and wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.
- a. A Restaurant with Drive- Thru Service shall be a Restaurant that has facilities for customers to order and receive their food while seated within their motor vehicle.
32. Roomer, Boarder or Lodger. A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classed for purposes of this Ordinance not as a roomer, boarder, or lodger but as a guest of a commercial establishment (motel or hotel).
33. Rooming, Boarding or Lodging House. A building or part of a building (other than an institutional building) occupied or intended to be occupied by 3 or more roomers, boarders or lodgers.
34. Sectional ("double-wide") Dwelling. A single family detached dwelling unit designed for permanent occupancy, manufactured in two or more sections, and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operation. For purposes of this Ordinance, sectional dwellings

include modular, pre-fabricated and other similar types, but mobile homes and travel trailers as herein defined are not considered as sectional homes.

35. Sewage System.

- a) Central Sewage System. A utility system, serving 2 or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State Health Regulations.
- b) Private Sewage System. A system of sewers, pipes, treatment tanks or other facilities serving only a single dwelling unit or single business, commercial, industrial or other establishment, which is designed and operated for the collection, treatment and disposal of sewage in compliance with County and State Health Regulations.

36. Sign. Any structure, part thereof, or device attached thereto or painted thereon, or any material or thing, which displays or includes any numerals, letters, model, banner, emblem, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement of direction of any person, organization, place, product, service or business, which is located upon any land, on any structure, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

- a) On-Premises Sign. A sign which directs attention to a person, business, service, product or activity conducted or offered on the same lot or the sale or lease of real estate on the lot.
- b) Off-Premises Sign. A sign which directs attention to a person, business, product, service or activity not conducted or sold on the same lot.

37. Solar Power. See Article 5, Section 519.

38. Special Exception Use. A use for which the Board of Zoning Appeals may grant permission following a hearing and findings of fact consistent with the provision of this Ordinance, and provided the use complies with standards of this Ordinance and any conditions established by the Board.

39. Street. A public or private way used or intended primarily to be used for travel by motor vehicles, and which serves three or more lots, or that is an expressway.

40. Street Line. The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, except if a future right-of-way width for a street is established under any applicable Subdivision Ordinance, then the street line shall be the side of the future right-of way as established.

41. Structure. A "building" or other combination of materials assembled, constructed, or placed at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall include any part thereof.

42. Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, wherein the average daily receipts from the sale of alcoholic beverages exceed the average daily receipts from the sale of food.

43. Townhouse. See under "Dwellings."

44. Travel Trailer and Trailer Camp.

- a) Travel Trailer or Trailer. A habitable vehicular, portable structure designed to be used as a temporary and not year-round dwelling for travel, camping and recreational purposes. Such units shall not include mobile homes.

- b) Trailer Camp. Any site, lot, parcel or tract of land which is improved, used, or intended to provide a location for the servicing or temporary accommodation of one or more travel trailers which are used for travel, camping, or recreational purposes.
45. Treatment Center. A use, other than a prison, providing housing facilities for persons who need specialized housing, treatment and/or counseling because of:
- criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol,
 - addiction to alcohol and/or a controlled substance, or
 - a type of mental illness that involves or has involved behavior related to violent felony crime. See also definition of "Group Home."
46. Use. Accessory. Use of a building, lot or portions thereof, which is customarily incidental or subordinate to the principal use of the main building or lot. (See Article 5, Section 506.1)
47. Variance. A modification only of density, bulk or area requirements of this Ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship and/or practical difficulty.
48. Water Supply System.
- Central Water System. A utility system serving 2 or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated to supply potable water in compliance with County and State health regulations.
 - Private Water Supply. A utility system serving only one dwelling unit or a single commercial, business, industrial or other establishment, which is designed and operated to supply potable water in compliance with County and State health regulations.
49. Yards.
- Front. The required open space, the full width of the lot, measured from the street line and which limits the closest location of any building on the lot, exclusive of overhanging eaves, gutters, or cornices.
 - Side. required open space measured from a side lot line of a lot, and which limits the closest location of any building on the lot, and which extends from the front yard to the rear yard.
 - Rear. The required open space, the full width of the lot, measured from the rear property line of the lot, and which limits the closest location of any building on the lot, exclusive of overhanging eaves, gutters, or cornices.
49. Zoning Administrator. The person(s) appointed by the Mayor and Town Council to administer and enforce this Ordinance.
50. Zoning Ordinance or "this Ordinance." The Town of Friendsville Zoning Ordinance, as amended.

**ARTICLE 3
ZONING DISTRICTS**

300 ESTABLISHMENT OF DISTRICTS

For the purposes of these regulations, the Town is hereby divided into classes of Districts, which are established as follows:

- A. RD Rural Development District
- B. SR Suburban Residential District
- C. TR Town Residential District
- D. TC Town Center District
- E. GC General Commercial District
- F. EC Employment Center District

Every parcel of land and every building or other structure in the Town, except as otherwise provided by law, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

301 ZONING MAP

The location of boundaries of districts established in the Town shall be as shown on the map attached to this Ordinance entitled "Zoning Map -Town of Friendsville," as amended, and said map, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of these regulations to the same extent as if the information set forth on said map were fully described and incorporated herein.

302 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Where uncertainty exists with respect to the boundaries between districts as indicated on the Zoning Map, the following rules shall apply:
- B. Where district boundaries are indicated as approximately coinciding with the center lines of streets, such center lines shall be construed to such boundaries.
- C. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.
- D. Where district boundaries are indicated as approximately parallel to street rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
- E. In unsubdivided property or where a district boundary divides a lot, the location or any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by use of the scale shown thereof, and scaled to the nearest foot.

303 NEWLY ANNEXED AREAS

- A. All areas to be annexed to the Town after the effective date of this Ordinance shall be zoned according to the provisions of the Annotated Code of Maryland, Land Use Article, as amended. of

the Annotated Code. In the event that such areas are not covered by the duly adopted Comprehensive Development Plan for Garrett County, or are shown thereon as Residential, such areas shall automatically be classified in the RD District, provided the Mayor and Town Council may, after required public notice and a hearing, provide for the classification of such annexed areas or part thereof in another zoning district or districts, effective upon the date of such annexation, subject to the provisions of the Annotated Code.

- B. If the Mayor and Town Council do not provide in advance for the zoning classification of newly annexed areas as provided in subsection A. above, the Planning Commission may prepare and recommend to the Mayor and Town Council a Comprehensive Development Plan amendment and/or recommendations for the appropriate zoning classification(s) for such annexed areas.

**ARTICLE 4
PRIMARY DISTRICT REGULATIONS**

400 APPLICABILITY: SIMILAR USES

Unless otherwise provided by law or in this Ordinance, no structure shall be constructed, placed or expanded and no structure or land shall be used or occupied except for the uses permitted in this Article, except:

- A. If a use is proposed that is not addressed in any part of Article 4 in any district, then the applicant may make an application for a Special Exception to the Board of Zoning Appeals. The Board of Zoning Appeals shall only approve such use if the applicant proves all of the following:
 - 1. The use will not generate significant nuisances or hazards to the public health and safety, after considering any conditions that the Board of Zoning Appeals may place upon the approval; and
 - 2. The use is closely similar in character and impacts to uses that are permitted within the same zoning district.

401 USES BY RIGHT AND USES BY SPECIAL EXCEPTION

- A. A use listed in this Article 4 is permitted by right in any district under which it is listed subject to such requirements as may be specified.
- B. A use listed in Article 4 is not permitted in any district under which it is listed.
- C. A use listed in Article 4 may be permitted if the Board of Zoning Appeals so determines and issues a special exception as provided in Article 10 in any district under which it is listed subject to such requirements as may be specified in this article and Article 10 and such further restrictions as the Board may establish.

402 USES ARE SUBJECT TO OTHER REGULATIONS

Uses permitted by right or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot area, lot width, building coverage, height, provisions for off-street parking, and to such other provisions as are specified in other Article hereof.

403 PRE-EXISTING SPECIAL EXCEPTION USES

Any use existing on the effective date of this Ordinance which is classified as requiring a special exception in the district in which the land occupied by the use is located shall be deemed to have been granted a special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure after effective date of this Ordinance shall require a special exception from the Board of Zoning Appeals as provided in Article 10.

404 TEMPORARY USES AND STRUCTURES

- A. The Zoning Administrator may grant a temporary permit for a nonconforming temporary structure or use incidental to a construction project when such structure or use is reasonably required for such a project.

- B. The Board of Zoning Appeals may grant a temporary permit for routine and customary temporary structures and uses, other than as provided in the above subsection "A."
- C. A Temporary Permit shall be granted for an initial period of not more than one year and may be renewed for a period not exceeding one additional year.

405 **WATER AND SEWAGE REQUIREMENTS**

A non-agricultural principal building shall not be constructed following the adoption of this Ordinance unless it is served by both central sewage and central water systems, if such systems are available, except:

- A. A single family detached dwelling with private water and sewage systems or agricultural building shall be permitted in the RD District, subject to the dimensional requirements in Section 500 and State and County Health Department regulations.
 - 1. This exception shall not apply if another Town Ordinance requires connections to central sewage and/or central water systems.

406 **“RD” Rural Development District**

This district would accommodate single-family detached homes that are compatible with an agricultural environment. Densities of up to 1 home per acre would be appropriate in this area. Conserving this area will help maintain farming, protect open space and reserve undeveloped land for future growth. Low density growth in the Rural Development area will also be most compatible with the agrarian nature of the land adjoining this area outside the Town’s corporate limits.

- A. Principal Permitted Uses and Structures: Only the following principal uses and structures are permitted in the “RD” district.
 - 1. Single Family Detached Dwelling
 - 2. Group Home within a Lawful Existing Dwelling Unit, and meeting the additional requirements of Section 514.
 - 3. Recreational facility owned by or operated by Friendsville or other government.
 - 4. Golf course, country club, subject to the following additional provisions:
 - a) A lot area of not less than 25 acres shall be required.
 - b) all buildings and golf greens and tee shall be located not less than 75 feet from any lot line.
 - 5. Public building or use owned or operated by Friendsville.
- B. Special Exceptions: Only the following uses and structures are permitted in the “RD” District as special exceptions after approval by the Board of Appeals.
 - 1. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a “TC” District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the “TC” District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated

- so as to protect the neighborhood from glare, noise and other disturbance.
2. Golf driving range subject to the following additional provisions.
 - a) A lot area of not less than 15 acres shall be required.
 - b) All buildings and tees shall be located not less than 75 feet from any lot line.
 - c) All lighting and activity areas shall be sufficiently screened so as to protect the neighborhood from glare, noise and other disturbance.
 3. Orphanage, licensed hospital, nursing homes, personal care center, or similar licensed establishment for the care of sick, aged, crippled, or convalescent persons, subject to the following provisions:
 - a) Hospital.
 - i. A lot area of not less than 5 acres shall be required;
 - ii. a minimum lot frontage of 300 feet shall be required;
 - iii. all buildings shall be located not less than 50 feet from any lot line.
 - b) Nursing home or personal care home where not more than 10 persons are cared for.
 - i. A lot area not less than 0.5 acres shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 - c) Nursing home or personal care home where 11 or more persons are cared for.
 - i. A lot area of not less than 0.5 acres plus 1,000 square feet for each person above 10 persons shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 4. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
 - d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.
 5. Home occupation (see definition in section 201 and uses in section 518), provided;
 - a) the home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto;
 - b) there shall be no use of show windows or display or advertising visible outside the premises other than home occupation announcement signs as permitted;
 - c) there shall be not exterior storage of materials unless completely screened from view from the street and adjoining property;
 - d) no external alterations, additions, or changes to the structure that would reduce the residential appearance of a dwelling shall be permitted in order to accommodate or facilitate a home occupation;
 - e) the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;

f) the floor area devoted to a home occupation shall not be more than 25 percent of the ground floor area of the principal residential structure or 250 square feet, whichever is less.

g) Signs shall meet Article 7.

6. Bed and Breakfast (see Article 5 Section 515)

7. Other Family Day Care Home.

8. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the "RD" district:

1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.

2. Travel trailer and boat storage as accessory uses subject to the following additional provisions:

a) The trailer or boat shall not be occupied or used for dwelling purposes.

b) In a residential district the use shall not be located in the required front or side yard.

c) The trailer or boat shall not be permitted on the public street.

3. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.

4. Family Day Care Home serving a Maximum of 4 persons at a time who are not relatives of the operator.

5. Off-street parking subject to the requirements of Article 6.

6. Signs subject to the requirements of Article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the "RU" district:

1. Crop farming, orchards and forestry.

2. Agricultural activities other than "G.1.," subject to the following provisions:

a) Structures and enclosures routinely used for the keeping of livestock and related activities or the storage or processing of manure shall be setback a minimum of 200 feet from any lot line, unless the owner of the abutting property at the time of the construction of such uses waives the right to such setback in writing.

E. Specifically Prohibited Uses: The following uses shall be prohibited in the "RU" district:

1. Adult Uses

2. Keeping of Chickens and accessory uses and structures related to such use.

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the RD district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

1. Lot area 80,000 square feet

2. Front Yard depth 50 feet

3. Side Yard depth 30 feet

4. Rear Yard depth 100 feet

5. Lot Width 200 feet

407 **“SR” Suburban Residential District**

This district would accommodate single-family detached homes in a suburban setting. Minimum lot size of 10,000 square feet for single-family homes are recommended. This planning area will help ensure that open space is incorporated into future development by accommodating only lower density single-family residential development. It will also provide land for larger homes and allow flexibility in placement of homes on lots. The Suburban Residential areas attempt to balance the desire to avoid inappropriate high-density development and the desire for more efficient use of the land, compatible with current residential preferences.

- A. **Principal Permitted Uses and Structures:** Only the following principal uses and structures are permitted in the “SR” district.
1. Single Family Detached Dwelling
 2. Group Home within a Lawful Existing Dwelling Unit, and meeting the additional requirements of Section 514.
 3. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
 4. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.
 - a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section “A” as applicable.
 - b) A lot area of not less than 5 acres shall be required.
 - c) Lot width of 300 feet shall be required.
 - d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
 5. Recreational facility owned by or operated by Friendsville or other government.
 6. Public building or use owned or operated by Friendsville.
 7. Residential parking garage or parking area subject to the following provisions:
 - a) Such use shall be solely for the storage of cars or residents in nearby buildings.
 - b) Such uses shall be permitted only when necessary to provide off-street parking for such vehicles.
 - c) See requirements of Article 6.
- B. **Special Exceptions:** Only the following uses and structures are permitted in the “SR” District as special exceptions after approval by the Board of Appeals.
1. Child Care Center, subject to the following additional condition:
(See also as an accessory use in Section F).
 - a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
 - b) A lot area of not less than 20,000 square feet shall be required.
 - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
 - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.

- e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.
- 2. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
- 3. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
 - a) The use shall not be conducted as a private gainful business
 - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
- 4. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.
- 5. Orphanage, licensed hospital, nursing homes, personal care center, or similar licensed establishment for the care of sick, aged, crippled, or convalescent persons, subject to the following provisions:
 - a) Hospital.
 - i. A lot area of not less than 5 acres shall be required;
 - ii. a minimum lot frontage of 300 feet shall be required;
 - iii. all buildings shall be located not less than 50 feet from any lot line.
 - b) Nursing home or personal care home where not more than 10 persons are cared for.
 - i. A lot area not less than 0.5 acres shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 - c) Nursing home or personal care home where 11 or more persons are cared for.
 - i. A lot area of not less than 0.5 acres plus 1,000 square feet for each person above 10 persons shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
- 6. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.

d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.

7. Emergency Services Station.
8. Home occupation (see definition in section 201 and uses in section 518), provided;
 - a) the home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto;
 - b) there shall be no use of show windows or display or advertising visible outside the premises other than home occupation announcement signs as permitted;
 - c) there shall be not exterior storage of materials unless completely screened from view from the street and adjoining property;
 - d) no external alterations, additions, or changes to the structure that would reduce the residential appearance of a dwelling shall be permitted in order to accommodate or facilitate a home occupation;
 - e) the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;
 - f) the floor area devoted to a home occupation shall not be more than 25 percent of the ground floor area of the principal residential structure or 250 square feet, whichever is less.
 - g) Signs shall meet Article 7.
9. Bed and Breakfast (see Article 5 Section 515)
10. Other Family Day Care Home.
11. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the "SR" district:

1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental it a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
2. Travel trailer and boat storage as accessory uses subject to the following additional provisions:
 - a) The trailer or boat shall not be occupied or used for dwelling purposes.
 - b) In a residential district the use shall not be located in the required front or side yard.
 - c) The trailer or boat shall not be permitted on the public street.
3. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
4. Family Day Care Home serving a Maximum of 4 persons at a time who are not relatives of the operator.
5. Off-street parking subject the requirements of Article 6.
6. Signs subject to the requirements of article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the "SR" district:

1. Crop farming, orchards and forestry.

E. Specifically Prohibited Uses: The following uses shall be prohibited in the "SR" district:

1. Adult Uses.

2. Keeping of Chickens and accessory uses and structures related to such use.

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the SR district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

1. Lot area 10,000 square feet
2. Front Yard depth 15 feet
3. Side Yard depth 8 feet
4. Rear Yard depth 20 feet
5. Lot Width 75 feet

408 “TR” Town Residential District

This district would provide land for single-family detached homes on minimum 10,000 square foot lots, twin home units on minimum 15,000 square foot lots and apartments at a minimum of 4,000 square feet per unit. The Town Residential area will provide area for strictly residential development, yet one that is convenient to Friendsville’s Town Center.

A. Principal Permitted Uses and Structures: Only the following principal uses and structures are permitted in the “TR” district.

1. Single Family Detached Dwelling
2. Twin Dwelling (or “Duplex”)
3. Two Family Detached Dwelling
4. Townhouse
5. Multi-family Dwellings subject to the following additional provisions:
 - a) Building Orientation. Minimum horizontal distance between facing walls of any two buildings on one lot shall be 50 feet. A separate water meter and tap is required for each dwelling.
 - b) Development Access. Multi-family dwellings in the TR District shall be located on and have direct access to a collector street as designated in Friendsville’s Comprehensive Development Plan.
 - c) Off-Street Parking.
 - i. All off-street parking lots and their access drives shall be at least 10 feet from any principal building;
 - ii. No area for off-street parking of motor vehicles shall exceed 20 spaces without being separated from another parking area by 8 foot wide planting strips.
6. Group Home within a Lawful Existing Dwelling Unit, and meeting the additional requirements of Section 514.
7. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
8. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.
 - a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section “A” as applicable.
 - b) A lot area of not less than 5 acres shall be required.
 - c) Lot width of 300 feet shall be required.

- d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
- 9. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
- 10. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
 - a) The use shall not be conducted as a private gainful business
 - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
- 11. Recreational facility owned by or operated by Friendsville or other government.
- 12. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.
- 13. Public building or use owned or operated by Friendsville.
- 14. Residential parking garage or parking area subject to the following provisions:
 - a) Such use shall be solely for the storage of cars or residents in nearby buildings.
 - b) Such uses shall be permitted only when necessary to provide off-street parking for such vehicles.
 - c) See requirements of Article 6.
- 15. Emergency Service Station.

B. Special Exceptions: Only the following uses and structures are permitted in the "TR" District as special exceptions after approval by the Board of Appeals.

- 1. Mobile/Manufactured Home Parks meeting the requirements of Section 516
- 2. One dwelling unit combination with permitted commercial use.
- 3. Two or more multi-family dwelling units in combination with permitted commercial use.
- 4. Child Care Center, subject to the following additional condition:
(See also as an accessory use in Section F).
 - a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
 - b) A lot area of not less than 20,000 square feet shall be required.
 - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
 - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.
 - e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may

- be located anywhere on the lot as needed.
5. Trade or professional school, music, dancing or hobby school.
 6. Private club or lodge (other than a use listed), subject to the following additional provisions in Districts where permitted only by Special Exception:
 - a) The use shall not be conducted as a private gainful business.
 - b) A lot area of not less than 3 acres shall be required.
 - c) All buildings shall be located not less than 50 feet from any lot line.
 7. Orphanage, licensed hospital, nursing homes, personal care center, or similar licensed establishment for the care of sick, aged, crippled, or convalescent persons, subject to the following provisions:
 - a) Hospital.
 - i. A lot area of not less than 5 acres shall be required;
 - ii. a minimum lot frontage of 300 feet shall be required;
 - iii. all buildings shall be located not less than 50 feet from any lot line.
 - b) Nursing home or personal care home where not more than 10 persons are cared for.
 - i. A lot area not less than 0.5 acres shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 - c) Nursing home or personal care home where 11 or more persons are cared for.
 - i. A lot area of not less than 0.5 acres plus 1,000 square feet for each person above 10 persons shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 8. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
 9. Business, professional, or governmental offices.
 10. Retail stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry good, drugs, fabrics, floor covering, flowers, foodstuffs, furniture, garden supplies, gifts, hardware, hobbies, appliances, jewelry, luggage, music, musical instruments, novelties, paint, equipment, periodicals, music, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationery, tobacco and similar use.
 11. Service business including barber, beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, health club, travel agency, tailor repair shop for watches, guns, bicycle, locks.
 12. Bank or savings and loan association.
 13. Restaurant without drive-thru service
 14. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.

- d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.
- 15. Bus station or taxi company.
- 16. Home occupation (see definition in section 201 and uses in section 518), provided;
 - a) the home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto;
 - b) there shall be no use of show windows or display or advertising visible outside the premises other than home occupation announcement signs as permitted;
 - c) there shall be not exterior storage of materials unless completely screened from view from the street and adjoining property;
 - d) no external alterations, additions, or changes to the structure that would reduce the residential appearance of a dwelling shall be permitted in order to accommodate or facilitate a home occupation;
 - e) the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;
 - f) the floor area devoted to a home occupation shall not be more than 25 percent of the ground floor area of the principal residential structure or 250 square feet, whichever is less.
 - g) Signs shall meet Article 7.
- 17. Rooming, boarding, lodging houses, only as accessory uses to residential uses subject to the following additional provisions:
 - a) Not more than 9 guests shall be accommodated at any one time.
 - b) Not more than 3 guest rooms shall be permitted.
- 18. Bed and Breakfast (see Article 5 Section 515)
- 19. Other Family Day Care Home.
- 20. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.
- 21. Entertainment and recreation facilities operated as a gainful business within a building.

- C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the "TR" district:
- 1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental it a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
 - 2. Travel trailer and boat storage as accessory uses subject to the following additional provisions:
 - a) The trailer or boat shall not be occupied or used for dwelling purposes.
 - b) In a residential district the use shall not be located in the required front or side yard.
 - c) The trailer or boat shall not be permitted on the public street.
 - 3. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
 - 4. Family Day Care Home serving a Maximum of 4 persons at a time who are not relatives of the operator.
 - 5. Off-street parking subject the requirements of Article 6.
 - 6. Signs subject to the requirements of Article 7.

- D. Agricultural Uses: The following agricultural uses shall be permitted in the “TR” district:
1. Crop farming, orchards and forestry.
- E. Specifically Prohibited Uses: The following uses shall be prohibited in the “TR” district:
1. Adult Uses
 2. Keeping of Chickens and accessory uses and structures related to such use.
- F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the TR district, except as superseded by more restrictive provisions elsewhere in this Ordinance.
1. Lot area

a) Single family detached	10,000 square feet lot area		
	10,000 square feet per dwelling unit		
b) Twin dwelling unit	15,000 square feet lot area		
	7,500 square feet per dwelling unit		
c) Two family detached	15,000 square feet lot area		
	7,500 square feet per dwelling unit		
d) Townhouse	20,000 square feet lot area		
	3,000 square feet per dwelling unit		
e) Multifamily dwelling	20,000 square feet lot area		
	4,000 square feet per dwelling unit		
f) Mobile/Manufactured home park	80,000 square feet lot area		
g) One dwelling unit in combination with a permitted commercial use.	5,000 square feet lot area		
	500 square feet per dwelling unit		
h) Other structure or use	10,000 square feet lot area		
 2. Front Yard depth

	Front	Side	Rear
a) Single family detached	15	8	20
b) Twin dwelling unit	15	8	20
c) Two family detached	15	8	20
d) Townhouse	15	8	20
e) Multifamily dwelling	25	15	25
f) Mobile/Manufactured home park	(See Section 516)		
g) One dwelling unit in combination with a permitted commercial use.	75	8	20
h) Other structure or use	75	8	20

3. Lot Width
 - a) Single family detached 75
 - b) Twin dwelling unit 75
 - c) Two family detached 75
 - d) Townhouse 75
 - e) Multifamily dwelling 200
 - f) Mobile/Manufactured home park 200
 - g) One dwelling unit in combination with a permitted commercial use. 75
 - h) Other structure or use 75

409 **“TC” Town Center District**

This District provides area where single-family detached homes and twin home units would each be on minimum 7,500 square foot lots. Apartments would be permitted at a density of at least 3,000 square feet per unit. Retail, service, office and other appropriate non-residential uses would also be directed to the Town Center for the purpose of perpetuating this area as Friendsville’s “business district”.

- A. Principal Permitted Uses and Structures: Only the following principal uses and structures are permitted in the “TC” district.
1. Twin Dwelling (or “Duplex”)
 2. Multi-family Dwellings subject to the following additional provisions:
 - a) Building Orientation. Minimum horizontal distance between facing walls of any two buildings on one lot shall be 50 feet. A separate water meter and tap is required for each dwelling.
 - b) Development Access. Multi-family dwellings in the TR District shall be located on and have direct access to a collector street as designated in Friendsville’s Comprehensive Development Plan.
 - c) Off-Street Parking.
 - i. All off-street parking lots and their access drives shall be at least 10 feet from any principal building;
 - ii. No area for off-street parking of motor vehicles shall exceed 20 spaces without being separated from another parking area by 8 foot wide planting strips.
 3. One dwelling unit in combination with permitted commercial use.
 4. Group Home within a Lawful Existing Dwelling Unit, and meeting the additional requirements of Section 514.
 5. Two or more Multi-family Dwelling Units in combination with permitted commercial use.
 6. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
 7. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.
 - a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section “A” as applicable.
 - b) A lot area of not less than 5 acres shall be required.
 - c) Lot width of 300 feet shall be required.

- d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
- 8. Child Care Center, subject to the following additional condition:
(See also as an accessory use in Section F).
 - a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
 - b) A lot area of not less than 20,000 square feet shall be required.
 - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
 - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.
 - e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.
- 9. Trade or professional school, music, dancing or hobby school.
- 10. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
- 11. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
 - a) The use shall not be conducted as a private gainful business
 - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
- 12. Recreational facility owned by or operated by Friendsville or other government.
- 13. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.
- 14. Private club or lodge (other than a use listed), subject to the following additional provisions in Districts where permitted only by Special Exception:
 - a) The use shall not be conducted as a private gainful business.
 - b) A lot area of not less than 3 acres shall be required.
 - c) All buildings shall be located not less than 50 feet from any lot line.
- 15. Public building or use owned or operated by Friendsville.
- 16. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
- 17. Business, professional, or governmental offices.
- 18. Retail stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry good, drugs, fabrics, floor covering, flowers, foodstuffs, furniture, garden supplies, gifts,

- hardware, hobbies, appliances, jewelry, luggage, music, musical instruments, novelties, paint, equipment, periodicals, music, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationery, tobacco and similar use.
19. Service business including barber, beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, health club, travel agency, tailor repair shop for watches, guns, bicycle, locks.
 20. Bank or savings and loan association.
 21. Restaurant without drive-thru service
 22. Newspaper; printing establishment
 23. Upholsterer, cabinet maker and similar custom crafts (see also as Home Occupation).
 24. Theater, indoor.
 25. Motel or hotel.
 26. Entertainment and recreation facilities operated as a gainful business within a building.
 27. Residential parking garage or parking area subject to the following provisions:
 - a) Such use shall be solely for the storage of cars or residents in nearby buildings.
 - b) Such uses shall be permitted only when necessary to provide off-street parking for such vehicles.
 - c) See requirements of Article 6.
 28. Gasoline service station subject to the following additional provisions:
 - a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
 - b) Fuel pumps shall be at least 10 feet from any street right-of-way.
 - c) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
 - d) Full body paint spraying or body and fender work shall not be permitted.
 29. Sale of automotive accessories, parts, tires, batteries, and other supplies.
 30. Emergency Service Station.
 31. Bus Station or Taxi Company.
 32. Home occupation (see definition in section 201 and uses in section 518), provided;
 - a) the home occupation shall be carried on wholly indoors and within the principal building or within a building or other structure accessory thereto;
 - b) there shall be no use of show windows or display or advertising visible outside the premises other than home occupation announcement signs as permitted;
 - c) there shall be not exterior storage of materials unless completely screened from view from the street and adjoining property;
 - d) no external alterations, additions, or changes to the structure that would reduce the residential appearance of a dwelling shall be permitted in order to accommodate or facilitate a home occupation;
 - e) the home occupation shall be carried on only by members of the immediate family residing on the premises plus not more than one additional employee;
 - f) the floor area devoted to a home occupation shall not be more than 25 percent of the ground floor area of the principal residential structure or 250 square feet, whichever is less.
 - g) Signs shall meet Article 7.
 33. Rooming, boarding, lodging houses, only as accessory uses to residential uses subject to the following additional provisions:
 - a) Not more than 9 guests shall be accommodated at any one time.

- b) Not more than 3 guest rooms shall be permitted.
- 34. Bed and Breakfast (see Article 5 Section 515)

B. Special Exceptions: Only the following uses and structures are permitted in the “TC” District as special exceptions after approval by the Board of Appeals.

- 1. Single Family Detached Dwelling.
- 2. Two Family Detached Dwelling.
- 3. Townhouse.
- 4. Orphanage, licensed hospital, nursing homes, personal care center, or similar licensed establishment for the care of sick, aged, crippled, or convalescent persons, subject to the following provisions:
 - a) Hospital.
 - i. A lot area of not less than 5 acres shall be required;
 - ii. a minimum lot frontage of 300 feet shall be required;
 - iii. all buildings shall be located not less than 50 feet from any lot line.
 - b) Nursing home or personal care home where not more than 10 persons are cared for.
 - i. A lot area not less than 0.5 acres shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
 - c) Nursing home or personal care home where 11 or more persons are cared for.
 - i. A lot area of not less than 0.5 acres plus 1,000 square feet for each person above 10 persons shall be required.
 - ii. a minimum lot frontage of 150 feet shall be required;
 - iii. all buildings shall be located not less than 25 feet from any lot line.
- 5. Restaurant With Drive-Thru Service.
- 6. Outdoor entertainment and recreation facilities, including drive-in theater, operated as a gainful business, other than uses listed separately in this section.
- 7. Sale or rental of motor vehicles.
- 8. Repair garage including paint spraying and body and fender work or car wash, provided that all repair and paint work is performed within an enclosed building.
 - a) All automobile parts, dismantled vehicles, and similar articles shall be stored within an enclosed building.
- 9. Sale or rental of farm equipment, trailers, mobile homes for off-site use, snowmobiles and miscellaneous vehicles, and which may include repairs and display of such items, provided:
 - a) storage of used equipment, used mobile home, parts and “junk” shall be screened from view of streets and other property by building walls and/or landscaping approved by the Board of Appeals. Such landscaping shall consist of evergreen trees with an initial height of 5 feet, in sufficient number to create an effective visual screen within 3 years after planting.
 - b) In place of screening, the Board of Appeals may approve screening of other appropriate materials that would be harmonious with the present or intended character of the surrounding area.
- 10. Tavern
- 11. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:

- a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
 - d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.
12. Production, processing, cleaning, testing, and distribution of materials, goods, food stuffs, and products, other than uses listed separately in this section, subject to the following provisions:
- a) Lot are shall not be less than 3 acres
 - b) No building area shall be less than 100 feet from any lot line.
 - c) Activities shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, but shall be effectively screened by a solid, uniformly finished wall or fence or substantial landscaping with an initial height of 5 feet. Parking of licensed vehicles with a rated capacity under 1.5 tons are not required to be screened.
 - d) Applicants must show that industrial uses comply with the following standards in that they:
 - i. emit no obnoxious, toxic or corrosive fumes or gases except for those produced by internal combustion engines under design operating conditions;
 - ii. emit no odorous gases or other odorous matter in such quantities as to be perceptible at or beyond any point on the lot boundaries;
 - iii. emit no smoke greater than that emitted by properly operating domestic heating equipment;
 - iv. discharge into the air no dust or other particulate matter created by any industrial processing;
 - v. produce not heat or glare humanly perceptible at or beyond the lot line;
 - vi. produce no noise exceeding 55 A-weighted decibels measured at the lot line of any residential lot between the hours of 9 p.m. and 7 a.m.;
 - viii. utilize all lighting in a manner which does not permit an external light source to be directly visible from any point beyond a lot line.
13. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the "TC" district:

- 1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental it a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
- 2. Travel trailer and boat storage as accessory uses subject to the following additional provisions:
 - a) The trailer or boat shall not be occupied or used for dwelling purposes.
 - b) In a residential district the use shall not be located in the required front or side yard.
 - c) The trailer or boat shall not be permitted on the public street.
- 3. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of

Section 504.

4. Family Day Care Home serving a Maximum of 4 persons at a time who are not relatives of the operator.
5. Other Family Day Care Home.
6. Off-street parking subject to the requirements of Article 6.
7. Signs subject to the requirements of Article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the “TC” district:

1. Crop farming, orchards and forestry.

E. Specifically Prohibited Uses: The following uses shall be prohibited in the “TC” district:

1. Adult Uses
2. Keeping of Chickens and accessory uses and structures related to such use.

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the TC district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

1. Lot area
 - a) Single family detached and Twin home units 7,500 square feet lot area
 - b) One dwelling unit in combination with a permitted commercial use 5,000 square feet lot area
500 square feet per dwelling unit
 - c) Two or more dwelling units in combination with a permitted commercial use 5,000 square feet lot area
500 square feet for the first 3 units and 4,000 square feet for each unit over 3 units
 - d) Multifamily dwelling 18,000 square feet lot area
3,000 square feet per dwelling unit
 - e) Other structure or use 5,000 square feet lot area
2. Front Yard depth 15 feet
3. Side Yard depth 8 feet
4. Rear Yard depth 20 feet
5. Lot Width 75 feet

410 “GC” General Commercial District

The General Commercial area accommodates both traditional retail uses and the kinds of highway-oriented commercial enterprises that function better outside typical downtown “Main Street” locations because they need large buildings, parking lots and/or outdoor storage areas.

- A. Principal Permitted Uses and Structures: Only the following principal uses and structures are permitted in the “GC” district.
1. Recreational facility owned or operated by Friendsville or other government.
 2. Public building or use owned or operated by Friendsville.
 3. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
 4. Business, professional, or governmental offices.
 5. Retail stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry good, drugs, fabrics, floor covering, flowers, foodstuffs, furniture, garden supplies, gifts, hardware, hobbies, appliances, jewelry, luggage, music, musical instruments, novelties, paint, equipment, periodicals, music, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationery, tobacco and similar use.
 6. Service business including barber, beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, health club, travel agency, tailor repair shop for watches, guns, bicycle, locks.
 7. Bank or saving and loan association.
 8. Newspaper; printing establishment
 9. Upholsterer, cabinet maker and similar custom crafts (see also as Home Occupation).
 10. Theater, indoor.
 11. Entertainment and recreation facilities operated as a gainful business within a building.
 12. Gasoline service station subject to the following additional provisions:
 - a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
 - b) Fuel pumps shall be at least 10 feet from any street right-of-way.
 - c) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
 - d) Full body paint spraying or body and fender work shall not be permitted.
 13. Sale of automotive accessories, parts, tires, batteries, and other supplies.
 14. Emergency Services Station.
 15. Bus Station or Taxi Company.
 16. Wholesale business and storage subject to the following provisions;
 - a) Storage of all new or used items, including dismantled vehicles, parts, equipment, and what is generally referred to as “junk” must be screened from view from the street and adjoining property by building wall and/or substantial landscaping.
 17. Contractor offices and shops such as building, cement, electrical, heating, masonry, painting and roofing, and provided that within the TC district, such use shall not include outdoor storage of equipment or materials that are visible from a street or other property.
 18. Printing, publishing, binding. Other than newspaper printing.
- B. Special Exceptions: Only the following uses and structures are permitted in the “GC” District as special exceptions after approval by the Board of Appeals.
1. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
 2. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.

- a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section "A" as applicable.
 - b) A lot area of not less than 5 acres shall be required.
 - c) Lot width of 300 feet shall be required.
 - d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
3. Child Care Center, subject to the following additional condition:
(See also as an accessory use in Section F).
- a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
 - b) A lot area of not less than 20,000 square feet shall be required.
 - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
 - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.
 - e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.
4. Trade or professional school, music, dancing or hobby school.
5. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
6. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
- a) The use shall not be conducted as a private gainful business
 - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
7. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
- a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.
8. Private club or lodge (other than a use listed), subject to the following additional provisions in Districts where permitted only by Special Exception:
- a) The use shall not be conducted as a private gainful business.
 - b) A lot area of not less than 3 acres shall be required.
 - c) All buildings shall be located not less than 50 feet from any lot line.
9. Golf course, country club, subject to the following additional provisions:
- a) A lot area of not less than 25 acres shall be required.
 - b) All buildings and golf greens and tee shall be located not less than 75 feet from any lot line.

10. Golf driving range subject to the following additional provisions.
 - a) A lot area of not less than 15 acres shall be required.
 - b) All buildings and tees shall be located not less than 75 feet from any lot line.
 - c) All lighting and activity areas shall be sufficiently screened so as to protect the neighborhood from glare, noise and other disturbance.
11. Restaurant Without Drive-Thru Service.
12. Restaurant With Drive-Thru Service.
13. Motel or hotel.
14. Outdoor entertainment and recreation facilities, including drive-in theater, operated as a gainful business, other than uses listed separately in this section.
15. Sale or rental of motor vehicles.
16. Repair garage including paint spraying and body and fender work or car wash, provided that all repair and paint work is performed within an enclosed building.
 - a) All automobile parts, dismantled vehicles, and similar articles shall be stored within an enclosed building.
17. Sale or rental of farm equipment, trailers, mobile homes for off-site use, snowmobiles and miscellaneous vehicles, and which may include repairs and display of such items, provided:
 - a) storage of used equipment, used mobile home, parts and “junk” shall be screened from view of streets and other property by building walls and/or landscaping approved by the Board of Appeals. Such landscaping shall consist of evergreen trees with an initial height of 5 feet, in sufficient number to create an effective visual screen within 3 years after planting.
 - b) In place of screening, the Board of Appeals may approve screening of other appropriate materials that would be harmonious with the present or intended character of the surrounding area.
18. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
 - d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot line.
19. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the “GC” district:

1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only

- under a special exception shall be established only if and as provided in such exception.
- 2. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
- 3. Off-street parking subject to the requirements of Article 6.
- 4. Signs subject to the requirements of Article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the “GC” district:

- 1. Crop farming, orchards and forestry.
- 2. Agricultural activities other than “G.1.”, subject to the following provisions:
 - a) Structures and enclosures routinely used for the keeping of livestock and related activities or the storage or processing of manure shall be setback a minimum of 200 feet from any lot line, unless the owner of the abutting property at the time of the construction of such uses waives the right to such setback in writing.

E. Specifically Prohibited Uses: The following uses shall be prohibited in the “GC” district:

- 1. Adult Uses.
- 2. Keeping of Chickens and accessory uses and structures related to such use.

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the GC district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

- 1. Lot area 5,000 square feet
- 2. Front Yard depth 15 feet
- 3. Side Yard depth 8 feet
- 4. Rear Yard depth 20 feet
- 5. Lot Width 75 feet

411 **“EC” Employment Center District**

This district is an area of the Town designed to attract environmentally responsible industry and other forms of economic development that will create jobs and enhance local property tax revenues.

A. Principal Permitted Uses and Structures: Only the following principal uses and structures are permitted in the “EC” district.

- 1. Recreational facility owned or operated by Friendsville or other government.
- 2. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a “TC” District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the “TC” District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.
- 3. Newspaper and related printing establishment.

4. Upholsterer, cabinet maker and similar custom crafts (see also Home Occupation).
5. Animal kennel and office of a veterinarian subject to the following additional provisions:
 - a) A lot area of not less than 5 acres shall be required.
 - b) No building or structure used for boarding or exercising animals shall be within 200 feet of any lot line.
 - c) The use shall be sufficiently constructed and screened so as to protect the neighborhood from excessive noise and other disturbance.
6. Wholesale business and storage subject to the following provisions;
 - a) Storage of all new or used items, including dismantled vehicles, parts, equipment, and what is generally referred to as “junk” must be screened from view from the street and adjoining property by building wall and/or substantial landscaping.
7. Contractor offices and shops such as building, cement, electrical, heating, masonry, painting and roofing, and provided that within the TC district, such use shall not include outdoor storage of equipment or materials that are visible from a street or other property.
8. Printing, publishing, binding. Other than newspaper printing.
9. Production, processing, cleaning, testing, and distribution of materials, goods, food stuffs, and products, other than uses listed separately in this section, subject to the following provisions:
 - a) Lot are shall not be less than 3 acres
 - b) No building area shall be less than 100 feet from any lot line.
 - c) Activities shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, but shall be effectively screened by a solid, uniformly finished wall or fence or substantial landscaping with an initial height of 5 feet. Parking of licensed vehicles with a rated capacity under 1.5 tons are not required to be screened.
 - d) Applicants must show that industrial uses comply with the following standards in that they:
 - i. emit no obnoxious, toxic or corrosive fumes or gases except for those produced by internal combustion engines under design operating conditions;
 - ii. emit no odorous gases or other odorous matter in such quantities as to be perceptible at or beyond any point on the lot boundaries;
 - iii. emit no smoke greater than that emitted by properly operating domestic heating equipment;
 - iv. discharge into the air no dust or other particulate matter created by any industrial processing;
 - v. produce not heat or glare humanly perceptible at or beyond the lot line;
 - vi. produce no noise exceeding 55 A-weighted decibels measured at the lot line of any residential lot between the hours of 9 p.m. and 7 a.m.;
 - viii. utilize all lighting in a manner which does not permit an external light source to be directly visible from any point beyond a lot line.

B. Special Exceptions: Only the following uses and structures are permitted as special exceptions in the “EC” district after approval by the Board of Appeals.

1. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, radio and/or television transmitter towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.

- b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
 - d) In the case of radio and/or television transmitter towers any such tower shall be located a distance equal to its height plus 50 feet from all lot line.
2. Junkyard or other outdoor storage of “Junk”, provided that all storage and processing of “Junk” is completely screened from view of any street or any lot by building walls and/or substantial landscaping.

C. Accessory Uses and Structures: The following accessory uses and structures shall be permitted in the “EC” district:

- 1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
- 2. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
- 3. Family Day Care Home serving a Maximum of 4 persons at a time who are not relatives of the operator.
- 4. Other Family Day Care Home.
- 5. Signs subject to the requirements of Article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the “EC” district:

- 1. Crop farming, orchards and forestry.
- 2. Agricultural activities other than “G.1.”, subject to the following provisions:
 - a) Structures and enclosures routinely used for the keeping of livestock and related activities or the storage or processing of manure shall be setback a minimum of 200 feet from any lot line, unless the owner of the abutting property at the time of the construction of such uses waives the right to such setback in writing.

E. Specifically Prohibited Uses: The following uses shall be prohibited in the “EC” district:

- 1. Adult Uses.
- 2. Keeping of Chickens and accessory uses and structures related to such use.

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the EC district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

- 1. Lot area 40,000 square feet
- 2. Front Yard depth 25 feet
- 3. Side Yard depth 15 feet
- 4. Rear Yard depth 25 feet
- 5. Lot Width 200 feet

ARTICLE 5
DIMENSIONAL AND MISCELLANEOUS REQUIREMENTS

500 TABLE OF DIMENSIONAL REQUIREMENTS

The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in Section 4 and Section 5.

501 LOT AREA AND YARDS REQUIREMENTS

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

502 EXCEPTIONS TO MINIMUM LOT AREA AND LOT WIDTH

- A. If 2 or more adjoining lots of record, one or both of which fail to meet the requirements of this Ordinance with regard to lot area and/or lot width, have continuous frontage and are in single ownership at any time after the application of the provisions of this Ordinance to such lots, and if such lots taken together would form one or more lots, each meeting the requirements of this Ordinance with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirements irrespective of subsequent changes in ownership.
- B. In any zone in which single family dwellings are permitted, subject to the provisions of Section 502.A. above, if a lot which is of record at the time of application of the provisions of this Ordinance has insufficient lot area and/or lot width, then a single family detached dwelling may be constructed on such lot regardless of the lot area and/or lot width requirements of this Ordinance, provided:
 - 1. such building and lot conforms to all other regulations of the district in which such lot is located, and
 - 2. that no single family dwelling shall be constructed unless a lot or contiguous lots have a total width of at least 50 feet.

503 FRONT YARD REDUCTION

When there is an existing building on each of 2 lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when both such existing buildings are within 100 feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth on which the proposed building is to be erected, provided that the above reduction shall not apply to any special exception uses.

504 **TRAFFIC VISIBILITY ACROSS CORNERS** (clear sight triangle)

On any corner lot, no wall, fence or other structure shall be erected or expanded, and no hedge, tree shrub or other vegetation shall be planted or maintained which may cause danger to traffic by obscuring the views of oncoming traffic. Visual obstructions shall be limited to a height of not more than 2 feet above street level within the triangular area bounded by the street cartway lines and a straight line drawn between points on each such line 25 feet from the intersection of such lines.

505 **PROJECTIONS INFO REQUIRED YARDS**

Subject to Section 504, the provisions of Section 500 shall not apply to fences or walls within which are less than 6 feet high above the natural grade nor the terraces, steps, uncovered porches, or other similar features not over 3 feet high above the floor level of the ground story. Subject to Section 504, Article 6, and Article 7, the yard requirements of Section 500 shall not apply to accessory signs and off-street parking spaces.

506 **ACCESSORY STRUCTURES**

- A. **Location of Accessory Structures.** An accessory structure shall not be located within the required minimum front yard and also shall be subject to the regulations provided herein:
1. Accessory structures shall be setback at least five (5) feet from alley right-of-ways and from side and rear lot lines, except:
 - a) The setback shall be thirty (30) feet in the RD district and fifteen (15) feet in the SR district for structures of over 100 square feet of floor area,
 - b) A setback is not required along the same lot line along which buildings (such as townhouses) are attached, and
 - c) An animal shelter shall meet the principal building setbacks for the district, unless a more restrictive provision is stated elsewhere in this Ordinance.
 - d) If a structure is to be located 5 feet or less from the property line and adjacent to another property, fire rated construction must be used on the side of the building for all material, including siding, roofing, soffit, fascia, etc
 2. **Corner Lots.** If a lot is adjacent to two (2) streets, any accessory structure shall meet the minimum side yard requirements for a principal building along the street that is not the front lot line.
 3. **Patio.** Ground level residential patios are not required to be setback from lot lines.
 4. **Satellite Dish Antenna.** A freestanding satellite dish antenna with a dish diameter of one (1) foot or greater shall not:
 - a) be located within the required minimum front yard setback, nor
 - b) be located within the required setback for an accessory structure.
- B. **Recreational Vehicles and Watercraft.** In the RD, SR, TR and TC district, it shall be permissible to store outdoors not more than one (1) recreational vehicle, or one (1) recreational trailer or one (1)

watercraft per dwelling unit on a lot as an accessory use to the residential structure. Such vehicle or trailer may be parked on the lot for storage only and shall not be occupied.

1. Such vehicle, trailer or watercraft shall be placed in the rear or side yards only and shall be located at least six (6) feet from all property lines.
2. This Section 506, B. shall not apply:
 - a) to such items within permitted completely enclosed buildings,
 - b) to a recreational vehicle or watercraft less than 16 feet in length, or
 - c) to a recreational vehicle or watercraft being actively prepared for imminent use.

C. Swimming Pools and Hot Tubs

1. The water surface of a private swimming pool shall be setback at least six (6) feet from the lot line of any abutting dwelling.
2. All pools, spas, and hot tubs shall be subject to the enclosure requirements specified in the Property Maintenance Code.

D. Accessory Structures Not Permitted Prior to Principal Structures: No accessory structure shall be on a lot:

1. Unless the principal use or structure is in existence previously, or
2. Until construction has begun on the principal structure and construction of the principal structure is diligently pursued.

506.1 ACCESSORY USES

A. Accessory Use. A permitted accessory use shall comply with the district provisions set forth in Article 4 of this Ordinance. All such uses must comply with all other sections of this ordinance. A use not listed as a permitted use shall be prohibited unless the use is approved by Board of Zoning Appeals in accordance with Article 10.

B. Accessory Uses Not Permitted Prior to Principal Structures. No accessory use shall be on a lot:

1. Unless the principal use or structure is in existence previously, or
2. Until construction has begun on the principal structure and unless construction of the principal structure is diligently pursued.

507 WALLS NOT PARALLEL TO LOT LINES

Where a wall of a building is not parallel with its corresponding lot line, the required width or depth of any yard on that side of the building shall be taken as the average width or depth, provided that said yard shall not be narrower at any point than three-fourths of the required width or depth.

508 CORNER LOTS

On a corner lot, a side yard alongside a public street shall meet the same minimum yard requirement as a front yard.

509 **TRIANGULAR LOTS**

In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front line shall be at least twice the minimum depth specified in Section 500.

510 **MAXIMUM HEIGHT**

- A. A maximum height of 35 feet shall apply for structures in all districts, except a maximum height of 40 feet shall apply in the EC District, and except as stated otherwise for specific types of structures, such as signs.
- B. Maximum height regulations shall not apply to church spires, chimneys, water towers, aerials and other structures normally built or located above the roof and not devoted to human occupancy.

511 **STEEP SLOPES (OVER 25%)**

- A. New Slopes. If any new slope will be created of greater than 4:1, the application shall provide a written description of the measures that will be used to stabilize such slope, together with a legally binding timetable for the implementation of such measures.
- B. Over 30 Percent Slopes. Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 30 percent shall require special exception approval by the Board of Zoning Appeals. When special exception approval is required, the applicant shall:
 - 1) show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces,
 - 2) submit a plan showing that stormwater runoff will be properly controlled, 3) submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the Town or its designee, and
 - 3) submit a grading plan prepared by a qualified professional in a manner that holds grading to a reasonable minimum.
- C. Slopes on Proposed Lots.
 - 1) If natural slopes of over 30 percent are present on a proposed lot, then the applicant shall submit a site plan that designates the maximum portions of the lot that will be used for construction of a principal building. In many cases, an applicant may be able to avoid the requirements of this Section c) by restricting construction to the less steep portions of a lot.
 - 2) If the site plan designates areas of over 30 percent slope for the construction of a principal building, then a minimum lot area of 3 acres shall be required for a new lot, and a maximum total of 5 percent of the lot area may be covered by all buildings, paving and stone surfaces.
 - 3) If the footprint of a new principal building would affect less than 200 square feet with a natural slope of over 30 percent, then the requirements of this Section c) shall not apply.
 - 4) This Section c) shall not apply within the TR or TC districts.

512 **STREAM BUFFERS**

- A. **Setback.** No new principal building, off-street parking, loading area or commercial or industrial outdoor storage area shall be located:
- 1) within 50 feet of the top of the primary bank of the Youghiogheny River or Bear Creek, outside of the TC and TR Districts,
 - 2) within 25 feet of the top of the primary bank of the Youghiogheny River or Bear Creek within the TC and TR Districts, and
 - 3) within 25 feet of the top of the primary bank of any other perennial waterway.
- B. No new or expanded paving or stone surface shall be placed within the setback established by Section 512.A., except for:
- 1) trails that will not serve motor vehicles,
 - 2) necessary road and driveway crossings that are approximately perpendicular to the stream, and
 - 3) temporary waterway crossings related to construction, provided such crossings are approved by applicable State agencies.
- C. Property-owners are strongly encouraged, but not required, to maintain the stream buffers in natural vegetation, and to plant new trees in areas without significant existing vegetation. Subdividers are encouraged to establish deed restrictions to limit tree cutting within this buffer.

513 **SPECIES AND WETLANDS.**

- A. All activity shall comply with the Town of Friendsville Floodplain Ordinance, as amended.
- B. In any area suspected of being a wetland, where development or other alterations are proposed, the applicant shall provide evidence that he/she is complying with the regulatory procedures of the State of Maryland.
- C. The Zoning Administrator should notify an appropriate Federal agency if an application for development is submitted that could affect a site known to the Town to have been identified by a Federal agency as a habitat for a Federally designated Rare, Threatened or Endangered Species.
- D. If proposed development activity would require one or more State permits, then State agencies are encouraged to identify any affected Rare, Threatened or Endangered Species habitats on the State of Maryland list, and to work cooperatively with property-owners to minimize impacts on such habitats.

514 **GROUP HOMES.**

- A. See definition of Group Homes in Section 201 and provisions in Article 4.
- B. See provisions for modifications in Section 1006.E.
- C. A Group Home meeting the requirements of this Section 514 shall house a maximum of 8 unrelated persons, in addition to any staff-persons necessary to assist and supervise such persons.
- D. A minimum of one off-street parking space shall be provided for each employee on-site during peak periods.
- E. A copy of any relevant Federal, State or County license or certification shall be provided to the

Zoning Administrator. The Zoning Administrator shall be notified in writing within 7 days by the operator of the use if such license or certification is suspended, expired or withdrawn, or if there is a significant change in the type of residents housed.

- F. The Group Home shall apply for and obtain a Zoning Permit. The permit application shall state the maximum number of residents, general type of treatment/care, level of staffing, any sponsoring agency and a phone number and address of a responsible supervisor of the use.
- G. Any medical or counseling services on-site within a residential district shall be limited to a maximum of 3 persons who do not live on-site.
- H. If a group home is within a residential district: a) it shall be maintained and/or constructed with a clearly residential appearance, and b) no exterior signs shall identify the use.

515 **BED AND BREAKFAST**

Bed and Breakfast Use: An establishment that only serves transient visitors to the area with sleeping rooms and at least one meal per day, and that is within a setting reflecting a residential rather than commercial character. Bed and breakfast uses, limited to a maximum of 8 guestrooms, and limited to serving transient visitors to the area. (See definition Section 201)

- A. Bed and Breakfast establishments shall meet the following standards:
 - 1) No bed and breakfast facility shall contain more than eight (8) guestrooms.
 - 2) Only designated rooms shall be used for sleeping.
 - 3) A minimum of one full lavatory, toilet and shower or tub or combination thereof shall be available for every two guestrooms as well as one for the owner occupant.
 - 4) No guestroom shall contain more than two beds.
 - 5) One off-street on-site parking space required per guestroom.
 - 6) One off-street on-site parking space required per nonresident employee.
 - 7) No cooking facilities shall be permitted in any guestroom.
 - 8) Upon conversion of an existing dwelling to a bed and breakfast facility, no additional entrance shall be permitted in the front facade.
 - 9) No guest shall be permitted in a bed and breakfast facility more than ten (10) consecutive nights.
 - 10) No more than four (4) adult persons shall simultaneously occupy any one guest room in a bed and breakfast facility.
 - 11) There shall be no more than two (2) of nonresident employees in or about the bed and breakfast facility.
 - 12) One sign flush-mounted against the dwelling advertising the establishment, which shall not exceed 4 square feet in area, and one directional sign, which shall not exceed 2 square feet, are permitted.
 - 13) Breakfast shall be the only meal served and shall be limited to overnight guests.
 - 14) A sidewalk shall be placed connecting the parking area to the main building.
 - 15) The Bed and Breakfast establishment shall not be used as a gathering place, meeting hall or dining facility.

516 **Mobile/Manufactured Home Parks**

- A. Individual mobile home spaces within a Mobile Home Park shall include a minimum of 10,800 square feet of lot area, and a minimum width at the building setback line of 90 feet, exclusive of easements.
- B. The maximum number of mobile homes permitted on a lot shall be determined by deleting 10 percent from the total lot area (to account for usable open space), and then deleting land within the 100 year floodplain or with a slope in excess of 25 percent or occupied by overhead utility easements, and then dividing the remaining lot area by 10,800 square feet.
- C. All mobile homes shall be setback a minimum of 75 feet from any street right-of-way line that is exterior to the Mobile home Park and 100 feet from any other exterior lot line.
- D. A minimum setback of 25 feet shall be provided between an individual mobile home and street cartway, common parking area or common recreation area.
- E. All mobile homes shall be setback a minimum of 20 feet from each other and from other principal building on the lot.
- F. Each mobile home shall be placed on a concrete pad or otherwise be securely anchored to the ground in a manner approved by the Town.
- G. Vehicle access to a mobile home park shall be designed to minimize congestion and hazards at entrances and exits, and to allow free traffic movement on adjacent streets. Each mobile home park including 10 or more units shall have at least 2 vehicle access points onto an adjacent street(s). Each vehicle access point to a public street shall be separated by 150 feet from each other.
- H. Safe and convenient paved vehicle access shall be provided to reach each mobile home space. The alignment and slope of streets and driveways shall be properly adapted to topography. No interior street shall have a slope in excess of 12 percent.
- I. Streets within a Mobile Home Park shall have a minimum right-of-way of 40 feet and a minimum paved cartway of 20 feet, except that a street for one-way traffic shall have a minimum paved cartway of 14 feet. If on-street parking is to be permitted, then an additional 8 feet wide stone shoulder shall be provided. All streets shall be kept in good repair and include at least 6 inches of suitable stone base and 3 inches of asphalt, unless an alternate surface is approved in advance by the Town Council.
- J. No individual mobile home shall have its own individual driveway access directly onto a public road.
- K. Parking shall comply with Article 6. At least one of the required parking spaces for each dwelling shall be located immediately adjacent to the dwelling. Other parking spaces shall be within 300 feet of the dwelling that they serve.
- L. A substantial landscaped buffer shall be planted by the developer at least 10 feet wide around the perimeter of the mobile home park.
- M. Any mobile home park involving 5 or more units shall include at least 10 percent of the total lot area being set aside for usable recreation and open space areas for residents. Such areas shall be located to minimize conflicts with traffic. Where topography permits, such areas shall be located where they will be conveniently accessible to all residents.
- N. No enclosure attached to a mobile home shall exceed 100 percent of the floor area of a mobile home. A building permit shall be required for such enclosures.
- O. Safe, convenient, durable all-season pedestrian walkways or sidewalks with a minimum width of 4 feet shall be provided to link together homes within the site and pedestrian attractions within and adjacent to the site.

517 **SCREENING AND BUFFERING.**

- A. If any new principal commercial or industrial use is developed directly adjacent to or directly across the street from a residential use in a residential district, and such use is visible from such residence, then a substantial landscaped buffer shall be provided alongside the edge of the commercial or industrial use.
 - 1. A substantial landscaped buffer shall also be provided along the edge of a storage area if new or expanded outdoor commercial or industrial storage of machinery, equipment, materials or "junk" is visible from a public street or dwelling.
 - 2. Such landscaping shall primarily include evergreen trees and shrubs within an initial height of 3 feet. Such landscaping shall include choices of species and locations so that it can reasonably be expected that a mostly solid visual screen 6 feet in height will result within 5 years.
 - 3. Screening shall not be required at driveway crossings or where it would obstruct safe sight distances.
- B. A landscaped buffer shall not be required along a front yard, except to buffer an outdoor storage area. A landscaped buffer shall not be required where existing vegetation will serve the same purposes, and there is a legal commitment to preserve such vegetation.
- C. The Zoning Administrator may permit a landscaped buffer to be replaced by an attractive mostly solid weather-resistant fence made of wood or materials with a similar appearance or brick or other decorative masonry if the applicant proves good cause in writing for such substitution. Such fence shall have a minimum height of 6 feet. The Zoning Administrator may base his/her decision upon a review by the Planning Commission or Town Council.
- D. The Mayor and Town Council may waive any fencing or buffer where the applicant proves such features would not serve any valid purpose, or is unneeded because of major changes in elevation or similar features.

518 **HOME OCCUPATIONS**

- A. The Town recognizes the desire and/or need of some citizens to use their residences for business activities in order to reduce travel and provide another economic development tool, but also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities. The standards in this section are intended to ensure that the home occupation use remains subordinate to the residential use, and that the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be performed in a home with little or no effect on the surrounding neighborhood.
- B. Home Occupations are permitted by district, as specified in Article 4.
- C. Permitted Home Occupations: Examples of permitted home occupations include, but are not necessarily limited to, the following:
 - 1. Offices for such professionals as but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, physiologists, contract management, graphic design, construction contractors, landscape design, cleaning services, salespersons, manufacturer's representatives, and travel agents.
 - 2. Instructional services, including music, dance, art, and craft classes.

3. Produce grown on premise and for sale at home.
4. Studios for artists, sculptors, photographers, and authors.
5. Workroom for tailors, dressmakers, milliners, and craft persons, including weaving, jewelry making, cabinetry, and woodworking.
6. Home salon for services providing hair cutting, massage, or other cosmetology services.

D. **Standards.** Home Occupations shall comply with the standards listed below:

1. Operational Standards

- a) A *home occupation* shall have no more than one (1) nonresident employee on premises at any one time. The number of nonresident employees working at locations other than the site of the *home occupation* is not limited. One (1) parking space shall be provided for the nonresident employee.
- b) The *home occupation* shall be limited to the parking storage of one (1) commercial vehicle on the premises, not exceeding a 10,000 pound gross vehicle weight.
- c) The equipment used by the *home occupation* and the operation of the *home occupation* shall not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines, generate noise exceeding those permitted by State Code and the Town Code, create electrical, magnetic, or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use or store hazardous materials in excess of the quantities permitted in a residential structure.

2. Site Related Standards

- a) Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. With the exception of signage which complies with Article 7 of the Zoning Ordinance or changes which are expressly contemplated under the terms of this Part, external changes to the dwelling where the *home occupation* is conducted which make it appear less residential in nature or function are prohibited.
 1. Any structures used for the outdoor display of any goods, stock in trade or other commodities must be temporary in nature and must be removed nightly between the hours of 9p.m. and 7a.m. in such a manner as is discernible from other dwellings.
 3. The use shall involve no more than 25% of the *total floor area* of the *dwelling unit* in which the *home occupation* is located. If the *home occupation* is located in an *accessory structure*, the use shall involve no more than 25% of the combined total floor area of the dwelling unit and accessory structure. Notwithstanding the foregoing, in no instance shall a *home occupation* occupy a total of more than 500 square feet of gross floor area.
 4. Hours: A *home occupation* shall not operate between the hours of 9p.m. and 7a.m. in such a manner as is discernible from other dwellings.

519 SOLAR POWER

As solar energy system components have become more efficient and less costly an increasing number of solar energy installations have been installed in Maryland. Since 2005, the interest in solar energy has rapidly increased such that many communities have had to address solar installations as a land use issue. Solar energy components continue to improve in efficiency and decline in price. Solar is already a cost-competitive option in some locations.

Solar energy offers retail customers an alternative (or supplement) to utility power. Solar energy has become a symbol of energy self-sufficiency and environmental sustainability. The growth in solar

installations is attributable more to the non-economic benefits than as an economic substitute to the utility. Households and businesses wanting to reduce their carbon footprint see solar energy as a strong complement to energy efficiency. Volatility in natural gas or propane prices makes free solar fuel look attractive as a price hedge.

A. Principal and accessory uses

This ordinance addresses solar energy as both a principal use and as an accessory use to the primary residential or commercial use. Counties and rural areas are much more likely to see “solar farms” or ground-mounted “community solar” installations. These solar installations are large arrays of hundreds or thousands of ground or pole-mounted panels covering anywhere from a few acres to over 100 acres. These land uses have different issues and need to be addressed in a substantially different manner than discussed in this ordinance.

B. Scope - This article applies to all solar energy installations in the Town of Friendsville.

C. Purpose - Consistent with the Friendsville Comprehensive Plan, the intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards. The Town of Friendsville has adopted this ordinance for the following purposes:

1. **Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the Town’s citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals from the Comprehensive Plan:

Goal 1 - Encourage the use of local renewable energy resources.

Goal 2 - Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.

Goal 3- Assist local businesses to lower financial and regulatory risks and improve their economic, Town, and environmental sustainability.

Goal 4 - Efficiently invest in and manage public infrastructure systems to support development and growth.

D. Definitions

1. **Building-integrated Solar Energy Systems** - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
2. **Community Solar** - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.
3. **Grid-intertie Solar Energy System** - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

4. Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
5. Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
6. Photovoltaic System - A solar energy system that converts solar energy directly into electricity.
7. Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, or the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
8. Renewable Energy System - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
9. Roof Pitch - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
10. Solar Access - Unobstructed access to the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
11. Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
12. Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
13. Solar Collector Surface - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
14. Solar Daylighting - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
15. Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
16. Solar Energy Device - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.
17. Solar Energy System - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.

18. Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.
19. Solar Heat Exchanger - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
20. Solar Hot Air System - An active solar energy system that includes a solar collector to provide direct
21. supplemental space heating by heating and re-circulating conditioned building air. The most efficient
22. performance typically uses a vertically mounted collector on a south-facing wall.
23. Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
24. Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
25. Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

E. **General standards** - All solar energy systems shall comply with the following standards.

1. Interconnection agreement - All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.
2. UL listing - Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
3. Electric code - All solar installations must comply with the Maryland and National Electric Code.
4. Building code - All rooftop solar systems shall comply with the Maryland Building Code.
5. Plumbing Code - Solar thermal hot water systems shall comply with applicable Maryland Plumbing Code requirements.
6. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
7. Height limit - Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted

consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.

8. Visibility, commercial installations - Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.

F. **Standards for specific solar uses.** The following standards apply to specific types of solar uses:

1. Rooftop solar energy systems - accessory to the primary land use, designed to supply energy for the primary use.
 - a) These systems are permitted accessory uses in all districts in which buildings are permitted.
 - b) No land use permit is required.
2. Ground-mount solar energy systems – accessory to the primary land use, designed to supply energy for the primary use.
 - a) Ground-mount systems are permitted accessory uses in all districts where buildings are permitted.
 - b) Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which it is located, including setback, height, and coverage limits.
 - c) The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.
3. Community solar energy systems - Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid.
 - a) Rooftop community systems are permitted in all districts where buildings are permitted.
 - b) Ground-mount community solar energy systems are allowed by Special Exception in all districts.
 - c) An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - d) All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - e) Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
4. Solar farms - Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market.
 - a) Special Exception - Solar farms require a Special Exception approval from the Friendsville Board of Zoning Appeals.
 - b) Stormwater and National Pollutant Discharge Eliminations System (NPDES) - Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
 - c) Foundations - A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 - d) Other standards and codes - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes.
 - e) Power and communication lines - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Friendsville Planning and Zoning Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

- f) Site Plan Required - A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Friendsville Planning and Zoning Commission. The site plan should also show all zoning districts, and overlay districts.
- g) Agricultural Protection - Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- h) Decommissioning - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the County Solid Waste Ordinance. The Friendsville Planning and Zoning Commission may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

G. **Restrictions on Solar Energy Systems Limited** - No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the Town of Friendsville shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.

- H. **Solar Access** – The Town of Friendsville encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Maryland Statutes.
- 1. Easements Allowed - The Town of Friendsville has elected to allow solar easements to be filed. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.
 - 2. Subdivision Solar Easements - The Town of Friendsville may require new subdivisions to identify and create solar easements when solar energy systems are implemented.

**ARTICLE 6
OFF-STREET PARKING**

600 REQUIRED NUMBERS OF PARKING SPACES

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building which, after the effective date of this Ordinance, is erected, enlarged, or altered for any of the following purposes:

- A. Residential, other than Multi-Family Dwellings. Two spaces per dwelling unit.
- B. Multi-Family Dwellings. 1.5 spaces per dwelling unit.
- C. Home Occupation. One parking space per non-resident employee.
- D. Institutional, Recreation, and Educational, other than uses listed separately in this Section. One space per 5 seats plus one space per 2 employees on the premises. Where fixed seats are not provided, one space for every 80 square feet of floor area intended to be used by patrons, guests, members, clients, or customers, plus one space per 2 employees on the premises.
- E. Recreation, Non-Governmental or Club or Lodge. One space per 3 patrons of maximum capacity.
- F. Nursing Home, Personal Care Home or Hospital. One space for each 3 patient beds.
- G. Office. One space for each 200 square feet of floor area used for office purposes.
- H. Retail Sales and Consumer Services, other than uses listed separately in this Section. One space for each 150 square feet of gross floor area. Where retail sales are combined with a gasoline service station, then up to 50 percent of the required parking spaces may be met by spaces in front of gasoline pumps. If a lot includes over 20,000 square feet of retail sales floor area and other related uses typically found in a shopping center, then one space shall be required for every 225 square feet of leasable floor area.
- I. Restaurants or Similar Establishments. One space for each 50 square feet of floor area devoted to patron use, or one space per 3 seats for a primarily sit-down restaurant.
- J. Hotel or Motel. One space for each rental unit. If other uses are included that typically serve persons who are not staying overnight, such as a restaurant, then parking shall also be provided for such uses.
- K. Gasoline Service Station, Auto Sales, Repair Garage. Sufficient spaces on the premises shall be provided for the parking or storing of all vehicles left for service or awaiting customer pick-up. The parking of such vehicles on the street or sidewalk is prohibited. See also "Retail Sales" above.
- L. Funeral Home. One space per 5 seats in rooms intended to be in use at one time for visitors.
- M. Theater. One space per 4 seats.

- N. Haircutting or Hairstyling. One space per seat intended to be in use at one time for haircutting, hairstyling, washing or similar work.
- O. Industrial Uses. One space per 1.2 employees on-site during peak times, plus spaces for trucks and company vehicles as needed.
- P. Other Uses. The applicant shall provide sufficient information for the Zoning Administrator to determine that sufficient space will be provided for all reasonably expected parking demand.

601 **GENERAL REQUIREMENTS FOR PARKING.**

- A. Existing Parking. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- B. Changes in Requirements. Whenever there is an alteration of a structure or a use which increases the parking requirements according to the standards of Section 600, the total additional parking required for the alteration, change, or extension shall be provided in accordance with the requirements of that section.
 - 1) No required parking spaces shall be reduced in area to less than the number of spaces required by this Ordinance.
- C. Conflict With Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- D. Continuing Character of Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner of a particular use to assure the availability of required facilities to the customers, employees, or other persons whom the facilities are designed to serve.
- E. Joint Use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.
- F. Fractional Spaces. Where the computation of required parking space results in a fractional number, only the fraction of one-half or more shall be counted as one.
- G. Location of Parking Space. Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within 400 feet of the principal use served within the same district.

602 **PARKING DESIGN STANDARDS**

- A. The minimum dimensions of stalls and aisles shall be as follows:
 - 1. Stall width shall be at least 9 feet.
 - 2. Stall depth shall be at least 18 feet for all angle parking and 22 feet for parallel parking.

3. Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of parking shall be:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 Feet
30°	11 Feet
45°	13 Feet
60°	18 Feet
90°	20 Feet

4. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.

- B. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
- C. The width of entrance and exit drives shall be:
 1. A minimum of 12 feet for one-way uses only.
 2. A minimum of 20 feet for two-way use.
 3. A maximum of 30 feet at the street line.
- D. In no case shall parking areas for 3 or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.
- E. For parking areas of 3 or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property.
- F. All lighting used to illuminate any parking space or spaces shall be arranged so as not to cause a glare into abutting lots.
- G. Handicapped Parking.
 - 1) Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:
 - 2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
 - 3) Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by 2 handicapped spaces by being placed between them. However, one out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
 - 4) Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
 - 5) Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
 - 6) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is accessible with a wheelchair.

- 7) Bicycle Parking. To comply with Annotated Code of Maryland Land Use Article, any new use required to provide 10 or more new off-street parking spaces shall include a suitable area for the parking of bicycles. Such area should allow for locking of bicycles to a secure feature, but shall not result in obstructions to fire exits or handicapped access.

603 **OFF-STREET LOADING**

- A. All permitted uses requiring truck loading and unloading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with the normal operations shall stand in or project into any public street.
- B. Size. The applicant shall provide evidence acceptable to the Zoning Administrator that the loading space(s) will be large enough to reasonably accommodate the size of trucks expected to routinely service the use. To serve medium sized trucks, each loading space is intended to be at least 30 feet in length by 12 feet in width by 14 feet in height.
- C. Number. The applicant shall provide evidence acceptable to the Zoning Administrator that the number of off-street loading spaces will be sufficient.

ARTICLE 7
SIGNS

700 **SIGN DEFINITIONS.** See Section 201 under "Signs."

701 **NONCONFORMING SIGNS.**

An existing lawful nonconforming sign may be replaced with a new sign, provided that the new sign is not more nonconforming in any manner than the existing sign, and provided that in no case shall the new sign exceed an absolute maximum of 200 square feet per side in sign area.

702 **APPLI CABILITY**

- A. No sign shall be erected, hung, placed, or painted in any District except as hereinafter provided.
- B. Tacking, painting, posting, or otherwise affixing of signs or posters of a miscellaneous character on the walls of structures, trees, posts, poles, fences, walls, or other structures except as provided for in this Ordinance is prohibited.
- C. A sign erected before the effective date of this Ordinance shall not be expanded or moved, except in compliance with the provisions of this Ordinance.
- D. The flag, emblem, insignia or symbol of a nation, other governmental unit, non-profit education, charitable, or religious group shall be exempt from the terms of this Article.
- E. Art. If an applicant proves to the satisfaction of the Zoning Administrator that a proposed display is "art" instead of being a "sign," then the art shall not be regulated under this Ordinance. For such purpose, the applicant shall prove:
 - 1. that the display will not be internally illuminated, and
 - 2. that the display clearly is primarily intended to serve an artistic or public service purpose, as opposed to any commercial purpose.

703 **INTERPRETATION**

For the purposes of regulating signs in this Ordinance, any of the following words are intended to include any tense or to read with the prefix "re": affix, alter, attach, display, erect, hang, move, paint, paper, paste, place, post, repair.

704 **AREA OF SIGN**

- A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical.

705 **PERMIT REQUIREMENTS FOR SIGNS**

No on-premises sign over 4 square feet in area and no off-premises sign (except official governmental signs) of any size shall be erected, affixed, painted, hung, or otherwise displayed, altered, or repaired, unless a permit therefore has been issued. No permit shall be required for the repainting, repapering or change of copy of an existing lawful sign. All signs of any size must comply with all the regulations contained herein, irrespective of whether a permit is required.

706 **SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.** The following signs shall be permitted in Residential Districts:

A. **On-Premises Signs.**

- 1) Official Signs. Official traffic signs and other official federal, state, county or town government signs.
- 2) Identification or Home Occupation Signs. A sign indicating the name of the building or premises or the accessory use of a dwelling for a home occupation, provided that such sign shall not exceed 2 square feet in area that not more than one such sign shall be erected on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such sign shall not be internally illuminated if within a residential district.
- 3) Farm Signs. A sign advertising the sale of farm products grown or produced on the premises, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
- 4) Bulletin Boards. Bulletin or announcement board or identification signs for schools, churches, hospitals, and other principal uses and buildings other than dwellings, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be placed on a property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
- 5) Real Estate Signs. Signs advertising exclusively the prospective sale or lease of the land or building upon which such signs are displayed, provided that the area of any such signs shall not exceed 6 square feet and not more than one such sign shall be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement or renting of a property.
- 6) Development Signs. A temporary sign advertising the development of the property upon which it stands or the opening of a new subdivision, provided that the area of any such sign shall not exceed 100 square feet, that not more than one such sign may be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be removed immediately upon completion of the development. Such signs shall not be illuminated if within a residential district. Such a sign may be attached to a brick or other decorative masonry wall with a maximum height of 6 feet and a maximum length of 20 feet.
- 7) Contractor's Signs. Temporary contractors', architects' or building signs, provided that the area of any such sign shall not exceed 12 square feet. Such signs shall be removed immediately upon completion of the work or 18 months after erection of the signs, whichever shall occur first.

- 8) Directional Signs. Traffic control and directional signs not exceeding 2 square feet in area. Such signs shall not be illuminated, but may be of the beaded reflector type. No advertising matter whatsoever shall be contained on signs of this type.
- 9) No Trespassing Signs. No trespassing signs, signs indicating the private nature of a road, driveway, or premises, provided that the area of any such sign shall no exceed 2 square feet.
- 10) Non-Profit Signs. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, education, or religious organization. Such signs shall not exceed 12 square feet in area and shall be removed not more than 5 days after the event.

B. Off-Premises Signs.

- 1) Signs directing patrons, members, or audience to temporary exhibits, shows, or events, subject to the following requirements:
 - i). No such sign shall exceed 12 square feet in area.
 - ii). Signs shall be removed within 5 days after the date of the exhibit, show, or event.
 - iii). No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Administrator in accordance with a fee schedule adopted by the Town Council to guarantee removal within the time prescribed. Failure to remove such signs within the time prescribed shall result in forfeiture of the deposit.
 - iv). No such signs shall be posted earlier than 2 weeks before the occurrence of the event to which it relates.
- 2) Official traffic signs and other federal, state, county, or town government signs.

707 SIGNS PERMITTED IN BUSINESS DISTRICT. The following signs shall be permitted in Business Districts:

A. On-Premises Signs.

- 1) All signs permitted in Section 706 at the standards prescribed therein except as otherwise provided in this Section.
- 2) Signs for permitted principal non-residential uses provided:
 - i). The aggregate area of all signs attached to or printed on a building shall not exceed 10% of the area of the building face to which they are attached or painted, or 100 square feet, whichever is less.
 - ii). Free standing signs identifying a single building or its business or shopping center in accordance with the following schedule:

<u>Total Street Frontage</u>	<u>Number of Signs Permitted</u>
1 to 1,000 feet	One
Each additional 1 ,000 feet	One

The area of any free standing sign shall not exceed one square foot for each lineal foot of street frontage occupied by the use on which or in connection with which the sign is to be erected, but in no case shall the area of a sign exceed 100 square feet.

- A. Off-Premises Signs.
- 1) All signs permitted in Section 706 at the standards prescribed therein.
 - 2) Signs used for directing patrons, members, or audience to service clubs, churches, or other non-profit organizations, provided signs shall indicate only the name, emblem, meeting hours, address, and direction of the facility, and shall not exceed 4 square feet in area.

708 GENERAL SIGN REGULATIONS

- A. No sign shall project more than 3 feet above the roof nor more 3 feet from the wall to which it is attached. A sign may be incorporated into a durable awning or canopy that projects up to 3 feet from a wall. Any sign attached to and placed approximately perpendicular to a building face shall have a maximum sign area of 4 square feet and a minimum clearance of 8 feet above the ground level.
- B. No sign shall be located within any street right-of-way, except official signs, non-commercial banners and directional signs approved by the Town Council, and signs permitted by Sections 706.A.1) and 706.8.2). Signs permitted by Section 708.A. may project into a street right-of-way if the wall of an existing building is located immediately adjacent to the right-of-way.
- C. Height. Signs shall not exceed the height limit permitted in any district in which they are located.
- D. Signs shall not obstruct any window, door, fire, escape, stairway, or other opening intended to provide light, air, ingress, or egress for any building.
- E. No sign shall constitute a public safety and traffic hazard, such as by obstructing traffic signals, road warning signs, street name signs, or the full view of the traffic in all directions. Lighting devices shall be shielded so that they do not shine directly into the eyes of motorists or into a residential district.
- F. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or the public safety, in the opinion of the Zoning Administrator, he/she shall order that such sign be made safe or removed. Such order shall be complied with within 5 days of receipt thereof by the person or entity owning or using the sign or the owners of the building or premises on which such unsafe sign is affixed or erected.
- G. No sign placed or constructed after the effective date of this Ordinance shall flash or mechanically rotate.

**ARTICLE 8
NONCONFORMITIES**

800 DEFINITIONS

- A. Nonconforming Structure or Lot. A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for signs, off-street parking, off-street loading, or accessory buildings, but which structure or lot was in existence at the effective date of this Ordinance and was lawful at the time it was established.
- B. Nonconforming Use. A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the district in which it is located, but which was in existence at the effective date of this Ordinance, was lawful at the time it was established. Owners of nonconforming uses are strongly encouraged to obtain a certificate under Section 808.

801 CONTINUATION OF NONCONFORMITIES

The lawful use of any structure or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provision of this Ordinance except as otherwise provided in this Article.

802 EXPANSION OF NONCONFORMITIES

- A. An existing use of land or a structure which is not listed as permitted by right or by special exception in the applicable district according to the regulations shall not be expanded unless a zoning permit is issued and the following standards are met:
 - 1. Such expansion shall not exceed 25 percent of the total land area covered by such use at the time of adoption of this Ordinance.
 - 2. Such expansion shall comply with all other requirements of this Ordinance, including setbacks.
 - 3. No new nonconformity shall be created as a result of the expansion.
- B. A structure which does not conform to the regulations of this Ordinance may be altered, reconstructed or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, and provided that all other provisions of this Ordinance are met, including other provisions of Article 8.
- C. See Section 805 for changes in use.

803 RESTORATION OF NONCONFORMITIES

- A. Structures damaged by fire or other causes to the extent of more than 75 percent of the market value of the structure shall not be repaired, reconstructed, or used for the same nonconforming use without the approval of the Board of Zoning Appeals. Such approval is termed a "Special Exception" (see Section 1006).
- B. Structures with damage to the extent of 75 percent or less of the market value may be reconstructed, repaired, or used for the same nonconforming use without Board of Zoning Appeals approval.

- C. Any such reconstruction or repair shall be subject to the following provisions:
1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure.
 2. Reconstruction shall begin within one year from the date of damage and shall be carried on without interruption.

804 **ABANDONMENT OF NONCONFORMITIES**

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

805 **CHANGES TO NONCONFORMITIES**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:

- A. traffic generation and congestion, particularly involving truck traffic;
- B. noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration;
- C. storage and waste disposal;
- D. appearance.

Such a change is termed a "Special Exception" requiring the approval of the Board of Zoning Appeals (see Section 1006).

806 **DISPLACEMENT**

No nonconforming use shall be extended to displace a conforming use.

807 **DISTRICT CHANGES**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

808 **NONCONFORMING USE CERTIFICATE**

Nonconforming use certificates shall be issued by the Zoning Administrator if an applicant provides evidence that a nonconformity exists and was lawful when it was first established.

809 **NONCONFORMING LOTS OF RECORD** See Section 502.

**ARTICLE 9
ADMINISTRATION**

900 **ZONING ADMINISTRATOR -DUTIES AND POWERS**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Mayor and confirmed by the Town Council. One or more Deputy Zoning Administrators may also be appointed to serve in the same manner as the Zoning Administrator.

The Zoning Administrator shall have the authority and duty to:

- A. Receive and examine all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Zoning Appeals.
- C. Receive applications for special exceptions, submit these applications to the Planning Commission for their comments, and then forward the applications along with Planning Commission's recommendation to the Board of Zoning Appeals for action thereon.
- D. Following refusal of a permit, to receive applications for interpretation appeals and variances and forward these applications to the Board of Zoning Appeals for action thereon.
- E. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- F. Issue stop, cease, and desist order, and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance.
- G. With the approval of the Town Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- H. Revoke by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance.
- I. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.
- J. Maintain a map or maps showing the current zoning classification of all land in the Town.
- K. Maintain a map of all nonconforming uses and special exception uses in the Town and a file on each such use.
- L. Upon the request of the Mayor or Town Council, the Planning Commission, or the Board of Zoning Appeals, present to such bodies, facts, records, or reports which they may request to assist them in making decisions, or assist them in any other way as requested.

901 **ZONING PERMITS**

Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use or construction, reconstruction, alteration, or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been approved as being in conformity with the provisions of this Ordinance, to the best knowledge of the Zoning Administrator.

902 **APPLICATION REQUIREMENTS FOR ZONING PERMITS**

All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Town and shall be filed with the Zoning Administrator. The application shall include the following, except where the Zoning Administrator determines such information is not necessary to determine compliance with this Ordinance:

- A. A statement as to the proposed use of the building or land.
- B. A site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses, and any existing buildings in relation to property and street lines.
- C. Lot dimensions, lot and block numbers, and subdivision name, if any.
- D. The location, dimensions, and arrangement of all open space, parking areas, and yards. Methods to be used for screening shall be included where applicable.
- E. The number, location, and design of parking areas if applicable.
- F. The dimensions, location, and methods of illumination for signs, if applicable.
- G. In the case of applications for interpretations, variances, and special exceptions, the additional information specified in Section 1010.
- H. Any other information deemed necessary by the Zoning Administrator to ascertain whether an application complies with the provisions of this Ordinance.

903 **FEES**

All applicants for zoning permits, special exceptions, and interpretation and variance appeals shall at the time of making application, pay to the Town for the use of the Town, a fee in accordance with the fee schedule adopted or amended by resolution of the Town Council.

904 **TIME LIMIT ON A PERMIT**

Any erection, construction, reconstruction or moving of a structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a structure or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit. If not, the permit shall be considered null and void. The Zoning Administrator may grant a written extension of one total additional year if an applicant proves good cause.

**ARTICLE 10
BOARD OF ZONING APPEALS**

1000 ESTABLISHMENT OF BOARD

In order that the objectives of this Ordinance may be more fully and equitably achieved and a means for competent interpretation of this Ordinance provided, there is hereby established a Board of Zoning Appeals.

1001 MEMBERSHIP, TERMS OF OFFICE

The Board shall consist of 3 members. The terms of office of the members shall be 3 years. Members shall be appointed by the Mayor, confirmed by the Town Council, and removable for cause upon written charges and after public hearing. The Mayor shall designate one alternate member for the Board who may be empowered to sit on the Board in the absence of any member of the Board.

1002 PROCEDURES, MEETINGS, RECORDS AND DECISIONS

- A. Procedures. The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of the Land Use Article of the Annotated Code of Maryland and this Ordinance for the conduct of its affairs.
- B. Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Two members present shall constitute a quorum.
- C. Records and Decisions. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
 - 1. All actions or decisions of the Board shall be taken by resolution in which two members, present during the proceedings, must concur. Each resolution shall contain a statement of the grounds and any findings forming the basis of such action or decision.
 - 2. The Board shall notify the Mayor and Town Council, Planning Commission, and Zoning Administrator of all decisions and resolutions.

1003 NOTICE OF HEARINGS

Upon filing with the Board of an application for a special exception, variance, or appeal from alleged error of the Zoning Administrator, the Board shall fix a reasonable time (not less than 14 days nor more than 45 days from the filing date) for a public hearing thereon and give notice as follows:

- A. At least 14 days prior to the date fixed for public hearing' publish once each week for 2 successive weeks a notice containing the name of the application or appellant; the date, time, and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other questions which is subject to appeal, in at least one newspaper of general circulation within the town.

- B. Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in "A." above, such posting to take place at least 14 days prior to the date fixed for the public hearing.
- C. Give written notice of the time and place of such hearing by mail or delivery to the applicant or appellant and to the owners of property contiguous to or directly across a street from the property affected.
- D. Send written notices of hearing to other interested persons, organizations, or agencies, at the Town's complete discretion.

1004 **INTERPRETATION BY THE BOARD**

Upon appeal from a decision by the Zoning Administrator, the Board shall decide any question 1) involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto; 2) where it is alleged there is error in any order, requirement, decision, or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Administration in the enforcement of this Ordinance.

1005 **ZONING VARIANCES** (See definition of "variance" in Section 202)

- A. Upon appeal from a decision by the Zoning Administrator, the Board of Zoning Appeals shall have the power to vary or modify the strict application of certain specific requirements of this Ordinance based upon subsection "C." below.
- B. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
- C. Standards. No variance to the provisions of this Ordinance shall be granted by the Board unless the Board finds that the appellant has proved that the following standards are satisfied.
 1. The variance will not be contrary to the public interest.
 2. That a literal enforcement of the Ordinance would result in either practical difficulty and/or unnecessary hardship.
 3. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or other wise detrimental to the public welfare.
 4. The granting of the variance will not permit the establishment within a District of any use which is prohibited in that District.
 5. There must be proof of special or unique circumstances or conditions that are peculiar to the land or buildings for which the variance is sought, such as a narrow or irregular lot. These circumstances shall be described in the findings.
 6. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will provide the needed relief.
 - a) It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded.

7. The need for the variance is not self-created, and is not the result of any action taken by the applicant.

D. Conditions. The Board may establish reasonable conditions as it deems to be necessary to provide for the objectives of this Ordinance and to protect the public health and safety and to avoid significant nuisances.

1006 SPECIAL EXCEPTIONS USES

A. The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions and for no other use or purpose.

B. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards outlined in this Ordinance.

C. General Requirements and Standards Applicable to All Special Exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location:

- 1) Be in accordance with the Friendsville Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance.
- 2) Be suitable for the property in question, and designed so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- 3) Be suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- 4) Not result in significant nuisances or significant hazards to the public health and safety.

D. Conditions on Approval. The Board may impose reasonable conditions regarding layout, circulation, performance and other matters it deems necessary to make sure that any proposed development will serve the objectives and standards of this Ordinance.

E. Persons With Disabilities. After having received a complete written application, the Board of Zoning Appeals shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Board of Zoning Appeals are necessary to provide a "reasonable accommodation" under the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable State law, as amended, to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

1007 EXERCISING POWERS CONCERNING APPEALS

In exercising the above mentioned powers concerning appeals, the Board may, in conformity with law and the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

1008 **TIME LIMIT ON BOARD APPROVAL**

Within one year after a decision is issued by the Board of Zoning Appeals, a zoning permit shall be obtained by the applicant and construction or alterations shall commence. Such one year period may be extended by a total of one additional year by the Zoning Administrator if the applicant proves good cause. Otherwise, any approval by the Board shall become void.

1009 **WHO MAY APPEAL TO THE BOARD**

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decisions of the Zoning Administrator.

1010 **FILING FOR DECISION BY THE BOARD**

- A. The following general rules and procedures shall apply for appeals and applications to the Board of Zoning Appeals:
 - 1) Any appeal shall be made by filing the same with the Zoning Administrator within 30 days after the date of the Zoning Administrator's decision.
 - 2) All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.
 - 3) All appeals and applications shall refer to the specific provisions of the Ordinance involved.
 - 4) All appeals and applications shall set forth names and addresses of all adjoining owners including those across the streets from the subject property.
- B. Interpretation Appeals. Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the section involved and the interpretation that is claimed.
- C. Variance Appeals. Appeals for variance from the strict application of this Ordinance shall include the zoning permit applications denied by the Zoning Administrator together with a statement with any supporting data regarding the requirements listed in Section 1005.
- D. Special Exception Applications. Applications for special exceptions shall include a zoning permit application with all information required therein and a statement with any supporting data regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Ordinance.

1011 **PLANNING COMMISSION REVIEW OF APPLICATIONS AND RECOMMENDATIONS TO THE BOARD OF ZONING APPEALS**

- A. Before deciding any application for special exception or variance, the Board of Appeals shall request technical information and the advice of the Planning Commission in reference to such applications to further assist the Board in reaching decisions. Any written material forwarded by the Planning Commission shall be incorporated into the public record and be made available to the applicant, should he/she so desire. The advice of the Planning Commission shall not be binding upon the Board of Appeals. Lack of advisory action by the Planning Commission shall not delay action by the Board of Appeals.

1) The Planning Commission shall hear the application for special exception or variance at their regularly scheduled monthly meeting prior to the Board of Appeals hearing. A special meeting may be scheduled to accommodate the hearing schedule.

B. The Zoning Administrator shall submit to the Board any advisory opinion provided from the Planning Commission on any application for a special exception and the Board shall consider such advisory opinion prior to making a decision on an application.

1012 **DECISIONS BY THE BOARD**

Decisions by the Board on special exceptions, variances, and interpretation appeals shall be rendered within 10 working days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

1013 **APPEAL TO COURT**

A decision of the Board of Zoning Appeals may be appealed by any aggrieved person(s), jointly or severally, or any aggrieved taxpayer of the Town, or any officer or agency of the Town, to the Circuit Court of Garrett County.

**ARTICLE 11
AMENDMENTS AND ENFORCEMENT**

1100 AMENDMENT OF THIS ORDINANCE

The Town Council may from time to time amend, supplement, change, modify or repeal this Ordinance Text and/or Zoning Map. When doing so the Town Council shall proceed in the manner prescribed in this Article.

1101 WHO MAY INITIATE

Proposals for amendment may be initiated by the Town Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals Originated by the Town Council. The Town Council shall refer every proposed amendment to the Planning Commission. Within 30 days of the submission of said proposal, the Commission should submit to the Town Council a report containing the Commission's recommendations, including any additions or modification to the original proposal.
- B. Proposals Originated by the Planning Commission. The Planning Commission may at any time transmit to the Town Council any proposal for amendment of this Ordinance.
- C. Proposals Originated by a Citizen's Petition. Each petition by one or more owners of property to be affected by a proposal for amendment shall be submitted in writing to the Town Clerk. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission. Within 30 days, the Planning Commission should submit a report to the Mayor and Town Council containing the Commission's recommendations, including any modifications of the original proposal. The Town Council may defer action on the petition until the recommendations of the Planning commission are received and reviewed.

1102 PUBLIC HEARING AND NOTICE

No amendment of this Ordinance shall become effective until after a public hearing is held by the Town Council on the matter at which parties in interest and citizens shall have the opportunity to be heard. Notice shall be given as follows:

- A. At least 14 days prior to the date fixed for public hearing, publish a notice containing the name of the applicant; the date, time, and place fixed for the hearing; and the general nature of such hearing in at least one newspaper of general circulation.
- B. When such hearing concerns a zoning map change, a notice shall be posted in a conspicuous place on the property involved, including the information listed in subsection A. above. Such posting to take place at least 14 days prior to the date fixed for public hearing.
- C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing shall be mailed or delivered to the applicant and to the owners of property contiguous to or directly across a street from the property affected.
- D. Additional notices of a hearing may be provided at the Town's option. A written notice should be provided to the Garrett County Office of Planning and Zoning.

1103 **FEES FOR AN AMENDMENT**

All applicants for zoning amendments shall, at the time of making application, pay to the Town Clerk for the use of the Town, a fee in accordance with the fee schedule adopted, and as may be amended in the future, by resolution of the Town Council. At an absolute minimum, an applicant for a zoning amendment shall be responsible to reimburse the Town for all costs of legal advertisements and similar actual administrative costs.

1104 **CONDITIONS FOR A ZONING AMENDMENT**

As of 2012, Title 4, Subtitle 2, Sub Section 4-204.05 of Land Use Article of the Annotated Code of Maryland generally provided the following:

"Where the purpose and effect of the proposed amendment is to change the zoning classification, the Mayor and Town Council shall make findings of fact in each specific case, including, but not limited to, the following matters:

1. population change,
2. availability of public facilities,
3. present and future transportation patterns,
4. compatibility with existing and proposed development for the area,
5. the recommendation of the planning commission, and
6. the relationship of the proposed amendment to the Town's Comprehensive Plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification."

1105 **REMEDIES**

In case any structure is erected, constructed, reconstructed, altered or converted, or any structure or land is used in violation of this Ordinance, the appropriate authorities of the Town of Friendsville, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

1106 **ENFORCEMENT**

- A. Violation of any provision(s) of this ordinance is a municipal infraction and is subject to the Enforcement Ordinance and the fines or penalties provided in the Resolution of Fines for Municipal Infractions. The Mayor and Town Council may change the amount of fines and penalties in the Resolution of Fines for Municipal Infractions after the changes have been duly posted in accordance with the policy of the Mayor and Town Council of Friendsville for advertising for the adoption of resolutions.

- B. The Town, upon proper order from the District Court of Maryland, shall have the right, in addition to other remedies or penalties set forth in these regulations, to enter upon said property and to remove the offending violation(s) and to assess the property owner for the cost thereof, and such assessment shall be collectable under the laws of Maryland as in any other legitimate Town charge or assessment.