

SECTION 13 - PLANNING AND ZONING COMMISSION

13.01 Establishment and Authority

The East New Market Planning and Zoning Commission is hereby vested with all the powers and responsibilities as established by Article 66B, Section 3 of the Annotated Code of Maryland.

13.02 Membership and Removal

- (1) The Commission shall consist of five (5) members. The members shall be appointed by the Town Commissioners and shall serve for five (5) years or until his successor takes office, except that the respective terms of the first five (5) members appointed shall be on a staggered basis.
- (2) After a public hearing, members may be removed by the local legislative body for inefficiency, neglect of duty, malfeasance, or nonfeasance in office. The Town Commissioners shall file a written statement of reasons for the removal. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term by the Town Commissioners.

13.03 Duties

- (1) Make recommendations to the Mayor and Commissioners on amendments to this Ordinance.
- (2) Prepare and file with the Town Commissioners and the Maryland Department of Planning an annual report.
- (3) Advise the Board of Appeals on applications for cases to be heard by the Board.
- (4) Approve subdivision plats and commercial site plans.
- (5) Make recommendations to the Mayor and Commissioners on request for rezoning and/or map amendments.
- (6) Draft and make recommendations, to the Mayor and Commissioners, for updates and amendments to the Town's Comprehensive Plan.
- (7) Prior to the Mayor and Commissioners action, review and provide comment regarding proposed activity within the Town's Historic District.

SECTION 14 - AMENDMENTS TO THE ORDINANCE

14.01 General

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and Commissioners upon hereinafter prescribed procedure.

14.02 Planning and Zoning Commission Review

Any proposed amendment, supplement or change shall be referred by the Mayor and Commissioners to the Planning and Zoning Commission for an investigation and recommendation. The Planning and Zoning Commission shall cause such investigation to be made as it deems necessary and may require the submission of all pertinent data and information by any person concerned; may hold such public hearings or meetings as provided by its own rules; and shall submit its report and recommendations to the Commissioners within forty-five (45) days of the receipt of the referral from the Mayor and Commissioners unless the time is otherwise extended by the Mayor and Commissioners.

14.03 Public Hearing

After receiving the recommendations of the Planning and Zoning Commission, the Mayor and Commissioners shall hold a public hearing in relation to the proposed amendment, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time, place, and nature of such hearing shall be published in a paper of general circulation in the community. In the case of a change in classification of a particular piece of property, said property shall be posted and adjoining property owners shall be notified by mail.

14.04 Basis for Approving Rezoning

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

- (1) The relationship of such proposed amendment to the Town's Comprehensive Development Plan.
- (2) The recommendation of the Planning and Zoning Commission.
- (3) Population change.
- (4) Availability of public facilities.
- (5) Present and future transportation patterns.

- (6) Compatibility with existing and proposed development for the area.
- (7) The Commissioners may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
- (8) Compatibility with historic nature.

A complete record of the hearing and the votes of all members of the local legislative body shall be kept.

14.05 Time Limitation on Rehearing Rezoning Applications

An application for a reclassification shall not be accepted for filing by the Mayor and Commissioners if the application is a reclassification of the whole or any part of land which had been denied by them within twelve (12) months from the date of the Commissioners' original decision.

The provisions of Section 14.03 relative to public hearings and official notice shall apply equally to all re-hearings.

SECTION 15 - EM-R-1: LOW DENSITY RESIDENTIAL DISTRICT

15.01 Intent

It is the intent of the low density district to allow the developed residential areas of the Town to "fill-out" with lot uses and sizes which are consistent with the existing neighborhood.

15.02 Permitted Principal Uses and Structures

The following uses and structures are permitted in the "EM-R-1" district:

- (1) Single-family dwellings.
- (2) Drainage structures or other flood control works.
- (3) Public parks.
- (4) Agriculture, excluding the production of livestock and poultry.

15.03 Special Exceptions

Special Exceptions require Board of Appeals approval.

- (1) Public and quasi-public buildings.
- (2) Churches, temples, schools and colleges.
- (3) Utility structures and services other than essential services.
- (4) Home occupations, as provided in Section 21, herein.
- (5) Bed and Breakfast Guest Homes (Inns).
- (6) Accessory Apartments as provided in Section 23, herein.

15.04 Accessory Uses and Structures

The following accessory uses and structures are permitted in the "EM-R-1" district:

- (1) Private garages and structures customarily associated and directly incidental to permitted principal uses and structures.
- (2) Swimming pools, in accordance with Section 20.03, herein.
- (3) Signs, subject to the provisions of Section 25.

- (4) Uses and structures incidental to special exceptions which have been approved by the Board of Appeals.

15.05 Lot, Yard and Height Requirements

The following minimum requirements shall apply to all uses and structures in the "EM-R-1" district. Setbacks for accessory uses and structures, however, are governed by Section 19 of this Ordinance.

	Minimum
Lot size	15,000 sq. ft.
Lot width:	
At building line	75 ft.
Lot depth	200 ft.
Front yard depth	35 ft.
Rear yard depth	60 ft.
Side yard depth	15 ft.
	Maximum
Building height	35 ft.; 2 ½ stories

SECTION 16 - EM-R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT

16.01 Intent

The intent of the medium density residential district is to provide the residents of the Town with higher density housing choices while concurrently maintaining the character of the small town. Density should not be so great as to be incompatible with surrounding areas.

16.02 Permitted Principal Uses and Structures

The following uses and structures are permitted in the "EM-R-2" district:

- (1) Single-family dwellings.
- (2) Agriculture, excluding the production of livestock and poultry.
- (3) Conservation areas.
- (4) Drainage structures or other flood control works.

16.03 Special Exceptions

Special Exceptions require Board of Appeals approval.

- (1) Public and private parks and playgrounds.
- (2) Churches, temples, schools and colleges.
- (3) Two-family dwellings provided that the lot is twice the required size for single-family dwellings.
- (4) Utility structures and services other than essential services.
- (5) Home occupations, as provided in Section 21, herein.
- (6) Accessory Apartments as provided in Section 23, herein.

16.04 Accessory Uses and Structures

The following accessory uses and structures are permitted in the "EM-R-2" district:

- (1) Private garages and other similar structures normally accessory to permitted uses
- (2) Swimming pools, in accordance with Section 20.03, herein.

- (3) Signs, subject to the provisions of Section 25.
- (4) Uses and structures incidental to special exceptions which have been approved by the Board of Appeals.

16.05 Lot, Yard, and Height Requirements

The following minimum requirements shall apply to all uses and structures in the "EM-R-2" district. Setbacks for accessory uses and structures, however, are governed by Section 19 of this Ordinance.

	Minimum
Lot size	10,000 sq. ft.
Lot width: At building line	100 ft.
Lot depth	100 ft.
Front yard depth	25 ft.
Rear yard depth	35 ft.
Side yard depth	20 ft.
	Maximum
Building height	35 ft.: 2 ½ stories

SECTION 17 - EM-R-3: HIGH DENSITY RESIDENTIAL DISTRICT

17.01 Intent

The intent of the high density residential district is to provide the residents of the Town with multi-family housing choices while concurrently maintaining the character of the small town. Density should not be so great as to be incompatible with surrounding areas.

17.02 Permitted Principal Uses and Structures

The following uses and structures are permitted in the "EM-R-3" district:

- (1) Multi-Family Dwellings
- (2) Parking in association with Multi-family Dwellings. at least one parking space for each dwelling unit shall be provided.

17.03 Special Exceptions

Special Exceptions require Board of Appeals approval.

- (1) Public and private parks and playgrounds.
- (2) Utility structures and services other than essential services.

17.04 Accessory Uses and Structures

The following accessory uses and structures are permitted in the "EM-R-2" district:

- (1) Signs, subject to the provisions of Section 24.
- (2) Uses and structures incidental to special exceptions which have been approved by the Board of Appeals.

17.05 Lot, Yard and Height Requirements

The following minimum requirements shall apply to all uses and structures in the "EM-R-3" district. Setbacks for accessory uses and structures, however, are governed by Section 18 of this Ordinance.

	Minimum
Lot size	43,560 sq. ft.
Lot width:	
At building line	200 ft.

Lot depth	200 ft.
Front yard depth	50 ft.
Rear yard depth	50 ft.
Side yard depth	35 ft.

	Maximum
Building height	45 ft.: 3 stories

SECTION 18 – EM-C: COMMERCIAL DISTRICT

18.01 Intent

It is the intent of the commercial district to allow and promote the continuance or establishment of commercial establishments which are generally compatible with the surrounding area and do not generate excessive noise, glare, air, or water pollution.

18.02 Permitted Principal Uses and Structures

The following uses and structures are permitted in the “EM-C” district:

- (1) Retail stores such as, but not limited to, hardware, grocery, appliance, furniture, clothing, book, florist, variety, bakery goods, antiques, craft and gift.
- (2) Personal service businesses such as shoe repair, appliance repair, beauty parlors, barbers, and dry cleaning which are pick up stations only.
- (3) Banks and other financial institutions.
- (4) Office buildings.
- (5) Public and quasi-public uses, buildings, structures of a recreational, conservation, cultural, or public service nature.
- (6) Restaurants, except drive-ins, and excluding the sale of liquor.

18.03 Special Exceptions

Special Exceptions require Board of Appeals approval.

- (1) Utility structures and services other than essential services. Such structures shall be set back and landscaped so as to be inconspicuous to public view. The finished site shall be compatible with the surrounding area.
- (2) One dwelling unit for the owner, manager, employee of a permitted use.
- (3) Printing and publishing shops.
- (4) Shopping centers.
- (5) Restaurants and other eating establishments including the sale of liquor where the serving of food shall be dominant to that of liquor.
- (6) Assemblage or light manufacturing of items from previously prepared materials such as cloth, fiber, paper, plastics, metal, rubber, etc.

- (7) Funeral homes or mortuaries.
- (8) Theaters or movie houses except drive-ins.
- (9) Any use or structure which is determined by the Board of Appeals to be of the same general character as the above permitted uses and fully in accordance with appropriate provisions, of this Ordinance.

18.04 Accessory Uses and Structures

The following accessory uses and structures are permitted in the "EM-C" district:

- (1) Generally, uses and structures customarily associated with and directly incidental to the permitted principal and special exception uses.
- (2) Signs, as provided for in Section 25.

18.05 Lot, Yard, and Height Requirements

The following minimum requirements shall apply to all uses and structures in the "EM-C" district. Setbacks for accessory uses and structures, however, are governed by Section 20 of this Ordinance.

	Minimum
Lot size	10,000 sq. ft.
Lot width: At building line	100 ft.
Lot depth	100 ft.
Front yard depth	25 ft.
Rear yard depth	25 ft.
Side yard depth	15 ft.

	Maximum
Building height	35 ft.; 2 ½ stories

SECTION 19 - EM-1: INSTITUTIONAL ZONE

19.01 Intent

It is the intent of the institutional zone district to allow and promote the continuance or establishment of uses involving government, religious, philanthropic, educational facilities. The appropriate administrative and development standards and/or provisions for these uses are outlined within this Section to provide uses that will complement surrounding residential and commercial properties and avoid any negative impacts to these surrounding uses.

19.02 Permitted Principal Uses and Structures

The following uses and structures are permitted in the "EM-1" district:

- (1) Government office buildings and uses.
- (2) Private nonprofit office buildings.
- (3) Public facilities owned and operated by a governmental agency or private nonprofit entity, including, but not limited to, auditoriums, community centers, libraries, museums, and active and/or passive recreational facilities, provided that such uses and structures have an occupant load of less than 50 persons.
- (4) Public or private nonprofit parks and playgrounds.

19.03 Special Exceptions

Special exceptions require Board of Appeals approval:

- (1) Churches and uses incidental thereto (i.e., classrooms, libraries, administrative offices, and accessory living quarters for minister and immediate family).
- (2) Day care centers and nursery schools.
- (3) Public educational institutions.
- (4) Public utility structures, buildings and service facilities.
- (5) Such other uses that the Planning and Zoning Commission may find to be similar and equally essential to the public welfare.

19.04 Accessory Uses and Structures.

The following accessory uses and structures are permitted in the "EM-1" district:

- (1) Accessory buildings, storage facilities, and other similar structures, in compliance with the regulations prescribed hereinafter and in Section 20, Accessory Structures.
- (2) Bookstores, gift stores, and flower shops in association with a church or government use only.
- (3) Signs, as provided for in Section 25.

19.05 Lot, Yard, and Height Requirements

The following minimum requirements shall apply to all uses and structures in the "EM-I" district. Setbacks for accessory uses and structures, however, are governed by Section 20 – Accessory Structures, of this Ordinance.

	Minimum
Lot size	15, 000 sq. ft.
Lot width: At building line	75 ft.
Lot depth	200 ft.
Front yard depth	35 ft.
Rear yard depth	60 ft.
Side yard depth	15 ft.
	Maximum
Building height	35 ft.; 2 ½ stories

19.06 Vehicle Parking and Loading Requirements

The amount, design, type and dimensions of parking spaces and parking access shall be as provided in Section 27 – Off-Street Parking, depending on the use or similar use, if not specifically listed, as determined by the Zoning Inspector.

SECTION 20 - ACCESSORY STRUCTURES

20.01 Location

The following requirements shall apply to the location of accessory structures:

- (1) May not be located in any front yard.
- (2) May be located in one, but not both required side yards.
- (3) May be located in any required rear yard.
- (4) Shall be setback a minimum of five (5) feet from any property line or public way, subject to traffic visibility requirements. The Zoning Inspector is allowed to increase the minimum if he/she feels it is warranted in accordance with Section 30, Traffic Visibility.
- (5) Accessory structures shall be at least three (3) feet from any other building on the same lot.

20.02 Limitations

Accessory structures shall have the following limitations:

- (1) No more than two (2) accessory structures shall be permitted on a single lot of record.
- (2) No accessory structure shall be permitted on a lot:
 - (a) Unless the principal structure or use is in existence previously, or
 - (b) Until construction has begun on the principal structure.

20.03 Private swimming pools

Private swimming pools are permitted, by right, in the EM-R-1 and EM-R-2 zoning district, subject to the following requirements:

- (1) The private swimming pool shall not be located in any required front or side yard and shall not be closer than ten (10) feet to any property line of the property on which it is located. The pump and filter installations for pools shall not be closer than twenty (20) feet to any property line.
- (2) For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area. The fence must be at least four

(4) feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four (4) inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one (1) inch per opening. For an in-ground pool, a mechanically controlled cover can be used in lieu of fencing requirements.

- (3) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
- (4) For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in accordance with the Section. The ladder must be removed or retracted when the pool is not being attended.
- (5) If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in accordance with this Section.
- (6) It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.
- (7) Failure to maintain pool covers, fences, failure to have gates closed, or failure to remove/retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

SECTION 21 - HOME OCCUPATIONS

21.01 General Provisions

The following conditions shall be met by all applicants wishing to conduct a home occupation within a principle dwelling unit or accessory structure on a lot occupied by a principle structure:

- (1) The total area devoted to a home occupation shall not exceed twenty (20) percent of the floor area of the principle dwelling unit or three-hundred (300) square feet, whichever is greater. Attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area, but may be used for storage of goods associated with the home occupation. Home occupations may be established within accessory structures, however, the maximum area devoted to a home occupation shall not exceed fifty (50) percent of the accessory structure or three-hundred (300) square feet, whichever is greater.
- (2) The operation of a day-care home shall be considered a home occupation and shall not be subject to the twenty (20) percent floor area limitation as specified above. Day-care use as a home occupation shall be within a principle dwelling unit only.
- (3) There will be no exterior evidence, other than a permitted sign, in accordance with Section 25, Signs, or as may be required to accommodate the physically handicapped, to indicate that the building is being used for any purpose other than that of a dwelling unit or an accessory structure.
- (4) All activities (except for customary recreation associated with Daycare Provider facilities) of the home occupation shall be conducted indoors, within the dwelling unit or accessory structure.
- (5) Materials or products associated with the home occupation on the premises must be stored within an enclosed structure, and may not exceed thirty (30) percent of the allowable floor area of the home occupation.
- (6) There is no sale of materials or supplies except incidental retail sales.
- (7) A full-time resident of the property must conduct the business of the home occupation.
- (8) No more than one (1) nonresident shall be employed on the premises.
- (9) No more than one (1) vehicle, van, truck, or similar vehicle exceeding 10,000 pounds gross vehicle weight may be permitted to operate out of a home

occupation. Such vehicle must park on the premises within the side or rear yard of the property.

- (10) The home occupation shall not displace or impede the use of required parking spaces for primary the dwelling unit.
- (11) Visitors, customers, deliveries, or other business traffic shall be limited to two (2) visitors per hour and eight (8) per day, and shall not require additional parking spaces. Customer visits or deliveries to the home occupation shall be permitted only from 8:00 am to 8:00 pm.
- (12) No equipment or process is used in such home occupation that creates noise, vibrations, glare, fumes, odors, or other objectionable condition detectable to the normal senses at boundary of the lot when the occupation is conducted in a dwelling unit, or accessory structure.
- (13) The resident of the premises shall not rent space to others in association with a home occupation.
- (14) No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small office.
- (15) No outside display or storage of goods, equipment (except for playground equipment for outdoor recreation associated with Daycare Provider facilities), or materials used in connection with the home occupation shall be permitted.
- (16) A home occupation shall only be conducted on the premises of a single family detached dwelling. Home occupations are not permitted within two family or multiple-family dwellings.
- (17) No traffic shall be generated by any home occupation which is greater in volume than would normally be expected for solely residential use. The following shall be deemed to be prima facie evidence of a greater volume than would normally be expected for a solely residential use:
 - (a) More than ten (10) stops per week by delivery service such as, but not limited to, United Parcel Service, Federal Express, Express Mail, etc., for either pick up or delivery of goods; and/or
 - (b) More than ten (10) vehicle trips per day of any kind. For purposes of administering this provision, a "trip" shall be a vehicle departure and arrival; an arrival and departure by the same vehicle shall count as one (1) trip.

21.02 Approval of Home Occupations, Permitted and Prohibited Home Occupations

- (1) The Board of Appeals functions as the approving authority, by Special Exception, for Home Occupation Permits. In consideration of such approval, the Board of Appeals, at a regularly scheduled Public Hearing must determine that the proposed Home Occupation meets all of the General Provisions cited above.
- (2) The Board of Appeals may stipulate the hours of operation in order to avoid possible disquieting effects from the Home Occupation to adjacent properties.
- (3) In approving the Home Occupation, the Board of Appeals shall consider the following permitted Home Occupations. In considering a request for a Home Occupation use, the Board of Appeals may liken a proposed use to those listed below, upon making findings that the proposed use would have similar impacts to adjacent properties, and that the proposed Home Occupation can be reasonably compared to these listed uses:
 - (1) Artist
 - (2) Attorney
 - (3) Certified Massage Therapist
 - (4) Daycare Provider (not subject to size limitations)
 - (5) Engineer
 - (6) Architect
 - (7) Musician
 - (8) Physician
 - (9) Real Estate Broker
- (4) Uses which shall be prohibited as home occupations shall include, but shall not be limited to, the following:
 - (1) Nursing or convalescent homes
 - (2) Antique shops
 - (3) Food preparation & catering
 - (4) Repair, sales, parking or storage of heavy equipment or appliances
 - (5) Storage of building materials for use on other properties
 - (6) Body piercing and/or Tattoo establishments
 - (7) Funeral Homes
 - (8) Medical or dental clinics or hospitals, or animal hospitals
 - (9) Restaurants
 - (10) Repair of automobiles, motorcycles, boats, trailers, trucks or similar equipment or vehicles
 - (11) Kennels
 - (12) Refuse collection businesses

21.03 Term of Approval, Inspections, and Permit Revocation

- (1) A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
- (2) A permit for a home occupation shall be revocable by the Zoning Inspector, because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, the Home Occupation General Provisions cited herein, and this Zoning Ordinance.
- (3) The dwelling in which the home occupation is being conducted shall be open for inspection to Town Personnel during reasonable hours.

SECTION 22 - BED AND BREAKFAST ESTABLISHMENTS

22.01 General Provisions

In the "EM-R-1" and "EM-R-2" zoning districts, a bed and breakfast establishment may be approved by the Board of Zoning Appeals, as a Special Exception, subject to the following criteria:

- (1) No bed and breakfast facility shall contain more than six (6) guest sleeping rooms. Only designated rooms shall be used for sleeping.
- (2) A minimum of one (1) full bathroom with a lavatory, toilet, and shower or tub or combination thereof shall be available for every three (3) guest rooms.
- (3) No guest room shall contain more than two (2) beds.
- (4) Off-street parking shall be provided at the rate of one (1) space per guest room and two (2) spaces for the owner-occupant.
- (5) No cooking facilities shall be permitted in any guest room.
- (6) Upon conversion of an existing dwelling to a bed and breakfast facility, no additional entrance shall be permitted in the front facade.
- (7) No guest shall be permitted in a bed and breakfast facility for more than fourteen (14) consecutive nights.
- (8) There shall be no more than two (2) nonresident employees in or about the bed and breakfast facility.
- (9) No on-premises sign advertising the bed-and-breakfast facility shall exceed four (4) square feet.
- (10) Meals (limited to breakfast, only) shall be served only to overnight guests, owners, the owners' family, or employees of the bed and breakfast facility.
- (11) The proprietor of a bed and breakfast must also be the owner and occupant of the property.
- (12) The dwelling proposed for a bed and breakfast must consist of at least 2,000 square feet of habitable floor area.

22.02 Term of Approval, Inspections and Permit

- (1) A permit for a bed and breakfast establishment is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
- (2) A permit for a bed and breakfast establishment shall be revocable by the Zoning Inspector, because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, the bed and breakfast establishment General Provisions cited herein, and this Zoning Ordinance.
- (3) The dwelling in which the bed and breakfast establishment is being conducted shall be open for inspection to Town Personnel during reasonable hours.

SECTION 23 - ACCESSORY APARTMENTS

The Board of Appeals may authorize, as a Special Exception, the establishment of an accessory structure within a principle residential structure, or within an accessory structure on the same lot of record of the principal residential structure, provided that:

- (1) The principle dwelling or the accessory apartment is owner occupied.
- (2) The accessory apartment shall be subordinate, and incidental, to the principal structure.
- (3) One on-site parking space for the accessory apartment is provided.
- (4) The minimum floor area for an accessory apartment within the principal building shall be 500 square feet, but in no case shall it exceed thirty five (35) percent of the gross floor area, exclusive of any garage, of the dwelling in which it is located or 900 square feet, whichever is less. For accessory apartments located in an accessory building, the minimum floor area shall also be 500 square feet, but in no case shall exceed fifty (50) percent of the gross floor area of the accessory structure.
- (5) Entrances for an accessory apartment in dwellings constructed after the effective date of the ordinance shall not be placed on the building front; no new entrances shall be established along the building front of an existing dwelling to serve an accessory apartment.
- (6) The total number of adults that may occupy an accessory apartment it two (2).
- (7) Not more than one accessory apartment may be permitted on a parcel of record.

SECTION 24 - SHOPPING CENTERS

24.01 Intent

It is the intent of this Section to provide for unified development of shopping centers which offer the public convenient shopping facilities while at the same time protecting adjoining areas from any unnecessary hazards or nuisances.

24.02 Procedure for Review

- (1) The Board of Appeals shall sit to consider the use of the property as a shopping center. The applicant shall provide the Board with a Site Plan which includes the proposed location and dimensions of all structures, and related areas, setbacks from property liens and other buildings, utility right-of-ways, streets, curbs, gutter, sidewalks, lighting and fire protection measures.
- (2) If the board tentatively approves the use, then the Planning and Zoning Commission shall review the Site Plan. The Site Plan shall be prepared on a reproducible base, with four paper copies presented to the Commission. The architectural design of buildings shall be shown by front elevations, photographs or architectural renderings. Where a variety of designs is proposed, each design shall be shown.
- (3) The Planning and Zoning Commission shall forward its comments on its review of the Site Plan to the Board no later than 45 days after review of the complete Site Plan. The Commission may meet with the applicant during this time.
- (4) Within 45 days after receiving the Planning and Zoning Commission's comments and four (4) additional paper copies of the site plan materials, the Board shall give its final decision on the Site Plan. If approved, the reproducible base shall be signed by the property owner, applicant (if not property owner) and Board of Appeals Chairman.

24.03 Standards for Development

- (1) Building(s) within the Town's Historic District must meet the approval of the Historic District Commission.
- (2) Uses which are permitted in the district in which the shopping center is located shall be permitted in the shopping center.
- (3) The ground area occupied by all buildings shall not exceed thirty (30%) percent of the gross lot or tract area.
- (4) There shall be provided four and a half (4.5) off-street parking spaces for each 1,000 square feet of gross leasable area. The gross leasable area is defined as the total floor area designed for both tenant occupancy and exclusive use.

- (5) All roadways, parking areas, and pedestrian walks shall be paved with a hard surface material which shall be maintained in good condition at all times and shall be properly illuminated when used after dark in such a manner as to prevent the direct transmission of light into adjacent residential properties.
- (6) If a shopping center is located adjacent to a residential development or zone, a permanent solid fence or planted area with trees or shrubs, at a minimum of six (6) feet in height, shall be provided on the side or sides adjacent to such residential area.
- (7) Signs for shopping centers are governed by Section 25, Signs of this Ordinance.

SECTION 25 - SIGNS

25.01 Purpose

The purpose of this Section is to promote and protect the public health, safety, and welfare by regulating signs of all types. The appearance, character, and quality of a community are affected by the location, size, and construction of its signs. This Section is intended to encourage the use of legible, uncluttered signs as a means of business identification, to reduce hazards and distractions to motorists and pedestrians traveling on the public way; to protect property values; to protect and enhance the desired aesthetic environment; to enhance the Town of East New Market's ability to attract and retain sources of economic growth; to protect the Town's historic nature; and to promote the public health, safety, and welfare of the community.

25.02 Permit Required

- (1) A sign, as defined in Section 2. Definitions herein, may be placed, erected, constructed, painted, altered, relocated, enlarged, reconstructed, displayed, lit, or maintained only as expressly permitted in this Section and upon issuance of a sign permit by the Zoning Inspector or any duly appointed Town Staff.
- (2) Unless specified otherwise herein, all permanent signs require review and approval of the Planning and Zoning Commission.

25.03 Permit Procedures

Applications shall be made in writing to the Zoning Inspector on forms prescribed and provided by the Town and shall be accompanied by an application fee, payable to the Town of East New Market, in accordance with the current fee schedule. The application shall contain all relevant information as contained on forms prescribed by the Town.

- (1) Within a reasonable time after the filing of a completed application for a sign permit and the payment of the required fee, but not longer than ten (10) days, the Zoning Inspector shall review the application to determine if the proposed sign is in compliance with all the requirements of this Section, and if it is in compliance shall refer it to the Planning and Zoning Commission, if required. If referral to the Planning and Zoning Commission is not required and all other requirements are satisfied, the Zoning Inspector shall issue the sign permit.
- (2) The Planning and Zoning Commission, within a reasonable time of its receipt of a complete application for a sign permit, but not longer than sixty (60) days if not in conjunction with a site plan and/or special use permit application, shall consider the application and shall approve, approve with modifications, or deny the application and notify the Zoning Inspector of its decision on this matter. If the sign permit is approved, the Zoning Inspector shall issue a sign permit.

- (3) Once a permit has been issued, no permit shall be required for a sign to be repainted or repaired in accordance with the approved design, graphics, and messaging of the sign.
- (4) Any sign requiring a permit which is removed for a period of more than thirty (30) days cannot be re-erected unless a new sign permit application is submitted and a new permit is issued in accordance with Section 25. This Section shall apply regardless of when the sign which was removed was originally erected and regardless of whether said removed sign was the subject of a validly issued sign permit.
- (5) If a sign is not erected within six (6) months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

25.04 Exempt Signs

The following signs are exempt from the permit and approval requirements of this Section. All exempt signs shall be removed within seven (7) days of obsolescence.

- (1) Historical markers, tablets and statues, memorial signs and plaques indicating names of buildings and dates of erection, not exceeding six (6) square feet.
- (2) On-premise directional or traffic control signs painted on the road surface, identifying parking areas, fire zones, entrances and exits, and similar signs painted on the road surface. Business names and personal names shall not be allowed. The Planning and Zoning Commission shall limit the number of signs of this type to the minimum necessary in order to avoid duplicative or extraneous signs of this type.
- (3) Non-illuminated warning, private drive, posted, or no trespassing signs, not exceeding one (1) square foot.
- (4) Number and name plates identifying residents, mounted on a house, apartment, or mailbox, not exceeding one (1) square foot total.
- (5) Temporary non-illuminated "For Sale" or "For Rent" real estate signs, and signs of a similar nature, not exceeding two (2) square feet, concerning the premises upon which the sign is located. All such signs shall be limited to one per premise.
- (6) One temporary sign, not exceeding four (4) square feet, listing the architect, engineer, and/or contractor, on the premises while construction, renovation, or repair is in progress.
- (7) A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election may be posted on private property. Such sign shall be no larger than any other Exempt sign permitted in this Section. Such temporary sign shall not be posted more than 60 days prior to the election date, and shall be removed not later than seven (7) days after the election date.
- (8) Any sign mandated by a governmental unit.
- (9) Lettering or signage on commercial motor vehicles used primarily for related business transportation. Motor vehicles must be registered and insured.

- (10) Decorative or seasonal flags which do not contain any advertising messages except the word "open" may be displayed only during business hours. Limit of one per establishment.
- (11) On-premises sign(s), not to exceed a total of twenty-four (24) square feet in sign area, for a farm stand, u-pick, or other similar agricultural operation.

25.05 Prohibited Signs

General Prohibitions:

- (1) No sign shall be illuminated by or contain flashing, intermittent, changing, rotating, or moving lights.
- (2) No sign which may be confused with or obstruct the view of any authorized traffic sign or signal, or which obstructs the sight distance triangle of any street intersection.
- (3) No sign shall be placed in or extend into any town, county, or state highway right-of-way.
- (4) In no event shall any illuminated sign or lighting device be placed in a way permitting light to be directed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.
- (5) No sign may be attached to a building wall or structure that projects horizontally or at a right angle more than nine (9) inches from the face of the building, except for Projecting signs as outlined in §25.08

Specific Prohibited Signs: All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:

- (1) BENCH SIGN -- Any sign painted on or otherwise attached to a bench or other seat meant to be seen by the public.
- (2) BILLBOARD SIGN -- An off-premises sign which is leased or rented for profit.
- (3) CHANGEABLE SIGN --- A sign with the capability of content change by means of manual or electronic input.
- (4) FLUTTERING DEVICES SIGN -- Any fluttering device made from fabric or any non-rigid material and supported by at least one point. [Prohibited except as permitted under §25.06
- (5) INFLATABLE SIGN — Any display capable of being expanded by air or other gas and used on a permanent or temporary basis.

- (6) INTERNALLY ILLUMINATED SIGN -- A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Neon signs are considered internally illuminated.
- (7) OFF-PREMISES SIGN --- A sign which promotes products, services, or activities conducted, sold, or offered somewhere other than upon the same premises where the sign is located.
- (8) POLE SIGN --- A sign that is mounted on a freestanding pole or poles.
- (9) PORTABLE SIGN -- A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure, or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle where the primary purpose of the vehicle is to promote a product, service, business, or other activity. This definition includes a vehicle hanging or displaying a banner sign whose primary purpose is for advertising. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
- (10) ROOF SIGN -- Any sign mounted above the cornice line, or over or on the roof or parapet of a building.
- (11) ROTATING OR OTHERWISE MOVING SIGN

25.06 Temporary Signs

All signs of a temporary nature must receive permits before being displayed, except those specified under §25.04 Exempt Signs. The Planning and Zoning Commission approval is not required for temporary signs as outlined below, and the duly appointed Town Staff shall issue or deny a temporary sign permit within a reasonable length of time, not to exceed ten (10) days from application. Both the permit and the sign shall note the date of the first day the sign may be displayed and the date it must be removed.

- (1) Removal of temporary signs:
 - (a) If any temporary sign is not removed by the expiration of the time limit noted on the application, the Zoning Inspector or any duly appointed Town Staff, after seven (7) days written notice to the permit holder to remove such sign(s) as computed from the mailing date, and after failure of the permit holder to do so, will cause said sign(s) to be removed, and the Town may recover the cost of removal of the sign in accordance with §25.10.

(2) Temporary signs are allowed for:

- (a) *Promotions Events:* Temporary signs for promotions, sales, or other events may be granted a temporary sign permit. Each establishment may be granted temporary sign permits for no more than ninety (90) days total during the calendar year. Each temporary sign permit is valid for no more than two (2) temporary signs. The maximum aggregate total square footage allowed by the temporary sign permit is eighteen (18) square feet. Temporary signs for Grand Openings are considered separately under Section 25.06(2)(b). The Zoning Inspector may allow fluttering devices such as balloons or groupings of flags to be used in addition to, and at the same time as, the temporary signs, for no more than ten (10) days total during the calendar year, so long as such fluttering devices do not interfere with public safety.
- (b) *Grand Opening:* One (i) temporary sign, which is displayed for not more than thirty (30) days, relating to a Grand Opening may be granted a temporary sign permit. Such sign shall be limited to six (6) square feet in residential districts and twenty-four (24) square feet in all other districts. No establishment shall display more than one (1) such temporary sign, and no business shall be granted more than one (1) temporary sign permit for a Grand Opening event. The Zoning Inspector may allow fluttering devices such as balloons or groupings of flags to be used in addition to, and at the same time as, the temporary Grand Opening sign, for no more than ten (10) days total during the permitted thirty (30) day time period, so long as such fluttering devices do not interfere with public safety.
- (c) *Subdivision Real Estate Sales:* Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning and Zoning Commission:
 - (i) One such sign may be located on each side of the property which has frontage on a town, county, or state highway or street on which the subdivision fronts, or at the intersection of a newly created road for the subdivision and a town, county, or state highway or street. Said sign(s) shall be located at least ten (10) feet from the property line and shall be permitted up to a maximum of one (1) year from the date of signature of the map by the Planning and Zoning Commission Chair. Upon written application from the subdivider, the Planning and Zoning Commission may extend this period for one (1) additional year, when the Planning and Zoning Commission deems that the circumstances warrant such extension.
 - (ii) Such sign shall be single-sided only, shall not exceed four (4) feet in height, and the total sign area of each sign shall not exceed eighteen (18) square feet.

- (d) *Non-illuminated "Yard Sale" or similarly descriptive signs*: Said signs are allowed up to two (2) square feet, located fully on the property on which such sale is being conducted, but shall not be affixed to utility poles. Such sign shall not exceed one (1) per premise, shall be erected no more than three (3) days prior to the yard sale, and shall be removed within one (1) day after the sale. Not more than three (3) such temporary sign permits may be issued for one property within any one (1) calendar year. Off-premises yard sale signs are prohibited.

25.07 Permanent Signs within Residential Districts

Within residential districts, the following signs are permitted:

- (1) For each dwelling unit, one (1) non-illuminated nameplate, professional sign, or sign indicating a permitted home occupation on the property upon which the sign is located, with an area of not more than two (2) square feet per face.
- (2) For subdivisions, one (1) non-illuminated Monument sign containing an area of not more than sixteen (16) square feet and located not more than five (5) feet above ground level at its highest point, identifying the subdivision, or complex, may be displayed. Such sign shall be set back at least ten (10) feet from the edge of the pavement of any public road and shall not obstruct safe sight lines.

25.08 Permanent Signs within all other Districts

- (1) Central Commercial (EM-C-1) and Institutional (EM-I) Districts:
 - (a) Where a property contains one (1) establishment, not more than one (1) primary sign shall be permitted, except as permitted in §25.08.(2) and (3). Such sign shall be one of the following sign types:
 - (a) Projecting sign, located on the establishment's principal façade, no larger than four (4) square feet on each of two sides with a maximum projection of three (3) feet from the building face, and a minimum ground clearance of eight (8) feet and maximum ground clearance of ten (10) feet.
 - (ii) Window sign, located on the establishment's principal façade, not larger than 20% of the total window area of the principal façade or a maximum of twenty (20) square feet, whichever is less.
 - (iii) Awning sign, located on the establishment's principal façade, projecting at least four (4) feet into the sidewalk but not more than seven (7) feet, with lettering up to six (6) inches in height and on the valance only. The sign area may cover a maximum of 50% of the valance, or a maximum of eight (8) square feet, whichever is less.

- (iv) Post-and-arm sign, no larger than four (4) square feet on each of two sides, with a maximum post height of six (6) feet if no stone planter base is included, or a maximum post height of seven (7) feet if a stone planter base is included.
 - (v) Wall sign, located on the establishment's principal façade, as large as one (1) square foot for every three (3) lineal feet of an establishment's principal façade or a maximum of twenty-four (24) square feet, whichever is less.
 - (vi) Monument sign, no larger than sixteen (16) square feet on each of two sides. The Monument sign shall be no higher than six (6) feet from the ground. This applies to all components of the sign including support posts/columns, decorative millwork, and other similar features.
- (2) Where a property contains two (2) to four (4) establishments:
- (a) One (1) primary sign is permitted for each establishment, as permitted in § 25.08.(1)(a)(i,ii,iii,iv,v). **OR**
 - (b) One (1) Monument sign is permitted for the property, as permitted in §25.08.(1)(a)(vi), that is for the identification of all establishments located on the property.
- (3) Where a property is defined as a shopping plaza, having five (5) or more establishments:
- (a) Each establishment is permitted one (1) primary sign as permitted in §25.08.(1)(a)(i,ii,iii,v). Freestanding signs may not be displayed by individual establishments located within a shopping plaza, and:
 - (b) One (1) additional sign in the form of a Monument Sign shall be permitted for identifying the name of the plaza itself, and shall conform to the following standards:
 - (i) The Monument sign shall be no larger than forty (40) square feet.
 - (ii) Essential supporting framework shall not be included in determining the overall square footage of a sign. However, all other components such as decorative millwork, embellishments, and other similar features shall be included in the calculation.
 - (iii) The Monument Sign shall be no higher than six (6) feet from the ground. This applies to all components of the sign including

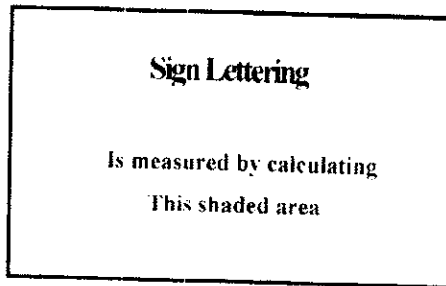
support posts/columns, decorative millwork, and other similar features.

- (iv) The Monument sign may also contain individual tenant panels to identify businesses located within the plaza. Each tenant panel shall be no larger than two (2) square feet.
 - (v) If the number of tenant panels greatly exceeds what can be accommodated while still maintaining legibility, this maximum size may be increased by the Planning and Zoning Commission to no more than sixty (60) square feet to accommodate the additional tenant panels.
- (c) One or more Directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two (2) square feet and are limited to generic text such as "entrance," "exit," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning and Zoning Commission based on motorist safety.
- (d) Each establishment is also permitted one accessory A-frame easel or sandwich board-style sign. These signs are determined to be an appropriate type of signage for sidewalk areas in pedestrian-friendly districts. They are intended to address pedestrians in close proximity to the establishment, and are not appropriate for communicating with drivers on nearby roadways. These signs shall conform to the following standards:
- (i) The sign shall only be displayed during business hours.
 - (ii) The sign shall not block the sidewalk or create a safety hazard of any type.
 - (iii) The sign shall be abutted to the front of the building during use, and the base of the sign shall be located no farther than twenty-four (24) inches from the face of the building it is attached to.
 - (iv) The sign shall not be located in the right-of-way of any town, county, or state road.
 - (v) The sign shall have no more than two (2) faces, and each face shall have a sign area no larger than six (6) square feet.
 - (vi) The sign shall conform to the design standards listed in §25.09

25.09 Design Principles and Criteria

In reviewing sign applications, the Planning and Zoning Commission shall determine that the sign will uphold and meet the following design principles and criteria:

- (1) General Design Principles, the following principles shall apply to all signs in all districts:
 - (a) Signs should be a subordinate part of the streetscape.
 - (b) Signs should convey their messages clearly and simply.
 - (c) Signs in a particular area or district should act as a unifying element and exhibit visual continuity.
 - (d) Signs should be as close to the ground as practicable, consistent with legibility considerations.
 - (e) A sign's design should be compatible with the architectural character of the building to which it relates, and if placed on the building should not cover any distinctive architectural features of the building.
 - (f) To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.
- (2) General Design Criteria, the following criteria shall apply to all signs in all districts:
 - (a) All signs, with the exception of window signs, shall be constructed of wood, metal, or other durable man-made materials that closely resemble wood or metal, as approved by the Planning and Zoning Commission.
 - (b) The color contrast on all signs is recommended to consist of light lettering on a dark background. Each sign should contain no more than three (3) colors; black and white are each considered a color. Fluorescent colors are prohibited. Artwork that is an integral part of a business logo is exempted from this color restriction.
- (3) Coverage of sign area, the following criteria shall apply to all signs in all districts:
 - (a) The lettering on any sign may not exceed 60% of the sign area of any one side of the sign, with the exception of signs with no background.
 - (b) The area for lettering shall be computed in accordance with the following illustration:



- (4) Illumination of signs, the following criteria shall apply to all signs in all districts:
- (a) Signs shall not be internally illuminated.
 - (b) Signs that are externally illuminated should be down-lit to reduce glare and light pollution.
 - (c) No illuminated sign or lighting device shall be so placed as to cause glare or reflection that may constitute a traffic hazard or other nuisance.
- (5) Specific Design Criteria by Sign Type:
- (a) Awning Signs: Awning graphics may be painted or affixed flat to the surface of the front and/or side panels of the valance, but not on the slope.
 - (b) Freestanding/Monument Signs:
 - (i) Freestanding signs shall not be placed so as to impair visibility for motorists.
 - (ii) Monument signs shall include a decorative wood, rock or stone base. The Planning and Zoning Commission shall require that landscaping be used in and/or around the base of a monument sign in addition to the decorative rock or stone base. Required landscaping may include low seasonal or perennial plantings.
 - (c) Projecting Signs: Projecting signs shall not extend above the height of the roofline, shall have no more than two faces, and shall be securely anchored and shall not swing or move in any manner.
 - (d) Wall Signs:
 - (i) No part of any wall sign shall extend more than nine (9) inches from the face of the wall to which it is attached, and shall not extend beyond or above the building in any direction.

- (ii) Where possible, the placement of all wall signs should be above the display window and below the cornice in a single-story building, or between the shop window and the second story windowsill in a multistory building.
- (iii) Wall signs shall be securely attached to or mounted on the building wall.
- (e) Window Signs: Permanent window signs must be painted on or attached directly and permanently to the window.
- (f) A-Frame Signs:
 - (i) The sign background shall be black or white (e.g. chalkboard, white dry-erase).
 - (ii) The sign must be placed adjacent to the building.
 - (iii) The sign must be in place only during normal business hours.
 - (iv) Lettering shall be a contrasting white or dark color.

25.10 Removal of signs

(1) Obsolete Signs:

Any sign which advertises a business or product or service no longer available for purchase on the premises shall be deemed obsolete and must be removed within thirty (30) days after cessation of the business or sale of the products and services from the premises. Any obsolete sign shall be removed in accordance with this Section.

(2) Existing Signs:

Signs in existence prior to the adoption of this Ordinance may remain, provided that they are not obsolete and that they were legal prior to the adoption of this Ordinance, and that they are properly maintained. However, any change to the sign copy, sign structure, or to the business use, such as a new type of business or new business name, requires conformance with this code.

(3) Notice Requirements:

The Zoning Inspector or any duly appointed Town Staff shall give written notice by certified mail (return receipt requested) simultaneously, to the current owner of record of the real property on which the sign is located and the permit holder, if

any, at the permit holder's last known address of record, specifying that the sign has been erected in violation of this Section, and that the sign must be removed within five (5) days of receipt of notice. If the sign is not removed within the allotted five (5) days, or within thirty (30) days of the date of mailing, whichever is shorter, the Zoning Inspector is hereby authorized to remove or cause removal of such sign.

(4) Safety Hazard:

If the Zoning Inspector or any duly appointed Town Staff deems any sign a source of immediate peril to persons or property, said Inspector can remove or cause the removal of such sign summarily and without prior notice. The Zoning Inspector shall provide written notice that the sign was removed because it was a source of immediate peril to persons or property. Such notice shall be provided by certified mail, return receipt requested, to the current owner of record of the real property on which the signs is located and the permit holder, if any, at the permit holder's last known address of record.

(5) Recovery of Cost of Removal:

At the sole discretion of the Town, the reasonable and necessary costs incurred for removal of any sign by the Town pursuant to this Section shall be charged against the real property from which the sign was removed by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Clerk, to be applied to reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the current owner of the real property shall be provided written notice by certified mail, return receipt requested, to the last known address of record, of an opportunity to be heard and object before the Town Commission to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than thirty (30) days after its mailing.

(6) Penalties for Offenses:

Upon written notification of a violation or similar repeated violations, a fine as set by the Town Commission shall be incurred. Each day that such violation is not remedied, or is repeated, shall constitute a separate violation.

25.11 Maintenance

All signs and components thereof shall be kept in good repair and in safe, neat, and clean condition. Any sign that has been determined by the Zoning Inspector to be in noncompliance with this Section must be repaired within thirty (30) days of receipt of the notice of violation. For any sign determined to remain in non-compliance with this Section

beyond thirty (30) days after receipt of the notice of violation, the Zoning Inspector may cause the removal of the sign.

SECTION 26 - TEMPORARY STRUCTURES

26.01 General Provisions

The following temporary structures shall be a permitted use in any district, after the applicant has a building permit from the Town Commissioners:

- (1) Structures which are incidental to carnivals, circuses, or special public or quasi-public events. The permit shall be valid for a maximum of seven (7) days.
- (2) Temporary buildings including mobile homes and recreational vehicles used by a contractor or builder for office or storage space which is incidental to new construction. The structure must be removed within two (2) weeks after construction is completed. The Zoning Inspector shall make six (6) month inspections to ensure compliance with this Section.
- (3) Temporary buildings, including mobile homes and recreational vehicles used as emergency housing for families whose homes have burned, flooded, or been otherwise damaged or destroyed by any cause to a degree so as to make it unsafe for human occupancy, are permitted. The structure may remain on the site for a maximum of one (1) year. The Zoning Inspector shall make six (6) month inspections to ensure compliance with this Section.

26.02 Special Provision

The following temporary structure(s) shall be allowed in any district after approval by the Mayor and Commissioners:

- (1) A structure, excluding mobile homes and trailers moved from one parcel to another and temporarily stored on a third parcel. The Board shall set a time limit for such storage, and said structures are not to be occupied.

SECTION 27 - OFF-STREET PARKING

27.01 Intent

Recognizing the lack of off-street parking, especially in the Commercial district, it is the intent of this Section to exempt businesses, existing and new, which are located in structures which existed as of the adoption of this ordinance. However, if the location of a new business in the commercial district would significantly increase the demand for off-street parking, it shall be the responsibility of that business to provide it.

In all districts, the following parking requirements shall apply to new development only:

Use	Parking Requirement
Retail stores and personal service businesses	1 space for each 2 employees on any shift plus the greater of 4 spaces or 100% of the floor area.
Offices	2 spaces or 50% of the floor space, whichever is greater.
Light manufacturing or assemblage plants	1 space per 2 employees on the maximum shift plus 2 spaces.
Restaurants	1 space for each 2 employees on the maximum shift plus 400% of the floor area.
Theaters	1 space per 3 seats of its rated capacity
Funeral homes	20 spaces per viewing parlor or area used for viewing plus 1 space per employee.
Residential structures	2 spaces per dwelling
Home occupations	2 spaces plus one for non-resident employee.

27.02 Size of Parking Space

The minimum size of a parking space shall be as follows:

Parking Angle	Width of Space	Length of Space
45°	12 feet	18 feet
60°	10 feet	19 feet
90°	8 feet 7 inches	19 feet

SECTION 28 - OFF-STREET LOADING SPACES

28.01 Number of Spaces Required

In any zone in connection with every building or part thereof having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display or sales, mortuary, or other uses similarly requiring the receipt and distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building or use at least one (1) off-street loading space plus one (1) additional such loading space for each ten-thousand (10,000) square feet of gross floor area or major fraction thereof.

28.02 Standards for Spaces

Each loading space shall be not less than ten (10) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height. Such space may occupy all or any part of any required yard, except a front yard. No such space shall be located closer than fifty (50) feet to any lot located in any "R" District, unless wholly within a completely enclosed building or unless enclosed on three sides by a wall of uniformly painted solid board fence or natural plantings. The height of all screening shall in no event be less than 6 feet in height.

SECTION 29 - ACCESS ROADS

29.01 Access to Lots

Hereafter, every building constructed, located, enlarged or converted shall be on a lot with a minimum of 50 feet public road frontage and all structures shall be so located as to provide safe and convenient access for fire protection equipment.

29.02 Measurement of Front Yard from Public Roads

Where no legally defined right-of-way exists on public roads, the front lot line shall be considered to exist ten (10) feet from the centerline of the public road. The front setback line shall be established from this imaginary front lot line.

SECTION 30 - TRAFFIC VISIBILITY

30.01 Items Subject to Traffic Visibility Requirements

All structures, fences, trees, hedges, flowers, shrubbery or fixtures shall be prohibited from being constructed, placed, planted or allowed to grow over a height of 3 feet in the Traffic Visibility Restricted Area, which exists at the intersections of two or more roads.

30.02 Traffic Visibility Restricted Area Defined

The Traffic Visibility Restricted Area includes the area of a triangle formed on two sides by measuring 15 feet along lot lines bordering the two intersecting road, measured from the point of intersection of the two lot lines along said intersection, and on the third side by connecting the ends of the 15 foot distances.

SECTION 31 - RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT

31.01 General Provisions

The parking and storage of recreational vehicle and recreational equipment on a lot is permitted subject to the following restrictions:

1. Parking and storage is permitted at all times within an enclosed building or within the rear yard.
2. Recreational vehicles under 18 feet in length and seven feet in height, or recreational equipment under 18 feet in length, may be parked on an established driveway in a required front or side yard.
3. Recreational vehicles and equipment over 18 feet in length, or seven feet in height may be parked on an established driveway, provided they are set back a minimum of twenty feet from the back of the curb (where present) or the paved area of the street.
4. Recreational vehicles or equipment which requires licensing must have a valid current license in order to be stored outside upon a property within a residential zoning district.
5. Any person that parks or stores a recreational vehicle in a manner not specifically permitted under this Section is guilty of a misdemeanor.
6. Recreational vehicles may not be used as permanent accessory structures within any residential zoning district.
7. Residents or guests of residents, on which the recreational vehicle is parked or stored, may not occupy the recreational vehicle more than seven (7) consecutive days.
8. Boats, boat trailers, horse trailers or any other trailer may be parked or stored in a required rear or side yard but not in required front yards, provided however, that these vehicles may be parked anywhere on residential premises not to exceed 24 hours during loading and unloading.
9. Any boat, boat trailer, horse trailer and/or any other trailer must be kept in a well maintained condition and must bear all required and valid appropriate local, state or federal registration and/or licensing.
10. No more than a total of three (3) pieces of Recreational Vehicles or Recreational Equipment may be maintained on a single lot of record at any one time.

31.02 Special Provision

The zoning official may authorize, in conjunction with issuance of a building permit for reconstruction or repair of damaged principle structure, temporary occupancy of a recreational vehicle. Said authorization shall expire upon completion of repair or reconstruction of the principle structure, or expiration of the building permit in accordance with this Zoning Ordinance.

SECTION 32 - VEHICLE SALES

Ongoing vehicle sales from residential properties are prohibited. The sale of a vehicle from a residence is permitted when the vehicle is titled to the owner or occupant of the property, is parked on an improved surface, such as a driveway, and is not being sold in connection with a business. Only three vehicles can be displayed for sale from the same residence within a 12-month period and only one vehicle can be displayed for sale at one time.