

ARTICLE IV  
**District Regulations**

**§ 205-14. R-6,000 District. [Amended 4-11-1988 by Ord. No. 1-88]**

- A. Intent. The purpose of this district is to provide for a downtown residential area adjacent to the Central Business District of the City.
- B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**
- (1) Single-family detached dwellings.
  - (2) Semidetached dwellings.
  - (3) Attached dwellings.
  - (4) Apartment dwellings.
  - (5) Churches, schools and colleges.
  - (6) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.
  - (7) Cemeteries, hospitals, clinics and convalescent homes.
  - (8) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.
- C. The following uses are permitted as special exceptions upon approval by the Board of Appeals as outlined in Article XI of this chapter: **[Amended 9-13-1999 by Ord. No. 7-99]**
- (1) Private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.
  - (2) Conversion of a single-family detached dwelling.
- D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.
- (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

<b>Use</b>	<b>Lot Area Per Dwelling Unit or Use</b>	<b>Lot Width at Street Line (feet)</b>	<b>Setback Line (feet)</b>	<b>Front Yard Depth (feet)</b>	<b>Side Yard Width, Each Side Yard (feet)</b>	<b>Rear Yard Depth (feet)</b>
Single-family detached dwelling unit	6,000 square feet	40	60	--	10	25
Semi-detached dwelling unit	4,000 square feet	24	35	--	10	25
Attached dwelling unit	2,000 square feet	12	18	--	10	25
Apartment						
Duplex dwelling unit	4,000 square feet	50	70	--	10	25
Garden apartment dwelling unit	2,500 square feet	100	100	15	10	25
Church	10,000 square feet	60	60	--	10	25
School, college and hospital	5 acres	200	200	30	10	25
Convalescent home	1 acre	150	150	30	10	25
Other permitted uses	10,000 square feet	60	60	30	10	25

- (2) Although no front yard is required, for the purposes of this district, the lot width at setback line shall be measured at 25 feet from the public or private street.

- (3) Lot depth shall be 100 feet.
  - (4) Interior distance shall be 35 feet.
  - (5) On every corner lot, there shall be provided along one of the adjacent streets a front yard equal in depth to the required side yard of similar structures within the district.
- E. Building height. The maximum building height for all principal buildings shall be 35 feet.
- F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-15. R-7,500 District. [Amended 12-9-1985 by Ord. No. 8-85; 9-22-1986 by Ord. No. 8-86; 4-11-1988 by Ord. No. 2-88; 7-11-1988 by Ord. No. 10-88; 10-9-1989 by Ord. No. 10-89; 1-22-1990 by Ord. No. 2-90; 8-13-1990 by Ord. No. 11-90]**

- A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services, commercial facilities and other urban amenities are most readily available.
- B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**
- (1) Single-family detached dwellings.
  - (2) Community villages subject to the provisions of § 205-35.1.
  - (3) Churches, schools and colleges.
  - (4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.
  - (5) Agriculture, except animal husbandry.
  - (6) Cemeteries, hospitals, clinics and convalescent homes.
  - (7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.
- C. The following uses are permitted as special exceptions upon approval by the Board of Appeals, as outlined in Article XI of this chapter: **[Amended 9-13-1999 by Ord. No. 7-99]**
- (1) Private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.
  - (2) Home occupations, special.
  - (3) Conversion of a single-family detached dwelling.

- (4) Apartment dwellings and retirement homes.
- (5) Semidetached dwellings.

D. Lot and area requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from the minimum state regulations, the more restrictive requirements shall apply.

- (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

<b>Use</b>	<b>Lot Area Per Dwelling Unit or Use</b>	<b>Lot Width at Street Line (feet)</b>	<b>Setback Line (feet)</b>	<b>Front Yard Depth (feet)</b>	<b>Side Yard Width, Each Side Yard (feet)</b>	<b>Rear Yard Depth (feet)</b>
Single-family detached dwelling unit	7,500 square feet	40	60	35	10	25
Semi-detached dwelling unit	5,000 square feet	30	40	35	10	25
Garden apartment dwelling unit	4,000 square feet	150	100	105	25	25
Retirement home	4,000 square feet	250	250	50	50	50
Church	2 acres	200	200	35	25	25
School, elementary	5 acres	400	400	35	25	25
School, high	10 acres	500	500	35	25	25
College	15 acres	500	500	35	25	25
Hospital	5 acres	400	400	35	25	25

Use	Lot Area Per Dwelling Unit or Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Convalescent home	1 acre	100	100	35	25	25
Other permitted uses	1 acre	100	100	35	25	25

- (2) Lot depth shall be 100 feet.
- (3) Interior distance shall be 50 feet.
- (4) On every corner lot there shall be provided, along one of the adjacent streets, a front yard equal in depth to the required front yard of similar structures within the district.
- E. Building height. The maximum building height for all principal buildings shall be 35 feet.
- F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-16. R-10,000 District. [Amended 4-11-1988 by Ord. No. 3-88; 8-13-1990 by Ord. No. 15-90]**

- A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but commercial services are mostly associated with automobile shopping.
- B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**
  - (1) Single-family detached dwellings.
  - (2) Community villages subject to the provisions of § 205-35.1.
  - (3) Churches, schools and colleges.
  - (4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.
  - (5) Agriculture, except animal husbandry.

- (6) Cemeteries, hospitals, clinics and convalescent homes.
- (7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.
- C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:
  - (1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.
  - (2) Home occupations. **[Added 8-9-1999 by Ord. No. 8-99]**
- D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.
  - (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

Use	Lot Area Per Dwelling Unit or Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Single-family detached dwelling unit	10,000 square feet	50	75	35	10	25
Church	2 acres	200	200	55	50	50
School, elementary	5 acres	400	400	55	50	50
School, high	10 acres	500	500	55	50	50
College	15 acres	500	500	55	50	50
Hospital	5 acres	400	400	55	50	50
Convalescent home	1 acre	150	150	55	30	50

Use	Lot Area Per Dwelling Unit or Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Other permitted uses	1 acre	100	100	55	25	50

- (2) Lot depth shall be 100 feet.
- (3) Interior distance shall be 50 feet.
- (4) On every corner lot, there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

- E. Building height. The maximum building height for all principal buildings shall be 35 feet.
- F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-17. R-20,000 District. [Amended 8-13-1990 by Ord. No. 13-90]**

- A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but no commercial services are available.
- B. Permitted uses: **[Amended 9-13-1999 by Ord. No. 7-99]**
  - (1) Single-family detached dwellings.
  - (2) Community villages subject to the provisions of § 205-35.1.
  - (3) Churches, schools and colleges.
  - (4) Buildings and properties of a cultural, civic, educational, social or community-service type, such as libraries, playgrounds or community centers.
  - (5) Agriculture, except animal husbandry.
  - (6) Cemeteries, hospitals, clinics and convalescent homes.
  - (7) Customary accessory uses and buildings incidental to any of the above permitted uses, including home occupations, customary and incidental.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:

- (1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.

D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.

- (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

Use	Lot Area Per Dwelling Unit or Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Single-family detached dwelling unit	20,000 square feet	75	100	40	12	50
Church	2 acres	200	200	100	50	50
School, elementary	5 acres	400	400	150	100	50
School, high	10 acres	500	500	150	100	50
College	15 acres	500	500	150	100	50
Other permitted uses	1 acre	200	200	100	50	50

- (2) Lot depth shall be 150 feet.
- (3) Interior distance shall be 75 feet.
- (4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.

E. Building height. The maximum building height for all principal buildings shall be

35 feet.

- F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-18. R-40,000 District. [Amended 8-13-1990 by Ord. No. 14-90]**

- A. Intent. The purpose of this district is to provide for a low-density residential district in harmony with existing conditions where municipal services and other amenities are available but other uses or activities are permitted.
- B. Permitted uses:
  - (1) Single-family detached dwellings.
  - (2) Customary accessory uses and buildings incidental to single-family detached dwellings.
  - (3) Agriculture, except animal husbandry.
- C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:
  - (1) Golf courses, country clubs, private clubs of a nonprofit nature and similar recreational uses privately owned and/or operated.
- D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.
  - (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

Use	Lot Area Per Dwelling Unit or Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Single-family detached dwelling unit	40,000 square feet	125	150	60	20	50
Other permitted uses	3 acres	400	400	200	150	100

- (2) Lot depth shall be 200 feet.
- (3) Interior distance shall be 100 feet.
- (4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.
- E. Building height. The maximum building height for all principal buildings shall be 35 feet.
- F. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-19. Downtown Business District. [Amended 2-8-1999 by Ord. No. 1-99; 2-14-2000 by Ord. No. 1-2000; 3-10-2003 by Ord. No. 1-2003; 1-12-2004 by Ord. No. 11-2003]**

- A. Intent. The purpose and intent of this district is to provide logical locations for retail services needed by neighborhood populations. The permitted use should generate low vehicular traffic with minimum vehicular parking needs and create few objectionable influences for nearby neighbors. It is intended that such uses and services shall not include any manufacturing and production by powered machine or wholesale distribution facilities, services or storage areas, or incorporate any improvements, displays or activities that compromise public safety. **[Amended 10-10-2017 by Ord. No. 10-2017]**
- B. Permitted uses:
  - (1) Retail businesses involving the sale of merchandise and/or services located

primarily within a building as follows: **[Amended 10-10-2017 by Ord. No. 10-2017]**

(a) Home furnishings and accessories:

- [1] Furniture.
- [2] Dishes, china, cookware, glassware.
- [3] Home accessories.
- [4] Drapes and curtains.
- [5] Kitchen stores.
- [6] Bed, bath and linen.
- [7] Floor coverings.
- [8] Lamps and lighting.
- [9] Closet and storage/container stores.
- [10] Wallpaper/wall coverings and/or removing and hanging of wallpaper.
- [11] Other similar uses.

(b) Special interests:

- [1] Art and craft, hobby stores.
- [2] Sports goods.
- [3] Toys and games.
- [4] Art gallery.
- [5] Collectibles.
- [6] Science; nature, wild bird supply sales.
- [7] Camera sales; photographic and camera supply stores and studios.
- [8] Bridal shop and/or wedding supplies.
- [9] Hobby stores.
- [10] Antique shops.
- [11] Pottery creations and sales.
- [12] Builder/remodeling sales showroom.
- [13] Tack and equestrian shops.

- [14] Other similar businesses.
- (c) Consignment and other shops for the sale of used items of a similar nature as otherwise permitted in this section.
- (d) Gifts/specialty.
  - [1] Books.
  - [2] Newspapers and magazines.
  - [3] Decorative accessories.
  - [4] Christmas decorations.
  - [5] Baby supply.
  - [6] Candles and/or aromatherapy.
  - [7] Luggage and leather goods.
  - [8] Stationery.
  - [9] Imports.
  - [10] Florist.
  - [11] Jewelry.
  - [12] Medical health and wellness supply.
  - [13] Office supply.
  - [14] Other similar businesses.
- (e) Food sales:
  - [1] Candy stores.
  - [2] Delicatessens and carry-out foods.
  - [3] Bakery.
  - [4] Coffee and/or tea.
  - [5] Health foods and food supplements.
  - [6] Grocery.
  - [7] Seafood sales establishments.
  - [8] Butcher shops.
  - [9] Yogurt, ice cream and/or dessert parlors.
  - [10] Health foods and food supplements.

- [11] Other similar businesses.
- (f) Food service:
  - [1] Restaurants with/without liquor.
  - [2] Pubs/bars that also serve food and provide entertainment.
  - [3] Fast food with no parking or drive-through windows.
  - [4] Other similar businesses.
- (g) Home appliances/music/video:
  - [1] Music/record/tape/cd/DVD shops.
  - [2] Video rental shops.
  - [3] Musical instrument dealers.
  - [4] Piano and organ repair, sales and/or moving.
  - [5] Other similar businesses.
- (h) Clothing and accessories:
  - [1] Clothing stores.
  - [2] Shoe stores.
  - [3] Hats.
  - [4] Children and infants wear.
  - [5] Other similar businesses.
- (i) Personal service.
  - [1] Hair and beauty establishments.
  - [2] Shoe repair.
  - [3] Tailor.
  - [4] Mailing packaging.
  - [5] Weight loss center.
  - [6] Dry-cleaning, self service and/or laundry self service.
  - [7] Tax preparation.
  - [8] Bicycle repair and sales shops.
  - [9] Locksmith shops.

- [10] Medical/dental/chiropractic offices.
- [11] Government/professional/general offices.
- [12] Secretarial and/or telephone answering services.
- [13] Other similar businesses.

(j) Other retail:

- [1] Custom printing and reproduction shops.
- [2] Pet grooming establishments, nonboarding.
- [3] Funeral homes and mortuaries.
- [4] Physical fitness facilities.
- [5] Public buildings, structures and properties of the recreational, cultural, institutional, educational, administrative or public service type, including fire, ambulance or rescue squad.
- [6] Radio and television studios.
- [7] Electronic sales and service shops.
- [8] Schools: nursery schools, business, dancing, music, art, trade or others of a commercial nature.
- [9] Sign-painting shops.
- [10] Social clubs, fraternal organizations and community meeting halls.
- [11] Tailor shops.
- [12] Theaters and private assembly halls.
- [13] Telephone central offices or service centers.
- [14] Upholstery shops.
- [15] Customary accessory uses and buildings incidental to any of the above permitted uses.
- [16] Hardware stores.
- [17] Other similar businesses.
- [18] Alcoholic beverage package stores. **[Added 7-8-2019 by Ord. No. 7-2019]**

(k) Financial and employment:

- [1] Banks, ATM, and savings and loans with no drive-through service.

- [2] Brokerages.
- [3] Mortgage services.
- [4] Real estate agencies.
- [5] Consultants.
- [6] Employment agencies.
- [7] Employment training services.
- [8] Computer dealers and/or service repair.
- [9] Computer graphics.
- [10] Computer supplies and parts.
- [11] Computer training.
- [12] Website creations.
- [13] Other similar businesses.

(2) Residential:

- (a) Single-family detached dwellings.

C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter.

- (1) Conversion of a single-family detached dwelling into an apartment.
- (2) Apartments.
- (3) Child-care and adult-care centers.
- (4) Banks and savings and loans with drive-through windows.
- (5) Churches, synagogues, and other places of worship.
- (6) (Reserved)<sup>1</sup>
- (7) Video/arcade or amusement centers.
- (8) Appliance stores.
- (9) Carpenter shops.
- (10) Department stores.
- (11) Microbreweries, pub-breweries, meaderies, wineries, and distilleries licensed by the state. **[Amended 12-12-2022 by Ord. No. 11-2022]**

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1. Editor's Note: Former Subsection C(6), permitting alcoholic beverage package stores as a special exception, was repealed 7-8-2019 by Ord. No. 07-2019. See now Subsection B(1)(j)[18].

- (12) Newspaper publishing establishments.
  - (13) Pet shops.
  - (14) Public utility buildings, structures or uses, including radio, television and other communications facilities.
  - (15) Bed-and-breakfast inns.
  - (16) Hand-carved furniture fabrication and/or repair and restoration.
  - (17) Blood bank centers and testing.
  - (18) Appliances, major dealers and service repair.
  - (19) Veterinarian, nonboarding.
- D. Lot and yard requirements.
- (1) No minimum lot area, lot width or lot depth is required.
  - (2) No minimum lot coverage is required.
  - (3) No minimum front yard is required.
  - (4) A side yard is not required except when adjacent to a residential district, in which case eight feet are required.
  - (5) A rear yard is not required except when adjacent to a residential district, in which case 25 feet are required.
  - (6) The maximum height of a building shall be 35 feet.
  - (7) Outdoor displays of merchandise shall be limited to the linear frontage of the storefront and not more than four feet from the wall of the building. Displays shall not narrow a public sidewalk to less than six feet of clear width. Outdoor displays of edible merchandise are prohibited. **[Added 10-10-2017 by Ord. No. 10-2017]**
  - (8) Outdoor displays of edible merchandise are prohibited after store hours. **[Added 10-10-2017 by Ord. No. 10-2017]**
- E. Parking and loading requirements. Parking and loading requirements shall be subject to Article VI of this chapter. No drive-through access to any establishment allowing service directly to anyone in a vehicle shall be permitted.
- F. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-20. General Business District. [Amended 6-14-1982 by Ord. No. 4-82; 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; 5-12-2003 by Ord. No. 5-2003; 1-12-2004 by Ord. No. 12-2003]**

- A. Intent. The purpose of this district is to facilitate commercial enterprises which are

definitely enhanced by proximity to major roads, are associated with automobile shopping and are not particularly compatible with retail business within a neighborhood.

B. Permitted uses:

- (1) All commercial activities permitted in the Downtown Business District.
- (2) Hotel and motels.
- (3) Drive-in restaurants and movie theaters.
- (4) Automobile, trailer or implement sales and service.
- (5) Bowling alleys, skating rinks or swimming pools.
- (6) Shopping centers.
- (7) Retail farming and building supply stores.
- (8) Car washes.
- (9) Agriculture, except animal husbandry.
- (10) Automobile service stations.
- (11) Nursing homes.
- (12) Assisted-living facilities.
- (13) Light industrial uses, such as high-tech machine shops; research and development uses; bio-tech research; warehousing; service businesses; manufacture and assembly of heating and cooling equipment, electronic appliances, electronics, communication equipment, professional, scientific, and controlling instruments; and photographic and optical products, provided that: **[Added 5-8-2006 by Ord. No. 12-2005<sup>2</sup>; amended 1-9-2017 by Ord. No. 30-2016]**
  - (a) The subject property is located adjacent to a Restricted Industrial District or has an existing structure which lacks frontage on a major street;
  - (b) The manufacture or assembly use shall be conducted entirely within the enclosed structure;
  - (c) Storage of materials outside the enclosed structure must be screened from streets and adjacent properties;
  - (d) The use does not inflict upon surrounding property offensive odor, dust, gas, fumes, smoke, soot, heat, glare, explosions, liquids, waste, noise, vibrations, radiation, cinders, lighting and disturbances; or environmental hazards;

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2. Editor's Note: This ordinance also renumbered former Subsection B(13) as B(14), which follows.

- (e) A layout plan detailing the specific use of the property be submitted to the Zoning Administrator.
- (14) Customary accessory uses and buildings incidental to any of the above permitted uses.
- (15) Tattoo studios. **[Added 7-8-2019 by Ord. No. 7-2019]**
- C. The following uses are permitted as special exceptions upon approval by the Board of Appeals as outlined in Article XI of this chapter.
  - (1) One dwelling unit located in a building containing a permitted commercial use.
  - (2) Conversion of a single-family detached dwelling.
  - (3) Game rooms, arcades or other establishments housing amusement devices, whether coin-operated or otherwise. "Amusement devices," for purposes of this subsection, shall be defined as any device requiring a license as defined under Chapter 72, Amusement Devices, of this Code.
  - (4) Any use of any premises in this district wherein there are more than three amusement devices, as defined under Chapter 72, Amusement Devices, of this Code, which require an amusement device license physically present on the premises, whether or not said amusement devices constitute the principal use of the premises or an accessory use thereof.
  - (5) Commercial sports facilities. **[Added 3-8-2010 by Ord. No. 2-2010]**
- D. Lot and yard requirements.
  - (1) No minimum lot area, lot width or lot depth is required.
  - (2) Maximum lot coverage is 60%.
  - (3) The front yard will be a minimum of 40 feet.
  - (4) A side yard is not required except when adjacent to a residential district, in which case 50 feet is required.
  - (5) A rear yard is not required except when adjacent to a residential district, in which case 50 feet is required.
  - (6) Except when special exception is granted, the maximum height of a building shall be 35 feet.
  - (7) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the front yard of similar structures within the district.
- E. Parking and loading requirements. Off street parking and loading requirements shall be subject to Article VI of this chapter.

F. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-21. Restricted General Business District. [Added 2-8-1999 by Ord. No. 2-99]**

A. Intent. The purpose of this district is to provide logical locations for retail services needed by the City's population. The permitted use should generate low pedestrian and vehicular traffic and create no objectionable impact on nearby residential areas.

B. Permitted uses: **[Amended 12-12-2022 by Ord. No. 09-2022]**

(1) Retail businesses involving the sale of merchandise and/or services within a building as follows:

- (a) Antique shops.
- (b) Candy stores.
- (c) Ice cream parlors.
- (d) Florist shops.
- (e) Gift or curio shops.
- (f) Grocery stores.
- (g) Hobby and/or toy stores.
- (h) Music/record shops.
- (i) Photographic and camera supply stores and studios.
- (j) Coffee/tea/sandwich shops.
- (k) Jewelry stores.
- (l) Other similar businesses.

(2) Businesses involving the rendering of a personal service or the repair and service of small equipment, specifically including:

- (a) Banks.
- (b) Hair and beauty establishments.
- (c) Bicycle repair and sales shops.
- (d) Medical/dental/chiropractic offices/clinics.
- (e) Government/professional/general offices.
- (f) Secretarial and/or telephone answering service.
- (g) Other similar businesses.

(3) Residential.

- (a) Single-family detached dwellings.
- C. The following uses are permitted by special exception upon approval by the Board of Appeals, as outlined in Article XI of this chapter: **[Amended 12-12-2022 by Ord. No. 9-2022]**
  - (1) Child and adult care centers.
  - (2) Semidetached dwellings.
- D. Lot and yard requirements.
  - (1) No minimum lot area, lot width or depth is required.
  - (2) Maximum lot coverage is 60%.
  - (3) No addition to the front of existing buildings shall be permitted. When a new building is erected, the front yard setback will be 35 feet.
  - (4) A rear yard is not required.
  - (5) Building height shall not exceed 35 feet.
- E. Limitations.
  - (1) Not more than 5,000 square feet of area within any building shall be used in any manner for any business purpose, including retail sales areas, office and storage areas or any other part of any building in any way related to business operations.
  - (2) No sales or other business shall be conducted outside of the building on the premises.
  - (3) No drive-through access to any establishment allowing service directly to anyone in a vehicle shall be permitted.
- F. Parking and loading. Parking and loading requirements shall be subject to Article VI of this chapter.
- G. Signs. All signs shall be subject to Article VII of this chapter.

**§ 205-22. Restricted Industrial District. [Amended 8-13-1984 by Ord. No. 7-84; 8-9-1999 by Ord. No. 8-99;12-13-1999 by Ord. No. 9-99; 1-12-2004 by Ord. No. 13-2003]**

- A. Intent. The purpose of this district is to provide locations for light manufacturing processes. For the most part, these industrial activities include the processing or assembly of previously processed materials.
- B. Permitted uses:
  - (1) Manufacture and assembly of electrical appliances, electronics and communication equipment, professional scientific and controlling instruments

and photographic or optical products.

- (2) Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metal, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.
  - (3) Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, milling feeds and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
  - (4) Manufacture, sales and service of agricultural machinery.
  - (5) Manufacture of musical instruments, novelties and molded rubber products.
  - (6) Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  - (7) Research, development and testing laboratories, chemical, physical and biological.
  - (8) Lumber and fuel distribution yards.
  - (9) Truck or motor freight terminals.
  - (10) Warehouses.
  - (11) Agriculture, except animal husbandry.
  - (12) Construction and maintenance office and site.
  - (13) Customary accessory uses and buildings incidental to any of the above permitted uses.
- C. The following uses are permitted as a special exception upon approval by the Board of Appeals as outlined in Article XI of this chapter:
- (1) One dwelling unit located in a building containing a permitted use.
  - (2) Conversion of an existing single-family detached dwelling to industrial or industrial-related use.
  - (3) Commercial sports facilities. **[Added 3-8-2010 by Ord. No. 2-2010]**
- D. Lot and yard requirements.
- (1) No minimum lot area, lot width or lot depth is required.
  - (2) Maximum lot coverage is 60%.

- (3) The front yard will be a minimum of 50 feet.
  - (4) A side yard is not required except when adjacent to a residential district, in which case 50 feet is required.
  - (5) A rear yard is not required except when adjacent to a residential district, in which case 50 feet is required.
  - (6) Except when special exception is granted, the maximum height of a building shall be 50 feet.
  - (7) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the front yard of similar structures within the district.
- E. Parking and loading requirements. Off-street parking and loading requirements shall be subject to Article VI of this chapter.
- F. Signs. All signs shall be subject to Article VII of this chapter.
- G. Industrial performance standards. If, in the opinion of the Zoning Administrator, any proposed industrial use could create a fire hazard or emit smoke, noise, odor or dust or could produce other results which could be obnoxious or detrimental to other properties either because of the productive process or the suitability of the site, the Zoning Administrator shall refer the proposed use to the Board of Appeals. The Board shall determine if any of these conditions would or would not be created by the proposed use. If the Board determines that any of these conditions would be created, it shall require assurances, by means of special design of the structure or processing procedures or equipment, that the detrimental conditions will not be created. The Board may require the posting of sufficient bond, with corporate surety, or such other assurances that it may deem satisfactory to guarantee that those conditions will not be created or, if created, will be eliminated.

**§ 205-23. Open Space Zone. [Amended 9-9-1996 by Ord. No. 9-96]**

- A. Purpose. The purpose of this zone is to provide for areas where open space is preserved with all development or improvements in the zone toward the goal of providing parks, recreation areas, forests and other natural areas.
- B. Permitted uses. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for one or more of the following uses:
- (1) Accessory uses and buildings customarily incidental to any permitted use in this section.
  - (2) Agriculture, to the extent of lawful cultivation of crops only.
  - (3) Forests, forestation and wildlife preserves.
  - (4) Publicly owned or government-operated buildings and uses.

- (5) Publicly owned or private parks of a nonprofit nature, including campgrounds, golf courses, riding trails, country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property.
  - (6) Water supply works, wells, flood control or watershed protection works and fish and game hatcheries.
- C. Special exceptions. The following uses may be permitted by special exception in accordance with the provisions of this chapter:
- (1) Tree farms and cultivation of timber or shrubbery intended for harvest, sale, removal or clearing.
  - (2) Summer or winter resort areas, hunting, fishing or country clubs.
  - (3) Greenhouses and related structures.
  - (4) Public utility buildings or structures.
- D. Lot and yard requirements. The following dimensions shall be provided for every dwelling unit and principal nonresidential building hereafter erected or altered for any use permitted in this district. Where these minimum requirements differ from minimum state regulations, the more restrictive requirements shall apply.
- (1) Lot area per dwelling unit or per nonresidential use, lot width, lot depth and yard depths shall be as shown in the following table:

Use	Lot Area Per Use	Lot Width at Street Line (feet)	Setback Line (feet)	Front Yard Depth (feet)	Side Yard Width, Each Side Yard (feet)	Rear Yard Depth (feet)
Other permitted uses	3 acres	400	400	200	150	100

- (2) Lot depth shall be 200 feet.
  - (3) Interior distance shall be 100 feet.
  - (4) On every corner lot there shall be provided along each of the adjacent streets a front yard equal in depth to the required front yard of similar structures within the district.
- E. Building height. The maximum building height for all principal buildings shall be 35 feet.
- F. Parking and loading requirements. Off-street parking and loading requirements

shall be subject to Article VI of this chapter.

G. Signs. All signs shall be subject to Article VII of this chapter.

ARTICLE V  
**Supplementary District Regulations**

**§ 205-24. Accessory buildings or structures. [Amended 10-11-1982 by Ord. No. 9-82]**

An accessory structure shall not be erected within 10 feet of a street line or five feet of any other property line or within a front yard of any property and shall not exceed 15 feet in height or occupy more than 30% of a required rear yard. The setback requirements of this section shall not apply to attached dwelling units as defined in this chapter. No more than two accessory buildings or structures shall be allowed on any lot on which there is located an attached dwelling as defined in this chapter.

**§ 205-25. More than one principal building per lot.**

In any district, more than one principal building housing a permitted principal use may be erected on a single lot; however, each principal building should be located in such a manner so that the lot could be subdivided in the future, if that is the intent, without being in conflict with the requirements of this chapter. If more than one principal building is constructed on a lot after the effective date of this chapter and the lot cannot be subdivided without at least one of the subdivided lots being in conflict with the requirements of the applicable district, then the original lot shall not be permitted to be subdivided.

**§ 205-26. Access to lots and structures. [Amended 8-9-1999 by Ord. No. 8-99]**

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

**§ 205-27. Building height exceptions.**

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, windmills, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**§ 205-28. Yard exceptions. [Amended 7-8-1991 by Ord. No. 7-91; 1-15-1996 by Ord. No. 17-95]**

- A. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the minimum front yard required shall be decreased to a depth equal to the average of the two front yards of the adjoining lots.
- B. An attached dwelling unit may reduce the required front yard under this chapter by no more than eight feet for the sole purpose of constructing a covered or uncovered, but not enclosed, porch.

- C. If attached to the structure, a single-family detached dwelling unit may have a carport or one-story open porch or deck, with or without a roof, but not enclosed, that extends into any required front, side or rear yard not more than 25% of the minimum required depth of a front or rear yard or 25% of the minimum required width of a side yard. Whenever any extension into any required front, side or rear yard is sought, the City shall give notice of the same to all contiguous property owners advising them that any required permit for such extension will be granted after 15 days from the date of the notice unless a written objection to the same is filed with the City within 15 days. In the event that such written objection is received, the applicant shall be promptly notified that he or she must file for an appropriate variance to the Board of Appeals. In the event that no such written objection is received, the City may grant the appropriate permit sought.
- D. An equivalent front yard, as required in some districts for corner lots, for the purpose of installing a fence between four and six feet in height may be reduced by not more than 50% of the required amount where the subject yard abuts a neighboring side yard, and not more than 60% where the subject yard abuts a rear yard or another equivalent front yard, if in the opinion of the Zoning Administrator such a reduction does not present a danger to public health and safety. For the purpose of installing an accessory building, an equivalent front yard may be reduced by not more than 30%. Whenever such a reduction for an accessory building is requested, the City shall give notice to all contiguous property owners advising that such reduction will be granted after 15 days from the date of the notice unless a written objection is filed with the City within the 15 days. In the event that no such written objection is received, the City may grant the reduction. **[Added 5-12-2008 by Ord. No. 1-2008; amended 12-12-2022 by Ord. No. 10-2022]**

**§ 205-29. Screening. [Amended 1-9-1990 by Ord. No. 15-89]**

- A. A landscape screen shall be provided between any commercial or industrial district and contiguous properties in residentially zoned districts, except where natural or physical man-made barriers exist, upon any set of circumstances deemed by either the Board of Appeals or the Planning Commission to be appropriate. **[Amended 8-9-1999 by Ord. No. 8-99]**
- B. Any existing commercial or industrial use shall not be required to comply with the screening requirements except in case of enlargement or major alteration of the same.
- C. Where, owing to existing conditions, the provision of screening could create a hardship or is deemed unnecessary, the Board of Appeals may reduce and/or waive the requirements for screening.
- D. Where a proposed use may create an adverse effect on an existing contiguous use, the Board of Appeals reserves the right to require a landscape screen to be planted on the lot of the proposed use in order to protect the existing use.
- E. Landscape screens shall be permanently maintained by the owner of the lot.

- F. Landscape screens shall be composed of plants and trees arranged to form both a low-level and a high-level screen within a strip of land with a minimum width of 20 feet. The high-level screen shall consist of trees planted with specimens no younger than three years in age and planted at intervals of not more than 10 feet. The low-level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low-level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three years after planting must be replaced.

**§ 205-30. Fences and walls. [Amended 11-8-1982 by Ord. No. 7-82; 8-9-1999 by Ord. No. 8-99; 11-11-2002 by Ord. No. 6-2002]**

Notwithstanding other provisions of this Code, fences and walls shall be permitted in any required yard subject to the following provisions:

- A. No fence or wall in or along the sides of any required front yard shall exceed four feet in height.
- B. Except for a retaining wall, no fence or wall, which exceeds six feet in height, shall be permitted in any required side or rear yards in any residential district.
- C. Except for a retaining wall, no fence or wall, which exceeds 10 feet in height, shall be permitted in any required side or rear yards in any commercial or industrial district.
- D. All fences and walls will be restricted to a maximum height of four feet, except for those fences and walls located within the rear yards and those portions of the side yards to the rear of the front corner of the dwelling structure, which will be restricted to a maximum height of six feet, except as herein set forth.
- E. All fences or walls must have a minimum clearance to allow for stormwater management.
- F. All applications for permits in accordance with this article must be accompanied by a sketch plan of the proposed fence or wall and a location plat of the property, together with such application fee as established by the Council.
- G. No fence or wall shall be erected, replaced, altered or relocated without a permit issued by the Zoning Administrator. The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property, and shall contain the location of the fence or wall, a drawing showing the design and location of the fence or wall and such other pertinent information as the Zoning Administrator may require to ensure compliance with the laws of the City.
- H. All fences and walls lawfully existing on the date of the passage of this section may remain on the premises until such time as any ownership of the premises is sold or otherwise transferred, at which time there shall be complete compliance with the provisions of this section.

- I. The fence or wall permit shall become null and void if the fence or wall has not been completed within a period of six months after the date of the permit.
- J. No fence or wall shall be erected or located so as to obstruct a public right-of-way. The property owner shall be responsible to maintain the fence or wall in good repair so that no portion thereof shall impede or obstruct any public right-of-way.
- K. Any person who violates this article shall be subject to the provisions of § 205-90 of the Code of the City of Taneytown, Maryland.

**§ 205-31. Privately owned swimming pools. [Added 8-9-1999 by Ord. No. 8-99; 12-13-1999 by Ord. No. 9-99; amended 6-9-2003 by Ord. No. 7-2003]**

Permanent and portable privately owned swimming pools located within the City shall comply with the following regulations:

- A. A swimming pool may be erected only on the same zone lot as the principal structure.
- B. A swimming pool may be erected only in the rear yard of that structure and shall be at a distance of not less than 10 feet from the rear lot line nor less than eight feet from any side lot line, and not less than 10 feet from any principal structure or accessory structure attached thereto. However, with regard to townhouse dwellings, the side yard requirement herein is reduced from 10 feet to three feet.
- C. All swimming pools erected in the ground and all swimming pools erected above ground with sides less than four feet high shall be fully enclosed by a minimum four-foot-high chain-link or other solid-type fence.

**§ 205-32. Minimum floor area of dwellings. [Amended 8-24-1983 by Ord. No. 11-83; 5-12-1986 by Ord. No. 5-86; 7-11-1988 by Ord. No. 11-88]**

All dwellings within the limits of the City of Taneytown shall have the minimum residential floor area, exclusive of garage, basement, common and storage areas, set forth herein.

- A. R-6,000 District.
  - (1) Single-family detached: 750 square feet of floor area.
  - (2) Semidetached: 700 square feet of floor area.
  - (3) Attached: 700 square feet of floor area.
  - (4) Duplex apartment: 600 square feet of floor area.
  - (5) Garden apartment.
    - (a) Efficiency units, single-room living areas consisting of a kitchen, bathroom and combination living room, dining area and bedroom: 400 square feet of floor area.

- (b) One-bedroom unit: 500 square feet of floor area.
  - (c) Two-bedroom unit: 600 square feet of floor area.
  - (d) Three-bedroom unit: 700 square feet of floor area.
  - (6) Conversion apartment: 600 square feet of floor area. By special exception the Board of Appeals may allow a reduction to not less than 540 square feet of floor area.
- B. R-7,500 District.
- (1) Single-family detached: 1,000 square feet of floor area.
  - (2) Semidetached: 1,000 square feet of floor area.
  - (3) Garden apartment and retirement home.
    - (a) Efficiency units, single-room living areas consisting of a kitchen, bathroom and combination living room, dining area and bedroom: 400 square feet of floor area.
    - (b) One-bedroom unit: 500 square feet of floor area.
    - (c) Two-bedroom unit: 600 square feet of floor area.
    - (d) Three-bedroom unit: 700 square feet of floor area.
  - (4) Conversion apartment: 600 square feet of floor area. By special exception the Board of Appeals may allow a reduction to not less than 540 square feet of floor area.
- C. R-10,000 District. Single-family detached: 1,200 square feet of floor area.
- D. R-20,000 District. Single-family detached: 1,600 square feet of floor area. **[Added 8-9-1999 by Ord. No. 8-99]**
- E. R-40,000 District. Single-family detached: 1,800 square feet of floor area. **[Added 8-9-1999 by Ord. No. 8-99]**

**§ 205-33. Off-street parking and loading areas; driveways. [Amended 11-10-1986 by Ord. No. 10-86; 8-9-1999 by Ord. No. 8-99]**

All off-street parking and loading areas and driveways shall be so graded, drained, paved and surfaced with bituminous material or other material determined by the City to be of comparable quality and of a hard service construction and shall be designed to prevent damage to abutting properties or public streets. All driveway aprons shall be constructed of concrete.

**§ 205-34. Junkyards. [Added 3-9-1987 by Ord. No. 2-87; amended 9-14-1987 by Ord. No. 11-87]**

- A. Definition. A "junkyard" is defined as any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled or abandoned, including the salvaging, storing and wrecking of automobiles and other vehicles, machinery or parts thereof, house wrecking yards, used lumber yards and places for storage of salvaged building or structural steel materials and equipment.
- B. Vehicles.
- (1) Any property zoned R-6,000, R-7,500, R-10,000, R-20,000 and R-40,000 which is occupied by an unlicensed vehicle shall constitute a junkyard unless the vehicle is stored within a building. [**Amended 8-9-1999 by Ord. No. 8-99**]
  - (2) Any property zoned Local Business, General Business or Restricted Industrial which is occupied by an unlicensed vehicle shall constitute a junkyard unless the vehicle is stored within a building or within 50 feet of a dwelling on the property and falls into one of the following categories:
    - (a) Genuine antique or classic vehicles (but not to be used for parts) which are actively being restored.
    - (b) Vehicles which must be held pending settlement of insurance and similar claims.
    - (c) No more than two stock cars which are in current use for racing.
    - (d) A vehicle recently purchased, pending inspection, for a period not to exceed 60 days.
    - (e) A vehicle being advertised for sale, for a period not exceeding 60 consecutive days.
    - (f) A vehicle, in running condition, which must be relicensed within 60 days.
- C. Location. Junkyards, as herein defined, shall not be permitted within the corporate limits of the City. None of the provisions of this chapter relative to nonconforming uses shall in any manner be construed to allow what in this section is set forth as unlawful to be otherwise lawful.

**§ 205-35. Employment activities. [Amended 5-9-1988 by Ord. No. 8-88; 1-9-1990 by Ord. No. 13-89; 2-8-1999 by Ord. No. 4-99; 8-9-1999 by Ord. No. 8-99]**

Unless permitted to be authorized by special exception pursuant to the terms and provisions of the various sections of this Code, and unless such special exception has been granted, no dwelling unit situate in any of the residential zones of the City of Taneytown may be used for any employment-related activities, whether by an individual who is self-employed, an independent contractor or an employee, or in any other manner related to business- or employment-related activities which may be done, carried on or effectuated in any such dwelling unit or in any outbuilding or accessory building, including but not limited to the maintenance of an office, the storage of an inventory

or supplies used in a trade or business, meeting with customers or employees or the parking of commercial vehicles or equipment, whether or not there is painted thereon any sign or other indication of commercial use. This section shall not prohibit the receipt of telephone calls by an individual at his or her home which may be business related or the parking of one and only one commercial vehicle with a combined gross weight not to exceed 10,000 pounds on which there may be painted any commercial sign or other indication of commercial use.

**§ 205-35.1. Community village. [Added 9-13-1999 by Ord. No. 7-99]**

- A. Purpose and intent. It is the purpose of this section to enable the Planning Commission to consider the approval of a proposed community village on a tract of land after the Mayor and Council has designated it as suitable for such development. It is the further purpose of this section to encourage the integrated and creative design of a variety of land uses and housing types; to maximize and plan for open space and preserve natural features; to minimize street and utility installation where possible while providing adequately for the needs of the community; and to allow land to be developed with concentrated land uses on the basis of overall density as opposed to conventional minimum lot and yard requirements with strict separation of land uses and housing types.
- B. Applications. An application for a community village shall be accompanied by such plans and documents as may hereinafter be required and shall be prepared by licensed registered architects, landscape architects, civil engineers or other professionally qualified land planners. Such plans and other documents to be submitted shall be subject to compliance with such procedural steps and guidelines as the City may promulgate from time to time for the purpose of processing applications and facilitating approval.
- C. Intended designation for community village. The Mayor and Council may consider and approve an application to designate a tract of land in the R-7,500, R-10,000 and R-20,000 Districts as suitable for a community village use, subject to the following:
- (1) General. No land shall be designated for community village use unless it meets the basic requirements and standards established herein and such other criteria as the Mayor and Council may in its sole discretion determine necessary to carry out the purpose and intent of this section.
  - (2) Area. The tract under consideration for the community village designation shall contain at least 10 contiguous acres owned under unity of title as a single tract reasonably configured and capable of being able to accommodate the proposed use.
  - (3) Location. An initial evaluation of the tract proposed for the community village in relation to:
    - (a) Its immediate surroundings, whether developed or undeveloped;
    - (b) The existing street network;

- (c) Any elements of the adopted Comprehensive Plan for Taneytown and environs;
  - (d) Any public works, utility or community facility considerations (including but not limited to existing and planned water and sewerage facilities and capabilities, street and stormwater management improvements and school capacities); and
  - (e) Any sensitive environmental resource areas on site.
- (4) Concept plan.
- (a) A concept plan submitted for review and presentation shall be to scale and in color clearly showing the following:
    - [1] Owner's name and address.
    - [2] Scale and North arrow.
    - [3] Dimensions of the tract and the acreage within.
    - [4] Location and name of existing streets traversing or adjoining.
    - [5] Location of any existing easements.
    - [6] Areas proposed for screening, afforestation and reforestation.
    - [7] Location of special site amenities and environmental resources (e.g., streams, springs, wetlands, forest cover or woodlands).
    - [8] Location of proposed common and civic open space focal points.
    - [9] Proposed streets, alleys and other access arrangements.
    - [10] Proposed building sites and building sizes with type of dwellings and other structures, including garages, and a clear representation of the architecture and building integration proposed.
    - [11] Proposed design standards and how the integrity of design standards will be maintained during all construction phases of the project for:
      - [a] Buildings, including arrangements for handling storage needs in lieu of individual sheds or similar outbuildings, which will be prohibited; and
      - [b] Fencing, as part of a uniform fencing plan.
    - [12] Such additional information as the Zoning Administrator may require at the pre-concept plan conference.
  - (b) Developing the required concept plan. An applicant for the community village designation shall first:

- [1] Prepare a site analysis map which distinguishes the undevelopable areas and the buildable areas that merit conservation (e.g., woodlands, hedgerows, greenways, scenic views, etc.);
- [2] Submit the site analysis map to the Zoning Administrator and arrange a joint field visit to walk the site and receive any suggestions from City representatives concerning areas that should be conserved and amend or adjust the site analysis map accordingly;
- [3] Prepare an overlay or tracing which clearly delineates areas for conservation and the areas for development; and
- [4] Develop the concept plan using the overlay to guide the location of the dwelling sites or other development, seeking to maximize (not block) the best views and locations, and thereafter align streets, alleys, trails, etc., and draw in lot lines (where applicable) and add other items required to be shown as part of the concept plan.

(5) Density.

- (a) Determination. To determine the total number of dwelling units allowable, the gross area within the tract shall be multiplied by the applicable units-per-acre multiplier in the table below. If the site is located in more than one district, the total number of lots and dwelling units will be the sum of units allowed for all of the districts within the community village.

- [1] As part of the concept plan review, the Planning Commission will consider the gross residential density proposed in relation to the following:
  - [a] The allowable density (total number of dwelling units) generated by the units-per-acre multiplier for the tract within the district(s);
  - [b] Essential or high-priority on-site and/or off-site municipal, county or state public works and facilities;
  - [c] Capital improvements necessary to accommodate the proposed development as well as implement the Comprehensive Plan for Taneytown and environs; and
  - [d] The type and mix of dwellings and other uses proposed for the particular site in relation to the neighborhood.
- [2] After evaluating the concept plan in relation to the above criteria, the Planning Commission may approve a gross density limit for the particular site that is within the limits of the applicable number of units per acre for the particular zoning district as set forth in the table below.

- (b) Conditional density adjustment. Where the Planning Commission determines that the nature of the amenities, improvements, reservations or facilities contained in the concept plan will be of such added benefit to the City of Taneytown, the Commission may conditionally raise the gross density limit not to exceed the conditional maximum multiplier for the zoning district(s) as indicated in the table below on tracts of land containing 20 acres or more. Any concept plan so approved by the Commission shall be expressly conditioned on the developer's being financially responsible for the specified improvements that shall be required and/or provided and deemed beneficial not only to the project but to the general public welfare of the City of Taneytown. For tracts of land of at least 10 acres but less than 20 acres, no increase above the units-per-acre multiplier shall be considered, unless the applicant submits a bona fide preliminary subdivision plan containing conventional minimum lot sizes for the district and demonstrating a greater lot yield than generated by the units-per-acre multiplier for the district(s).

**Density Standard Table \***

<b>District</b>	<b>Units Per Acre Multiplier</b>	<b>Conditional Maximum</b>
R-7,500	4.2	5.5
R-10,000	2.8	4.0
R-20,000	1.4	2.5

**NOTES:**

\*The Density Standard Table does not apply to community villages composed entirely of retirement dwellings, assisted living or nursing home units, either individually or in combination. The Planning Commission may approve such density as it considers acceptable and compatible with both the neighborhood and the district in which it is located.

- (6) Types and use of buildings. Except as may be otherwise prohibited, dwellings and nonresidential buildings, uses and structures in a community village may include:
  - (a) Single-family detached.
  - (b) Semidetached.
  - (c) Attached multifamily: quadruplex, townhouse, condominium and apartment.
  - (d) Retirement dwellings.
  - (e) Assisted living, alternate living units and nursing or domiciliary care homes.

- (f) Nonresidential buildings and uses permitted in a community village and such other nonresidential buildings and uses as permitted in the district.
  - (g) Customary subordinate accessory uses, buildings and structures.
  - (h) Customary and incidental home occupations as defined under § 205-1B, Definitions, and as regulated in the district.
- (7) Uses.
- (a) Prohibited uses, buildings and structures: special home occupations, as defined under § 205-1B, aboveground swimming pools, individual storage sheds and other similar outbuildings.
  - (b) Selecting and/or mixing uses.
    - [1] A community village may be a mix of all or some of the above-listed residential uses or be designed exclusively for any one of the following types of residential uses:
      - [a] Single-family detached.
      - [b] Retirement dwellings.
      - [c] Assisted living units.
      - [d] Alternate living units.
      - [e] Nursing or domiciliary care home(s).
    - [2] In no case shall a community village be designed exclusively or in combinations limited to the following residential types:
      - [a] Semidetached.
      - [b] Attached multifamily: quadruplex, townhouse, condominium and apartment.
  - (c) Mix limits where attached multifamily units are included. Not including retirement dwellings, assisted living or nursing home units, where attached multifamily structures are to be part of the mix, the sum of the number of dwelling units in attached multifamily structures shall not constitute more than 50% of all dwelling units in the community village.
  - (d) Community village lot and building requirements. Lot area per dwelling unit, lot width and depth, yards and build-to lines, maximum building coverage, building height, dwelling units per building and other standards shall be applicable in the community village, as indicated in the table below.<sup>1</sup> At the request of a developer, these standards may be modified with the approval of the Planning Commission upon the developer's

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1. Editor's Note: The Table of Community Village Area, Yard and Bulk Requirements is included at the end of this chapter.

demonstration that the proposed modifications are consistent with the provisions of § 205-35.1A herein. **[Amended 1-12-2009 by Ord. No. 11-2008]**

- (e) Commission approval. All uses within a proposed community village are subject to Planning Commission approval as to location, intensity, mix, density requirements, where applicable, compensating features of the development plan, compatibility with adjacent neighborhoods, phasing and such other factors as the Commission determines appropriate. In reviewing a development plan, the Commission shall ensure that uses in the community village are so arranged, distributed and appropriately related to open space and not excessively concentrated.
  - (f) Phasing plan. A phasing plan for a community village shall accompany the required concept plan and shall indicate the location and sequence of proposed sections and any housing mix proposed to be constructed therein. The phasing plan shall be subject to review and approval by the Commission and presented to the Mayor and Council for its approval along with the concept plan.
  - (g) Initial phasing and mix. Where attached multifamily units and/or semidetached units are to be included in the community village, the initial phase or sections of the phasing plan to be submitted shall include construction of each type of residential unit in order to establish at the outset the mix that will occur in the community village as additional phases are constructed; provided, however, that the Planning Commission may modify this requirement if it can be clearly demonstrated that, owing to strategic site or design constraints, location and the extension of infrastructure and the integrity of the community village plan, such modification is warranted and can be made without compromising the purpose and intent of establishing the housing mix in the early development phases.
  - (h) Community village construction sign. As part of any approved phasing plan, an outdoor (all-weather) sign containing a current schematic rendering of the community village development plan in color and appropriately sized shall be posted and maintained on the property near the entrance to the property or in a conspicuous and appropriate location so that an interested person could obtain a visual overview of the housing types, locations and elevations of buildings and other important features to be constructed in the community village.
- (8) Open space and parkland.
- (a) Permanent open space required. Not less than 25% of the gross land area of the community village shall be allocated to and shall remain in permanent open space, provided that this minimum shall in no way limit the ability to require a greater percentage of the gross land area to remain in permanent open space in the approval of a community village. The

required open space shall be exclusive of any reservations required by the Official Comprehensive Plan (e.g., public school sites, primary and secondary highways, regional stormwater management facilities or public utility structures and the like).

- (b) Open space restriction and design. Permanent open space which is not to be dedicated as public open space shall be referenced in the applicable resolution covenants to prohibit subdivision, except for the purpose of minor boundary adjustments, and development, except for agricultural, recreational, golf course and equestrian uses subject to Planning Commission approval. Such private common open space shall be used for recreational, social, cultural or natural environmental preservation purposes as may be determined only after careful evaluation and design in consideration of the topography, the needs of the inhabitants of the community village, the type(s) of housing to be provided and the relationship to adjoining properties and uses. The provision of permanent internal and peripheral open space shall be a critical element in granting approval of a community village subject to compliance with such procedural steps and guidance as the City may herewith or hereinafter promulgate for the purpose of facilitating such approval. Peripheral open space may be provided along the perimeter of the tract lines and generally surround development in the community village. The depth of the peripheral open space may vary and is considered a design feature that shall be subject to approval of the Planning Commission.
- (c) Determining public and/or private open space. Depending on the type(s) of residential housing in the community village and its location within the City, the Mayor and Council, with recommendations from the Planning Commission, shall determine what areas of the permanent open space, if any, will be dedicated to the City as public parkland and what areas shall be private parkland with maintenance responsibility to be used in common by the residents of the community village. The Planning Commission shall carefully review and consider all area set aside for permanent open space in approving and recommending any area(s) to be dedicated to the Mayor and Council as public open space and to be included in the City park system. Area devoted to (external) streets and reservations, alleys, stormwater management ponds, utility areas or private yards shall not be counted towards meeting public or private open space requirements.
- (d) Property owners' association. Perpetual maintenance of common open space or other common use facilities or property shall be the responsibility of a duly constituted property owners' association as provided under § 205-35.2.
- (e) Public parkland standards/requirements.

[1] Tract size. There shall be no minimum or maximum, and the

Planning Commission and Mayor and Council will determine the size of any dedications on a case-by-case basis.

- [2] Floodplain limitation for dedicated parkland. No more than 25% of the area required to be dedicated to the City shall be within floodplains or wetland areas, unless this limitation is recommended to be waived by the Planning Commission and approved by the Mayor and Council.
- [3] Suitability of proposed park dedication. The Planning Commission shall review and consider any proposed park dedication for its suitability for active public recreation as a priority of the City. Accessibility for use and maintenance, topography, shape, size, relationship to surrounding properties (especially any adjacent park areas), elements of the Comprehensive Plan and other applicable factors shall be considered. Following its review, the Commission may concur with, amend or otherwise modify or reject the proposed public open space before recommending to the Mayor and Council the area(s) for public open space dedication. In the alternative, the Commission may recommend to the Mayor and Council that all required permanent open space be private open space with use in common.
- [4] Areas in forest or proposed afforestation. Areas in an established or natural forest may be found by the Planning Commission to be suitable to be dedicated public parkland and so recommended to the Mayor and Council for its approval. Afforestation and reforestation as may be required by the County Forest Conservation Ordinance, as amended, and detailed on a forest conservation plan may be considered for inclusion in proposed dedicated public parkland, subject to the recommendation of the Planning Commission and approval of the Mayor and Council, provided that such adequate guaranties are furnished as the City may require for continued maintenance of afforested or reforested areas until such areas are fully established.
- [5] Acceptance of dedicated land. Before any proposed land dedication shall be accepted by the City, the site shall be free of weeds, debris, hazardous waste and any other material determined by the City to be undesirable. The City may require, at the expense of the owner, grading and surface stabilization or other acceptable land treatment measures as it determines appropriate for the property and set forth such terms as it may require within a public works agreement, which shall be guaranteed by a letter of credit or other surety prior to acceptance of the property by the City. No building permit/zoning certificate shall be approved by the City for the community village development until the payment of a fee or satisfactory guaranty by the owner of the site improvements required by this section is

accepted by the Mayor and Council.

- (9) Landscaping; the community village landscaping plan. Landscaping is a distinguishing feature of the community village in Taneytown. A landscaping plan shall be prepared by a registered landscape architect and submitted for review and approval of the Commission as part of the site development plan. At a minimum the landscaping plan shall detail:
- (a) Type, location and caliper of proposed large- and medium-sized street trees.
  - (b) Type, location and caliper of shade trees, evergreen trees and flowering trees for open spaces.
  - (c) A suggested plant list for:
    - [1] Deciduous shrubs six feet or less.
    - [2] Deciduous shrubs six feet or more.
    - [3] Low evergreen shrubs.
    - [4] Midsize and large evergreen shrubs.
    - [5] Ornamental trees.
  - (d) A recommendation for the number of deciduous, evergreen and ornamental plantings on each lot, as applicable.
  - (e) Stone, brick, masonry or other type walls, patios and the like and their locations.
  - (f) Screening (where necessary or appropriate) with landscaping, walls, fencing, earth berms or by other means.
  - (g) Fencing and fence structures. Specifications and restrictions on fencing and fence structures that may be erected on individual lots or common areas shall be detailed as to construction type, location, height or other detail as part of a uniform fencing plan for the community village, and the approved plan, or any subsequent amendments thereto, shall be made a part of and referenced in the private covenants and restrictions.
- (10) Parking, driveways, garages and storage.
- (a) Layout and design objectives. Locating required parking spaces for motor vehicles shall be considered a very important element in the review of a community village development plan. Since allowable densities in community villages are inherently more concentrated than in conventional development, greater attention must be placed on the location of and arrangements for the functional necessity of parking motor vehicles. The dwelling unit and the surrounding open space are foremost and are the primary assets in a community village. Convenient

parking is needed for each residential unit; however, it is of great importance that the required amount of parking spaces be carefully located and distributed so as not to overwhelm or inundate the residential dwellings. To do otherwise would be detrimental to the community by adversely affecting the value of the dwellings and the appearance of the community village. The City will expect professionals engaged in land planning a community village in Taneytown to meet this objective in designing and locating required parking as part of the development plan.

- (b) Off-street parking shall be provided in the community village according to the minimum requirements as set forth in § 205-36 et seq., unless specified to the contrary below:

<b>Dwelling Type</b>	<b>On-Site Parking Spaces Required*</b>	<b>Off-Site Parking Spaces Required*</b>
Single-family detached		
On lots 10,000 square feet or greater	3	0
On lots less than 10,000 square feet	2	1
Semidetached (each unit)	2	1
Multifamily		
Quadruplex (each unit)	2	1
Townhouse (each unit)	2	1
Condominium (each unit)	3	0
Apartment (each unit)	3	0
Retirement dwellings (each unit)	2	
Assisted living (each unit)	5 plus one for each employee on largest shift	
Alternative living unit (ALU)**	3	
Nursing/domiciliary care	1 for every 3 beds, plus 1 for each employee on largest shift	

## NOTES:

\*Required off-lot parking spaces shall be arranged and assigned in common parking areas located in proximity to the dwelling units to be served.

\*\* (State preemptive)

- (c) Off-street parking for commercial or nonresidential uses in the community village shall be sufficient to provide for employees as well as for customers. Employee parking spaces shall be marked and signed as such, as shall handicapped parking spaces. Such off-street parking lots shall be prohibited in any front yard setback area and shall be located to the rear of buildings on the interior lots, accessed by means of common driveways, preferably from side streets or alleys and, where applicable, interconnected with commercial lots on adjacent properties. Cross-access easements for interconnecting parking lots shall be required in language acceptable to the City.
- (d) Off-street parking for all dwelling units. Unless specifically modified by the Commission in conjunction with driveways as set forth below, off-street parking for all dwelling units in the community village shall be prohibited in front yard setback areas.
- (e) Driveways. Except as hereinafter provided, driveways shall be prohibited in any front yard setback area of a single-family detached dwelling, semidetached townhouse, condominium or apartment building, and any driveway access shall be provided from use-in-common alleys or lanes only and not streets. The Commission may modify this requirement in specific instances on specific lots and permit a driveway in the front yard where practical difficulty can be clearly demonstrated and/or where adherence to the requirement for any lot(s) in question has the effect of preempting other desired design considerations determined by the Commission to be of equal or greater importance to the specific lot(s) in question and/or to the plan as a whole.
- (f) Attached garages. Where the Commission permits a driveway in the front yard as provided above and an attached garage is to be accessed from the front, the front of the garage facing the street shall either be set back further than the front wall of the dwelling or, in the alternative, set forward of the front wall of the dwelling. If the attached garage is set forward of the front wall of the dwelling, the front face of the garage shall be set at the minimum build-to line so as to ensure parking of motor vehicles in the garage by limiting the distance between the front lot line and the face of the garage, unless specifically modified otherwise by the Commission.
- (g) Detached garages. Detached garages shall be located in rear yards and shall be set back a minimum of five feet from alley or lane right-of-way lines and five feet from side and/or rear property lines, except in the case

of a shared driveway on two adjacent lots, in which case the garages may be joined.

- (h) Off-street parking for townhouses, condominiums and apartments shall be provided in off-street parking spaces with access to a rear alley or use-in-common driveway, in garages having access to a rear alley or use-in-common driveway or in a common off-street parking lot(s) under the building or in proximity to the building.
- (i) Streets, alleys and other infrastructure shall be constructed pursuant to specifications approved and adopted by the City of Taneytown.
- (j) Parking lot buffering, landscaping and screening shall satisfy the objectives of preventing and/or mitigating direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, particularly residential properties, and provide the parking area with shade when the trees mature.
  - [1] Parking lots shall be surrounded by a year-round visually impervious screen (fence or berm), hedge or wall at least four feet in height, except where driveway or sidewalk ingress and egress dictates adequate visibility and lines of sight for pedestrian and vehicular safety. The interior (as well as the perimeter of parking lots) shall be landscaped to provide shade and visual relief, with at least one deciduous shade tree for every 10 spaces; provided, however, that if there are no more than 10 spaces in the parking lot, no interior landscaping is required where the perimeter landscaping is determined adequate.
  - [2] Protected planting islands or peninsulas shall be provided, and the choice of plant materials, buffer width, type of screening, location and frequency of tree planting shall be flexible, provided that the stated objectives are essentially satisfied. Parking lots shall provide for pedestrian crosswalks where necessary and appropriate, and such crosswalks shall be distinguished by textured paving and, where applicable, integrated into any wider network of pedestrian walkways.
- (k) Central storage yard facilities. Major recreational equipment, including boats, boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by that equipment or not, shall not be stored on individual dwelling lots within the community village. Major recreational equipment and other items not permitted to be stored on individual lots, including other bulk items if stored within the community village, shall be located on a parcel of land and within such facilities as may be specifically approved for central storage purposes for residents of the community village. The location,

design and landscaping of the same shall be part of the development plan to be approved and specifically controlled by the property owners' association.

**§ 205-35.2. Property owners' associations. [Added 9-13-1999 by Ord. No. 7-99]**

- A. Purpose. Where permanent common open space or other common use facilities (e.g., alleys, sidewalks, utilities, etc.) are planned and/or required, provision for the perpetual maintenance of common property and facilities shall be the responsibility of a duly constituted property owners' association, the purpose of which is to enhance and protect the property values of owners and protect the general public from assuming any maintenance responsibility for private common property and facilities.
- B. Document review required. Before any plan or plat containing common property and facilities is approved for recording, the Planning Commission shall review and approve the proposed articles of incorporation, association bylaws, covenants and restrictions and any other documents which in any manner related to the property owners' association. Following Planning Commission review, the documents shall be referred to the Mayor and Council for its review and approval prior to the recordation of the same in the land records of Carroll County.
- C. Minimum provisions. At a minimum, property owners' association documents shall include provisions requiring the following:
- (1) Membership shall be mandatory for all property owners, and all assessments shall constitute a lien on each lot from and after the date assessed.
  - (2) Nonpayment of any annual, special or other assessment for a property. A procedure shall be established to allow the collection by the association of unpaid assessments, including late fees and appropriate interest.
  - (3) Common areas and other use in common facilities shall be assured of preservation and maintenance. In the event that the association fails to carry out its responsibilities and financial obligations and it becomes necessary for the City to take appropriate action, such action by the City may include the imposition of a special assessment taxing district; provision for liens for any failure of property owners to pay such special taxes; entering on the common open space property for the purpose of maintaining the same; contracting of services by the City to perform appropriate and necessary maintenance and upkeep of common property and facilities; and ensuring that such costs, including any City administrative costs, are not at the expense of the general public.
  - (4) Maintenance by the City shall not constitute a taking of said private common open space or facilities nor vest in the public any rights to use the same. At such time as the Mayor and Council determine that the property owners' association is ready and able to adequately maintain the private common open space or other applicable common facilities, the Mayor and Council shall

cease to maintain the same and cease the collection of any special tax for that particular purpose.

- (5) Whenever intervention by the Mayor and Council becomes necessary, it shall provide reasonable notice to the property owners' association and to the residents having an interest in the common open space or other common facilities in question of the date and time of any hearings to be held for the purpose of ensuring enforcement of the covenants and the perpetual maintenance of the same.
  - (6) The association's board of directors shall be required to prepare an annual operating budget.
    - (a) The budget shall be based on estimated expenses for the operation of the association or, if available, actual expenses for the previous budget adjusted for inflation and any surplus based on a professional registered engineer's report on the operations, maintenance and replacement plan.
    - (b) The budget shall include an allowance for a contingency fund equal to at least 10% of estimated or actual expenses.
    - (c) The board of directors shall be required to set an annual assessment for each property owner in an amount sufficient to satisfy the approved budget requirements.
    - (d) It shall be required that the budget proposed by the board of directors be reviewed for adequacy by an independent certified public accountant prior to approval; that a copy of the accountant's annual report contain an unqualified audited statement; and that a copy of this annual report be filed with the City Manager.
  - (7) A capital asset replacement fund shall be created by the developer and maintained and continued by the association with annual appropriations required of the property owners to the fund from the date of transfer of common properties and facilities and their expected useful life. Such fund shall not be used to finance operating and maintenance costs.
  - (8) The documents shall provide for mandatory special assessments to meet unforeseen or special expenditures as well as any budget deficit.
  - (9) The name and address of the office of the association shall be provided to the City at all times.
- D. Plat required. All areas to be owned by the association shall be shown and/or detailed on a record plat for the development. In addition to any other requirements for record plats, the plat shall contain the recording references for the property owners' association documents. All deeds subsequently drawn for individual lots within the development shall reference therein the recording reference of the record plat, the recording reference(s) of the property owners' association documents and any subsequent recorded amendments thereto.

- E. Forest Conservation Ordinance protective agreements. Any property owners' association which will own or maintain areas shown on an approved forest conservation plan for forest retention, afforestation or reforestation shall provide to the City evidence that a legally binding protective agreement is in existence providing for protection of land forested, afforested or reforested and which places limitations on the use of forest to those consistent with forest conservation.

**§ 205-35.3. Cannabis Dispensary Overlay Zone. [Added 4-11-2016 by Ord. No. 21-2016]**

A. Purpose.

- (1) The purpose of the Cannabis Dispensary Overlay District is to implement the provisions of Maryland law with respect to the location of a cannabis dispensary within the City, in order to ensure that such uses are located in zones and subject to conditions that serve the public interests by minimizing the potential for adverse impacts on adjacent properties and neighborhoods.
- (2) This section imposes requirements on cannabis dispensaries in addition to those imposed by this chapter upon other uses in the underlying zone upon which the Cannabis Dispensary Overlay Zone is imposed.
- (3) The overlay district is designed to achieve the following goals:
  - (a) To promote development in the district.
  - (b) To protect the health, safety and welfare of the citizens of Taneytown.
  - (c) To promote compliance with state law in regard to dispensing cannabis.

- B. Overlay district designated. The Cannabis Dispensary Overlay District shall apply to all properties located within the district as designated on the City of Taneytown Zoning Map as "Industrial" and that meet the criteria contained in this section.

C. Relationship to underlying zone.

- (1) Facilities for dispensing cannabis may only be permitted on property located in the Cannabis Dispensary Overlay District upon the successful application and adoption by the Mayor and City Council of an ordinance designating a Cannabis Dispensary Overlay District for the subject property.
- (2) Such a designation is only related to the principal permitted use on the property and shall be considered a special exception pursuant to and subject to the provisions of the Code of the City of Taneytown, requiring Board of Appeals approval.
- (3) Such a designation shall expire one year after it is granted unless a site plan is submitted pursuant to the requirements of the Code of the City of Taneytown.
- (4) All other requirements of underlying zoning districts remain applicable to the subject property.

## D. Procedure for designation.

- (1) An owner of property located in an area eligible to be designated as a Cannabis Dispensary Overlay District may make application for the subject property to the Mayor and City Council.
- (2) An application for a Cannabis Dispensary Overlay District must be accompanied by a site plan and other such plans and documents as may hereinafter be required, subject to procedural steps and guidelines as the City may promulgate from time to time for the purpose of processing applications and facilitating approval.
- (3) An application for a cannabis dispensary must include written and graphic documentation showing the proposed facility will meet state standards, including but not limited to secure premises, secure room, secure entry, security lighting, security alarm systems, and video surveillance, as detailed in the Annotated Code of Maryland, Health-General Article, Title 13, Subtitle 33, and the Code of Maryland Regulations (COMAR) 10.62.27. Further, an application must contain all other required submittals, licenses and approvals required by Maryland law.

## E. Compatibility with adjacent uses.

- (1) Any building or portion of a building that is subject to compliance with this section shall be located at least 500 feet from any other lot or parcel of land which has a residential use, residential zoning classification, school use or park use.
- (2) In addition to all other standards and criteria, when considering an application for the designation of a Cannabis Dispensary Overlay District, the Mayor and City Council shall consider the adequacy of streets and highways, the availability of public water and wastewater systems, and the adequacy of all other public facilities and public services that would be needed to serve the proposed use.

## F. Requirements after designation.

- (1) If a designation of Cannabis Dispensary Overlay Zone is granted by the Mayor and City Council pursuant to the provisions of this section, the applicant must then obtain approval for the special exception use, subject to the provisions of the Code of the City of Taneytown, by the Board of Appeals, and subject to any conditions which may be established by the Board during the special exception process.
- (2) If such special exception use is granted, the applicant must then submit a site plan, consistent with the approvals granted by the Mayor and City Council and the Board of Appeals, to the City of Taneytown Planning and Zoning Commission for approval pursuant to the provisions of the Code of the City of Taneytown.

**§ 205-35.4. Adult entertainment activity overlay district. [Added 7-8-2019 by Ord. No. 7-2019]**

A. Purpose.

- (1) The purpose of the Adult Entertainment Activity Overlay District is to ensure that such uses are located in zones and subject to conditions that serve the public interests by minimizing the potential for adverse impacts on adjacent properties and neighborhoods.
- (2) This section imposes requirements on adult entertainment activity in addition to those imposed by this chapter upon other uses in the underlying zone.
- (3) The overlay district is designed to achieve the following goals:
  - (a) To promote development in the district.
  - (b) To ensure compliance with established law regarding the location of such activities.

B. Overlay district designated. The Adult Entertainment Activity Overlay District shall apply to all properties located within the district as designated on the City of Taneytown Zoning Map as "Restricted Industrial," and that meet the criteria contained in this section.

C. Relationship to underlying zone.

- (1) Adult entertainment activity may only be permitted on property located in the Adult Entertainment Activity Overlay District upon the successful application and adoption by the Mayor and City Council of an ordinance designating an Adult Entertainment Activity Overlay District for the subject property.
- (2) Such a designation is only related to the principal permitted use on the property and shall be considered a special exception pursuant to and subject to the provisions of the Code of the City of Taneytown, requiring Board of Appeals approval.
- (3) Such a designation shall expire one year after it is granted unless a site plan is submitted pursuant to the requirements of the Code of the City of Taneytown.
- (4) All other requirements of underlying zoning districts remain applicable to the subject property.

D. Procedure for designation.

- (1) An owner of property located in an area eligible to be designated as an Adult Entertainment Activity Overlay District may make application for the subject property to the Mayor and City Council.
- (2) An application for an Adult Entertainment Activity Overlay District must be accompanied by a site plan and other such plans and documents as may hereinafter be required, subject to procedural steps and guidelines as the City

may promulgate from time to time for the purpose of processing applications and facilitation approval.

- (3) An application for an adult entertainment activity must include written and graphic documentation showing the proposed facility will meet state standards and contain all other required submittals, licenses and approvals required by Maryland law. The application must also show a depiction of any sign which will be used at the proposed location and such sign shall be prohibited from containing any nudity or vulgarity.

E. Compatibility with adjacent uses.

- (1) Any building or portion of a building that is subject to compliance with this section shall be located at least 500 feet from any other lot or parcel of land which has a residential use, residential zoning classification, school use or park use.
- (2) In addition to all other standards and criteria, when considering an application for the designation of an Adult Entertainment Overlay District, the Mayor and City Council shall consider the adequacy of streets and highways; the availability of public water and wastewater systems; and the adequacy of all other public facilities and public services that would be needed to serve the proposed use.

F. Requirements after designation.

- (1) If a designation of an Adult Entertainment Overlay District is granted by the Mayor and City Council pursuant to the provisions of this section, the applicant must then obtain approval for the special exception use, subject to the provisions of the Code of the City of Taneytown, by the Board of Appeals, and subject to any conditions which may be established by the Board during the special exception process.
- (2) If such special exception use is granted, the applicant must then submit a site plan, consistent with the approvals granted by the Mayor and City Council and the Board of Appeals, to the City of Taneytown Planning and Zoning Commission for approval pursuant to the provision of the Code of the City of Taneytown.

ARTICLE VI  
**Off-Street Parking and Loading**

**§ 205-36. General requirements. [Amended 8-13-1990 by Ord. No. 12-90]**

- A. Off-street parking shall be required in accordance with the provisions of this section as a condition precedent to the occupancy of any building or use so as to alleviate traffic congestion on streets. Parking facilities shall be provided whenever:
- (1) A building is constructed or a new use is established.
  - (2) The use of an existing building is changed to a use requiring more parking facilities.
  - (3) An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- B. Adequate off-street loading and unloading space shall be provided on the same premises with every building erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The Board of Appeals may grant a special exception where hardship would result when an existing use is expanded and the off-street loading and unloading requirements of this chapter would otherwise have to be met.
- C. Existing buildings located in the Downtown Business District<sup>1</sup> are exempt from parking requirements. **[Added 8-9-1999 by Ord. No. 8-99]**
- D. No major recreational equipment shall be parked or stored on any lot in a residential district in such a way that it will impair the sight distance along any street or access to any street, or within any front yard, beyond the limits of a driveway, of a residential lot. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for that use. For purposes of these regulations, "major recreational equipment" is defined as including boat trailers, enclosed or open trailers, cases or boxes which may be used for transporting recreational equipment whether occupied by that equipment or not, and recreational vehicles such as but not limited to travel trailers, fifth-wheel trailers, pop-up or hi-low campers, coaches or other motorized dwellings. **[Amended 5-9-2011 by Ord. No. 2-2011]**
- E. All parking facilities designed for more than five vehicles shall not be closer than five feet to any property line or right-of-way line.
- F. All parking spaces for dwellings in the R-7,500 and R-10,000 Districts shall be designed so that no parking space greater than one vehicle width shall be positioned in the area between the front of the dwelling and the sidewalk and/or street.

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1. **Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.**

**[Amended 8-9-1999 by Ord. No. 8-99]****§ 205-37. Schedule of required off-street parking spaces. [Amended 9-23-1985 by Ord. No. 7-85; 10-9-1989 by Ord. No. 11-89]**

- A. Residential: three spaces for each dwelling unit.
- B. Institutional.
  - (1) Church: one space for each four seats of permanent seating.
  - (2) School: one space for each two teachers, employees or administrators and, in high schools, one space for each 10 students.
  - (3) College: one space for each two teachers, employees or administrators and one space for each five students.
  - (4) Municipal building and offices: one space for each 200 square feet of office floor area plus one space for each employee on the largest shift.
  - (5) Hospital: one space for each three beds plus one space for each employee on the largest shift.
  - (6) Convalescent home: one space for each four guest rooms or apartment unit plus one space for each employee.
  - (7) Medical or dental clinic: three spaces for each professional or paraprofessional using the premises.
  - (8) Cultural, civic, educational, social or community service buildings, theaters, auditoriums and skating rinks: one space for each three seats or one space for each 100 square feet of gross floor area, whichever requires the greater number of spaces.
  - (9) Public libraries and senior citizens centers: one space for each 200 square feet of floor area.
- C. Commercial.
  - (1) Stores for the retailing or maintaining of goods: one space for each 400 square feet of usable floor area.
  - (2) Personal service shops and offices: one space for each 200 square feet of usable floor area.
  - (3) Motel and hotel: one space for each rental unit plus one additional space for every two full-time employees.
  - (4) Banks and financial institutions: one space for each 100 square feet of gross floor area.
  - (5) Shopping center: one space shall be provided for each 200 square feet of floor

area comprising the shopping center.

- (6) Eating and drinking establishments: one space for each 100 square feet of gross floor area or one space per three seats, whichever requires the greater number of spaces.
  - (7) Automobile, trailer or implement sales and service, auto service station and car washes: one space for each 300 square feet of gross floor area.
  - (8) Club: one space for each four seats in the building or one space for each 60 square feet of floor area devoted to patron use, whichever is greater.
  - (9) Bowling alley: four spaces per bowling lane.
  - (10) Swimming club: one space for each 30 square feet of water surface.
  - (11) Golf course: one space for each acre of land.
  - (12) Professional offices and buildings: one space for each 300 square feet of gross floor area.
  - (13) Commercial sports facility: one space per three persons maximum occupancy.  
**[Added 3-8-2010 by Ord. No. 2-2010]**
- D. Industrial: one space for each two employees in the largest working shift. Additional parking to be provided for visitors shall be determined by the industry.

**§ 205-38. Additional regulations. [Amended 5-8-1989 by Ord. No. 3-89]**

- A. Parking spaces shall be on the same lot as the principal building or open area, except when authorized as a special exception by the Board of Appeals.
- B. The Board of Appeals may authorize as a special exception a reduction in the number and size of off-street parking spaces in cases where the applicant can justify the reduction and still provide adequate facilities.
- C. For any specific building or use which is not described in § 205-37, the Zoning Administrator shall apply the unit of measurement deemed to be the most similar to the proposed building or use.
- D. One or more parking lots may be designed to serve a multiple number of commercial, industrial or institutional uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.
- E. All parking facilities and all loading areas and access drives shall have an asphalt, concrete or similar all-weather surface in accordance with City specifications. Appropriate bumper guards or curbs shall be provided in order to define such parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. All curbs and bumper guards shall be constructed in accordance with standards established by the City through the office of the City Engineer.
- F. Parking and loading areas shall be illuminated whenever necessary to protect the

public safety. This illumination shall be designed and located so that the light sources are shielded from adjoining residences and residential streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

- G. The treatment of surface water shall be handled by accepted engineering practices in accordance with City specifications.

## ARTICLE VII

**Signs****[Amended 5-9-1983 by Ord. No. 4-83; 11-9-1998 by Ord. No. 4-98]****§ 205-39. Purpose and intent.**

- A. The purpose of these regulations is to regulate the size, location, height and construction of all signs placed for public observance. The regulations are intended to protect the public safety, to protect property values and to preserve and strengthen the ambience and character of the City.
- B. An important feature of these regulations is the restriction of advertising to the business or use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and will be compatible with the character of existing architecture and the fabric of development. The display of signs should be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended in commercial areas now in existence, and more so in proposed commercial and industrial areas, that all signs within one complex shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.
- C. It is also intended by this article that all temporary signs erected for directional purposes for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.
- D. Large signs, including outdoor advertising structures, billboards or poster panels advertising projects or businesses not related to the site or building on which they are located, are not permitted.

**§ 205-40. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BANNER** — A sign intended to be hung with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

**BILLBOARD** —

- A. An off-premises outdoor advertisement.
- B. A nonaccessory sign which is commercially maintained principally for calling attention to a place, profession, activity, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located or within

the building to which such sign is affixed.

**BULLETIN BOARD** — A sign with changeable lettering, totally enclosed, illuminated or nonilluminated, wall mounted or freestanding.

**BUSINESS SIGN** — A sign which directs attention to a business, profession, activity, commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.

**CANOPY/AWNING** — A structure made of cloth, metal or other material with frames affixed to a building and carried by a frame which may be supported by the ground.

**COMMUNITY ASSOCIATION** — An association organized for purposes other than generating profit, which primary purpose is for the benefit of the Taneytown community and its citizens. **[Added 12-10-2007 by Ord. No. 9-2007]**

**CONSTRUCTION SIGN** — A sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

**DELIVERY SIGN** — A sign directing a person to a location where materials and goods, etc., are received or shipped.

**DIRECTIONAL SIGN** — A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying rest rooms, public telephones, public walkways, parking areas and other similar facilities.

**DIRECTORY SIGN** — A sign which indicates the name and/or address of the occupants, the address of the premises and/or identification of any legal business or occupation which may exist at the premises.

**ELECTRONIC MESSAGE DISPLAY BOARD** — A sign capable of displaying words, symbols, figures or images that can be electronically controlled by remote or automatic means. **[Added 12-10-2007 by Ord. No. 9-2007]**

**EXISTING PERMANENT SIGN** — A fixed, nonportable sign displayed in the City on the effective date of this article.

**EXTERNAL ILLUMINATION** — Illumination of a sign which is effected by an artificial source of light which is not contained within the sign itself.

**FLASHING SIGN** — An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this article, any moving illuminated sign effected by intermittent lighting shall be deemed to be a flashing sign.

**GRADE** — The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

**GROSS SURFACE AREA (GSA)** — The entire area within a single continuous perimeter enclosing the extreme limits of characters, lettering, illustrations, ornamentation or other figures, together with any material or color forming an integral

part of the display or used to differentiate the sign from the background on which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area.

**ILLUMINATED SIGN** — A sign in which an artificial source of light is used in connection with the display of such sign.

**INTERNAL ILLUMINATION** — Illumination of a sign which is effected by an artificial source of light which is contained within the sign itself.

**MARQUEE** — A permanent, roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material, such as metal, wood or glass.

**MOVING SIGN** — A sign which revolves, rotates, swings, undulates or otherwise attracts attention through movement of parts or through the impression of movement, including automatic electronically controlled copy change, but not including flags, banners, pennants or barber poles.

**NEON OR OTHER GAS TUBE ILLUMINATION** — Illumination effected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

**NONCONFORMING SIGN** — A sign which does not conform to one or more of the provisions contained in this article.

**OFF-PREMISES SIGN** — A sign which directs attention to a business, professional activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located or within the building to which such sign is affixed.

**PARAPET LINE** — A low protective wall or railing along the edge of a raised structure, such as a roof or balcony.

**PENNANT** — A long, narrow, relatively small flag, often triangular, used for identification or as an emblem.

**PLANNING COMMISSION** — The Planning and Zoning Commission of the City of Taneytown. **[Amended 12-10-2007 by Ord. No. 9-2007]**

**POLITICAL SIGN** — A temporary sign identifying a political candidate, issue or party.

**PORTABLE SIGN** — A sign not permanently affixed to the ground, a building or other structure which may be moved from place to place.

**PRINCIPAL BUILDING** —

A. The main or principal building located upon a single zoned lot.

B. The building in which the principal use of the premises is conducted.

**PROJECTING SIGN** — A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed.

**REAL ESTATE SIGN** — A sign which is used to offer for sale, lease or rent the

premises upon which such sign is placed.

**ROOF SIGN** — A sign erected or maintained in whole or in part on, against or directly above the roof or parapet line of a building.

**SANDWICH BOARD** — A sign erected on an "A" frame which is not permanently attached to a foundation in the ground and which is not attached to a wheeled framework.

**SHOPPING CENTER** — A commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, entranceway or parking area.

**SIGN** — Any identification, description, illustration or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service or place or a placard designed to advertise, identify or convey information.

**TEMPORARY SIGN** — A nonpermanent sign erected, affixed or maintained on a premises for a short, usually fixed, period of time.

**WALL SIGN** — A sign attached directly to an exterior wall of a building or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or by which the sign is supported.

**WARNING SIGN** — A sign, containing no advertising material, warning the public of the existence of danger.

**WINDOW SIGN** — A sign attached to, placed upon or painted on the interior or exterior of a window or door of a building which is intended for viewing from the exterior of such building.

#### **§ 205-41. One-family and multifamily dwelling units.**

Home occupation signs are permitted, subject to Board of Appeals approval and the following standards:

- A. A maximum of one sign per dwelling unit with a maximum of two square feet per sign is permitted.
- B. A minimum setback of 10 feet from the nearest property line is required.
- C. The maximum height shall be five feet above the ground.
- D. The sign shall be nonilluminated.

#### **§ 205-42. Downtown Business Zone. [Amended 10-10-2005 by Ord. No. 8-2005]**

- A. Awning/canopy signs. One awning/canopy is permitted per storefront. Maximum height of lettering is five inches. Awnings/canopies are allowed on the ground floor only. Fixed canopies only may be illuminated above the sidewalk. See § 205-55, Illumination.
- B. Flat wall signs. One flat wall sign is permitted per storefront, except where a

building fronts two streets, then two signs may be permitted. Where a building has multiple tenants, all tenants will utilize the same sign. Flat wall signs are permitted on the ground floor only. Maximum square footage per sign is 24 square feet or 10% of the storefront, whichever is less. If illuminated, § 205-55, Illumination, applies. No part of the sign or mounting hardware may block a second-story window.

- C. Freestanding signs. Where a flat wall sign or a hanging sign is inappropriate, a freestanding sign may be permitted. One sign per storefront is permitted. The maximum square footage of the sign is 27 square feet per side, and the sign may not exceed 12 feet in height. No part of the sign may intrude on any public right-of-way. More than one business may utilize the sign. If illuminated, § 205-55, Illumination, applies. **[Amended 12-9-2013 by Ord. No. 7-2013]**
- D. Hanging/projecting signs. Only one hanging sign per business storefront may be used in lieu of a flat wall sign. Where there are multiple tenants, all tenants will utilize the same sign, if advertising is required. If illuminated, § 205-55, Illumination, applies. Maximum size is 12 square feet per side or 24 square feet total. The bottom of the sign must be eight feet above the sidewalk and two feet behind the curbline. The sign or mounting hardware may not block any second-story window.
- E. Directories. A directory is permitted where a building has multiple tenants. Directories are not calculated as part of overall allowed signage. Directories will be mounted at the entrance, if possible, and shall be no larger than two square feet.
- F. Delivery sign. One delivery sign is permitted per tenant. Signs will be located at the side or rear of the building. Maximum size is two square feet, and the sign shall not be mounted above the first floor. If illuminated, § 205-55, Illumination, applies.
- G. Portable signs. One portable sign is permitted per tenant.

**§ 205-43. Commercial and industrial zones. [Amended 10-10-2005 by Ord. No. 8-2005]**

- A. Size. A total sign area of two square feet for each lineal foot of building frontage shall be allowed. If the building has multiple frontage, an additional sign area of one square foot for each additional lineal foot of building frontage shall be allowed. The total area of all signs erected on the lot and building shall be within the allowable square footage. Where there is multiple frontage, only the amount of added sign area allowed by each additional frontage shall be allowed to face that frontage.
- B. Flat wall signs. Flat wall signs may be located anywhere on any wall on the first floor. No window or part of a window shall be situated within the area of the sign or its supporting structure. No flat wall sign shall extend above the roofline. In the case of a multistory building which has a screen enclosing elevator shafts, stairs or heating and air-conditioning units, a flat wall sign may be permitted within the area of the screen.

- C. Projecting signs. Projecting signs may project over public rights-of-way (sidewalks) only where there is no building setback. The sign may project no more than 42 inches beyond the right-of-way line and no closer than six feet to the curbline without a variance from the Board of Appeals. The sign must have a clearance of 10 feet above the finished grade of a sidewalk. A projecting sign or supporting structure shall not extend above the roofline and shall extend no higher than 25 feet from finish grade to the top of the sign.
- D. Marquee signs. Signs may be placed on the vertical faces of a marquee and may project below the lower edge of a marquee not more than 24 inches, but the bottom of a sign placed on a marquee shall be no less than 10 feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee. Signs shall not be permitted anywhere on a marquee which projects over any public right-of-way, except that a variance may be granted for theater marquees by the Board of Appeals.
- E. Freestanding signs. Where a building does not cover the full area of the property, signs may be freestanding in addition to a flat wall sign. Maximum height is 35 feet, and maximum square footage of the sign is 40 square feet per side. Where a site plan is submitted, the Planning Commission shall determine the type and location during the site plan review process and may vary the maximum square footage requirement contained in this subsection. No part of the sign may extend beyond the property line or restrict the line of sight. Where a property has two entrances, a freestanding sign may be erected at both entrances. Where a freestanding sign is used at a shopping center, more than one tenant may be included on the sign. Signs shall be a minimum of 15 feet from the street right-of-way. **[Amended 12-10-2007 by Ord. No. 9-2007; 12-9-2013 by Ord. No. 7-2013]**
- (1) Electronic message display board (EMDB). A portion of one freestanding sign per site may be configured as an EMDB following approval by the Planning Commission. The EMDB may not exceed 66% of the total square footage of the sign. EMDBs may advertise on-premises sales or services, Community Association events, notify of Amber Alert or other public service messages.
- F. Portable signs. One portable sign is permitted per tenant.

**§ 205-44. Signs permitted in all zones. [Amended 10-10-2005 by Ord. No. 8-2005]**

- A. Construction signs.
- (1) One sign each shall be permitted for all building contractors, professional firms and lending institutions on sites under construction. Each sign shall not exceed 16 square feet overall, with not more than a total of three such signs permitted on one site. The sign shall be confined to the site of the construction and shall be removed no later than 14 days upon completion of the project.
  - (2) One temporary real estate sign not exceeding six square feet in area and located on the property shall be allowed for each lot. If the lot, parcel or tract has multiple frontage, one additional sign not exceeding six square feet in area

shall be allowed on the property to be placed facing the additional frontage.

- (3) One temporary subdivision identification sign, not exceeding 24 square feet in area and located on the property, shall be allowed for each development of 10 lots or more. An increase in size may be allowed by the Board of Appeals.
- B. Street banners. Street banners advertising a public entertainment or event, if specifically approved by the City and in locations designated by the City, may be displayed 14 days prior to and seven days after the public entertainment or event.
- C. Flags. National, state, municipal and "open for business" flags are not regulated, except:
- (1) When attached to a building, the flag cannot impede pedestrian traffic.
  - (2) The flag cannot in any way interfere with vehicular traffic.
  - (3) If illuminated, the flag must comply with § 205-55, Illumination, and the National Flag Code.
- D. Bulletin boards. An on-site bulletin board may be used in any zone by religious, civil or government organizations for messages that relate to that organization. A bulletin board shall not exceed 36 square feet of total sign area per side without Planning Commission approval. The Planning Commission may consider larger dimensions based on site- and district-specific factors. If illuminated, the requirements of § 205-55, Illumination, must be met. **[Amended 10-11-2016 by Ord. No. 26-2016]**
- (1) Bulletin boards may incorporate an electronic message display board (EMDB) under the following conditions:
    - (a) All bulletin boards incorporating an EMDB must be approved by the Planning Commission.
      - [1] Bulletin boards incorporating an EMDB for governmental entities shall be submitted to the Planning Commission for review and comment.
    - (b) Only governmental entities shall be permitted to have a bulletin board incorporating an EMDB in the Downtown Zoning District.
    - (c) Bulletin boards incorporating an EMDB may not exceed 10 feet in height or 36 square feet per side in total sign area.
    - (d) The EMDB display portion of the bulletin board may not exceed 66% of the total square footage of each side of the sign. The remaining 34% must be static and identify the entity.
    - (e) The Planning Commission may further limit dimensions of such signs based on site- and district-specific factors, and may permit larger dimensions for bulletin boards containing an EMDB on publicly owned

property.

- (f) Hours of illumination/operation shall be reviewed and set by the Planning Commission.
  - (g) Bulletin boards incorporating EMDB shall only display on-site events and activities, community events, and public service messages.
- E. Yard sale sign. One yard sale sign shall be permitted on private property where the sale is being conducted and may not exceed six square feet in area. Signs shall not be attached to utility poles, street signs, trees or other public structures. Signs may be erected 24 hours prior to the sale and must be removed immediately following the sale.

**§ 205-45. Window signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

Signs shall be permitted in a window or in a display of merchandise when incorporated with such a display. The total area of all window signs shall not exceed 35% of the window glass area. An additional 10% of window area may be used on a temporary basis to advertise nonprofit activities.

**§ 205-46. Permanent identification signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

Signs of a permanent nature, setting forth the name of a community development center or other like projects, shall be permitted by the Planning Commission and approved at the time of plan review. Illumination shall be in accordance with the restrictions set forth in § 205-55, Illumination. Such signs shall not exceed 24 square feet in area.

**§ 205-47. Portable signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

Portable sandwich-type signs are the only portable signs permitted, with one sign per lot in the Downtown Business District<sup>1</sup> and General Business District. Maximum square footage is eight square feet per side. Portable signs shall not remain on the street after the hours of darkness. A forty-inch clear walking space must be provided. Sandwich signs for a shopping center may be one sign per storefront. These signs may only advertise products and services rendered by the occupant of the lot or store.

**§ 205-48. Temporary signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

- A. Banners. A new business may display a banner advertising the opening for a period of three months. A banner of a promotional nature may be used for a period of 30 days. Banners are not to exceed 15 square feet.
- B. Pennants. Pennants for grand openings and special events may be used for a period not to exceed 14 days.

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1. Editor's Note: The Local Business District was changed to the Downtown Business District 3-10-2003 by Ord. No. 1-2003. See § 205-19.

- C. **Banners, Community Association.** A Community Association may use a banner as an off-premises sign under the following conditions: **[Added 12-10-2007 by Ord. No. 9-2007]**
- (1) One banner per street frontage may be placed on properties within the Downtown Business District, the General Business District, or the Restricted General Business District.
  - (2) The banner may not be larger than 15 square feet.
  - (3) The banner may only be used for Community Associations to direct people to an event or place.
  - (4) Written permission must be obtained from the property owner and a copy of such permission placed on file with the Zoning Administrator of the City of Taneytown.
  - (5) The banner shall be removed immediately following the last date or time for the specified event.

**§ 205-49. Nonconforming signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

Signs that do not conform to these regulations at the time this article is adopted shall remain nonconforming until the earlier of the following:

- A. A change of use is, for the premises, required.
- B. The sign, in the opinion of the Zoning Administrator, has become unreparable.
- C. A sign is abandoned.
- D. Five days from the passage of this article.

**§ 205-50. Off-premises signs. [Amended 10-10-2005 by Ord. No. 8-2005]**

Off-premises signs are prohibited under these regulations, except that the Board of Appeals may grant a special exception, provided that:

- A. A hardship exists.
- B. A directional sign is the only type of sign permitted.
- C. Written permission must be obtained from the owner of the property where the sign is located,
- D. One off-premises sign is allowed for multiple businesses.
- E. The sign must conform to the zone where the sign is to be located.

**§ 205-51. Sandwich signs, Community Associations. [Amended 10-10-2005 by Ord. No. 8-2005; 12-10-2007 by Ord. No. 9-2007]**

A sandwich sign may be used as an off-premises sign under the following conditions:

- A. One sign may be placed on each street frontage at the intersection of Route 140 and Route 194. A sign may be placed in the open space zone only at the entrance to the City's parks.
- B. One sign per street frontage may be placed on properties within the Downtown Business District, the General Business District, or the Restricted General Business District.
- C. The sign may not be larger than eight square feet per side.
- D. The sign may not remain on a sidewalk after the hours of darkness.
- E. The sign may only be used for Community Associations to direct people to an event or place.
- F. Written permission must be obtained from the property owner and a copy placed on file with the Zoning Administrator of the City of Taneytown.
- G. The sign shall be removed immediately following the last date or time for the specified event.

**§ 205-52. Neon signs.**

Exposed neon signs shall be permitted inside windows. None shall be placed outside. Neon window signs shall not cover more than 10% of the window area and must comply with § 205-55, Illumination.

**§ 205-53. Prohibited signs.**

The following signs are hereby expressly prohibited for erection, construction, alteration or relocation, except as otherwise permitted in this article or by a special exception of the Board of Appeals:

- A. Streamers, balloons three feet and larger and other inflatable figures or devices.
- B. Search lights.
- C. Signs that can be confused with traffic control.
- D. Billboards.
- E. Off-premises signs, except as permitted as a special exception by the Board of Appeals or in compliance with § 205-50.
- F. Portable and wheeled signs.
- G. Roof signs.

- H. Signs on utility poles and trees.
- I. Signs painted on walls.
- J. Signs with obscene, indecent or immoral content.
- K. Signs on parked vehicles. Signs placed on, decaled, painted or otherwise affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

#### **§ 205-54. Exemptions.**

The following types of signs are exempted from all the provisions of this article, except for construction and safety regulations and the following standards:

- A. Public sign. Signs of a noncommercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his duty, such as directional signs, regulatory signs, warning signs and informational signs.
- B. Integral part of structure. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure.
- C. Private traffic direction signs. On-site signs directing traffic movement onto a premises or within a premises, not exceeding six square feet in area for each sign.
- D. Real estate signs. Temporary real estate signs not exceeding six square feet in area, located on the subject property and limited to one such sign for each frontage of a home, lot or parcel. Signs must be removed within seven days after closing occurs.
- E. Billboards. Billboards erected prior to the adoption of these regulations.

#### **§ 205-55. Illumination. [Amended 12-10-2007 by Ord. No. 9-2007]**

- A. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
- B. Beacon lights or search lights shall not be permitted as a sign or for advertising purposes.
- C. Electronic message display boards shall be the only type of sign to have any illuminating device which may have a changing light intensity, brightness or color,

or which are so constructed and operated as to create an appearance or illusion of writing or printing.

- D. No exposed reflective-type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign.
- E. Any sign involving electrical components shall be wired by a licensed electrician in accordance with the National Electrical Code, and the electrical components used shall bear an Underwriters' Laboratories, Inc., seal of inspection located on the outside of the sign.
- F. Nothing in this subsection shall be constructed as preventing the use of lights or decorations relating to religious or patriotic festivities.

**§ 205-56. Permit required.**

- A. Application. No sign shall be erected, replaced, altered or relocated without a permit issued by the Zoning Administrator. The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property and shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design, dimensions and locations of the sign and such other pertinent information the Zoning Administrator may require to ensure compliance with the law of the City.
- B. Expiration. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.

**§ 205-57. Maintenance and inspections.**

- A. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
- B. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for compliance with this article and the other laws of the City.

**§ 205-58. Exceptions to permit requirement.**

The following operations shall not be considered as creating a sign and shall not require a sign permit:

- A. Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similarly approved signs which are specifically designed for the use of replaceable copy.
- B. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made.
- C. Exempt signs and window signs.

**§ 205-59. Abandoned signs.**

A sign on the premises shall be removed from the premises within 30 days when the business it advertises is no longer conducted. The owner of the building is responsible for the removal of any abandoned signs.

**§ 205-60. Appeals.**

Upon denial of a sign permit by the Zoning Administrator and where a variance or a special exception may be permitted hereunder, the sign owner, or owner of property on which a sign is located, may file an appeal within 30 days of the date of action of the Zoning Administrator to the Board of Appeals. The appeal shall be in writing in form as required by the Board.

**§ 205-61. Violations and penalties.**

Any person who violates this article shall be subject to the provision of § 205-90.