

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 18-O-06**

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<b>Date Introduced:</b>	March 12, 2018
<b>Sponsored by:</b>	Mayor Patrick L. McGrady
<b>Public Hearing:</b>	March 26, 2018
<b>Amendments Adopted:</b>	April 9, 2018
<b>Date Adopted:</b>	April 9, 2018
<b>Date Effective:</b>	April 30, 2018

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**AN ORDINANCE concerning**

**DEVELOPMENT CODE REVISION**

**FOR** the purpose of comprehensively revising the City of Aberdeen Development Code.

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Article I, General Provisions  
Sections 235-7 and 8.H. and I.  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Article II, Administration and Enforcement  
Sections 235-9, 10, 11, 13.B. 14, 15.B. and 16  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Article III, Zoning Districts  
Sections 235-18 and 19  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Article IV, Provisions Applicable to All Districts  
Sections 235-20, 21, 22, 23.F. 24, 25, 26, 27.J. 28, 29 and 30  
Code of the City of Aberdeen (2010 Edition as amended)

- 1 **BY** repealing and reenacting, with amendments  
2 Chapter 235. DEVELOPMENT CODE  
3 Article V, Special Developments and Regulations  
4 Sections 235-31, 32, 34, 35C., 36, 37, 38, 39.1, and 40  
5 Code of the City of Aberdeen (2010 Edition as amended)  
6  
7 **BY** repealing  
8 Chapter 235, DEVELOPMENT CODE  
9 Article V, Special Developments and Regulations  
10 Section 235-33  
11 Code of the City of Aberdeen (2010 Edition as amended)  
12  
13 **BY** repealing and reenacting, with amendments  
14 Chapter 235. DEVELOPMENT CODE  
15 Article VA, Sign Regulations<sup>\*</sup>  
16 Sections 235-40.1, 40.2, 40.6, 40.7 and 40.14.C.  
17 Code of the City of Aberdeen (2010 Edition as amended)  
18  
19 **BY** repealing  
20 Chapter 235. DEVELOPMENT CODE  
21 Article VI, Citizen Participation and Notification Process  
22 Code of the City of Aberdeen (2010 Edition as amended)  
23  
24 **BY** renumbering  
25 Chapter 235. DEVELOPMENT CODE  
26 Article VII, Transitional Provisions  
27 Code of the City of Aberdeen (2010 Edition as amended)  
28  
29 **BY** repealing and reenacting, with amendments  
30 Chapter 235. DEVELOPMENT CODE  
31 Article VI, Transitional Provisions  
32 Section 235-42  
33 Code of the City of Aberdeen (2010 Edition as amended)

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted  
from the law by amendment.

\* \* \* indicates existing unmodified text omitted from Ordinance

**Bold** text within Appendix A, Table 1 and Table 2, and Exhibits 1-3  
indicate new matter added to existing law.

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Appendix A, Table of Use Regulations  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Appendix C, Aberdeen Historical Structures  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Exhibit 1, Table 1, Permitted Signs by Type and Zoning District  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Exhibit 2, Table 2, Number of Signs per Recorded Lot or Business by Zoning District  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235. DEVELOPMENT CODE  
Exhibit 3, Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District  
Code of the City of Aberdeen (2010 Edition as amended)

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-7 and 8.H. and I. of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article I, General Provisions, are repealed and reenacted, with amendments, to read as follows:

## **Chapter 235. DEVELOPMENT CODE**

### **Article I, General Provisions**

#### **§ 235-7. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Where this Chapter refers to Transit Oriented Development Illustrations, Maps, and Regulating Plan, those illustrations, maps and regulating plan are set forth in § 235-43 and incorporated by reference.

\* \* \*

1 ASSISTED LIVING FACILITY - A facility that provides supervision, monitoring, and/or  
2 assistance with activities of daily living for elderly or disabled persons in a residential setting((.  
3 The facility must meet the standards and licensing requirements of the Annotated Code of  
4 Maryland and any other regulatory agencies.)) THAT MEETS THE STANDARDS AND  
5 LICENSING REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, COMAR  
6 AND ANY REGULATORY AGENCIES.

7  
8 AUCTION HOUSE – A building and property appurtenant thereto used for the public sale of  
9 goods or property (but excluding agriculture, including but not limited to livestock) by open bid  
10 to the highest bidder, provided that the public sale of goods or property is done predominantly  
11 within an enclosed structure.

12  
13 AUTOMOTIVE REPAIR SHOP – A business, service, or industry ENGAGED IN the  
14 maintenance, servicing, repair, or painting of motor vehicles.

15  
16 AWNING – A roof-like cover often made of fabric, metal, or glass designed and intended for  
17 protection from weather or as a decorative embellishment and which projects from a wall or roof  
18 of a structure over a window, walk, door or the like.

19  
20 BREWPUBS – A RESTAURANT WITH A STATE-ISSUED CLASS 6 PUB-BREWERY  
21 LICENSE AS AN ACCESSORY USE, WHERE THE BEER IT PRODUCES IS SOLD IN  
22 DRAFT FORM EXCLUSIVELY ON ITS OWN PREMISES. THIS OPERATION MAY SELL  
23 OTHER SUPPLIER'S BEER INCLUDING OTHER HAND-CRAFTED OR MICROBREWED  
24 BEERS AS WELL AS WINE TO PATRONS FOR CONSUMPTION ON ITS PREMISES.  
25 OFF-SALE OF ALCOHOLIC BEVERAGES SHALL BE LIMITED TO BEERS BREWED  
26 ON-SITE.

27  
28 COMMERCIAL AMUSEMENT, ENTERTAINMENT, AND RECREATION – Establishments  
29 ((including)) providing commercial amusement, entertainment, or recreation((, which includes))  
30 INCLUDING, BUT NOT LIMITED TO, arcades, bingo parlors, bowling alleys, golf courses,  
31 gymnasiums, health clubs, indoor rifle ranges, martial arts clubs and schools, miniature golf  
32 courses, swimming pools, pool halls, skating rinks, tennis and racquetball clubs, ((and)) sports  
33 camps, MUSIC VENUES, MOVIE THEATERS, LIVE THEATERS, ETC.

34  
35 COMMERCIAL VEHICLE –((Any stake body, dump, panel truck, tractor or similar motor  
36 vehicle designed or used primarily to carry or haul freight, passengers for a fee, or merchandise,  
37 or render services in the furtherance of any commercial enterprise, with a gross vehicle weight of  
38 9,000 pounds or more.))ANY SELF-PROPELLED OR TOWED VEHICLE USED ON PUBLIC  
39 ROADWAYS TO TRANSPORT PASSENGERS OR PROPERTY WHEN:

40  
41 A. THE VEHICLE HAS A GROSS VEHICLE WEIGHT OF 10,001 POUNDS OR MORE;  
42 OR

43  
44 B. THE VEHICLE IS DESIGNED TO TRANSPORT MORE THAN 15 PASSENGERS,  
45 INCLUDING THE DRIVER; OR

C. THE VEHICLE IS USED IN THE TRANSPORTATION OF HAZARDOUS MATERIALS IN A QUANTITY REQUIRING PLACARDING IN ACCORDANCE WITH THE HAZARDOUS MATERIALS REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION; OR

D. A SINGLE, FULL, OR SEMI-TRAILER WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OVER 6,000 LBS.

\* \* \*

((CONTINUING CARE FACILITY – This type of facility may consist of three types of care or any one or two types:

A. CONGREGATE LIVING FACILITY – A facility that provides independent living which may be affiliated with or located near health care facilities.

B. ADULT ASSISTED LIVING – Facilities for people who cannot live independently and who need assistance with daily chores and housekeeping.

C. NURSING HOME – A facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.))

CONTINUING CARE RETIREMENT COMMUNITY – A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents ((; it)). IT may include ancillary facilities for the further employment, service, or care of the residents. The facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facilities must meet ((the standards of Title 10 of the Human Services Article of the Annotated Code of Maryland.)) ALL REQUIREMENTS OF THE STATE OF MARYLAND.

\* \* \*

DAY-CARE HOME (FAMILY) – A person, agency, or institution licensed by the State of Maryland to provide day care for no more than eight unrelated individuals in a residence for a portion or all of a day and on a regular schedule more often than once a week.

DAY SPA – A BUSINESS WHICH PROVIDES MULTIPLE TYPES OF SERVICES FOR THE PURPOSE OF IMPROVING HEALTH AND BEAUTY THROUGH PERSONAL CARE TREATMENTS.

\* \* \*

((DOMICILLARY CARE FACILITY (ALTERNATIVE LIVING UNIT) – An institution licensed by the State of Maryland that admits aged or disabled persons, maintains the necessary facilities, and provides a protective institutional or home-type environment to persons who are of advanced age or have a physical or mental disability.))

DORMITORY – A residence hall providing rooms for unrelated individuals or groups.

DRIVE-THROUGH FACILITIES – Establishments that, by design, physical facilities or services provided encourage or permit said customers to receive services or obtain goods while remaining in their motor vehicles.

DWELLING – Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreation vehicle, a room in a hotel or motel, or a bed-and-breakfast.

A. DWELLING, ACCESSORY APARTMENT – A second dwelling unit ((that is located within an owner-occupied, single-family detached dwelling)) EITHER WITHIN, OR ADDED TO, A SINGLE-FAMILY DETACHED DWELLING, OR IN A SEPARATE ACCESSORY STRUCTURE ON THE SAME LOT AS THE PRINCIPAL DWELLING, THAT FUNCTIONS AS A COMPLETE, INDEPENDENT LIVING FACILITY WITH PROVISIONS FOR INDEPENDENT COOKING, LIVING, SLEEPING, AND BATHROOM FACILITIES.

B. DWELLING, DETACHED, SINGLE-FAMILY – A dwelling unit which is not attached to any other dwelling units by any means.

C. DWELLING, DUPLEX – A BUILDING CONTAINING TWO DWELLING UNITS, WHICH DO NOT SHARE A COMMON ENTRY, ON A SINGLE LOT.

((C.)) D. DWELLING, GARDEN APARTMENT – A building containing four or more dwelling units sharing a common entry with no more than three stories.

E. DWELLING, HIGH-RISE APARTMENT – A BUILDING CONTAINING EIGHT OR MORE DWELLING UNITS, CONTAINING AT LEAST SIX STORIES, WITH A COMMON ENTRY.

((D.)) F. DWELLING, MID-RISE APARTMENT – A building containing eight or more dwelling units sharing a common entry with four or five stories.

((E.)) G. DWELLING, MOBILE HOME – A ((transportable structure built per HUD Code, 14 feet or more in width and 52 feet or more in length, built on a steel frame,)) MANUFACTURED HOME BUILT TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (HUD CODE) THAT DISPLAYS A RED CERTIFICATION LABEL ON THE EXTERIOR OF EACH TRANSPORTABLE

SECTION AND IS BUILT ON A STEEL FRAME ON A CHASSIS without a permanent foundation.

((F.)) H. DWELLING, MODULAR – A transportable structure built per ((ICC or CABO Code)) THE INTERNATIONAL CODE COUNCIL standards in one or more sections, ((24 feet or more in width and 32 feet or more in length,)) designed to be used as a dwelling on a permanent foundation or slab ((when connected to the required utilities)).

((G. DWELLING, QUAD – A building containing four dwelling units, with each unit having its own entrance, which share a common wall at the lot line.

H. DWELLING, SEMIDETACHED – Two attached dwelling units located on adjoining lots that are separated by a common wall at the lot line, with each unit having its own exterior entrance(s).))

I. DWELLING, TOWNHOUSE – A building containing three or more attached dwelling units in a row having individual access from the front and rear of the dwelling.

J. ((DWELLING, TWO-FAMILY – A building on a single lot that contains two dwelling units separated by vertical and horizontal walls, with each unit having its own exterior entrance(s).

K.)) DWELLING, UNIT – A dwelling designed for one or more individuals who function as a single household unit.

((L.)) K. DWELLING, ZERO LOT LINE – A building on a single lot containing one dwelling unit located with one side lot line a minimum of 18 inches.

\* \* \*

FLOODPLAIN –((Defined by the Federal Emergency Management Agency as a low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel, any)) ANY land area susceptible to being inundated by floodwaters from any source.

FLOOR AREA, GROSS – The sum of the ((total)) GROSS horizontal areas of ((the several)) ALL floors of ((all)) A ((buildings on a lot,)) BUILDING measured from the exterior ((faces)) FACE of exterior walls OR FROM THE CENTER LINE OF A WALL SEPARATING TWO BUILDINGS, BUT NOT INCLUDING INTERIOR PARKING SPACES, LOADING SPACE FOR MOTOR VEHICLES OR ANY SPACE WHERE THE FLOOR-TO-CEILING HEIGHT IS LESS THAN SIX FEET. ((The term “floor area” shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet or more; interior balconies; and mezzanines. Exterior parking spaces and loading spaces for motor vehicles are not included.))

((FLOOR AREA, NET – The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two or more buildings. The term “net floor area” shall include outdoor display areas for sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls (enclosed or not), truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in 50% of such area is less than six feet.))

\* \* \*

FUEL STORAGE FACILITY – Any premises ((or units)) where diesel, gasoline, heating oil, propane, natural gas, or other ((petroleum)) similar products are stored in bulk for the purpose of sale or distribution. A gasoline station is not considered a fuel storage facility for purposes of this chapter.

\* \* \*

HOMEOWNERS’ ASSOCIATION – ((A nonprofit organization operating under recorded land agreements through which:

- A. Each lot and/or homeowner in a clustered or planned development is automatically a member; and
- B. Each lot is generally subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property, and the charge if unpaid becomes a lien against the property.)) AS DEFINED BY REAL PROPERTY ARTICLE 11B OF THE MARYLAND HOMEOWNER’S ASSOCIATION ACT.

\* \* \*

((LIFE CARE FACILITY – A facility that provides board and lodging, nursing services, medical care, or other health related services pursuant to an agreement effective for the life of the individual or for a period in excess of one year.))

\* \* \*

LOT – A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon ((as a unit. “Lot” shall include the words “plot” and “parcel.”)).

LOT AREA – The total ((horizontal)) area ((included)) within the ((rear, side, and front)) lot lines ((or street lines)) of a lot, excluding any ((streets or highways, whether dedicated or not



dedicated to public use, but including off-street automobile parking areas and other accessory uses)) ROAD RIGHT-OF-WAY OR RESERVATION.

LOT, CORNER – A lot abutting ((on)) UPON two or more streets ((at their intersection, where the interior angle of the intersection does not exceed 135 degrees)) OR ALLEYS AT THEIR INTERSECTION.

\* \* \*

LOT, MINIMUM AREA OF –The ((smallest area established by this chapter)) MINIMUM AREA OF A LOT on which a use, structure, or building may be located in a ((particular)) ZONING district.

\* \* \*

((MAIN STREET RETAIL CENTER – A building or buildings housing an attached row of shops totaling at least 25,000 square feet of retail space managed as a coherent retail entity. The center may contain a mix of general merchandise, specialty stores, personal services, entertainment and dining, a large-format specialty retailer, multiplex, cinemas, and/or small department stores. The retail layout and character of the center reflects a pedestrian-oriented “Main Street.”))

MAJOR THOROUGHFARE PLAN – The existing and proposed road network within and adjacent to the City ((adopted by the Council)) AS SHOWN IN THE TRANSPORTATION ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN.

MASSAGE SERVICE – A business licensed under state law for the manipulation, rubbing, stroking, kneading, or tapping of body tissues for remedial or hygiene purposes either with the hand or an instrument.

MEDICAL CANNABIS DISPENSARY – A LICENSED DISPENSARY AS DEFINED BY AND OPERATED UNDER COMAR TITLE 10 SUBTITLE 62.

MEDICAL CANNABIS GROWER – A LICENSED GROWER AS DEFINED BY AND OPERATED UNDER COMAR TITLE 10 SUBTITLE 62.

MEDICAL CANNABIS PROCESSOR – A LICENSED PROCESSOR AS DEFINED BY AND OPERATED UNDER COMAR TITLE 10 SUBTITLE 62.

MEDICAL SERVICES – The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies, and opticians.

MICROBREWERY – A FACILITY IN WHICH BEER IS BREWED FOR DISTRIBUTION AND CONSUMPTION, AND WHICH POSSESSES THE APPROPRIATE CLASS 7

LICENSE FROM THE STATE OF MARYLAND. TASTING ROOMS FOR THE CONSUMPTION OF ON-SITE PRODUCED BEER ARE PERMITTED ON THE PREMISES.

MINI-WAREHOUSING – A BUILDING OR GROUP OF BUILDINGS THAT CONTAINS VARYING SIZES OF INDIVIDUAL COMPARTMENTALIZED AND CONTROLLED ACCESS STALLS FOR THE STORAGE OF CUSTOMERS' GOODS.

\* \* \*

NONCONFORMING USE – Any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of this chapter or any amendment to it rendering such use nonconforming which does not comply with all of the regulations of this chapter or any amendment hereto governing use for the zoning district in which such land, building, or structure is located.

NURSING HOME OR SKILLED CARE FACILITY – A FACILITY DEVOTED PRIMARILY TO THE LONG-TERM TREATMENT AND CARE OF THE AGED OR ELDERLY OR PERSONS SUFFERING FROM ILLNESSES, DISEASES, DEFORMITIES, OR INJURIES WHICH DO NOT REQUIRE EXTENSIVE OR INTENSIVE CARE SUCH AS NORMALLY PROVIDED IN A GENERAL OR OTHER SPECIALIZED HOSPITAL. FOR PURPOSES OF THIS CHAPTER, HOSPICE AND A LIFE CARE FACILITY WILL BE CONSIDERED A SKILLED CARE FACILITY.

OFFICE – Any room, studio, clinic, suite, or building wherein the primary use is the conduct of a business((, such as but not limited to accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturers' representatives; or the conduct of a business by professionals, such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products or the sale and/or delivery of any materials, goods, or products which are physically located on the premises. An office shall not be deemed to include a veterinary service or animal hospital.

A. OFFICE, ADMINISTRATIVE – Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration, or analysis.

B. OFFICE, BUSINESS OR SALES – Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by salesmen, sales representatives or manufacturers' representatives.

C. OFFICE, MEDICAL – Any room, studio, clinic, suite or building wherein individuals licensed in the state practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, or other health-related professions on

an outpatient basis. A medical office shall not be deemed to include a hospital, veterinary service or animal hospital.

D. OFFICE, PROFESSIONAL – Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals, such as but not limited to engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects)).

\* \* \*

PARCEL – A designated area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon ((as a unit. “Parcel” shall include the words “lot” or “plot.”)).

\* \* \*

((PERFORMANCE STANDARDS – A set of criteria or limits relating to elements which a particular use or process may not exceed.))

PERSONAL SERVICE – Establishments primarily engaged in providing services, including the care of a person or his or her apparel, such as but not limited to cleaning and garment services, which are deemed to be establishments for the mechanical cleaning of garments; linen supply; diaper service; coin-operated laundries; carpet and upholstery cleaning; photographic studios; beauty shops; barbershops; shoe repair; steam baths; reducing salons and health clubs; travel agent; clothing rental; locker rental; porter service; optician; and tailor.

((PLANNED UNIT DEVELOPMENT – A residential project which incorporates or combines reduced lot and area requirements with open space use as a substantial portion of the remaining land and designed, developed, and maintained in accordance with the special development regulations of this chapter.))

PLANNING COMMISSION – The City of Aberdeen’s Planning Commission, established pursuant to ((Article 66B)) THE LAND USE ARTICLE of the Annotated Code of Maryland ((, comprised of seven members appointed by the Council and who provide recommendations to the Council in regard to land use and development matters)).

\* \* \*

RECYCLING FACILITY – A facility in which used materials are separated ((and/or)), stored, ((or)) compacted, and/or crushed prior to shipment for recovery or reuse of those materials.

((REPAIR SHOP, MOTOR VEHICLE – Any building, premises and/or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.))

RESTAURANT – Any building, structure, or portion thereof where food is sold for consumption on or off the premises, including but not limited to a café, coffeehouse, tea room, or dining room, LOUNGE, BAR, AND TAVERN. ((A snack bar or other refreshment stand shall not be deemed a restaurant.))

RESTAURANT, DRIVE-THROUGH – A building, structure, or portion thereof designed to sell prepared food and beverages to patrons in vehicles.

RETAIL/COMMERCIAL SHOPFRONTS – Within the Transit Oriented Development Districts, buildings which are located on parcels that front arterial or collector roadways that are designed as primary and secondary frontages (See Illustration 19, Retail/Commercial Shopfronts.) and that require the provision of a shopfront building façade and building frontage on the ground level, designed for commercial use. (See Shopfront and Awning Building Frontage, Illustration 22, Building Frontages, and Illustration 20, Opacity/Windows.)

RETAIL/COMMERCIAL STORES – ESTABLISHMENTS THAT SELL RETAIL GOODS TO INCLUDE BUT NOT LIMITED TO DEPARTMENT STORES, DISCOUNT STORES, PHARMACIES, OUTLET STORES, VARIETY STORES, SPECIALTY STORES, AND SUPERMARKETS.

\* \* \*

((SATELLITE DISH – An antenna and attendant processing equipment for the purpose of sending and receiving electronic signals from satellites.))

\* \* \*

((SHED – A storage facility, under 500 square feet in size, constructed as an accessory structure incidental and subordinate to the use of the principal building, not to include shipping containers or tractor-trailer bodies.))

SHOPFRONT – Within the Transit Oriented Development Districts, a frontage wherein the façade is located at the back edge of the sidewalk (BTL) with a substantial glazing on the sidewalk level, and an awning or cantilevered shed roof projecting no more than seven feet forward of the BTL when the shopfront is not combined with a gallery or arcade frontage. (See Illustration 20, Opacity/Windows, and Shopfront and Awning, Illustration 22, Building Frontages.)

((SHOPPERS' MERCHANDISE – Retail or wholesale establishments commonly referred to as department stores, discount stores, pharmacies, outlet stores, variety stores and supermarkets shall be regulated as "shoppers' merchandise.))

\* \* \*

1 SITE PLAN – A plan, ((to scale,)) USUALLY PREPARED BY A LICENSED DESIGN  
2 PROFESSIONAL, showing uses and structures proposed for a parcel of land as required by this  
3 chapter. (( It includes lot lines, streets, building sites, reserved open space, buildings, major  
4 landscape features (both natural and man-made), and existing and proposed utility lines.))

5  
6 \* \* \*

7  
8 STREET – (See “road.”) ((A)) AN IMPROVED right-of-way ((which has been improved and  
9 is)) intended for USE BY motor vehicle traffic and THAT provides access to property.

10  
11 \* \* \*

12  
13 SUBDIVISION – The CONSOLIDATION OR division of a parcel or tract of land into two or  
14 more new parcels. ((The process of subdividing is regulated by the provisions found in this  
15 chapter.))

16  
17 SWIMMING POOL – Any portable or permanent structure either aboveground or in-ground  
18 containing ((a body of)) water 36 inches or more in depth USED for recreational purposes  
19 ((;either aboveground or in-ground pools)).

20  
21 TATTOO PARLOR – A structure housing a business for the purpose of placing tattoos on the  
22 skin.

23  
24 TEMPORARY STORAGE CONTAINER – A portable ((containerized)) UNIT INTENDED TO  
25 BE UTILIZED FOR STORAGE OF PERSONAL property ((storage facility or unit intended to  
26 be utilized upon the exterior of residential premises for the purpose of storing all types of items  
27 of personal, household property either for pure storage or)) to facilitate the moving of persons  
28 from household unit to household unit OR COMMERCIAL USE TO COMMERCIAL USE((,  
29 with the understanding that such unit, after a reasonable period of time for loading, will be  
30 moved to commercial storage facilities)).

31  
32 ((TEMPORARY USE – A use permitted for a fixed period of time as specified in this chapter  
33 with the intent to discontinue such use upon the expiration of a period of time, or a use which  
34 occurs on a periodic basis and is not continuous.))

35  
36 \* \* \*

37  
38 ((WETLANDS , NONTIDAL)) WETLANDS – An area that is inundated or saturated by surface  
39 water or groundwater at a frequency and duration sufficient to support, and that under normal  
40 circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil  
41 conditions ((,commonly known as “hydrophytic vegetation,” and is determined according to the  
42 Corps of Engineers Wetlands Delineation Manual, 1987, and any amendments thereto)).

YARD – An open area between a lot line and the setback line within which no structures shall be located except as provided by this chapter. The Zoning Administrator shall have the right to designate the front, side, and rear yards on a particular parcel.

A. YARD, FRONT – A yard extending the full width of the lot which includes the area between the front building setback line and the road right-of-way.

B. YARD, REAR – A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

C. YARD, SIDE – A yard extending from the front yard to the rear yard between the side building setback line and the site lot line.

ZONING ADMINISTRATOR – The officer designated by the Council to administer the Development Code and issue zoning permits. The Director of Planning and Community Development shall be the Zoning Administrator, as an agent for the City.

ZONING MAP –The OFFICIAL Zoning Map of Aberdeen, Maryland, adopted by the MAYOR AND CITY Council ((as the comprehensive Zoning Map of the City)).

#### § 235-8. Rules of construction.

The terms and provisions of this chapter shall be interpreted to implement the general purposes of this chapter as set forth in § 235-3. In addition to the rules applicable generally to the construction of the code, the following rules of construction shall apply:

\* \* \*

H. If a term is defined in the City Subdivision Regulations, ((Sign Code,)) Architectural Design Guidelines, or the City Building Code, it shall have the meaning specified in the Subdivision Regulations, ((Sign Code,)) Architectural Design Guidelines, or Building Code unless specifically defined in this chapter.

I. The terms “Mayor and Council,” “Board of Appeals,” “Council,” “Director of Planning AND COMMUNITY DEVELOPMENT,” “Planning Commission,” “City Attorney” and “Zoning Administrator” mean the respective boards, officers, officials, and department heads of the City. The term “Council” shall include the Mayor and Council.

**SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-9, 10, 11, 13.B., 14, 15.B. and 16 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article II, Administration and Enforcement, are repealed and reenacted, with amendments, to read as follows:

### **Chapter 235. DEVELOPMENT CODE**

**Article II, Administration and Enforcement**

**§ 235-9. Zoning Administrator.**

A. The Director of Planning and Community Development shall be the Zoning Administrator. The Zoning Administrator or duly approved designee shall be vested and charged with the power and duty to:

- (1) Act as advisor to the Planning Commission and the Board of Appeals.
- (2) Administer AND ENFORCE the Development Code ((and prepare for adoption the comprehensive Zoning Maps)).
- (3) ((Conduct inspections and surveys to determine whether a violation of this chapter exists.)) PREPARE AND PROVIDE APPLICATIONS AND FORMS REQUIRED BY THIS CHAPTER.
- (4) ((Design and distribute applications and forms required by this chapter requesting information pertinent to the requested approval.
- (5) Enforce any provision of this chapter, prevent or abate any violation, ensure proper enforcement and administration of this chapter, and issue municipal infractions.
- ((6))) Enter and inspect any structure or land to determine if the parcel or use complies with the provisions of this chapter. Should the owner or occupant deny such entry, the Zoning Administrator may seek relief from the court to permit such right.
- ((((7))) (5) Perform such other duties as are necessary for the proper enforcement and administration of this chapter.
- ((((8))) (6) Recommend Development Code and Zoning Map amendments to the Planning Commission and Council.
- ((((9))) (7) Regulate all land development activities and enforce the provisions of this chapter.
- ((((10))) (8) Render interpretations, upon written request of any interested person whose property may be affected, as to the applicability of the Code to particular uses. Interpretations can be appealed within 30 days to the Board of Appeals.
- ((((11))) (9) Review all ((land development)) annexation APPLICATIONS for compliance with this chapter.

1  
2 (((12))) (10) Review applications for rezoning, special exceptions, variances, and  
3 interpretations under the provisions of this chapter for recommendation to the  
4 Board of Appeals or Planning Commission.

5  
6 (((13))) (11) Review for approval or denial all applications for applicable permits.

7  
8 (((14) (Set))) (12) PREPARE the agenda for the Planning Commission and Board of  
9 Appeals.

10  
11 B. The Zoning Administrator, as an agent for the City, shall be deemed an aggrieved party and  
12 has the right to appeal any decision of the Board of Appeals.

13  
14 § 235-10. Planning Commission.

15  
16 A. The Planning Commission is established pursuant to the Land Use Article of the Annotated  
17 Code of Maryland ((and is an advisory body to the Council)).

18  
19 B. The Planning Commission shall consist of seven members appointed by the Council who  
20 shall serve without compensation. The term of each member shall be five years or until a  
21 successor takes office. IF A SEAT ON THE PLANNING COMMISSION BECOMES  
22 VACANT THE MAYOR SHALL APPOINT A MEMBER, WITH CONCURRENCE OF  
23 THE COUNCIL, TO FILL THE REMAINING TERM OF THE VACANCY. ((The Council  
24 shall attempt to appoint members who will represent the geographical diversity of the City.))

25  
26 C. The Planning Commission shall elect a Chairperson and Deputy Chairperson from its  
27 members for terms of one year with eligibility for reelection.

28  
29 D. ((The Commission shall hold one regular public meeting each month and such other special  
30 meetings as may be determined. It shall adopt procedures for the transaction of business and  
31 shall keep a public record of its resolutions, transactions, findings and determination. Fire,  
32 police, and departmental personnel shall attend the meetings of the Planning Commission  
33 and act as consultants.)) ALL BUSINESS BEFORE THE PLANNING COMMISSION  
34 SHALL BE SUBMITTED FOR REVIEW THIRTY (30) DAYS BEFORE THE PLANNING  
35 COMMISSION'S SCHEDULED MEETING.

36  
37 E. THE COMMISSION SHALL HOLD ONE REGULAR PUBLIC MEETING EACH  
38 MONTH AND SUCH OTHER SPECIAL MEETINGS AS MAY BE DETERMINED.  
39 COMMISSION AGENDAS AND MEETING MINUTES SHALL BE POSTED ON THE  
40 CITY'S WEBSITE. IT SHALL ADOPT PROCEDURES FOR THE TRANSACTION OF  
41 BUSINESS AND SHALL KEEP A PUBLIC RECORD OF ITS RESOLUTIONS,  
42 TRANSACTIONS, FINDINGS, AND DETERMINATION. FIRE, POLICE,  
43 EMERGENCY OPERATIONS, AND DEPARTMENTAL PERSONNEL SHALL ATTEND  
44 THE MEETINGS OF THE PLANNING COMMISSION AND ACT AS CONSULTANTS.  
45



1 ((E.)) F. A majority of the members (four) of the Commission shall constitute a quorum for the  
2 transaction of business, and a majority vote of those present at any meeting, but not less than  
3 the number necessary for a quorum, shall be sufficient for any official action taken by the  
4 Commission.

5  
6 ((F.)) G. Powers and duties of the Commission. The Commission shall:

7  
8 (1) Have such powers and duties as set forth in the Land Use Article of the Annotated  
9 Code of Maryland.

10  
11 (2) Adopt rules of procedure for the conduct of its business.

12  
13 (3) Make and approve a Comprehensive Plan prepared in accordance with the Land Use  
14 Article of the Annotated Code of Maryland and recommend the plan to the Council.  
15 The Commission shall:

16  
17 (a) Make a preliminary report about the Comprehensive Plan and hold at least one  
18 public hearing.

19  
20 (b) Consult public officials and agencies; ((public utility companies;)) civic,  
21 educational, professional, and other organizations; and citizens with relation to  
22 protecting or executing the plan.

23  
24 (c) Prepare, adopt and file a final report on the plan with the Mayor and Council in  
25 accordance with the Land Use Article of the Annotated Code of Maryland.

26  
27 (d) Recommend changes or amendments to the Aberdeen Comprehensive Plan.

28  
29 (e) Promote public interest in and understanding of the plan.

30  
31 (4) Review, comment, and approve a recommendation to the CITY Council for all  
32 preliminary site plans and preliminary and final subdivision plats. The approval of a  
33 preliminary site plan or preliminary subdivision plat will be valid for ((one year))  
34 TWO YEARS FROM THE DATE OF THE CITY COUNCIL APPROVAL AFTER  
35 WHICH, THE PRELIMINARY SITE PLAN OR PRELIMINARY SUBDIVISION  
36 PLAT MUST BE RESUBMITTED FOR REVIEW AND APPROVAL.

37  
38 \* \* \*

39  
40 (13) Review as needed, or a minimum of every six years, the Development Code ((,))  
41 AND Zoning Map ((, and Major Thoroughfare Plan)) to determine whether it is  
42 advisable to amend the regulations or the ((map(s)) MAP, or both, to more closely  
43 conform to the objectives of the ADOPTED Comprehensive Plan, to take advantage  
44 of new techniques, to correct deficiencies, or for other appropriate reasons.  
45

\* \* \*

- (19) Have such powers to enable it to fulfill its functions, promote planning or execute the purposes of ((Article 66B of)) THE LAND USE ARTICLE of the Annotated Code of Maryland.

§ 235-11. Board of Appeals.

A. The Board of Appeals is established pursuant to the Land Use Article of the Annotated Code of Maryland.

B. The Board of Appeals shall consist of five members and one alternate member, who may be empowered to sit on the Board in the absence of any member of the Board, who shall serve without compensation. The terms of all members shall be three years. IF A SEAT ON THE BOARD OF APPEALS BECOMES VACANT, THE MAYOR WILL APPOINT A MEMBER, WITH CONCURRENCE OF THE COUNCIL, TO FILL THE REMAINING TERM OF THE VACANCY. ALL MEMBERS MAY BE ELIGIBLE FOR REAPPOINTMENT.

C. The Board of Appeals shall elect a Chairperson and a Deputy Chairperson from its members for terms of one year with eligibility for reelection.

D. ((The Board is a quasi-judicial body and shall conduct public hearings in accordance with administrative practices and procedures.

(E.)) The Board shall:

(1) Administer oaths and conduct hearings, including receipt of evidence and stipulations.

(2) Adopt rules and regulations for the conduct of its hearings.

(3) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.

(4) Hear and decide applications for special exceptions and variances as authorized under this chapter.

(5) Issue subpoenas for and compels the attendance of witnesses.

((F.)) E. Meetings, notice, and hearings.

\* \* \*

(3) The Board shall keep minutes of its proceedings and other actions, showing the vote of each member upon each question. The Board shall keep records of its examination

and other official actions, all of which shall be filed in the City office and shall be a public record. The Chairperson or, in his/her absence, the ((Acting)) DEPUTY Chairperson may administer oaths and compel the attendance of witnesses.

(4) Upon receipt of a completed application, the Board shall schedule a public hearing ((by providing notice)) AND PROVIDE NOTICE in one newspaper of general circulation in the City at least 14 days prior to the hearing AND ON THE CITY'S WEBSITE.

(5) All contiguous property owners shall be notified of the public hearing date by regular AND CERTIFIED mail.

((G.)) F. In addition to such other rules and regulations as may be adopted by the Board, the hearing shall be conducted as follows:

(1) Applicant's case.

(2) Report of the Department of Planning and Community Development and other public agency representatives.

(3) Any opponent's case in chief.

(4) Applicant's case in rebuttal.

((H.)) G. The Board may impose such conditions regarding the locations and other features of the proposed structures or uses as it may deem necessary, consistent with the purposes of the code, the limitations, guides, and standards and the laws of the City and ((state)) STATE OF MARYLAND.

((I.)) H. Decision of the Board.

(1) Lapse of special exception or variance. After the Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of ((one year)) TWO YEARS if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period than ((one year)) TWO YEARS for good cause shown, and the provision of these regulations shall thereafter govern.

(2) The Board shall issue a written decision or determination on any application or appeal within 30 days following the close of the record. This ((limitation)) TIME may be extended ((upon good cause up to)) BY THE CHAIRPERSON FOR AN ADDITIONAL 60 days.

1 ((J.)) I. An appeal stays all proceedings in furtherance of the action appealed from unless the  
2 Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a  
3 stay would, in his opinion, cause imminent peril to life or property. In such case,  
4 proceedings shall not be stayed otherwise than by ((restraining)) order of ((the Board or)) a  
5 court of competent jurisdiction ((, on application,)) after notice to the Zoning Administrator  
6 and on good cause shown.  
7

8 ((K.)) J. If the application is disapproved by the Board or is dismissed for failure of the applicant  
9 to pay costs, then the Board shall take no further action on another application for  
10 substantially the same relief until six months from the date of such disapproval or dismissal,  
11 whichever shall last occur.  
12

13 ((L.)) K. A special exception use may be granted by the Board only upon proof by the applicant  
14 that:  
15

16 (1) The proposed use is compatible with the principal permitted uses within the district.  
17

18 (2) ((The use complies with § 235-12, Limitations, guides and standards, of this chapter  
19 as may be applicable.  
20

21 (3) ))The use does not adversely affect public health, safety and welfare of adjoining or  
22 neighboring properties.  
23

24 ((M.)) L. Criteria for approval of variances. Variances from the provisions or requirements of  
25 this chapter may be granted if the Board finds that:  
26

27 (1) The literal enforcement of the code would result in undue hardship.  
28

29 (2) The variance will not be substantially detrimental to adjacent properties and will not  
30 materially impair the purpose of this chapter or the public interest and the character of  
31 a district will not be changed by the granting of the variance.  
32

33 (3) No variance shall exceed the minimum adjustment necessary to relieve the hardship  
34 imposed by the literal enforcement of this chapter.  
35

36 ((N. No fees shall be applied to applications for amendment of special exceptions or variances.  
37

38 ((O.)) M. Appeals from a decision of the Board may be filed by an interested person to the Circuit  
39 Court in the manner prescribed by law within 30 days from the date of the Board's decision.  
40

41 ((P.)) N. A fee shall be charged for filing and handling each application or appeal provided for in  
42 this article, in an amount to be determined by the Council. ALL COSTS ASSOCIATED  
43 WITH THE APPLICATION MUST BE PAID TO THE CITY WHEN THE APPLICATION  
44 IS FILED. The costs of appeal, including the COPY OF THE transcript, shall be borne by  
45 the applicant.

1  
2 ((Q.)) O. The Board, upon application for an interpretation of the Development Code or Zoning  
3 Map, after notice to the owners of the properties affected and public hearing, may render an  
4 interpretation.

5  
6 § 235-12. RESERVED ((Limitations, guides and standards.

7  
8 In addition to the specific standards, guidelines and criteria described in the previous sections  
9 and other relevant considerations, the Planning Commission and Board of Appeals shall be  
10 guided by the following general considerations. Notwithstanding any of the provisions of this  
11 chapter, the Board of Appeals and Planning Commission shall not approve an application if they  
12 find that the proposed building, addition, extension of building or use or change of use would  
13 adversely affect the public health, safety and general welfare or would result in dangerous traffic  
14 conditions or jeopardize the lives or property of people living in the neighborhood. The Board of  
15 Appeals and Planning Commission may impose conditions or limitations on any approval,  
16 including the posting of performance guaranties, with regard to any of the following:

- 17  
18 A. Facilities for schools, police, fire protection, sewerage, water, trash and garbage collection  
19 and disposal and the ability of the City or persons to supply such services.  
20  
21 B. The degree to which the development is consistent with generally accepted engineering and  
22 planning principles and practices.  
23  
24 C. The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of  
25 surrounding properties.  
26  
27 D. The environmental impact and the effect on sensitive natural areas such as floodplains and  
28 nontidal wetlands.  
29  
30 E. The number of persons living or working in the immediate area.  
31  
32 F. The orderly growth of the neighborhood and community and the fiscal impact on the City; the  
33 need for the proposed use within the community.  
34  
35 G. The preservation of cultural and historic landmarks.  
36  
37 H. The purpose of the code, the Comprehensive Plan, the Major Thoroughfare Plan, and related  
38 studies for land use, roads, parks, schools, sewers, water, population and recreation.  
39  
40 I. The recommendation of the Zoning Administrator.  
41  
42 J. The size of the parcel and the effect of the proposed use upon adjoining or neighboring  
43 properties.  
44

K. Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads. A traffic impact analysis may be required by the Director of Planning and Community Development, Board of Appeals or the Planning Commission.))

§ 235-13. ((Zoning reclassification)) REZONING FOR INDIVIDUAL PARCELS.

B. Request initiated by property owner. Any request for a ((zoning reclassification)) REZONING TO THE PROPERTY by a property owner or contract purchaser, with the consent of the property owner, shall be submitted to the Zoning Administrator and shall include:

\* \* \*

((§ 235-15.)) § 235-14. ((Annexation policy and procedure.)) COMPREHENSIVE ZONING REVIEW.

A. The Zoning Administrator ((, as an agent for the City,)) may ((from time to time)) recommend revisions to the Zoning ((Maps and regulations)) MAP AS NEEDED for consideration and ((adoption)) REVIEW by the Planning Commission and approval by the Council. Proposed revisions ((or amendments)) to the Zoning ((Maps and regulations)) MAP shall be prepared by the Zoning Administrator based on a review and study of existing land use and future land use needs, population, economics, transportation patterns, public facilities and services, and other relevant planning factors.

B. ((A sectional map amendment may be considered and adopted by the Council.

C.)) Notice of a public hearing before the Council shall be provided 30 days in advance and published at least one time in a local newspaper. A copy of the public hearing notice shall be sent by regular mail to all ((contiguous)) property owners CONTIGUOUS TO THOSE LOTS OR PARCELS OF LAND AFFECTED BY A PROPOSED CHANGE TO THE CURRENT ZONING.

((§ 235-14.)) § 235-15. Annexation policy and procedure.

B. Procedures. The following procedures shall govern annexation and the zoning of land so annexed:

(1) Petition filing contents. A petition for annexation, prepared in compliance with § 4-404 of the Local Government Article of the Annotated Code of Maryland ((,)). THE PETITION SHALL BE SIGNED BY THE OWNER OF THE PROPERTY AND ANY CONTRACT PURCHASER(S) AND shall be filed with the City Clerk, together with fifteen (15) copies of the petition and a nonrefundable fee as established by resolution of the City Council. The City may require additional copies to be provided to the City at its discretion. The petition shall include the following:

\* \* \*

(b) Exhibit showing:

- [1] The legal boundaries of the property, to include complete parcels and all property lines in order to eliminate noncontiguous land that may be annexed in the future.
- [2] The existing land use conditions (((county))) SURROUNDING THE SUBJECT PROPERTY.
- [3] Existing county zoning and the petitioner's proposed City zoning.
- [4] A property tax map.
- [5] An aerial photographic map at an appropriate scale.
- [6] Topographic map of the property at an appropriate scale.
- [7] Existing public facilities and improvements.
- [8] Existing reserved or public areas.

(c) Certification that each owner of real property, both within the area of the proposed annexation and contiguous to the annexation area, has either executed the petition or has been sent by CERTIFIED MAIL AND first-class mail to the address listed in the assessments records, within 10 days ((of the)) PRIOR TO filing of the petition, a summary in a format provided by the City.

(d) Concept plan:

- [1] Showing the boundary of the area to be annexed.
- [2] Showing the general location of each proposed land use (residential with type, commercial, open space, etc.) on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses.
- [3] Providing a table listing densities and land use by type, including the area of each.

[4] Showing the density of residential development, the maximum and minimum lot sizes, and the anticipated square footage of commercial and industrial buildings.

[5] Showing existing and proposed arterial and collector streets ((to the)) adjoining ((properties)) (where applicable) and their relationship to the principal land uses on the site, consistent with the adopted Transportation Element ((and Major Thoroughfare Plan)) IN THE COMPREHENSIVE PLAN for the City.

[6] Showing existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.

[7] Showing contour lines at a maximum of five-foot intervals.

[8] Showing significant natural or man-made features on the site and contiguous to the property, as available from current Harford County or other pertinent geographic information system (GIS) databases.

\* \* \*

(2) Community Informational Meeting (CIM). Within 45 days ((of the)) PRIOR TO THE petition filing date, the petitioner shall hold a CIM. This meeting will be facilitated by the City planning staff and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property (ies) at its boundary with a public road, or at the closest public road intersection, and in a news publication of general weekly circulation in the Aberdeen area. The ((petitioner)) STAFF shall coordinate the attendance of a liaison from the Planning Commission and the City Council. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The petitioner shall submit a summary of comments (meeting minutes) made by the citizens to the City at the CIM at least 10 days prior to the scheduled Planning Commission hearing regarding the petition. The petitioner also shall include a certification that the CIM was advertised.

\* \* \*

(4) Petition review by Planning Commission.

(a) Upon completion of the review, the Director of Planning and Community Development shall forward the petition package to the Planning Commission no less than ((10)) 30 days prior to the next scheduled Planning Commission meeting. At this time, the Director shall advertise the agenda of the Planning Commission in a news publication of general weekly circulation in the Aberdeen area. The petitioner shall supply ((10 paper sets)) 15 COPIES and one digital



format copy of the completed petition package to the Director prior to this submittal.

(b) The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.

(c) The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.

(5) Payment for processing and review.

(a) The petitioner shall be responsible for payment for all studies required by the Director of Planning and Community Development and reimbursement of all staff and Attorney time necessary for review of the petition and all studies.

(b) The staff shall keep ((time sheets or other invoices to account for the time spent on annexation, and)) AN ACCOUNTING OF THEIR TIME SPENT ON THE ANNEXATION REVIEW REFLECTING the hourly rate of each employee ((shall be)) established by the City.

(6) Adoption of annexation plan. Consistent with § 4-415 of the Local Government Article of the Annotated Code of Maryland, ((as amended from time to time,)) the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.

\* \* \*

(9) Annexation agreement.

(a) The City COUNCIL may, prior to ((the City Council)) voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.

(b) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.

(c) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees, and assigns.

(d) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.

(10) Zoning. In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this ((code)) CHAPTER and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.

\* \* \*

§ 235-16. Violations and penalties; abatement.

A. A violation of this chapter or any condition attached to a special exception or variance shall constitute a municipal infraction and shall be subject to the provisions of § 95-1 et seq. of the City Code.

B. In the event of a violation of any of the provisions of this chapter or any amendment or supplement thereto, the Zoning Administrator, any adjacent or neighboring property owner or any person who would be specially damaged by such violation, in addition to other remedies provided by law, may ((institute suit)) FILE for injunction, written court order, abatement or other appropriate action or other proceeding to prevent, restrain, correct, or abate such unlawful activity or use.

C. Notice of violation shall be ((mailed)) SENT BY CERTIFIED MAIL AND FIRST-CLASS MAIL to the owner of the property as listed on the real estate tax records of the State Department of Assessments and Taxation and by posting on the property and shall provide a five-day notice to correct unless the violation causes imminent peril to life or property.

D. Upon reasonable notice, the Zoning Administrator or authorized designee shall have the right to enter upon any land and to abate any zoning violation for which notice has been provided and to impose the cost of such abatement as a lien upon the property TO BEAR INTEREST, BE COLLECTED AND ENFORCED, AND IN ALL RESPECTS BE TREATED IN THE SAME MANNER AS CITY REAL PROPERTY TAXES.

**SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-18 and 19 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article III, Zoning Districts, are repealed and reenacted, with amendments, to read as follows:

**Chapter 235. DEVELOPMENT CODE**

**Article III, Zoning Districts**

§ 235-18. Zoning districts and boundaries.

In conformity with the purposes of this chapter, the following zoning districts are established:

\* \* \*

I. ((ORE Office/Research/Educational District. The purpose of this district is to provide for the development of a mixed-use office/research/educational park with supporting or complementary uses.

J. AG Agricultural District. The purpose of this district is to provide for agriculture as the primary use by providing large areas suitable for agriculture and related uses. Low-density residential development is a permitted use.

K. )) Downtown Revitalization Overlay District. The purpose of this district is to enhance the existing assets located in downtown, through the application of design requirements. Properties located within the Transit Oriented Development Districts are not subject to the Downtown Revitalization Overlay District regulations and design requirements.

L. )) J. Residential Overlay (RO) District. The purpose of this district is to recognize existing uses within certain R-3 zones within the City; to grant principal permitted use status to existing uses; to avoid creation of nonconforming uses; and to prohibit multifamily uses within the district except those uses existing as of the effective date of this section.

(1) Multifamily uses in the overlay district existing prior to the enactment of this section shall be deemed principal permitted uses and not subject to restrictions applicable to nonconforming uses.

(2) Multifamily uses, including apartments, garden apartments, mid-rise apartments and townhouses, other than those existing at the time of the enactment of this section, shall be prohibited in the Residential Overlay (RO) District. Existing multifamily uses destroyed after enactment of this section may be reconstructed as a principal permitted use.

(3) Single-family and duplex dwellings are principal permitted uses within the Residential Overlay (RO) District.

(4) The lot area, width and yard requirements in the Residential Overlay (RO) District shall be the same as the R-3 District.

M. )) K. Integrated Business District.

\* \* \*

(3) Building setbacks. Unless otherwise noted, refer to § 235-21.

- (a) Major arterial road rights-of-way, such as Churchville Road (MD 22) shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
- (b) Collector roads, such as Technology Drive and Long Drive, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
- (c) Local roads, such as Gilbert Road AND ALDINO-STEPNEY ROAD, shall have a minimum building setback of 25 feet and shall have a landscaped area included in the setback area.
- (d) A minimum twenty-foot landscaped area in addition to the building setback for the district shall be required for any commercial use adjacent to an existing residential use. Buildings cannot be located in the required landscaped area.
- (e) All residential development shall be in accordance with the ~~((R-2))~~ R-3 residential requirements ~~((for dwelling, detached, single-family))~~.

(4) Height. The maximum height of any building shall be as follows:

\* \* \*

(14) The Planning Commission shall hold a review of the preliminary site plan along with the Department of Planning and Community Development staff and Architectural Review Committee recommendations and make recommendations to the Mayor and City Council on the preliminary site plan upon finding that the preliminary site plan accomplishes the purposes, minimum standards, and requirements of the IBD.

(15) OFF-STREET PARKING AND LOADING REQUIREMENTS SHALL COMPLY WITH § 235-25 UNLESS OTHERWISE NOTED.

((N.)) L. I-95 Overlay District. The purpose of this district is to provide ((a planned unit development of high quality)) FOR ((single-family residences)) RESIDENTIAL, office, research and educational uses in a campus-like setting ((and)) WITH complementary commercial/recreational uses. The Ripken Stadium and Ripken Academy are the major landmarks for this district and will attract interests across the United States and around the world. Thus, the principal vision for this area is to attract new development that will complement the strong aesthetic appeal of the Ripken complexes. The I-95 Overlay District boundaries are described as the properties bordering ((Route)) MD 22 (Churchville Road), Gilbert Road and I-95 located within the current City corporate limits. This district is subject to design requirements.

((O.)) M. Transit Oriented Development District.

- 1  
2 (1) The intent of the Transit Oriented Development (TOD) District is to implement and  
3 encourage the redevelopment of properties within the Aberdeen TOD. The TOD  
4 District is shown on the TOD Designated Area Map (June 20, 2012) that ((appears))  
5 IS REFERENCED in § 235-43.

6  
7 \* \* \*

8 (10) ((Parking.  
9

- 10 (a) This section contains development standards and design guidelines to ensure that  
11 parking within the TOD District is convenient and accessible, accommodates all  
12 land uses, and supports the Aberdeen TOD Master Plan's intended goals,  
13 including:  
14

15 [1] Maintaining and improving the pedestrian-friendly environment by  
16 encouraging people to park once at convenient shared parking locations that  
17 provide access to a variety of commercial enterprises through the pedestrian  
18 network.  
19

20 [2] Avoiding adverse parking impacts on neighborhoods adjacent to the TOD  
21 District.  
22

23 [3] Maximizing on-street parking.  
24

25 [4] Limiting the location of surface parking to the rear of the property (third lot  
26 layer).  
27

28 [5] Providing flexibility for redevelopment of small sites, encouraging shared,  
29 complimentary and off-site parking facilities for development within the  
30 TOD District.  
31

- 32 (b) Parking calculations. Required parking may be provided off site within the TOD  
33 District at the following required parking rates shown in Table 1. Mixed-use  
34 developments may also utilize the shared parking factors. The required parking  
35 space dimensions are nine feet by 18 feet. (See Shared Parking Factors matrix  
36 below Table 1, Shared Parking Ratios in accordance with these rates.):  
37

38 [1] Residential.  
39

40 [a] A minimum of 1.0 parking space per principal dwelling unit in TOD-C  
41 and TOD-D and 1.5 parking spaces per principal dwelling unit in TOD-  
42 N. The parking ratio may be reduced according to the shared-parking  
43 standard. (See Shared Parking Factors matrix below Table 1, Shared  
44 Parking Ratios.

[b] New on-street parking spaces provided for adjoining ground floor residential uses may be counted toward the minimum parking requirement for that property.

[2] Lodging. A minimum of one parking space for every bedroom. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.)

[3] Retail. A minimum of three parking spaces for every 1,000 square feet of gross floor area in TOD-C and TOD-D and a minimum of four parking spaces for every 1,000 square feet of gross floor area in TOD-N. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.)

[4] Office. A minimum of two parking spaces for every 1,000 square feet of gross floor area in TOD-C and TOD-D and a minimum of three parking spaces for every 1,000 square feet of gross floor area in TOD-N. The parking ratio may be reduced according to the shared-parking standard. (See Shared Parking Factors matrix below Table 1, Shared Parking Ratios.)

(c) Bicycle parking.

[1] To offset parking reductions within the TOD District and to enhance and support bicycle usage, the developer must provide:

[a] For residential development, one tenant bicycle parking rack or bicycle locker per five units on site.

[b] For retail development, one employee bicycle parking rack or bicycle locker per 7,500 square feet of gross floor area on site.

[c] For office development, one employee bicycle parking rack or bicycle locker per 10,000 square feet of gross floor area on site.

[2] All bicycle parking facilities are to be highly visible to intended users. Bicycle racks provided at designated bus stops shall not count towards meeting the bicycle parking requirements. The bicycle parking facilities, including the bicycle, shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.

Table 1: Shared Parking Ratios  
(Required Parking)

	TOD-N(T4)	TOD-C (T5)	TOD-D (T6)
Residential	1.5/dwelling	1.0/dwelling	1.0/dwelling
Lodging	1.0/bedroom	1.0/bedroom	1.0/bedroom
Office	3.0/1000 square feet	2.0/1000 square feet	2.0/1000 square feet
Retail	4.0/1000 square feet	3.0/1000 square feet	3.0/1000 square feet
Other	To be determined by application of § 235-25, Off-street parking and loading requirements.		

Shared Parking Factors

Function	with		Function
RESIDENTIAL			RESIDENTIAL
LODGING			LODGING
OFFICE			OFFICE
RETAIL			RETAIL


The actual parking required is calculated by adding the total number of spaces required by each separate function and dividing the total by the appropriate factor from the shared parking matrix above. An example of this calculation: The residential function requires 10 spaces while the office portion requires 12 spaces. Independently they would require 22 spaces, but when divided by the sharing factor of 1.4, they would require only 16 spaces. A second way to calculate: If there are a total of 22 spaces available for residential and office, multiplying this by the factor of 1.4 gives the equivalent of 30 spaces. When three or more functions share parking, use the lowest factor so that enough parking is assured.

(d) Parking facilities.

[1] Wrapped surface parking. A surface parking lot shall be wrapped with a building (liner) that is located between the parcel's street frontage(s) and the parking lot. The parking lot is sited behind buildings, in the third lot layer, and no portion of the parking lot is visible from the primary street. An example of a wrapped surface parking lot with liner buildings can be seen in

multiple examples in Illustration 27. Lot layers are depicted on Illustration 26 and Illustrations 40 and 41.

[2] Parking structure.

[a] An exposed parking structure shall not be located in the first and second lot layers on the ground level. Non-parking uses are required to be integrated into the building along principal street frontages. Non-parking uses are encouraged on all other frontages. The parking structure may be exposed to the building's street frontage(s) and second and or third lot layers on upper levels. (See Illustrations 40 to 42, Lot Layers and Parking.)

[b] Non-parking uses are encouraged to be integrated into the building along secondary street frontages, further hiding the parking structure from view. Structures used exclusively for parking (parking garages) are limited to six stories in the TOD-C District and eight stories in the TOD-D District. (See Illustrations 33 and 34, Open Space and Parking Bonus Height and Illustrations 36 and 37, Floor to Ceiling Heights.)

[3] Open/surface parking. Open or surface parking lots in the first and second lot layers are prohibited. All open or surface parking areas are to be located in the third lot layer. Open parking areas shall be masked from the frontage by a building or street screen.

(e) Parking facility access. Access to parking facilities shall be provided from the rear in alleyways, internal driveways or side streets. Parking facilities on adjoining lots are encouraged to share access points and driveways, subject to a shared use agreement between the affected parcels.

((11))) Open space. Open space within the TOD Districts shall consist of areas designated for active recreation, passive recreation, plazas, pathways, passages, sidewalks, ESD and tree planting areas, conservation areas, and/or natural buffers as provided in Illustrations 25 to 29.

((((12)))) (11) Signage. Signs in the TOD Districts shall be one of the types shown in Illustration 44, Signage, and shall be consistent with the provisions of the Aberdeen Sign Regulations.

§ 235-19 Use table.

See Appendix A for uses principally permitted and permitted by special exception within each district. TEMPORARY USES ARE REGULATED BY § 235-29.



**SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-20, 21, 22, 23.F., 24, 25, 26, 27.J. 28, 29 and 30 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article IV, Provisions Applicable to All Districts, are repealed and reenacted, with amendments, to read as follows:

**Chapter 235. DEVELOPMENT CODE**

**Article IV, Provisions Applicable to All Districts**

§ 235-20 General lot requirements.

A. Every building hereafter created, reconstructed, converted, moved or structurally altered shall be located on a lot of record, and in no case shall there be more than one principal building on one lot except as provided below:

- (1) Apartment buildings.
- (2) Commercial or industrial buildings.
- (3) Condominiums.
- (4) Office/research/educational or industrial.
- (5) Public, semipublic or institutional buildings.
- (6) Shopping OR RETAIL centers.
- (7) ((Agricultural land.
- (8) Main Street retail center.
- (9) )) Retirement community.

B. Construction of any building or portion thereof outside the buildable area of the lot shall not be permitted.

C. Access to a public street. Every lot shall front on a public street and shall have the minimum width at the building setback line required for the zoning district. No panhandle lot shall be permitted. All new dwellings will be constructed on an improved ((road)) PUBLIC STREET and have access to a sidewalk on either or both sides of the improved ((road)) STREET in front of the residence.

\* \* \*

§ 235-21. Lot area, width and yard requirements.

Table I specifies the minimum lot area, width and yard requirements to be provided in the various residential zoning districts for the principal uses enumerated. Table II specifies the minimum lot area, width and yard requirements to be provided in the various commercial and industrial zoning districts for the principal uses enumerated. TABLE III SPECIFIES THE MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS FOR VARIOUS INSTITUTIONAL USES ENUMERATED.

\* \* \*

Table I: Lot Area, Lot Width and Yard Requirements for Residential Zoning Districts

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area per family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Width (feet)
Dwelling, detached, single- family R-1	15,000	100	15,000	40	50	15	30
DWELLING, DETACHED, SINGLE- FAMILY, ACCESSORY APARTMENT R-1					25		
Dwelling, detached, single- family R-2	7,200	60	7,200	30	40	10	20
DWELLING, DETACHED, SINGLE- FAMILY, ACCESSORY APARTMENT R-2					20		
Dwelling, detached, single- family R-3	5,000	50	5,000	25	35	7	14
DWELLING, DETACHED, SINGLE- FAMILY, ACCESSORY APARTMENT R-3					20		
Dwelling, ((semi detached or two- family)) DUPLEX R-2	9,000	80	4,500	30	40	14	28
Dwelling, ((semi detached or	7,000	70	3,500	25	35	12	24

two-Family)) DUPLEX R-3							
Dwelling, ((quad or garden)) apartments ((multi family 1 to 2 stories)) R-3	7,500	75	2,500	25	35	10	25

1  
2

1

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area per family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Width (feet)
((Dwelling, quad or garden apartments multi- family 2 to 3 stories R-3))	((7,500))	((75))	((2,500))	((25))	((35))	((10))	((25))
((Dwellings , mid-rise apartments, multifamily over 3 stories R-3))	((7,500))	((75))	((2,500))	((25))	((35))	((10))	((25))
Dwelling, zero lot line R-2	5,500	55	5,500	30	40	0	25
Dwelling, zero lot line R-3	4,500	50	4,500	25	35	0	20
Dwelling, townhouses per unit R-3 for interior units	((2,500)) 2,000	((24)) 20	((2,500)) 2,000	25	35	0	0
Dwelling, townhouses per unit R-3, for end units	((3,000)) 2,000	((28)) 24	((3,000)) 2,000	25	35	15	30

2

3

Uses	Lot Area (square feet)	Lot Width (feet)	Lot Area per family	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Width (feet)
((Churches R-3))	((3 acres))	((200))	((N/A))	((25))	((40))	((25))	((50))
((Schools))	((3 acres))	((200))	((N/A))	((40))	((50))	((25))	((50))

Table II: Lot Area, Lot Width and Yard Requirements for Commercial ((and)), Industrial, AND  
INTEGRATED BUSINESS Zoning Districts

Uses	Lot Area ((square feet)) (ACRES)	Lot Width (feet)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Side Yards Least Width (feet)	Side Yards Sum of Width (feet)
B-1	N/A	50	25	25*	*	*
B-2	N/A	50	5	10*	*	*
B-3	N/A	50	5	25*	*	*
M-1	1	200	50	50*	25*	50*
M-2	1	200	50	50*	30*	70*
IBD	N/A	N/A	25	25	10	20

\*See § 235-30, LANDSCAPING, OUTDOOR LIGHTING, AND ((Buffer)) BUFFER yards.

TABLE III: LOT AREA, LOT WIDTH AND YARD REQUIREMENTS FOR SPECIFIC  
INSTITUTIONAL USES

USES	LOT AREA (ACRES)	LOT WIDTH (FEET)	FRONT YARD DEPTH (FEET)	REAR YARD DEPTH (FEET)	SIDE YARDS LEAST WIDTH (FEET)	SIDE YARDS SUM OF WIDTHS (FEET)
CHURCHES R-1	3	200	40	50	25	50
CHURCHES R-2	3	200	30	40	25	50
CHURCHES R-3	3	200	25	40	25	50
SCHOOLS	3	200	40	50	25	50

C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.

~~D. ANY PERMITTED ACCESSORY APARTMENT SHALL MEET THE SAME YARD REQUIREMENTS AS THE PRINCIPAL STRUCTURE FOR THE ZONING DISTRICT IN WHICH THE ACCESSORY APARTMENT IS LOCATED.~~

§ 235-22. Minimum floor area.

A. Every dwelling unit shall have a floor area not less than the area specified in Table IV for the dwelling type and zoning district in which it is located.

B. Floor areas shall be measured from outside walls enclosing usable finished floor space and shall not include unfinished basements, cellars, garages, unfinished attic space, attached storage buildings, open porches or steps.

TABLE IV: Minimum Floor Area Requirements for Dwelling Units

Dwelling Type	Area Required Per Unit (square feet)	
	1 Story	1 ½ to 2 ½ Stories
Dwelling, detached, single-family R-1	1,200	1,400
Dwelling, detached, single-family R-2	900	1,000
Dwelling, detached, single-family R-3	720	900
Dwelling, ((semidetached or two-family)) DUPLEX R-2	900	1,000
Dwelling, ((semidetached or two-family)) DUPLEX R-3	720	900
Dwelling, ((quad or garden)) apartments((, multifamily))	500 ((square feet minimum per unit))	500 ((square feet minimum per unit))
Dwelling, townhouses	720	900

C. Transit Oriented Development District. This section is not applicable within the Transit Oriented Development Districts.

D. DWELLINGS LOCATED IN OTHER THAN RESIDENTIAL ZONING DISTRICTS SHALL COMPLY WITH THE MINIMUM FLOOR AREA REQUIREMENTS OF THE R-3 RESIDENTIAL DISTRICT UNLESS OTHERWISE NOTED.

E. ANY PERMITTED ACCESSORY APARTMENT SHALL NOT EXCEED 50% OF THE ABOVE GRADE LIVING AREA OF THE PRINCIPAL USE OR STRUCTURE

AS SHOWN IN THE RECORDS OF THE MARYLAND DEPARTMENT OF  
ASSESSMENTS AND TAXATION.

§ 235-23. General yard requirements.

F. Fences ((and hedges)) may be located in required yards in accordance with the following:

(1) Residential zoning districts.

(a) Front yards. Fences ((and hedges)) shall not exceed four feet in height above ground elevation. No walls or chain link fences are permitted in the front yard.

(b) Rear and side yards. Fences ((and hedges)) shall not exceed six feet in height above ground elevation and may be located in any rear or side yard.

\* \* \*

(e) Stormwater management facilities are required to be fenced and gated in accordance with stormwater management regulations. In residential districts, the fencing shall be approved by the Aberdeen Department of Public Works and will complement the architectural features of the neighborhood.

(F) ALL FENCES SHALL BE MAINTAINED IN A STRUCTURALLY SOUND MANNER.

\* \* \*

(2) Commercial ((,)) OR industrial ((, or agricultural)) zoning districts.

(a) Chain link security fences not exceeding a total of eight feet in height above the elevation of the surface may be located around commercial or industrial structures located in any commercial((,)) OR industrial((, or agricultural)) district or around any public utility substation.

(b) A barbed wire guard not exceeding two feet in vertical height may be added to such a fence, provided that no barbed wire may be placed less than eight feet from the ground.

§ 235-24. General height requirements.

A. Residential zoning districts.

(1) Requirements in THE R-1 ((and R-2)) Zoning ((Districts are as follows)) DISTRICT:

(a) No principal structure shall exceed 40 feet in height.



(b) No accessory structure shall exceed 20 feet in height ((or the height of the principal structure)).

(2) REQUIREMENTS IN THE R-2 ZONING DISTRICT:

(A) NO PRINCIPAL STRUCTURE SHALL EXCEED 40 FEET IN HEIGHT.

(B) NO ACCESSORY STRUCTURE SHALL EXCEED 20 FEET IN HEIGHT.

((2)) (3) Requirements in THE R-3 Zoning ((Districts are as follows)) DISTRICT:

(a) No ((dwelling)) PRINCIPAL STRUCTURE shall exceed 50 feet in height.

(b) No accessory structure shall exceed 20 feet in height ((or the height of the principal structure)).

B. Commercial and industrial zoning districts.

(1) ((Buildings)) EXCEPT AS PROVIDED IN SUBSECTION C(1), BUILDINGS AND STRUCTURES shall not exceed 60 feet in height in any B Districts.

(2) ((In industrial districts, no)) EXCEPT AS PROVIDED IN SUBSECTION C., BUILDINGS AND structures shall NOT exceed 60 feet in height((,)) IN AN INDUSTRIAL DISTRICT ((except that grain elevators, gas holders, coal bunkers, oil cracking towers and other similar structures may have a maximum height of 125 feet. Whenever any building or structure adjoins or abuts a residential district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet)).

C. Exceptions and modifications to maximum height requirements.

(1) General exceptions. The building height limitations shall not apply to the following:

(a) Fire or parapet walls, CELL towers, steeples, flagpoles, and radio and television antennas.

(b) Bulkheads, roof structures, water tanks, ventilating fans or similar MECHANICAL equipment required to operate and maintain the building.

(c) Integrated Business District.

(d) Transit Oriented Development Districts.

(2) GENERAL MODIFICATIONS IN INDUSTRIAL DISTRICTS. GRAIN ELEVATORS, GAS HOLDERS, AND OTHER SIMILAR STRUCTURES MAY HAVE A MAXIMUM HEIGHT OF 125 FEET. WHENEVER ANY BUILDING OR STRUCTURE ADJOINS OR ABUTS A RESIDENTIAL DISTRICT, SUCH BUILDING OR STRUCTURE SHALL NOT EXCEED 60 FEET IN HEIGHT UNLESS SETBACK ONE FOOT FROM ALL REQUIRED LOT LINES FOR EACH FOOT OF ADDITIONAL HEIGHT ABOVE 60 FEET.

§ 235-25. Off-street parking and loading requirements.

A. Generally. No structure shall be erected, substantially altered, or its use changed unless permanent off-street parking and loading spaces have been provided in accordance with this chapter. In the ((Transit Oriented Development Districts, the)) I-95 and Downtown Revitalization Overlay Districts and the Integrated Business District, the special parking provisions described therein will apply UNLESS NOTED OTHERWISE FOR SPECIFIC USES. PARKING REQUIREMENTS ARE SPECIFIED FOR PARTICULAR USES IN SUBSECTION B OF THIS SECTION. ISSUANCE OF ANY BUILDING PERMITS OR USE AND OCCUPANCY CERTIFICATES SHALL NOT BE GRANTED UNTIL A PLOT PLAN SHOWING SUCH OFF-STREET PARKING AS IS HEREIN REQUIRED IS SUBMITTED AND APPROVED BY THE ZONING ADMINISTRATOR. THE NUMBER OF PARKING SPACES REQUIRED SHALL BE BASED ON THE GROSS FLOOR AREA OF THE USE, EXCLUDING INCIDENTAL STORAGE, MECHANICAL AREAS, PREPARATION AREAS, AND COMMON AREAS SUCH AS PUBLIC CORRIDORS, STAIRWELLS, AND ELEVATORS.

(1) ((The number of individual seats, except as otherwise required, shall determine parking and loading requirements per seat.

(2) )) Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lot.

((((3))) (2) Each required off-street parking space shall measure a minimum of nine feet IN WIDTH by 18 feet IN LENGTH ((unless the spaces are designated handicapped parking)). PARKING SPACES FOR THE PHYSICALLY HANDICAPPED SHALL MEET THE AMERICANS WITH DISABILITIES ACT (ADA). ((For calculating the minimum gross area for the required parking, driving aisle, general circulation, and landscaping, 325 square feet per parking space shall be used.))

((((4))) (3) In the B-1, B-2, and B-3 Districts, all commercial vehicles owned OR POSSESSED by ((the)) AN OWNER OF property ((owners)) or THE OWNER'S tenants, INCLUDING VEHICLES USED IN CONNECTION WITH A BUSINESS ON THE PROPERTY, must be parked in the rear of the property.

((((5) Parking and loading space requirements for two or more main uses on the same property shall be the sum of the individual requirements for each such use, except

where different uses will be operating during different time segments. In the latter case, such requirements shall be the greater of the individual use requirements operating at any time period.

(6) Provisions for the physically handicapped shall be provided pursuant to state law.

((7))) (4) All ((required)) parking areas ((;)), loading areas ((,)) and driveways shall ((provide a)) BE CONSTRUCTED OF concrete or bituminous ((finished surface)) MATERIALS. ((The surface shall be marked to provide for orderly and safe loading or parking of vehicles.))

(5) ALL PARKING AREAS SHALL BE MARKED TO PROVIDE ORDERLY AND SAFE LOADING, PARKING, AND STORAGE.

((8))) (6) Parking lot landscaping requirement: ((5%)) 10% of the required parking area shall be landscaped. The parking area shall be set back a minimum of five feet from collector road rights-of-way and 10 feet from arterial road rights-of-way. ((A landscaped bed to include one medium or large tree, when fully matured, will be provided for every 10 parking spaces, subject to review of a landscape plan. ((The)) A landscape plan will be required ((to be)) AND prepared by a licensed landscape architect AND SUBMITTED TO THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FOR REVIEW AND APPROVAL.

((9))) (7) ((Residential group parking areas shall not serve as general circulation.)) COMMON RESIDENTIAL PARKING AREAS SHALL INCLUDE ACCESS INTO ADJOINING PROPERTIES.

((10))) (8) Two access points are required for more than 100 residential dwelling units and hotels with more than ((75)) 100 rooms.

((11)) The number of residential parking spaces in an unbroken row shall not exceed 16.

(12) Lighting used to illuminate parking areas shall be directed away from adjoining residential premises.)) (9) THE PARKING LOT LIGHTING SHALL BE DIRECTED DOWNWARD AND NOT ONTO ADJACENT PROPERTIES.

((13))) (10) Drive aisle widths shall be a minimum of 24 feet in width.

(11) SHARED PARKING FACILITIES MAY BE ALLOWED AFTER REVIEWING THE DIFFERENT USES WITHIN AN INDIVIDUAL BUILDING OR ADJACENT BUILDINGS OR PROPERTIES LOCATED WITHIN FIVE HUNDRED (500) FEET OF THE SUBJECT PROPERTY'S BOUNDARIES BASED ON A PARKING IMPACT STUDY PROVIDED BY THE DEVELOPER(S) OR OWNER(S) ESTABLISHING THAT THE ESTIMATED PEAK DEMAND FOR PARKING REQUIRED BY THE USERS WILL BE SATISFIED DUE TO DIFFERING HOURS OF PEAK DEMAND, IF APPROVED, A SHARED PARKING PLAN

SHALL BE ENFORCED THROUGH WRITTEN AGREEMENT AND  
APPROVED BY THE ZONING ADMINISTRATOR.

(A) AGREEMENT FOR SHARED PARKING PLAN. A DRAFT COPY OF THE  
AGREEMENT BETWEEN THE OWNERS OF RECORD SHALL BE  
SUBMITTED TO THE ZONING ADMINISTRATOR, WHO SHALL  
FORWARD A COPY TO THE CITY'S LEGAL COUNSEL FOR REVIEW.  
AFTER APPROVAL THE AGREEMENT SHALL BE RECORDED IN THE  
LAND RECORDS OF HARFORD COUNTY AND A COPY PRESENTED TO  
THE ZONING ADMINISTRATOR PRIOR TO ISSUANCE OF A  
CERTIFICATE OF OCCUPANCY. THE AGREEMENT SHALL:

[1] LIST THE NAMES AND OWNERSHIP INTEREST OF ALL PARTIES TO  
THE AGREEMENT AND CONTAIN THE SIGNATURES OF THOSE  
PARTIES;

[2] PROVIDE A LEGAL DESCRIPTION OF THE LAND;

[3] INCLUDE A SITE PLAN SHOWING THE AREA OF THE PARKING  
PARCEL;

[4] DESCRIBE THE AREA OF THE PARKING PARCEL AND DESIGNATE  
AND RESERVE IT FOR SHARED PARKING UNENCUMBERED BY ANY  
CONDITIONS WHICH WOULD INTERFERE WITH ITS USE;

[5] AGREE AND EXPRESSLY DECLARE THE INTENT FOR THE  
COVENANT TO RUN WITH THE LAND AND BIND ALL PARTIES AND  
ALL SUCCESSORS IN INTEREST TO THE COVENANT;

[6] ENSURE THE CONTINUED AVAILABILITY OF THE SPACES FOR  
JOINT USE AND PROVIDE ASSURANCE THAT ALL SPACES WILL BE  
USABLE TO ALL PARTICIPATING USES;

[7] DESCRIBE THE OBLIGATIONS OF EACH PARTY, INCLUDING THE  
MAINTENANCE RESPONSIBILITY FOR THE PARKING AREA AND ANY  
OPEN SPACE;

[8] INCORPORATE THE PARKING IMPACT STUDY BY REFERENCE;  
AND

[9] DESCRIBE THE METHOD BY WHICH THE COVENANT SHALL, IF  
NECESSARY, BE REVISED.

(B) CHANGE IN USE. SHOULD ANY OF THE SHARED PARKING USES BE  
CHANGED, OR SHOULD THE ZONING ADMINISTRATOR FIND THAT

1 ANY OF THE CONDITIONS DESCRIBED IN THE APPROVED PARKING  
2 IMPACT STUDY OR AGREEMENT NO LONGER EXIST, THE OWNER  
3 SHALL HAVE THE OPTION OF SUBMITTING A REVISED PARKING  
4 IMPACT STUDY AND AN AMENDED SHARED PARKING AGREEMENT  
5 IN ACCORDANCE WITH THE STANDARDS OF THIS SUBSECTION,  
6 PROVIDING THE NUMBER OF SPACES REQUIRED FOR EACH USE AS IF  
7 COMPUTED SEPARATELY.

8  
9 (C) REVOCATION OF PERMITS. FAILURE TO COMPLY WITH THE SHARED  
10 PARKING PROVISIONS OF THIS SUBSECTION SHALL CONSTITUTE A  
11 VIOLATION OF THIS CHAPTER AND SHALL SPECIFICALLY BE CAUSE  
12 FOR REVOCATION OF A CERTIFICATE OF OCCUPANCY.

13  
14 (12) GENERAL REQUIREMENTS FOR PARKING LOT/DRIVEWAY DESIGN,  
15 CONSTRUCTION, AND MAINTENANCE ARE AS FOLLOWS:

16  
17 (A) PARKING AREAS SHALL BE DESIGNED SO THAT VEHICLES MAY EXIT  
18 SUCH AREAS WITHOUT BACKING ONTO A PUBLIC STREET. THIS  
19 REQUIREMENT DOES NOT APPLY TO PARKING AREAS CONSISTING  
20 OF DRIVEWAYS THAT SERVE ONE OR TWO DWELLING UNITS,  
21 ALTHOUGH BACKING ONTO ARTERIAL STREETS IS DISCOURAGED.

22  
23 (B) PARKING AREAS SHALL BE DESIGNED SO THAT SANITATION,  
24 EMERGENCY, AND OTHER PUBLIC SERVICE VEHICLES CAN SERVE  
25 SUCH DEVELOPMENTS WITHOUT THE NECESSITY OF BACKING  
26 UNREASONABLE DISTANCES OR MAKING OTHER DANGEROUS OR  
27 HAZARDOUS TURNING MOVEMENTS.

28  
29 (C) PARKING AREAS SHALL BE DESIGNED SO THAT VEHICLES CANNOT  
30 EXTEND BEYOND THE PERIMETER OF ANY SUCH AREA ONTO  
31 ADJACENT PROPERTIES OR PUBLIC RIGHTS-OF-WAY. SUCH AREAS  
32 SHALL ALSO BE DESIGNED SO THAT VEHICLES DO NOT EXTEND  
33 OVER SIDEWALKS OR TEND TO BUMP AGAINST OR DAMAGE ANY  
34 WALL, VEGETATION, OR OTHER OBSTRUCTION. BUMPER BLOCKS  
35 OR OTHER MEANS MAY BE REQUIRED TO ENSURE THIS PROVISION.

36  
37 (D) ACCESS TO PARKING AREAS SHALL BE DESIGNED SO AS NOT TO  
38 OBSTRUCT FREE FLOW OF TRAFFIC. THERE SHALL BE ADEQUATE  
39 PROVISION FOR INGRESS TO AND EGRESS FROM ALL PARKING  
40 SPACES TO ENSURE EASE OF MOBILITY, AMPLE CLEARANCE, AND  
41 SAFETY OF VEHICLES AND PEDESTRIANS.

42  
43 (E) ANY REQUIRED PARKING AREA SHALL BE CONTINUALLY  
44 MAINTAINED IN GOOD SERVICEABLE CONDITION WITH STRIPING  
45 CLEARLY VISIBLE SO AS TO BE SAFE, ATTRACTIVE, AND FREE OF

ANY HAZARD, NUISANCE OR OTHER UNSAFE CONDITION.  
COMMERCIAL PARKING AREAS SHALL BE MAINTAINED TO ENSURE  
CUSTOMER SAFETY. ALL POTHOLES OR SIMILAR HAZARDS SHALL  
BE REPAIRED PROMPTLY UPON WRITTEN NOTIFICATION BY THE  
CITY. IN NO CASE SHALL SUCH CONDITIONS EXIST FOR MORE THAN  
SIXTY (60) DAYS.

- B. Parking space requirements. WHEN DETERMINATION OF THE NUMBER OF  
REQUIRED PARKING SPACES RESULTS IN A FRACTIONAL SPACE, ANY  
FRACTION OF  $\frac{1}{2}$  OR LESS MAY BE DISREGARDED, WHILE A FRACTION IN  
EXCESS OF  $\frac{1}{2}$  SHALL BE COUNTED AS ONE PARKING SPACE. Unless otherwise  
provided, the following off-street parking space requirements shall apply:

Required Off-Street Parking by Use/Activity

Use or Use Category	Spaces Required Per Unit
Residential	
AGE-RESTRICTED HOUSING	2 SPACES per dwelling unit
APARTMENT ACCESSORY TO A COMMERCIAL USE	1.5 SPACES PER DWELLING UNIT
APARTMENT ACCESSORY TO PRIMARY RESIDENCE	1 SPACE PER DWELLING UNIT
((Multifamily)) Apartments/condos 1 bedroom	1.5 SPACES PER DWELLING UNIT
2 bedrooms	2 SPACES PER DWELLING UNIT
For each bedroom over 2	1 SPACE per bedroom
ASSISTED LIVING FACILITY	1 SPACE PER STAFF AND 1 SPACE PER 2 RESIDENTS
Bed and Breakfast	1 SPACE per room or unit which is rented PLUS 1 SPACE PER EMPLOYEE
((Single-family detached housing	2 per dwelling unit

1	Single-family attached housing (duplex and	
2	townhouse)	2.5 per dwelling unit
3		
4	Multifamily apartments/condos	
5	1 bedroom	1.5
6	2 bedroom	2
7	For each bedroom over 2	1 per bedroom
8		
9	Day care (family)	Dwelling requirements and 1 per
10		employee
11		
12	Halfway house	1 per staff person and 1 per 2
13		residents
14		
15	Age-restricted housing/life care facility	2 per dwelling unit))
16		
17		
18	Continuing care facility	((See applicable housing type))
19		1 SPACE PER STAFF AND 1
20		SPACE PER 2 RESIDENTS
21		
22	Day care (family)	((Dwelling requirements and 1 per
23		employee)) 2 SPACES PER
24		DWELLING UNIT PLUS 1 SPACE
25		PER EMPLOYEE
26		
27	DWELLING, DETACHED, MODULAR	2 SPACES PER DWELLING UNIT
28		
29	DWELLING, DETACHED, SINGLE FAMILY	2 SPACES per dwelling unit
30		
31	DWELLING, ATTACHED, SINGLE FAMILY	2.5 SPACES per dwelling unit
32	(DUPLEX AND TOWNHOUSE)	
33		
34	HALFWAY HOUSE	1 SPACE PER STAFF PERSON
35		AND 1 SPACE PER 2 RESIDENTS
36		
37	PERSONAL CARE HOME	3 SPACES PER EVERY 5 BEDS
38		
39		
40	Commercial	
41		
42	Agricultural machinery sales and service	1 SPACE per 200 square feet of
43		retail area plus 1 SPACE per 800
44		square feet of storage area
45		

1	ATHLETIC FACILITIES OR CLUBS (INDOOR)	1 SPACE PER 200 SQUARE FEET
2		OF GROSS FLOOR AREA
3		
4	AUCTION HOUSE	1 SPACE PER 6 SEATS OR 1
5		SPACE PER 400 SQUARE FEET,
6		WHICHEVER IS GREATER
7		
8	Automobile or boat sales/rental	1 SPACE per 300 square feet of
9		gross floor area (excluding storage
10		areas)
11		
12	Automobile car wash	1 SPACE per 2 employees plus 7
13		stacking spaces per washing lane
14		
15	Automobile ((filling station or)) repair shop	1 SPACE per 100 square feet station
16	((with or without convenience store))	for the station ((plus 1 per 150
17		square feet of net retail floor area)),
18		minimum of 8
19		
20	AUTOMOTIVE PAINTING AND BODY WORK	1 SPACE PER 200 SQUARE FEET
21		OF GROSS FLOOR AREA
22		
23	Banks or financial institutions with or	1 SPACE per 300 square feet of
24	without drive-through facilities	gross floor area WITHOUT DRIVE-
25		THROUGH FACILITIES and
26		stacking for 4 vehicles at each drive-
27		through((/)) LANE OR
28		AUTOMATED TELLER
29		MACHINE (ATM)
30		
31	Banquet facility	1 SPACE per 3 seats, plus 1 SPACE
32		per every 1.5 employees
33		
34	BREW PUBS	1 SPACE PER 3 PATRON SEATS
35		PLUS 1 SPACE PER EMPLOYEE
36		
37	Bus ((or)) STATION, train station, taxi depot,	1 SPACE per 200 square feet of
38	and transit center	gross floor area, minimum of 10
39		SPACES per facility
40		
41	Business services	1 SPACE per 200 square feet of
42		gross floor area, plus 1 SPACE per
43		each full-time employee
44		
45	Coliseums, ARENAS, stadiums and sports	1 SPACE per 4 seats (restaurant/



1	camp	banquet/retail to be treated
2		separately)
3		
4	Commercial, amusement, ENTERTAINMENT, and	1 SPACE per 300 square feet of
5	recreational facilities	gross floor area any building; golf
6		course, 4 SPACES per hole; bowling
7		alley, 4 SPACES per lane
8		
9	Conference center	1 SPACE per 4 seats
10		(restaurant/banquet/retail to be
11		treated separately)
12		
13	Construction services and suppliers	1 SPACE per 200 square feet of
14		retail area, plus 1 SPACE per 800
15		square feet of storage area
16		
17	Convenience retail establishment with	1 SPACE per 300 square feet of
18	accessory fuel pumps	gross retail floor area plus 2 stacking
19		SPACES per side of each fuel pump
20		island
21		
22	Day-care center (group)	1 SPACE per employee and 1
23		SPACE per 10 children/students
24		
25	DAY SPA	1 SPACE PER 100 SQUARE FEET
26		OF GROSS FLOOR AREA
27		
28	Dental office	5 SPACES per dentist
29		
30	DORMITORY	1 SPACE PER 2 BEDS
31		
32	FORTUNE-TELLING	1 SPACE PER 200 SQUARE FEET
33		OF GROSS FLOOR AREA
34		
35	Fuel storage facility	1 SPACE per each employee at
36		largest shift
37		
38	Funeral home	1 SPACE per 100 square feet of
39		gross floor area
40		
41	((Gourmet food establishment	1 per 200 square feet of net retail
42		floor area))
43		

1	Greenhouse/nursery	4 SPACES per 1,000 square feet of
2		((lot area used for storage, display or
3		sales)) GROSS FLOOR AREA
4		
5	Heliports and helistops	((To be determined by Planning
6		Commission)) 1 SPACE PER
7		PILOT AND PASSENGER
8		
9	Hotel, FULL SERVICE/motel	1 space for every room plus 2 spaces
10		for each management staff
11		(restaurant/banquet/retail in
12		motel/hotel to be treated separately)
13		
14	Kennel	1 SPACE per 200 square feet of
15		gross floor area
16		
17	LIQUOR STORE	1 SPACE PER 200 SQUARE FEET
18		OF GROSS FLOOR AREA
19		
20	((Main Street retail center	1 per 200 square feet of gross retail
21		floor area plus 1 per employee at
22		largest shift))
23		
24	MEDICAL CANNABIS	1 SPACE PER EMPLOYEE AT
25	DISPENSARY	LARGEST SHIFT
26		
27	MEDICAL CANNABIS	1 SPACE PER EMPLOYEE AT
28	GROWER	LARGEST SHIFT
29		
30	MEDICAL CANNABIS	1 SPACE PER EMPLOYEE AT
31	PROCESSOR	LARGEST SHIFT
32		
33	Medical services	5 SPACES per doctor
34		
35	MICROBREWERIES	1 SPACE PER 3 PATRON SEATS
36		PLUS 1 SPACE PER EMPLOYEE
37		
38	MINI WAREHOUSE FACILITIES	1 SPACE PER EMPLOYEE
39		
40	Mobile home sales OFFICE	1 SPACE per 300 square feet of
41		gross floor area
42		
43	((Motor vehicle painting and body work	1 per 200 square feet of gross floor
44		area))
45		

1	Movie theaters	1 SPACE per 4 seats
2		
3	Nightclubs, lounges, bars and taverns	1 SPACE per 3 persons permitted
4		under the State Fire Code
5		
6	Office building	1 SPACE per 300 square feet of
7		gross floor area
8		
9	Open air market (farm, craft, and produce	1 SPACE per 200 square feet of lot
10	markets)	area used for storage, display or sales
11		
12	Personal services	1 SPACE per 200 square feet of
13		gross floor area
14		
15	PET STORE	1 SPACE PER 200 SQUARE FEET
16		OF GROSS FLOOR AREA
17		
18	PHARMACY WITH OR WITHOUT DRIVE-	1 SPACE PER 200 SQUARE
19	THROUGH FACILITIES	FEET OF GROSS FLOOR AREA
20		AND STACKING FOR 4
21		VEHICLES AT EACH DRIVE-
22		THROUGH LANE
23		
24	Radio and television station	1 SPACE per employee at largest
25		shift plus 4 visitor spaces
26		
27	Restaurant	1 SPACE per 3 patron seats plus 1
28		SPACE per employee at largest shift
29		and 2 SPACES for carry-out service
30		(if needed)
31		
32	Restaurant with drive-through facility	1 SPACE per 3 patron seats plus 1
33		SPACE per employee at largest shift
34		and 7 stacking spaces for drive-
35		through window
36		
37	RETAIL USES (UNLESS SPECIFIED	1 SPACE PER 200 SQUARE FEET
38	OTHERWISE)	OF RETAIL SALES AREA
39		
40	((Shoppers' merchandise	1 per 200 square feet of gross retail
41		floor area plus 1 per employee at
42		largest shift))
43		
44	Shopping center	
45	Under 400,000 square feet	4 SPACES per 1,000 square feet

1	400,000 to 599,999 square feet	4.5 SPACES per 1,000 square feet
2	600,000 square feet and above	5 SPACES per 1,000 square feet
3		
4	TATTOO PARLORS	1 SPACE PER 200 SQUARE FEET
5		OF GROSS FLOOR AREA
6		
7	Truck repair ((or)), truck service station, OR	1 SPACE per 200 square
8	TRUCK TERMINAL	feet of gross floor area
9		
10	Veterinary services	1 SPACE per 300 square feet of
11		gross floor area
12		
13	((Wholesale or warehouse establishment))	
14	WAREHOUSE ESTABLISHMENTS	1 space per employee at largest shift
15		
16	WELDING AND METAL FABRICATION	1 SPACE PER 200 SQUARE FEET
17		OF GROSS FLOOR AREA
18		
19	WHOLESALE ESTABLISHMENTS	1 space per employee at largest shift
20		
21		
22	Industrial	
23		
24	((Manufacturing)) ANY MANUFACTURING USE	1 space per employee at largest shift
25		
26		
27	Institutional	
28		
29	Art galleries	1 SPACE per 400 square feet of
30		gross floor area DESIGNATED for
31		public use
32		
33	Auditorium/lecture halls/CONVENTION	1 SPACE per 3 persons based on
34	CENTERS	designed capacity of building
35		
36	((Churches, synagogues and	
37	associated)) PLACES OF	1 SPACE per 3 seats in the main
38	RELIGIOUS WORSHIP	chapel plus 1 SPACE for each
39	AND AFFILIATED schools	teacher
40		
41	Community center	1 SPACE per 250 square feet of
42		gross floor area
43		
44	Emergency medical service, fire station or	1 SPACE per employee on largest
45	police station	work shift

Hospital, nursing and other medical treatment OR SKILLED CARE facilities	1 SPACE per inpatient and/or outpatient bed plus 2 spaces per 3 employees on the largest work shift plus 1 space per staff doctor
Libraries and museums	1 SPACE per 400 square feet of gross floor area for public use
((Post office area))	1 per 300 square feet of gross floor area))
Public or governmental buildings	1 SPACE per employee at largest shift AND DESIGNATED VISITOR SPACES
Public utilities	((Refer to most similar nonpublic use)) 1 SPACE PER EMPLOYEE AT LARGEST SHIFT AND DESIGNATED VISITOR SPACES
Schools, colleges and universities, elementary and secondary, trade and vocational	1 SPACE per 3 college or university students; 1 SPACE per every 6 high school STUDENTS; 1 SPACE per every 15 elementary STUDENTS
Social or fraternal clubs, lodges, union halls and similar uses	1 SPACE per 3 persons permitted under Fire Code

C. ((Off-street parking shall comply with the state handicap parking requirements in addition to the above requirements.)) OFF-STREET LOADING AREAS.

(1) ANY USE WHICH REGULARLY RECEIVES DELIVERIES OR SHIPMENTS  
MUST PROVIDE OFF-STREET LOADING AREAS IN ACCORDANCE WITH  
THE REQUIREMENTS SPECIFIED BELOW:

GROSS FLOOR AREA OF BUILDING REQUIRED((*)) (SQUARE FEET)	NUMBER OF SPACES
1,000 to ((19,000)) 19,999	1
20,000 to ((79,000)) 79,999	2
80,000 to 127,999	3
128,000 to ((191,000)) 191,999	4
192,000 to 255,999	5
256,000 to 319,999	6

320,000 to 391,999  
392,000 AND MORE

7  
8

(2) MINIMUM DIMENSIONS OF 12 FEET BY 55 FEET AND OVERHEAD  
CLEARANCE OF 14 FEET FROM STREET GRADE ARE REQUIRED.

(3) LOADING AND UNLOADING AREAS SHALL BE SO LOCATED AND  
DESIGNED THAT THE VEHICLES INTENDED TO USE THEM CAN  
MANEUVER SAFELY AND CONVENIENTLY TO AND FROM A PUBLIC  
RIGHTS-OF-WAY AND COMPLETE THE LOADING AND UNLOADING  
OPERATIONS WITHOUT OBSTRUCTING OR INTERFERING WITH ANY  
PUBLIC RIGHT-OF-WAY, PARKING SPACE, PARKING LOT AISLE OR  
PEDESTRIAN WAY.

(4) NO LOADING AND UNLOADING AREAS MAY BE USED TO SATISFY THE  
AREA REQUIREMENTS FOR OFF-STREET PARKING, NOR SHALL ANY  
PORTION OF ANY OFF-STREET PARKING AREA BE USED TO SATISFY  
THE AREA REQUIREMENTS FOR LOADING AND UNLOADING.

(5) LOADING SPACES SHALL BE LOCATED AT LEAST 50 FEET FROM ANY  
RESIDENTIAL USE, UNLESS THE LOADING SPACE IS TOTALLY  
ENCLOSED WITHIN A BUILDING OR SCREENED BY A HEDGE, WALL, OR  
SOLID BOARD FENCE AT LEAST 6 FEET IN HEIGHT.

D. ((Joint parking requirements. The Planning Commission may allow joint use parking  
arrangements to enter into a written agreement acceptable to the City. Joint use  
arrangements may be authorized for a multiple-use facility when parking is provided at a  
common on-site facility that has the number of spaces required for each individual use. Joint  
use of the same parking spaces may be used to meet the parking and loading requirements if:

(1) The uses operate at different times with no overlay and the parking spaces provided  
are the number required for the greater generator; or

(2) The uses operate during overlapping time periods and the parking spaces provided are  
100% of the number required for the greater generator plus 50% of the number  
required for the secondary generator; and

(3) Vehicular and pedestrian access is provided within the development, separately from  
roads and highways.

E. Off-street loading.

(1) Any use which regularly receives deliveries or shipments must provide off-street  
loading facilities in accordance with the requirements specified below:

Gross Floor Area of Building  
(square feet)

Number of Spaces Required\*

1,000 to 19,000

1

20,000 to 79,000

2

80,000 to 127,999

3

128,000 to 191,000

4

192,000 to 255,999

5

256,000 to 319,999

6

320,000 to 391,999

7

\* Plus one space for each additional 72,000 square feet or fraction thereof

(2) Minimum dimensions of 12 feet by 55 feet and overhead clearance of 14 feet from street grade are required. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space or parking lot aisle.

(3) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(4) Loading spaces shall be located at least 50 feet from any residential district, unless the loading space is totally enclosed within a building or screened by a hedge, wall, or solid board fence at least six feet in height.

F. Parking and loading requirements may be waived or reduced if:

(1) The Board finds that the exceptional size or shape of the property or other exceptional situation or condition would justify the waiver or reduction.

(2) The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Adequate community parking and loading facilities are provided.

(4) Construction of existing buildings, problems of access, or size of lot makes impractical the provision of required loading space.))

PARKING AND LOADING SPACE REDUCTION. A REQUEST FOR A REDUCTION IN THE NUMBER OF REQUIRED PARKING OR LOADING SPACES MAY BE MADE BY FILING AN APPLICATION FOR A WAIVER WITH THE ZONING ADMINISTRATOR. UPON RECEIPT OF AN APPLICATION FOR PARKING OR LOADING SPACE WAIVER, A PUBLIC HEARING SHALL BE SCHEDULED BEFORE

1 THE BOARD OF APPEALS. A WAIVER OR REDUCTION OF THE PARKING AND  
2 LOADING REQUIREMENTS IN ANY DISTRICT MAY BE PERMITTED BY THE  
3 BOARD OF APPEALS WHENEVER THE CHARACTER OR USE OF THE BUILDING  
4 IS SUCH AS TO MAKE FULL PROVISION OF THE SPECIFIC PARKING AND  
5 LOADING REQUIREMENTS UNNECESSARY, OR WHERE ADEQUATE  
6 COMMUNITY LOADING FACILITIES ARE PROVIDED ON SITE, OR WHERE, DUE  
7 TO PROBLEMS OF ACCESS OR TO THE SIZE OF THE LOT, THE PROVISION OF  
8 THE REQUIRED LOADING SPACES IS IMPRACTICAL.  
9

10 (1) IN PERMITTING SUCH A WAIVER FOR NEW CONSTRUCTION, THE BOARD  
11 OF APPEALS MUST FIND THE FOLLOWING:  
12

13 [A] THE REQUIREMENTS FOR PARKING AND LOADING WOULD RESULT  
14 IN PARTICULAR OR EXCEPTIONAL DIFFICULTIES UPON THE OWNER  
15 OF SUCH PROPERTY; AND  
16

17 [B] SUCH RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL  
18 IMPAIRMENT OF THE INTENT OR PURPOSE OF THIS SECTION.  
19

20 (2) IN PERMITTING SUCH A WAIVER FOR EXISTING BUILDINGS, THE BOARD  
21 OF APPEALS MUST FIND THE FOLLOWING:  
22

23 [A] PROPOSED NEW USE OF THE BUILDING WOULD NORMALLY  
24 REQUIRE FEWER SPACES THAN THE PRIOR USE;  
25

26 [B] THE REDUCED NUMBER OF SPACES WILL BE ADEQUATE TO  
27 ACCOMMODATE THE PROPOSED USE; AND  
28

29 [C] ANY SUCH REDUCTION IN REQUIRED SPACES SHALL BE  
30 RESTRICTED TO SUCH PROPOSED NEW USE ONLY AND SHALL NOT  
31 OPERATE TO PERMIT A LATER OCCUPANCY OF SUCH BUILDING IF  
32 THE USE IS SUBSTANTIALLY CHANGED OR ENLARGED, UNLESS  
33 APPROVED BY THE BOARD OF APPEALS.  
34

35 (3) A COPY OF THE BOARD OF APPEALS DECISION ON ANY APPROVED  
36 PARKING AND LOADING SPACE REDUCTION SHALL BE ATTACHED TO  
37 THE BUILDING PERMIT AND/OR ANY CERTIFICATE OF OCCUPANCY  
38 PERMIT.  
39

40 ((G. The location of off-street parking areas on property adjacent to or at a reasonable distance  
41 from the premises on which parking areas are required by the parking regulations may be  
42 permitted where practical difficulties, including the acquisition of property, or undue  
43 hardships are encountered in locating such parking areas on the premises and where the  
44 purpose of these regulations to relieve congestion in the streets would be best served by  
45 permitting such parking off the premises.))



E.THERE ARE NO OFF-STREET PARKING REQUIREMENTS FOR THE TRANSIT  
ORIENTED DEVELOPMENT DISTRICTS.

§ 235-26. Outdoor storage.

A. Outdoor storage in commercial, industrial, ((ORE)) and TOD districts must meet the  
following requirements:

(1) Outdoor storage areas must be surrounded by a uniformly finished fence or wall not  
((exceeding eight feet in height)) TO EXCEED THE HEIGHT OF THE BUILDING.

(2) Such wall or fence shall be maintained in good repair.

(3) The items being stored within the wall or fence shall not exceed or be stacked to  
exceed the height of the wall or fence.

(4) ((Trailers for storage shall be prohibited.)) Storage of cars and trucks used in  
connection with the permitted trade or business shall be permitted without restriction.

(5) STORAGE TRAILERS OR SHIPPING CONTAINERS CANNOT BE USED FOR  
HABITATION.

B. Storage of construction equipment is not permitted in the R-1, R-2, R-3, B-1, B-2, IBD((,  
ORE)) or TOD Districts.

C. Temporary storage containers or similar storage units shall be permitted for no more than 30  
days with an approved building permit.

§ 235-27. Accessory uses and other restrictions.

J. Accessory uses in business and industrial districts.

(1) The following accessory uses shall be permitted in the business and industrial  
districts:

\* \* \*

(b) Accessory uses permitted in the residential districts AS PROVIDED IN  
SUBSECTION H. OF THIS SECTION. (((See § 235-27.)))

(2) Business, industrial, and institutional accessory structures shall be subject to the same  
side and rear yards as required for the principal structure.

(3) CONTRACTOR'S OFFICE AND CONSTRUCTION EQUIPMENT SHEDS OR ACCOMMODATIONS FOR SECURITY SHALL BE PERMITTED IF THE USE IS INCIDENTAL TO A CONSTRUCTION PROJECT. THE OFFICE OR SHED SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.

§ 235-28. Home occupations.

Home occupations or professional offices within the home shall be allowed in ((single- and two-family dwellings, apartments or condominiums,)) accordance with the following criteria:

- A. The home occupation must be incidental and subordinate to the residential use and shall not exceed 25% of the gross floor space of the principal building or dwelling unit.
- B. The home occupation shall be conducted within the dwelling unit, and no outdoor display or storage of materials, VEHICLES, goods, supplies or equipment used in the home occupation shall be permitted on the premises. No toxic, explosive, flammable, combustible, or noxious materials shall be stored on the premises.

\* \* \*

H. A HOME OCCUPATION PERMIT IS REQUIRED FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

§ 235-29. Temporary use permits.

Temporary uses AS SPECIFIED IN THE TABLE OF USES shall be permitted subject to the following:

- A. Permit. Temporary uses ((specified in this section)) require the issuance of a temporary use permit FOR THE USE LOCATION which shall specify the use, dates, ((and)) LOCATION, hours of operation and such OTHER information as REASONABLY may be required by the Zoning Administrator.
- B. Duration. UNLESS OTHERWISE SPECIFIED IN SUBSECTION C., ((Temporary uses exceeding)) A TEMPORARY USE MAY NOT EXCEED five consecutive days ((or 15 days in any twelve-month period shall require the approval of the Board of Appeals)).
- C. Specific temporary uses. The temporary uses described below shall be subject to the following DURATION LIMITATIONS:

- (1) A carnival, circus, CRAFT SHOW, ANIMAL SHOW, ((or public)), FLEA MARKET, FESTIVAL, FAIR OR SIMILAR event shall be allowed ((in commercial and industrial districts)) for a maximum period of SEVEN CONSECUTIVE DAYS AND 15 CUMULATIVE days IN A 12 CALENDAR MONTH PERIOD ((, provided

that no structure or equipment shall be located within 200 feet of any residential district. When a carnival, circus or public event accommodates more than 300 people, it shall be subject to the following additional requirements:

(a) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three days thereafter. A bond, other security or a signed contract with a disposal firm shall be provided to ensure that the premises shall be cleared of all debris.

(b) Adequate off-street parking shall be provided.

(c) The applicant shall notify the local enforcement authority and shall provide adequate traffic control)).

(2) Contractor's office and construction equipment sheds or accommodations for security ((shall be permitted in any district if the use is)) incidental to a construction project ((. The office or shed)) shall be removed upon completion of the project.

(3) A real estate sales office ((shall be permitted in any district)) for rental or sale of dwellings in ((the)) A project ((. The office)) shall be removed upon initial sale of all units. ((A rental office may be permanently maintained in a rental project.))

(4) When a fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted for a period of 12 months, BUT ONLY if water and sanitary facilities ARE approved by the ((State Department of Health and Mental Hygiene are provided)) CITY OF ABERDEEN'S DEPARTMENT OF PUBLIC WORKS. The Zoning Administrator may extend the permit an additional 60 days, if necessary. ((Further extension thereof shall require Board approval.)) The mobile home shall be removed from the property AT THE EXPIRATION OF THE PERMITTED TIME OR upon completion of the new or rehabilitated residence, WHICHEVER OCCURS FIRST.

(5) Temporary stands for seasonal sales of products ((, provided that no retail or wholesale business office or store is permanently maintained on the premises)) SHALL BE ALLOWED FOR A MAXIMUM PERIOD OF 90 DAYS IN ANY CONSECUTIVE 12 MONTH PERIOD.

D. SPECIFIC TEMPORARY USE CRITERIA. EACH TEMPORARY USE MUST COMPLY WITH THE FOLLOWING CRITERIA:

(1) EACH APPLICATION FOR A TEMPORARY USE PERMIT MUST BE ACCOMPANIED BY A SITE PLAN DRAWN TO SCALE THAT ACCURATELY DEMONSTRATES COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

- (2) THE PROPOSED SITE SHALL BE OF SUFFICIENT SIZE TO ACCOMMODATE THE PROPOSED TEMPORARY USE AND ASSOCIATED PARKING WITHOUT ADVERSELY AFFECTING ADJACENT LAND USES.
- (3) THE TEMPORARY USE AND ALL STRUCTURES RELATED TO THE USE SHALL COMPLY WITH ALL SETBACKS FOR THE ZONE IN WHICH THE USE IS LOCATED.
- (4) NO TEMPORARY STRUCTURE, FACILITIES OR EQUIPMENT FOR THE USE MAY BE LOCATED CLOSER THAN 250 FEET FROM ANY RESIDENTIAL DISTRICT OR EXISTING DWELLING AND NO TEMPORARY USE ACTIVITY MAY TAKE PLACE MORE THAN 500 FEET FROM A RESIDENTIAL DISTRICT.
- (5) TEMPORARY USE OPERATIONS ADJACENT TO LAND USED FOR RESIDENTIAL PURPOSES SHALL COMMENCE NOT EARLIER THAN 7:00 A.M. AND CEASE NOT LATER THAN 11:00 P.M.
- (6) EXCEPT FOR A TEMPORARY USE IN A RESIDENTIAL DISTRICT, VEHICULAR ACCESS TO THE TEMPORARY USE SHALL BE DERIVED ONLY FROM AN ARTERIAL OR MAJOR COLLECTOR ROAD.
- (7) A MINIMUM OF ONE PARKING SPACE SHALL BE PROVIDED FOR EACH 500 SQUARE FEET OF GROUND AREA AT THE ACTIVITY.
- (8) ANY OUTDOOR ACTIVITY SITE FOR THE TEMPORARY USE SHALL BE CLEARED OF ALL LITTER AND DEBRIS AT THE END OF EACH DAY AND AT THE END OF THE EVENT, AND CLEARED OF ALL TEMPORARY STRUCTURES WITHIN THREE DAYS AFTER THE END OF THE EVENT. A SIGNED CONTRACT WITH A DISPOSAL FIRM SHALL BE PROVIDED TO ENSURE THAT THE SITE WILL BE CLEARED OF ALL LITTER AND DEBRIS.
- (9) THE HOLDER OF THE PERMIT SHALL PROVIDE FOR ADEQUATE TRAFFIC AND CROWD CONTROL FOR THE TEMPORARY USE.
- (10) IF THE PERMIT APPLICANT OR HOLDER OF THE PERMIT REQUESTS THE CITY TO PROVIDE EXTRAORDINARY SERVICES OR EQUIPMENT OR IT IS OTHERWISE DETERMINED THAT EXTRAORDINARY SERVICES OR EQUIPMENT SHOULD BE PROVIDED TO PROTECT THE PUBLIC HEALTH, SAFETY OR WELFARE, THE APPLICANT OR HOLDER OF THE PERMIT SHALL BE REQUIRED TO REIMBURSE THE CITY FOR THE COST OF THE SERVICES OR EQUIPMENT UNLESS THE CITY HAS ANTICIPATED THE SPECIFIC USE IN THE BUDGET AND APPROPRIATED SUFFICIENT FUNDS TO COVER THE COSTS INCURRED.

§ 235-30. LANDSCAPING, OUTDOOR LIGHTING, AND ((buffer)) BUFFER yards.

A. ((Purpose and location. Buffer yards shall be provided based on the schedule below to ameliorate conflicting adjacent uses.)) GENERAL LANDSCAPING REQUIREMENTS. A LANDSCAPE PLAN IS REQUIRED FOR ALL NONRESIDENTIAL DEVELOPMENT PROJECTS. THE LANDSCAPE PLAN SHALL BE REVIEWED AND APPROVED BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PUBLIC WORKS. THE LANDSCAPE PLAN SHALL:

- (1) INCLUDE PLANT MATERIALS SUCH AS TREES, SHRUBS, GROUND COVERS, PERENNIALS, AND OTHER MATERIALS, SUCH AS ROCKS, WATER, SCULPTURE, ART, WALLS, FENCES, PAVING MATERIALS, AND STREET FURNITURE.
- (2) SPECIFY THE LOCATION, SIZE, AND SPECIES OF PLANT MATERIALS, METHOD OF INSTALLATION, AND METHOD FOR MAINTENANCE AND RETENTION OF MATERIALS.
- (3) IDENTIFY ALL STREAMS, FLOODPLAIN ZONES, AND NONTIDAL WETLANDS ALONG WITH THE PRELIMINARY SITE PLAN. THE PLAN SHALL INDICATE ALL PLANS FOR TREE MAINTENANCE, STORMWATER MANAGEMENT, REVEGETATION AND ESTABLISHMENT OF VEGETATED BUFFERS AND THE METHOD OF PROVIDING PERPETUAL PROTECTION OF ANY SPECIAL FLOOD HAZARD AREAS AS REQUIRED BY CHAPTER 275, FLOODPLAIN MANAGEMENT, OF THE CODE OF THE CITY OF ABERDEEN.
- (4) INCLUDE STREET TREES LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY WHEREVER POSSIBLE, EMPHASIZE THE USE OF NATIVE VEGETATION, AND INCORPORATE SUSTAINABLE DEVELOPMENT PRACTICES THROUGH THE USE OF GREEN ROOFS AND ASSOCIATED SUSTAINABLE PLANTING PRACTICES WHEREVER POSSIBLE.

ANY APPLICANT SEEKING A MODIFICATION TO THE APPROVED LANDSCAPE PLAN SHALL SUBMIT A WRITTEN REQUEST TO THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT JUSTIFYING THE PROPOSED CHANGE AND A REVISED PLAN IDENTIFYING THE PROPOSED MODIFICATIONS.

B. GENERAL PLANTING REQUIREMENTS SHALL INCLUDE THE FOLLOWING:

- (1) ALL DECIDUOUS TREES SHALL HAVE A MINIMUM CALIPER OF TWO (2) INCHES. THE AREA BETWEEN THE TREES SHALL BE MULCHED AND THE LANDSCAPED BEDS WITH SHRUBS OR GROUND COVER SHALL BE MULCHED IN ACCORDANCE WITH LANDSCAPE INDUSTRY STANDARDS.

(2) TREES SHALL BE OF SUBSTANTIALLY UNIFORM SIZE AND SHAPE.

(3) EVERGREEN TREES USED AS SCREENING PLANTINGS SHALL BE A MINIMUM OF 5 FEET IN HEIGHT.

(4) ALL PLANT MATERIALS SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED AND FREE OF DEFECTS, DECAY, OR DISEASE INFESTATIONS. ALL REQUIRED PLANT MATERIALS SHALL BE MAINTAINED BY THE PROPERTY OWNER.

(5) WITHIN 1 YEAR OF PLANTING, ANY DEAD OR DYING TREES, OR PLANT MATERIALS SHALL BE REPLACED ONE TIME BY THE APPLICANT DURING THE NEXT PLANTING SEASON.

C. SPECIFIC LANDSCAPE REQUIREMENTS FOR PARKING LOTS.

(1) TEN PERCENT OF THE REQUIRED PARKING AREAS SHALL BE LANDSCAPED.

(2) PLANTING ISLANDS SHOULD BE USED TO DEFINE CIRCULATION PATTERNS AND PARKING BAYS. THEY SHOULD ALSO BE USED TO SOFTEN LARGE EXPANSES OF PAVING.

(3) LANDSCAPED ISLANDS SHOULD BE DISTRIBUTED THROUGHOUT THE PARKING LOT. IN LARGER PARKING LOTS, FEWER BUT LARGER ISLANDS MAY BE USED TO PROVIDE GREATER VISUAL RELIEF AND A HEALTHIER ENVIRONMENT FOR TREE GROWTH.

(4) TREES IN OR AT THE EDGE OF PARKING LOTS SHOULD BE SPECIES THAT BRANCH NO LOWER THAN 12 FEET FROM THE GROUND AT MATURITY TO ALLOW CARS AND TRUCKS TO CIRCULATE BENEATH THE CANOPY WITHOUT CAUSING DAMAGE.

(5) GOOD VISIBILITY IN PARKING LOTS IS IMPORTANT FOR SECURITY AND TRAFFIC SAFETY, PLANT MATERIALS AT VEHICULAR ENTRANCES SHOULD BE LOCATED TO MAINTAIN SAFE SIGHT DISTANCES.

(6) ALL SERVICE, DUMPSTER, STORAGE, AND UTILITY AREAS SHALL BE SCREENED.

D. OUTDOOR LIGHTING REQUIREMENTS.

(1) OUTDOOR LIGHTING FIXTURES SHALL BE INSTALLED IN A MANNER THAT MINIMIZES NEGATIVE IMPACTS FROM LIGHT POLLUTION INCLUDING LIGHT TRESPASS, GLARE, AND URBAN SKY GLOW IN ORDER TO PRESERVE ENJOYMENT OF THE NIGHT SKY AND MINIMIZE CONFLICT CAUSED BY UNNECESSARY ILLUMINATION.

(2) REGULATION OF OUTDOOR LIGHTING IS ALSO INTENDED TO PROMOTE LIGHTING DESIGN THAT PROVIDES FOR PUBLIC SAFETY AND CONSERVES ELECTRICAL ENERGY.

(3) ALL LIGHT FIXTURES, INCLUDING SECURITY LIGHTING SHALL BE AIMED OR SHIELDED SO THAT THE DIRECT ILLUMINATION SHALL BE CONFINED TO THE PROPERTY BOUNDARIES OF THE SOURCE. PARTICULAR CARE IS TO BE TAKEN TO ASSURE THAT THE DIRECT ILLUMINATION DOES NOT FALL ONTO OR ACROSS ANY PUBLIC OR PRIVATE STREET OR ROAD, EXCEPT FOR:

[A] RESIDENTIAL ENTRANCE LIGHTS INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND ALL SUBSEQUENT AMENDMENTS;

[B] OUTDOOR LIGHTING FIXTURES LESS THAN 4,050 LUMENS INCLUDING LANDSCAPE LIGHTING AND DECORATIVE LIGHTING;

[C] OUTDOOR LIGHTING INSTALLED TO MEET FEDERAL AVIATION ADMINISTRATION REQUIREMENTS;

[D] A DESIGNATED HISTORICAL STRUCTURE;

[E] LIGHTING FOR ALL OUTDOOR ATHLETIC FIELDS, COURTS, TRACKS, OR SPORTS FIELDS;

[F] OUTDOOR ILLUMINATED SIGNS; AND

[G] MAINTENANCE TO EXISTING OUTDOOR LIGHTING WHEN THE FOLLOWING APPLIES:

(I) THE WORK DOES NOT INVOLVE THE INSTALLATION OF A NEW LIGHT STANDARD, A NEW LIGHTING FIXTURE, OR NEW WIRING;

(II) THE WORK DOES NOT RESULT IN AN INCREASE IN ELECTRICAL LOAD; AND

(III) WHERE APPLICABLE, THE SPACING OF EXISTING PREVIOUSLY CONFORMING LIGHT STANDARDS IS GREATER THAN SIX TIMES THE MOUNTING HEIGHT OF THE EXISTING OUTDOOR LIGHTING.

(4) OUTDOOR LIGHTING SHALL NOT EXCEED A NOMINAL 4000 KELVIN COLOR CORRELATED TEMPERATURE (CCT).

(5) SEARCH LIGHTS, LASER SOURCE LIGHTS, STROBE OR FLASHING LIGHTS, OR ANY SIMILAR HIGH-INTENSITY LIGHT SHALL NOT BE PERMITTED, EXCEPT IN EMERGENCIES BY POLICE AND FIRE PERSONNEL AT THEIR DIRECTION.

(6) LIGHTING REQUIREMENTS FOR SUBDIVISIONS AND RESIDENTIAL DEVELOPMENTS SHALL FOLLOW THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS.

E. BUFFER YARD REQUIREMENTS.

(1) BUFFER YARDS SHALL BE LOCATED ON THE BOUNDARY OF A PROJECT WHICH ADJOINS THE USE TO BE BUFFERED AND SHALL BE IN ADDITION TO THE SETBACK AREAS OR YARDS OTHERWISE PROVIDED IN THIS CHAPTER. THE BUFFER YARD AREA SPECIFIED IN THIS SECTION MAY BE PART OF THE OPEN SPACE REQUIREMENTS.

(2) BUFFER YARDS MAY BE USED FOR PASSIVE RECREATION, INCLUDING TRAILS, BIKE PATHS, AND PICNIC AREAS, BUT SHALL NOT BE USED FOR ACTIVE RECREATION.

(3) THE FOLLOWING MINIMUM BUFFER YARD REQUIREMENTS SHALL BE APPLICABLE TO ALL DISTRICTS:

Proposed District or Use	Adjacent District or Use	Buffer Yard Width (Feet)
R-1 AND R-2	R-3 (SINGLE-FAMILY DWELLINGS)	10
R-1 AND R-2	R-3 (MULTIFAMILY DWELLINGS)	20
RESIDENTIAL REAR YARD	COLLECTOR AND ARTERIAL PUBLIC ROADS	25



ACTIVE PUBLIC RECREATION OVER 2 ACRES	RESIDENTIAL USE	50
B-1 DISTRICT	RESIDENTIAL (SINGLE-FAMILY DWELLINGS)	20
B-1 DISTRICT	RESIDENTIAL (MULTIFAMILY DWELLINGS)	15
B-2 DISTRICT	RESIDENTIAL (SINGLE-FAMILY DWELLINGS)	25
B-2 DISTRICT	RESIDENTIAL (MULTIFAMILY DWELLINGS)	15
B-3 DISTRICT	RESIDENTIAL (SINGLE-FAMILY DWELLINGS)	50
B-3 DISTRICT	RESIDENTIAL (MULTIFAMILY DWELLINGS)	35
M-1 DISTRICT	RESIDENTIAL DISTRICT	100
M-2 DISTRICT	RESIDENTIAL DISTRICT	100
ANY USE	WETLANDS, NON-TIDAL	25
ANY USE	EDGE OF WATERCOURSE IN FLOODPLAIN	100

(4) A BUFFER YARD SHALL BE LANDSCAPED TO SCREEN  
INCOMPATIBLE USES IN ACCORDANCE WITH ANY ONE OF THE  
FOLLOWING REQUIREMENTS:

[A] A PLANTING STRIP AT LEAST 10 FEET WIDE AT OR NEAR THE  
PROPERTY LINE, INCLUDING TREES OR SHRUBS AT LEAST TWO FEET  
HIGH AT THE TIME OF PLANTING, WHICH MAY BE EXPECTED TO  
FORM A YEAR ROUND SCREEN WITHIN THREE YEARS.

[B] A LANDSCAPED, ROLLING, EARTH MOUND OF A LEAST FOUR  
FEET IN HEIGHT.

[C] A SOLID FENCE OR WALL OF A MINIMUM OF FIVE FEET IN HEIGHT WITHOUT ADVERTISING, WHEN DESIGNED WITH DURABLE MATERIALS, TEXTURE AND COLORS COMPATIBLE WITH ADJACENT USES.

**SECTION 5. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-31 and 32 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article V, Special Developments and Regulations, are repealed and reenacted, with amendments, to read as follows:

### **Chapter 235. DEVELOPMENT CODE**

#### **Article V, Special Developments and Regulations**

§ 235-31. Townhouses.

The following regulations shall apply to townhouses.

\* \* \*

K. ((To promote interconnectivity for all existing and future developments, walking and biking trails and roads shall be connected to adjoining developments, to the extent possible.

L.)) A minimum of 20% of the gross land area to be developed as townhouses shall be used for ((recreational)) OPEN SPACE purposes. ((Recreational)) OPEN SPACE purposes shall include passive walking and biking trails and/or playgrounds.

((M.)) L. A minimum of 10% of each townhouse lot shall be landscaped. The landscaped area shall include a minimum of one tree at least 2.5 inches in caliper and four shrubs, and the yard areas shall be maintained in “green space” unless it is a driveway or designated parking area.

((N.)) M. The City’s Department of Planning and Community Development AND DEPARTMENT OF PUBLIC WORKS shall approve the landscape plan for the overall townhouse development as part of the approval process.

((O.)) N. Townhouse development shall be of such quality construction and materials to ensure that buildings will neither look dated or worn over time nor require excessive maintenance. ((Eighty-five)) FIFTY percent of the exterior building materials used on unit walls OF A TOWNHOUSE GROUP facing the public street shall be of clay brick, sandstone, fieldstone, cultured stone, thin brick, or decorative concrete masonry block. Exterior building materials shall be compatible with material and colors of nearby structures. Window and door openings shall not be included in calculating the ((eighty-five)) FIFTY percent building materials requirement.

O. SITE PLAN APPROVAL SHALL BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS.

§ 235-32. Zero lot line housing.

((Zero lot line housing may be approved in R-2 and R-3 Zones, provided that the following minimum conditions are met:)) ZERO LOT LINE HOUSING LAWFULLY CONSTRUCTED PRIOR TO THE ENACTMENT OF THIS CHAPTER WILL BE PERMITTED AND THE FOLLOWING REGULATIONS WILL APPLY:

A. Each zero lot line dwelling unit shall have off-street parking of two spaces.

B. ((Zero lot line development shall be limited to tracts of at least three (3) acres and not exceeding thirty (30) acres.

C. The City may impose conditions on its approval of zero lot line developments, including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.

D.)) Decks or porches shall be permitted into the larger side yard, provided that a minimum of ((12)) TWELVE (12) feet from the extreme edge of the deck or porch to the closest side yard property line is maintained.

((E.)) C. Decks or porches shall be permitted by this chapter and shall not be enclosed on the side yard. Solid walls around the deck or porch are prohibited.

((F.)) D. No roof or canopy shall be constructed over a deck.

((G.)) E. Garages shall be permitted, provided that the structure does not exceed twenty-five (25) percent of the principal structure.

((H.)) F. The following setbacks are established:

\* \* \*

**SECTION 6. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Section 235-33 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article V, Special Developments and Regulations, is repealed in its entirety.

**SECTION 7. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Sections 235-34, 35.C., 36, 37, 38, 39.1, and 40 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article V, Special Developments and Regulations, are repealed and reenacted, with amendments, to read as follows:

**Chapter 235. DEVELOPMENT CODE**

**Article V, Special Developments and Regulations**

§ 235-33. ((§ 235-34.)) Shopping centers and office, research or educational parks.

\* \* \*

**B. Requirements.**

(1) A shopping center shall have the following eligibility requirements:

- (a) A minimum parcel size of three acres;
- (b) Six or more business uses; AND
- (c) Building gross floor areas of at least 20,000 square feet ((; and
- (d) Location within a B-3 District)).

(2) An office, research or educational park shall have the following requirements:

- (a) A minimum parcel size of 10 acres; AND
- (b) Building gross floor areas of at least 100,000 square feet ((; and
- (c) Location within the ORE District)).

**C. Development standards.**

(1) Permitted uses. Those uses permitted in the zoning district in which the shopping center or office, research or educational park is located.

(2) Site design.

\* \* \*

((g)) Maximum building coverage is 45% of the site.))

\* \* \*

**F. Landscaping AND OUTDOOR LIGHTING.**

(1) TEN PERCENT OF THE REQUIRED PARKING AREAS SHALL BE LANDSCAPED.

(2) ANY LIGHTING USED TO ILLUMINATE ANY OFF-STREET PARKING AREAS SHALL BE SO ARRANGED AS TO DIRECT THE LIGHT AWAY FROM ADJOINING RESIDENTIAL PROPERTIES AND FROM ANY PUBLIC RIGHTS-OF-WAY. ALL LIGHT FIXTURES, INCLUDING SECURITY LIGHTING SHALL BE AIMED OR SHIELDED SO THAT THE DIRECT ILLUMINATION SHALL BE CONFINED TO THE PROPERTY BOUNDARIES OF THE SOURCE.

(3) ADEQUATE LIGHTING SHALL BE PROVIDED IN OUTDOOR AREAS OFTEN USED BY OCCUPANTS AFTER DARK, INCLUDING AREAS AROUND WALKWAYS, STEPS, RAMPS, AND SIGNS.

((1)) (4) Any part of the parcel not used for building or other structures or paved for parking or loading or pedestrian walks or utilized for outside storage shall be landscaped and properly maintained.

((2)) (5) All parking lots, loading areas and outdoor storage areas shall be separated from any adjacent residential districts by a landscaped buffer yard ((of at least 25 feet)) AS PROVIDED IN § 235-30.

G. ((Service and retail trade limitations in ORE District. Service and retail trade uses may be permitted in an ORE District when part of an overall development plan. Service uses, except personal services, may occupy up to 10% of the total gross floor area of the development of a building; retail trade and personal service uses up to 10%.

H.)) Approvals.

(1) The Planning Commission shall determine whether the ((concept)) PRELIMINARY SITE plan submitted for the shopping center or office, research or educational park complies with the SUBDIVISION REGULATIONS, AND THE development and design standards set forth herein. ((Office, research or educational parks shall be given priority in review.))

(2) The Zoning Administrator may approve minor modifications or amendments to the PRELIMINARY site plan after Planning Commission approval upon a finding that the modifications or amendments comply with the requirements of this section.

§ 235-35. Condominiums and common area.

C. The final SUBDIVISION plat of any such development shall be accompanied by a detailed statement or proposal including covenants, agreements or other specific documents showing ownership, method of maintenance, and utilization of those areas reserved for common use by dwelling unit owners in the development. Provisions satisfactory to the Council and

approved by the City shall be made to assure that the areas and facilities will be provided and maintained in a satisfactory manner without expense to the general public.

§ 235-36. ((Common)) Open space.

A. ((Common open)) OPEN space may contain such complementary structures or improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Open space requirements may be met by including areas in wetlands.

B. ((Common open)) OPEN space areas shall meet the following requirements:

(1) ((Common open)) OPEN space areas shall be exclusive of parking lots and road rights-of-way/parking areas.

(2) ((Common open)) OPEN space may serve recreational purposes and preserve significant site features. The uses authorized shall be appropriate to the purpose intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.

C. Ownership of open space shall be handled in the following manner:

(1) If joint use facilities are not dedicated to public use, they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Homeowners' association agreements, covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessments provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission.

(2) Unless the Planning Commission finds that the size, location, type of development or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the City. ((The Planning Commission generally will require dedication of all areas indicated for acquisition in the City's Comprehensive Plan.))

(3) Management of ((common)) open space property. The developer shall ensure that the ((common)) open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:

(a) The homeowners' association shall be established by the developer before sale or rental of dwelling units in the development and prior to final approval of the development plan by the Planning Commission.

(b) The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

(c) The homeowners' organization responsible for maintenance, preservation and improvement of ((common)) open space and all property owners within the development shall be permitted to participate in such organization.

(4) Areas set aside to meet the open space requirement shall be adequately described. Deed restrictions or covenants approved by the City shall ensure the purpose for which the open space is provided.

\* \* \*

§ 235-37. Nonconforming lots, buildings, structures and uses.

A. Generally. If within the zoning districts established by this chapter or amendments subsequently adopted there exist lots, buildings, structures or uses of land which were lawful prior to enactment of this chapter or subsequent amendments and which would not conform to regulations and restrictions under the terms of this chapter or amendments thereto, or which could not be built or used under this chapter, such nonconformities may continue to exist subject to the regulations contained in this section. Notwithstanding anything else in this ((§ 235-37)) § 235-36, after the effective date of § 235-18O, all new development, redevelopment, construction or reconstruction of a building, structure or land located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District shall comply with the requirements in § 235-18O.

\* \* \*

C. Nonconforming buildings, structures or uses. Nonconforming buildings, structures or uses may be continued subject to the following provisions:

(1) No nonconforming use shall be changed to a use not permitted by this chapter in the particular district in which the building or structure is located, except that whenever a nonconforming use has been changed to a more restricted use, such use shall not thereafter revert to a less restricted use.

(2) Abandonment. If a nonconforming use ceases for a period of one year or more, then the nonconforming use shall be deemed abandoned and compliance with this chapter

shall be required. The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

- (3) Any nonconforming building or structure which is damaged or destroyed may be reconstructed to its former dimensions on the same lot and with the same nonconforming use. THE NONCONFORMING BUILDING OR STRUCTURE MUST BE RECONSTRUCTED IN COMPLIANCE WITH THE BUILDING, ELECTRICAL, MECHANICAL, AND PLUMBING CODE REQUIREMENTS IN EFFECT. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any building or structure declared to be unsafe.

D. Enlargement or extension of nonconforming buildings, structures or uses. The Board OF APPEALS may authorize the extension or enlargement of a nonconforming use, building or structure, with or without conditions, provided that:

- (1) The enlargement or extension does not exceed 50% of the gross square footage in use at the time of the creation of the nonconformity.
- (2) The enlargement or extension does not violate the height or coverage regulations for the district.
- (3) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- (4) The Board of Appeals and Planning Commission SHALL consider the limitations, guides and standards set forth in this chapter.

((E. Any conditional use previously authorized by the Planning Commission legally existing at the effective date of regulations of this section shall be considered an existing special exception.))

§ 235-38. Mobile home parks.

Mobile home parks may be approved as a special exception in an R-3 District, provided that the following minimum conditions are met:

A. ((The City of Aberdeen will license mobile home parks.

B.)) Public water and sewerage shall serve the property and proper provisions shall be made for electrical connections, fire protection, and refuse collection. The Maryland State Department of Health and Mental Hygiene shall approve water and sewer systems.

B. ((C.)) The minimum total area of the park shall be five acres.

C. ((D.)) The minimum width or depth of the park shall not be less than 500 feet.



- 1  
2 D. ((E.)) The topography of the site shall be such as to facilitate proper drainage, and adequate  
3 stormwater facilities shall be provided.  
4  
5 E. ((F.)) The minimum area for each mobile home site shall be 4,000 square feet.  
6  
7 F. ((G.)) No lot width shall be less than 35 feet.  
8 G. ((H.)) Not less than 15% of the total area of a mobile home park shall be devoted to  
9 communal open space and recreational areas.  
10  
11 H. ((I.)) Access to the park shall be from a major thoroughfare. The number and location of  
12 access drives shall be controlled for traffic safety and protection of surrounding properties,  
13 provided that at least two entrances are available to assure access for emergency vehicles.  
14  
15 I. ((J.)) No mobile home site shall be designed for access to a street outside the boundaries of  
16 the park.  
17  
18 J. ((K.)) Interior access drives shall be hard surfaces, adequately lighted, and not less than 30  
19 feet in width.  
20  
21 K. ((L.)) Mobile home parks shall be surrounded by landscaped buffer strips, not comprising  
22 any mobile home site, measuring not less than 15 feet in depth on sides and rear and not less  
23 than 50 feet in depth along the front. The interior 30 feet of the front buffer may be used for  
24 street right-of-way.  
25  
26 L. ((M.)) No mobile home unit shall be positioned closer than 25 feet to any other unit or  
27 service building.  
28  
29 M. ((N.)) Off-street parking of two spaces per mobile home site shall be provided in accordance  
30 with the parking requirements.  
31  
32 N. ((O.)) Storage buildings shall be located in the rear yard, no closer than six feet to any lot  
33 line.  
34

35 \* \* \*

36  
37 § 235-39.1. Fortune-telling.

38  
39 Fortune-telling may be approved as a special exception in a ((B-3)) M-1 District, provided that  
40 the following minimum conditions are met:

41  
42 \* \* \*

43 § 235-40. Overlay district regulations and design requirements; Architectural Review  
44 Committee.  
45

A. General purpose.

(1) ((This section provides design requirements which describe the design vision that will help guide the City of Aberdeen. The emphasis in this section is on defining the general design, appearance, and layout of sites, buildings, neighborhoods, landscape elements, streets and sidewalks and pathways. All development, redevelopment, or additions to existing buildings within the overlay districts shall be subject to the design requirements.)) THE PURPOSE AND INTENT OF THIS SECTION IS TO PROVIDE DESIGN REQUIREMENTS THAT PROMOTE A POSITIVE AESTHETIC APPEARANCE; MAINTAIN THE CHARACTER AND SMALL TOWN ATMOSPHERE OF DOWNTOWN; AND ENSURE A HARMONIOUS BLENDING OF OLD AND NEW ARCHITECTURAL, STRUCTURAL, LANDSCAPE, AND LIGHTING FEATURES.

(2) ((Careful attention to attractive and citizen-friendly urban design is in the economic interests of a municipality, its citizens, and business owners. Attractive and integrated urban design features tend to improve the City's image, raise overall property values, attract new businesses and residents, and improve the quality of life. Research and experience have demonstrated that there is a positive return on investment for design features for government, private industry, and property owners. City expenditures on landscaped roadway medians, sidewalks, and street trees are likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban areas.)) THE DESIGN REQUIREMENTS OF THIS SECTION ARE INTENDED FOR USE IN MAKING CONSISTENT AND FAIR DECISIONS BASED ON DEFINED STANDARDS WHEN CONSTRUCTION OR RENOVATION OF BUILDINGS IS TO BE UNDERTAKEN WITHIN THE OVERLAY DISTRICTS OF THE CITY OF ABERDEEN.

(3) ((In towns and cities across the country there is a growing realization that incompatibility between adjacent sites is very often a function of design and development impacts rather than of differences in their land uses. The focus of current use-based development regulations is to require strict separation and substantial buffers between different land uses, regardless of design or site impacts; with appropriate and compatible urban design, it is reasonable to integrate commercial, office and residential uses.)) ALL DEVELOPMENT, RE-DEVELOPMENT, OR ADDITIONS TO EXISTING BUILDINGS WITHIN THE OVERLAY DISTRICTS SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

B. ((Overlay district regulations.

(1) General purpose.

(a) Overlay zoning imposes additional regulations for special public purposes on properties located within the boundaries of the overlay district. Overlay district requirements shall be in addition to those imposed by the specific zoning district. In the case of a conflict among regulations in this section, the strictest standard shall apply.

(b) The boundaries of each overlay district are described below and indicated on the official overlay district maps for each overlay district as adopted by ordinance. The following overlay districts are hereby established:

[1] I-95 Overlay District.

[2] Downtown Revitalization Overlay District.

(2) I-95 Overlay District boundaries. The I-95 Overlay District boundaries are described as the properties bordering Route 22 (Churchville Road), Gilbert Road and I-95 located within the current corporate limits as set forth in ordinance adopted by the City of Aberdeen.

(3) Downtown Revitalization Overlay District boundaries. Downtown Revitalization Overlay District boundaries do not include properties located in the Transit Oriented Development District. All properties located in the TOD Neighborhood (T4), TOD Corridor (T5), TOD Downtown (T6), or Special District are subject to the requirements in § 235-18O. The Downtown Revitalization Overlay District boundaries are described as the properties bordering US 40, Route 7, and Route 715 as set forth in ordinance adopted by the City of Aberdeen and depicted on the Aberdeen TOD Designated Area Map included in § 235-43.

(4) Design requirement. Where appropriate, all development within the Downtown Revitalization and I-95 Overlay Districts shall comply with the requirements of the Architectural Review Committee, in addition to the provisions set forth in this section.))

#### ARCHITECTURAL REVIEW COMMITTEE.

(1) THERE IS AN ARCHITECTURAL REVIEW COMMITTEE (ARC) THAT CONSISTS OF FIVE MEMBERS APPOINTED BY THE MAYOR AND CITY COUNCIL. THE ARC SHALL CONSIST OF AT LEAST TWO MEMBERS WHO ARE REGISTERED ARCHITECTS OR LANDSCAPE ARCHITECTS, ONE MEMBER CHOSEN FROM THE CITIZENRY OF THE CITY OF ABERDEEN AT-LARGE, ONE MEMBER FROM THE ABERDEEN BUSINESS COMMUNITY, AND ONE MEMBER WITH EXPERIENCE IN PLANNING AND ZONING. IN THE EVENT THE MAYOR AND CITY COUNCIL CANNOT FIND ONE OR MORE QUALIFIED INDIVIDUALS TO APPOINT AS MEMBERS MEETING THESE CRITERIA, THE COUNCIL MAY APPOINT SUCH MEMBERS AS

CLOSE AS POSSIBLE TO MEETING THE CRITERIA. A MAJORITY OF MEMBERS CONSTITUTE A QUORUM, BUT NO APPROVAL ACTIONS SHALL BE FINALIZED WITHOUT THE FAVORABLE VOTES OF AT LEAST THREE MEMBERS OF THE COMMITTEE.

(2) POWERS AND DUTIES OF THE ARC. THE COMMITTEE SHALL:

(A) REVIEW ALL APPLICATIONS FOR DEVELOPMENT, REDEVELOPMENT, RENOVATIONS, OR ADDITIONS TO EXISTING BUILDINGS WITHIN THE OVERLAY DISTRICTS.

(B) DETERMINE WHETHER OR NOT AN APPLICATION AND THE PROPOSED CONSTRUCTION ARE IN ACCORDANCE WITH THE OVERLAY DISTRICT REGULATIONS AND DESIGN REQUIREMENTS.

(3) GENERAL PROCEDURES.

(A) AN APPLICATION FOR NEW CONSTRUCTION, DEVELOPMENT, REDEVELOPMENT, AND RENOVATION WITHIN ANY OVERLAY DISTRICT, INCLUDING LIGHTING AND LANDSCAPING PLANS, SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT FOR INITIAL REVIEW AND BEFORE APPLICATION FOR CONSIDERATION BY THE PLANNING COMMISSION.

(B) THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT SHALL REFER THE PROPOSAL TO THE ARC FOR ITS CONSIDERATION. THE ARC SHALL MAKE RECOMMENDATIONS IN ACCORDANCE WITH THE DESIGN REQUIREMENTS CONTAINED IN THIS SECTION AND SHALL ISSUE SUCH RECOMMENDATIONS TO THE DIRECTOR WITHIN 30 DAYS AFTER ALL INFORMATION IS RECEIVED FOR ITS REVIEW.

(C) THE ARC SHALL BE RESPONSIBLE FOR REVIEWING THE PROPOSAL BASED ON THE CHARACTERISTICS AND SPECIFIC FACTORS WITHIN THE OVERLAY DISTRICTS THAT MAY NOT BE PART OF THE PRELIMINARY SITE PLAN REVIEW.

(D) AFTER REVIEW BY THE ARC, THE DIRECTOR SHALL SUBMIT THE PROPOSAL TO THE PLANNING COMMISSION WITH THE RECOMMENDATIONS OF THE ARC.

(E) IF THE ARC FAILS EITHER TO APPROVE OR DISAPPROVE PLANS AND PROPOSALS WITHIN 30 DAYS AFTER THE DIRECTOR REFERS THE

PROPOSAL TO THE ARC, THE PLANS AND PROPOSALS SHALL BE  
DEEMED APPROVED.

(F) ARC REVIEW AND APPROVAL SHALL NOT BE DEEMED TO SATISFY  
THE REQUIREMENTS OF ANY APPLICABLE BUILDING, HEALTH, OR  
SAFETY CODES.

(G) THE CITY SHALL ISSUE NO BUILDING PERMIT UNLESS THE  
PROVISIONS FOR ARC REVIEW AS CONTAINED IN THIS SECTION  
HAVE BEEN MET.

(4) ITEMS FOR REVIEW. THE ARC SHALL REVIEW THE FOLLOWING:

(A) THE GENERAL SCOPE OF THE PLAN AND ITS COMPATIBILITY WITH  
EXISTING OR PROPOSED DESIGN THEMES.

(B) THE CONFORMITY OF THE PROPOSED PROJECT WITH THE OVERALL  
PURPOSE OF THE DESIGN REQUIREMENTS.

(C) THAT SIGNAGE IS CONSISTENT WITH THE PURPOSE OF THE  
OVERLAY DESIGN REQUIREMENTS AND CONFORMS TO THE TYPE,  
LOCATION, AND SIZE OF SIGNS REQUIRED THEREIN.

(D) THAT PROPOSED LANDSCAPING CONFORMS TO THE OVERLAY  
DESIGN REQUIREMENTS REGARDING, BUT NOT LIMITED TO, TREES,  
PLANTINGS, AND OTHER AMENITIES.

(E) FACADES OF THE PROPOSED BUILDINGS OR RENOVATIONS AND  
THEIR ORIENTATION TO THE EXISTING BUILDINGS.

(F) COLOR SCHEME IN RELATION TO ADJACENT BUILDINGS AND  
STRUCTURES, AND THE OVERALL AESTHETIC OF THE OVERLAY  
DISTRICT.

(G) THAT PARKING AND MULTI-MODAL CIRCULATION CONFORMS TO  
DESIGN RECOMMENDATIONS AND FUNCTION.

(5) VARIANCES.

(A) CIRCUMSTANCES SUCH AS (BUT NOT LIMITED TO) TOPOGRAPHY,  
LOCATION OF PROPERTY LINES, ENVIRONMENTAL FEATURES, OR  
OTHER MATTERS MAY AUTHORIZE THE ARC, BY AN AFFIRMATIVE  
VOTE OF AT LEAST THREE OF ITS MEMBERS, TO ALLOW A  
REASONABLE VARIANCE TO ANY OF THE DESIGN REQUIREMENTS.

(B) THE ARC SHALL DEVELOP A DESIGN REVIEW STANDARD TO GOVERN ITS ACTIONS IN RESPECT TO GRANTING ANY VARIANCES. THE DESIGN REVIEW STANDARD SHALL BE MAINTAINED IN A DOCUMENTARY FORM AND SHALL DETAIL EACH VARIANCE GRANTED AND THE REASONS FOR GRANTING SAME.

(C) THIS VARIANCE PROCEDURE SHALL BE LIMITED TO THOSE AREAS UNDER THE DIRECT PURVIEW OF THE ARC, AND SHALL NOT SERVE AS A SUBSTITUTE FOR DECISIONS UNDER THE JURISDICTION OF THE ABERDEEN BOARD OF APPEALS.

(6) RECORDS.

(A) THE ARC SHALL KEEP A RECORD OF ALL APPLICATIONS SUBMITTED, APPROVED, OR DISAPPROVED, AND WRITTEN MINUTES OF ITS MEETINGS, OUTLINING ALL ACTIONS TAKEN BY IT UNDER THE PROVISIONS OF THIS SECTION.

(B) ARC RECORDS SHALL BE MAINTAINED IN THE MASTER FILE FOR EACH PROJECT.

C. ((B)) OVERLAY DISTRICT REGULATIONS.

(1) ESTABLISHMENT OF OVERLAY DISTRICTS IMPOSE ADDITIONAL REGULATIONS ON PROPERTIES LOCATED WITHIN THE BOUNDARIES OF A GIVEN DISTRICT, IN ORDER TO ENHANCE THE QUALITY OF GROWTH AND DEVELOPMENT, AND TO PROTECT THE VALUE OF PUBLIC AND PRIVATE INVESTMENT. OVERLAY DISTRICT REQUIREMENTS ARE IN ADDITION TO THOSE IMPOSED BY THE SPECIFIC ZONING DISTRICT IN WHICH THE PROPERTIES ARE LOCATED. IN THE CASE OF A CONFLICT AMONG REGULATIONS, THE STRICTEST STANDARD SHALL APPLY.

(2) THE BOUNDARIES OF EACH OVERLAY DISTRICT ARE DESCRIBED BELOW AND ARE INDICATED ON THE OFFICIAL OVERLAY DISTRICT MAPS FOR EACH DISTRICT AS ADOPTED BY ORDINANCE. THE DISTRICTS SHALL BE KNOWN AS THE I-95 OVERLAY DISTRICT, THE DOWNTOWN REVITALIZATION OVERLAY DISTRICT, AND THE ROUTE 40 CORRIDOR OVERLAY DISTRICT.

(A) I-95 OVERLAY DISTRICT BOUNDARIES ENCOMPASS THE PROPERTIES BORDERING MARYLAND ROUTE 22 (CHURCHVILLE ROAD), TECHNOLOGY DRIVE, LONG DRIVE, AND INTERSTATE 95 (I-95) LOCATED WITHIN THE ABERDEEN CORPORATE LIMITS.

(B) THE DOWNTOWN REVITALIZATION OVERLAY DISTRICT BOUNDARIES ARE DESCRIBED AS THE PROPERTIES BORDERING US 40, ROUTE 7, AND ROUTE 715. THE DOWNTOWN REVITALIZATION OVERLAY DISTRICT BOUNDARIES DO NOT INCLUDE PROPERTIES LOCATED IN THE TRANSIT ORIENTED DEVELOPMENT DISTRICT. ALL PROPERTIES LOCATED IN THE TOD NEIGHBORHOOD (T4), TOD CORRIDOR (T5), TOD DOWNTOWN (T6), OR SPECIAL DISTRICT ARE SUBJECT TO THE REQUIREMENTS IN § 235-180 AND DEPICTED ON THE ABERDEEN TOD DESIGNATED AREA MAP INCLUDED IN § 235-43.

(C) ROUTE 40 CORRIDOR OVERLAY DISTRICT BOUNDARIES ARE DESCRIBED AS THE PROPERTIES ALONG US 40 FROM ROUTE 7 TO THE ROUTE 22 OVERPASS.

(3) DESIGN REQUIREMENTS. ALL DEVELOPMENT WITHIN THE I-95, DOWNTOWN REVITALIZATION, AND ROUTE 40 CORRIDOR OVERLAY DISTRICTS SHALL COMPLY WITH THE PROVISIONS SET FORTH IN THIS SECTION.

D. ((C)) OVERLAY Design requirements.

(1) OVERLAY ((Design)) DESIGN requirements are intended for ((uniformity)) CONSISTENCY of development in the following areas:

\* \* \*

(2) Building design, height and mass.

(a) ((Natural features. Natural features of the land, such as hillsides, views, or other features, should be considered and incorporated into designing of the site. Site design will address and avoid problems associated with floodplains, steep slopes, drainage ways, or other features.

(b) Scale. Within the Downtown District, buildings should be built on a human scale and lend an intimate and personal feel to the streetscape.

[1] The scale of a project should not overwhelm adjacent buildings. The perceived height and bulk can be reduced by changing the roofline and varying the height.

[2] The scale of a building should be compatible with the adjacent developments.

(c) Design. The design of individual buildings is as important as the whole agglomeration of buildings, streets, public spaces, pedestrian ways, and landscaping taken together in the context of the surrounding area.))

1 SCALE AND DESIGN. WITHIN THE DOWNTOWN DISTRICT,  
2 BUILDINGS SHALL BE BUILT ON A HUMAN SCALE AND LEND AN  
3 INTIMATE AND PERSONAL FEEL TO THE STREETScape. THE SCALE  
4 OF A PROJECT SHOULD BE COMPATIBLE WITH ADJACENT  
5 BUILDINGS AND DEVELOPMENT.

6 (B) ((d)) Architectural features. Predominant primary architectural features,  
7 materials, and colors of existing buildings, ESPECIALLY THOSE built in  
8 accordance with these design requirements, SHALL ((should)) be incorporated  
9 into the proposed architectural design ((when such buildings are in close  
10 proximity to the proposed project)). BUILDING ADDITIONS SHALL BE  
11 COMPATIBLE IN SCALE, MATERIALS, AND CHARACTER TO THE  
12 MAIN BUILDING.

13 (C) ((e)) Relief and rhythm. Relief and rhythm should be used in the design to  
14 provide interest and variety and avoid monotony. ((Details that create shade and  
15 cast shadows can be used to provide visual relief to the building.))

16 (D) ((f)) Exterior walls. Horizontal and vertical elements of exterior walls should  
17 vary in height and projection to provide substantial architectural interest and  
18 style. Such interest and style may be provided through, but not limited to, the  
19 treatment of windows, doors, eaves, rooflines, and parapets.

20 (E) ((g)) Building accents. Building trim, accents, color, materials and style should  
21 be incorporated into primary design themes to promote architectural visual  
22 interest.

23 (F) ((h)) Exterior elevations. ((All of the exterior)) EXTERIOR elevations of  
24 buildings should be integrated into the ARCHITECTURAL STYLE ((City's  
25 design theme)) of the PARTICULAR overlay ((districts)) DISTRICT. ((In  
26 particular, the upper walls of the sides and rear should exhibit relief and rhythm  
27 through the use of height variations, relief elements providing shadow, and the  
28 use of scuppers, downspouts, and expansion joints as design elements.))

29 (G) ((i)) Details. Detailing should be used as a method of enhancing the character  
30 of a building, thereby adding interest to the development. Such details of a  
31 building elevation should continue the character of the project.

32 (H) ((j)) Equipment. Equipment, such as but not limited to roof-mounted  
33 communications and mechanical equipment ((, vending machines and ice  
34 machines, should be screened from street view and placed in an area designed for  
35 its use as an integral part of the project)) AND VENTING, SHALL BE  
36 SCREENED FROM STREET VIEW.

37 (I) ((k)) Enclosures. Fences, walls ((and)), patio enclosures, AND OTHER SUCH  
38 FEATURES visible from the street shall be compatible with the architectural



character of the project. DUMPSTERS SHALL BE ENCLOSED OR  
SCREENED IN SUCH A WAY AS TO KEEP THEM FROM VIEW, WITH  
USE OF SIMILAR BUILDING MATERIALS AS THOSE USED IN THE  
OVERALL PROJECT. NATURAL VEGETATION MAY BE USED AS  
LONG AS THIS ACHIEVES THE PROPER LEVEL OF SCREENING.

(J) ((I)) Entryways. Building entryway, ((stairway)) design, and placement should be  
integrated with the design of the project through the use of similar building  
materials, details, shapes, colors or other ARCHITECTURAL features.

[1] The building entrance should be easily identifiable and form a transition  
between outside and inside areas.

[2] Building entries shall be provided with adequate lighting for security.

(K) ((m)) Roof variations. Roofline variations should be used to provide  
architectural style ((or)), character, AND/OR INTEREST for commercial or  
industrial buildings that are limited in wall configuration (SUCH AS LONG,  
STRAIGHT WALLS) due to functional constraints.

(L) ((n)) Window and door placement. Patterns created by window and door  
placement can add variety and interest to the design. Attractive views should be  
emphasized and non-complementary views avoided. EVERY EFFORT  
SHOULD BE MADE TO HAVE drive-through windows ((should)) not face a  
public street. ((Window areas should be reduced with mullions.)) WHERE THIS  
IS NOT PRACTICAL OR POSSIBLE, ADDITIONAL LANDSCAPING OR  
OTHER SCREENING METHODS SHALL BE USED.

(M) (((o) Buffers)) WALLS AND LANDSCAPED BUFFERS. Walls and  
landscaped buffers shall be used to provide a physical separation between  
different projects and uses to minimize the impact of unattractive or noisy areas  
and to act as a buffer between properties. WALLS THAT FRONT ON A  
PUBLIC STREET SHALL BE DESIGNED TO INCLUDE COLORS,  
MATERIALS, FORMS, AND ARCHITECTURAL ACCENTS COMPATIBLE  
WITH THE MAIN BUILDING OR STREETScape.

(((p) Walls. Walls which front on a public street should be designed to include  
colors, materials, forms and architectural accents compatible with the main  
building.))

(3) Building setbacks.

(a) Setback. ((A building's setback is the distance it is located inside a property line.  
Many commercial buildings in the Downtown Revitalization Overlay District  
may have no setbacks on the front or side property lines and only a minimal

setback from the rear line.)) THE BUILDING SETBACK SHALL ADHERE TO  
THE SETBACK OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.

(b) ((Location. The location of new buildings or additions to existing buildings shall respect the established setbacks of existing buildings on a street and shall provide a setback that is consistent with the existing structures.

(c) Buildings. Buildings should not be separated from fronting streets by parking lots. At a minimum, placement of outparcel buildings between a large parking lot and the street can be used to help define the streetscape and lessen the visual impact of the parking lot from the street.)) INFILL SITES. FOR INFILL SITES, BUILDINGS SHOULD BE SET BACK FROM THE STREET IN ACCORDANCE WITH THE PREDOMINANT LINE OF BUILDING SETBACK ALONG THE STREET, SO AS TO CREATE A DEFINED STREETSCAPE AND SENSE OF PLACE. BUILDINGS SHOULD BE ORIENTED TOWARD THE FRONTING STREET(S) WHEREVER AND WHENEVER PRACTICAL. PROVISIONS FOR PUBLIC OPEN SPACE AND/OR LANDSCAPED AREAS SHALL BE ACCOMMODATED.

((((d) Parking lots. Building on the different quadrants or sides of the roadway should not be separated from each other by “a sea of parking.” The line and massing of the buildings and structures on each quadrant should be arranged such that they are as close to each other as possible and linked by crosswalks and pedestrian paths, encouraging pedestrian movement between the quadrants on opposite sides of the arterial. Ideally, part of the line of the principal building mass on each quadrant should extend as close to the intersection crosswalk as possible.

(e) Outparcel buildings. Placement of outparcel buildings along the opposite sides of the street can be used to define the streetscape.

[1] Outparcel buildings should be designed so that they are not only oriented toward the front street(s) but also have a relation and orientation with the rest of the development.

[2] The design of outparcel buildings and sites should be integrated into the overall sign design. Outparcel buildings should have architectural, design, and pedestrian connections strongly linking them with the main buildings.

(f) Pedestrian walkways. All buildings should be (to the extent allowed by site topography) well connected by pedestrian sidewalks or walkways and not separated from one another by large parking areas. One should not have to walk in and along parking aisles or roadways to get from any one building to another.

(g) Infill sites. For infill sites, building should be set back from the street in accordance with the predominant line of building massing (setback) along the

street, so as to create a defined streetscape and sense of place. Buildings should be generally oriented toward the fronting street(s). Provisions for public open space or landscaped areas should be accommodated.))

(4) Building materials.

(a) Materials. The building materials of a project ((should)) SHALL be durable and be the same or higher quality as surrounding developments.

(b) Texture. The texture of the building components ((should)) SHALL enhance the function or appearance of the design.

(c) Color schemes. Color schemes ((should)) SHALL be compatible with adjacent developments.

(d) Details. Details of the proposed colors and materials ((should)) SHALL be shown on the building plans with color samples at the time the project is submitted for ((Architectural Review Committee approval)) ARC REVIEW.

(e) Surfaces. Reflective surfaces ((should)) SHALL not be used in locations that may produce excessive reflections or glare. ((Mirrored widow glazing should be avoided.))

((f) Freestanding buildings. If permitted, freestanding buildings, including service stations, convenience stores, chain restaurants, auto maintenance facilities, and similar uses, should be designed in a compatible architectural style and should incorporate, whenever possible, compatible materials, colors and landscaping as the host development.))

(5) Awnings and canopies.

(a) ((The use)) USE of awnings and canopies as design features to the front or rear of building windows and doorways ((will be permitted)) IS REQUIRED AND SHALL BE INSTALLED IN COMPLIANCE WITH ALL APPLICABLE BUILDING, FIRE, AND SAFETY CODES.

(b) The specific location of awnings and canopies, THEIR color, applied signage, and materials used, ((will)) SHALL be ((approved by the Architectural Review Committee)) SUBJECT TO THE APPROVAL OF THE ARC.

(6) Parking/shared parking.

(a) For ((any)) sites or developments that include significant amounts of parking, site design should avoid large uninterrupted expanses of asphalt from the fronting streets (([i.e., where])), SO THAT vast amounts of surface parking DO NOT dominate the view(s) from the fronting street(s) to the site's primary buildings(([])).

(b) In keeping with the desire to avoid large areas of parking from the fronting street(s), ((the following guidelines are offered: [1] Parking)) PARKING should be broken up with ((islands,)) landscaping [,] and pedestrian walkways, with ((generous amounts)) THE MAJORITY of parking directed to the rear and sides of the buildings or site. (([2])) Single large parking lots should be avoided.

(c) ((Buffering and screening. ([1])))) Parking lots that face a street OR ALLEY SHALL be ((partially)) BUFFERED OR screened from the street by a low fence, wall, hedge, ((or topographic)) or vegetated buffer. ((([2])))) If a parking lot fronts on an arterial or major collector and is of such a size that it dominates views from the fronting arterial/collector and detracts from the overall streetscape and community appearance, then it is required that the parking lot be screened or buffered from view along the fronting roadway(s).

(d) Landscaping. Parking aisles ((should)) SHALL be separated from one another by planted medians with ((shade)) trees OR OTHER LANDSCAPING FEATURES.

(e) ((Parking lot design must include an adequate pedestrian circulation system, adequate turning radii, an efficient traffic movement pattern, a pleasant appearance, convenient parking locations, and integration of the parking with the character of the site and the proposed development.)) ALL PARKING LOTS SHALL HAVE:

[1] ADEQUATE PEDESTRIAN CIRCULATION SYSTEM;

[2] ADEQUATE TURNING RADII;

[3] AN EFFICIENT TRAFFIC MOVEMENT PATTERN; AND

[4] INTEGRATION OF THE PARKING WITH THE CHARACTER OF THE SITE AND THE PROPOSED DEVELOPMENT.

(f) Access drives to parking lots should be minimized.

(g) On-site traffic lanes. Traffic aisles within a project ((should)) SHALL provide a ((circulation pattern which is convenient and)) safe AND CONVENIENT CIRCULATION PATTERN. Pedestrian ((circulation)) MOVEMENT and safety ((should)) SHALL be incorporated into the project design.

(h) Proximity to structures. Parking areas ((should)) SHALL be conveniently located to provide ease of access to all users ((. Customer and employee parking should be separated)), with short-term customer parking provided ((in)) close ((proximity)) to the building.

(i) Covered spaces AND PARKING GARAGES. Covered parking structures AND GARAGES SHALL HAVE DESIGN FEATURES ((should be)) compatible with the overall character of the project.

(j) Parking lot lighting. Lighting ((should)) SHALL provide adequate illumination but ((should)) ALSO avoid direct illumination of adjacent residential districts. ((Lighting fixtures must comply with City-approved standards and design.))

(7) Pedestrian/bicycle circulation.

(a) ((Access to developments should serve the needs of the pedestrian and bicyclist as well as the motorist. Site designs should balance the needs of pedestrian, vehicular and bicycle traffic.)) PEDESTRIAN FACILITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, SIDEWALKS, HANDICAP ACCESSIBLE RAMPS, CROSSWALKS, AND PEDESTRIAN SIGNALS.

(b) ((A network of convenient and safe pedestrian paths should be provided to connect areas within the project as well as to connect the project to adjacent properties.)) SITE DESIGNS SHOULD BALANCE THE ACCESS NEEDS OF PEDESTRIAN, VEHICULAR, AND BICYCLE TRAFFIC.

(c) ((The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience and should be harmonious with proposed and existing buildings.)) A NETWORK OF CONVENIENT AND SAFE PEDESTRIAN PATHS SHALL BE PROVIDED TO CONNECT AREAS WITHIN THE PROJECT, AS WELL AS TO CONNECT THE PROJECT TO ADJACENT PROPERTIES.

(d) ((Walkways should be well lit to provide visibility, security and a pleasant environment and comply with the City's approved standards and design.)) PRIORITY CONNECTIONS TO BUS STOPS, SCHOOLS, PARKS, PUBLIC FACILITIES, AND RETAILERS SHOULD BE PROVIDED.

(e) ((Sidewalks.

[1] For streets that have buildings or development on both sides of the street, sidewalks must be provided on both sides; for streets that have buildings or development on only one side of the street, a sidewalk must be provided on that side only.

[2] For collectors and arterials that have speed limits over 25 miles per hour or are three or more lanes wide, sidewalks must be provided on both sides of all streets that have buildings or development on both sides of the street and on the developed side of all streets that have buildings or development on only one side of the street.

[3] Materials for sidewalks must use the City's approved standards and design.))

THE LOCATION AND NUMBER OF ACCESS POINTS TO THE SITE,  
THE INTERIOR CIRCULATION PATTERN, AND THE SEPARATION  
BETWEEN PEDESTRIANS AND VEHICLES SHALL BE DESIGNED TO  
MAXIMIZE SAFETY AND CONVENIENCE AND SHALL BE  
HARMONIOUS WITH PROPOSED AND EXISTING BUILDINGS.

(f) ((Crossings. Pedestrian crosswalks and bicycle crossings (which may be shared  
by bicycle and pedestrian crossings) must be provided as necessary for the  
safety, convenience, and feasibility of pedestrian travel between the community's  
residential, shopping, employment, recreation, and institutional sites.))  
WALKWAYS SHALL BE WELL LIT TO PROVIDE VISIBILITY,  
SECURITY, AND A PLEASANT ENVIRONMENT.

(g) ((Safety. The travel ways for bicycle traffic should be designed to minimize  
automobile-bicycle travel conflict, keeping bicyclists of all ages safely out of the  
automotive stream.)) SIDEWALKS SHALL BE PROVIDED ALONG THE  
STREET FRONTAGE OF THE PROPERTY IN ACCORDANCE WITH CITY  
STANDARDS.

(h) PEDESTRIAN AND BICYCLE CROSSINGS MUST BE PROVIDED AS  
NECESSARY FOR PEDESTRIAN AND CYCLIST SAFETY,  
CONVENIENCE, AND TO MINIMIZE AUTOMOBILE CONFLICT.

(8) OUTDOOR Lighting.

(a) OUTDOOR lighting ((should)) shall provide security and visual interest ((yet  
limit its)) WITH MINIMAL impact on adjacent properties.

(b) ((The exterior)) EXTERIOR lighting ((of a project should provide for the  
illumination of)) SHALL ILLUMINATE the building and its grounds for safety  
purposes, but in an aesthetic manner. OUTDOOR LIGHTING SHALL BE  
PLACED AND SCREENED TO LIMIT THE EMISSION OF LIGHT  
BEYOND THE DEVELOPMENT.

(c) ((Fixtures used in exterior lighting must be consistent with the City's approved  
standards and design)). EXTERIOR LIGHTING FIXTURES SHALL BE  
APPROPRIATE TO THE BUILDING AND ITS SURROUNDINGS IN TERMS  
OF STYLE, SCALE, AND INTENSITY OF ILLUMINATION. WALL-  
MOUNTED LIGHT FIXTURES SHOULD NOT EXTEND ABOVE THE  
HEIGHT OF THE WALL TO WHICH THEY ARE MOUNTED.

(d) The height of LIGHT fixtures, AS WELL AS THEIR position and intensity ((will  
be approved by)) SHALL BE SUBJECT TO THE APPROVAL OF the ARC.

(9) Standards for landscape design and development.

(a) General requirements.

[1] Landscaping must be installed as an integral feature of each project. ((This))  
SUCH LANDSCAPING includes finished grading, seeding, sodding,  
functional and decorative ground covers, shrubs, shade trees, flowering trees  
and evergreen trees.

[2] The proposed landscape design concept must:

[a] Reinforce architectural design objectives, parking functions, and  
pedestrian activities within the site.

[b] Buffer views of parking areas, service areas, DUMPSTER AREAS,  
mechanical equipment, etc., with a combination of deciduous and  
evergreen trees and shrubs.

[c] ((Buffer stormwater management facilities.

[d])) Provide canopy trees along streets and parking aisles, and within  
planting islands.

(([e])) [D] Provide color, texture, and visual interest.

[3] All required landscaped areas must be planted with trees, shrubs, and/OR  
ground covers and use shredded hardwood mulch or bark.

[4] The slope of any earth berm shall not exceed a vertical to horizontal ratio of  
((1 to 2)) 3 TO 1, and shall be planted with a suitable ground cover to prevent  
soil erosion.

[5] Signs or sidewalks may be located in ((a)) required landscaped ((area))  
AREAS, IN ADDITION TO PLANTINGS, as part of the landscape design.

[6] Landscaped areas adjacent to vehicular activity shall be protected by a  
continuous concrete curb or similar permanent barrier.

(b) The landscape plan.

[1] All landscape plans for development shall be prepared and sealed by a  
landscape architect registered or licensed in the State of Maryland or by any  
other registered or licensed professional who is authorized by the State to  
prepare landscape plans.

[2] The landscape plan shall indicate location, general type and quality of any  
existing vegetation and methods for protection of existing vegetation during  
construction.

[3] The landscape plan shall include location and identification of all proposed plants, as well as a plant list THAT ((which)) includes botanical and common name, quantity, spacing, and size at time of planting.

[4] The landscape plan shall include the location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures and fountains, street furniture, ((and)) lighting and paved outdoor areas.

(c) Landscape standards.

[1] Public right-of-way. A landscaped strip ((, as described below,)) shall be provided on the property adjacent to all public rights-of-way. ((The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip.))

[a] Arterial street. A ten-foot-wide landscaped strip is required adjacent to and parallel to the frontage of an arterial street.

[b] Non-arterial street. A ten-foot-wide landscaped strip is required adjacent and parallel to the frontage of a non-arterial street.

[c] Landscaped strips adjacent to the public right-of-way should be designed to include ground covers and other plant materials compatible with low maintenance and low water use ((limitations)) STANDARDS.

[d] One tree and three shrubs shall be planted in the landscaped strip for every 25 feet of street frontage.

[2] Perimeter landscaping.

[a] Landscaped areas are required adjacent to ((the property lines of the site)) INCOMPATIBLE USES in accordance with ((the Aberdeen Development Code)) §235-30.

[b] A variety of deciduous and evergreen trees and shrubs shall be used when providing required screening between adjacent properties.

[3] ((Commercial and industrial uses. A minimum of 10% of the gross site area of the property should be devoted to landscaping for commercial and industrial uses greater than 4,000 square feet (building footprint).

[4])) Parking lots.

[a] Parking aisles should be separated from one another by planted medians with major shade trees and low-growing shrubs.



[b] Where the end of a parking space abuts a required landscaped area, the width of the landscaped area must be increased by five feet, OR CURB STOPS PROVIDED TO PREVENT OVERHANG OF PARKED CARS.

[4] Stormwater management facilities.

[a] ((Requirements and guidance for landscaping stormwater management facilities have been established by the Maryland Department of the Environment, Water Management Administration. These requirements may be found in the 2000 Maryland Stormwater Design Manual, Volumes I and II.)) LANDSCAPING OF STORMWATER MANAGEMENT FACILITIES SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE CURRENT MARYLAND STORMWATER DESIGN MANUAL.

[b] Stormwater management or retention areas must not detract from the quality of the overall landscape design. Large areas for water retention should be utilized as a landscape element whenever possible.

\* \* \*

(e) Plant standards and guarantee.

[1] All material selected shall be equal to or better than the requirements of the ((USA)) AMERICAN Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen. All material shall be nursery grown under the same climatic conditions as the location of this project for at least two years. Varieties shall be indigenous to this area, Zone 6.

[2] All materials shall be planted according to the Landscape Specification Guidelines ((for the American Society of Landscape Architects)) PUBLISHED BY THE LANDSCAPE CONTRACTORS ASSOCIATION, or ((equal)) ITS EQUIVALENT.

\* \* \*

(10) Screening/loading storage.

(a) Trash and refuse collection areas. Areas ((which)) THAT generate noise and odors ((should)) SHALL be located where they will not disturb the residents or patrons within the project or adjacent uses and ((should)) SHALL not be the visual focal point of a driveway or parking area.

(([1] Projects which provide on-site daily management and maintenance personnel (i.e., service stations, convenience stores, apartment projects,

restaurants, etc.) and which have refuse enclosures at highly visible locations should provide latching gates for screening the opening to the enclosure.

[2] All trash and refuse areas shall be screened from adjacent properties and public roadways by natural vegetation, if possible, or by fences or other approved screening.))

(b) Loading and service bays. Landscaped areas, FENCING and walls should be used to decrease noise levels. These areas should also be separated from customer parking where possible.

[1] Service and loading bays (SUCH AS, BUT NOT LIMITED TO, automotive, service, tire, etc.) ((should)) SHALL be oriented away from existing residences ((where possible)).

[2] ((Screening of loading and service bays will be required.)) LOADING AND SERVICE BAYS MUST BE SCREENED FROM VIEW.

(c) Pedestrian loading and unloading areas. Pedestrian drop-off locations ((should)) SHALL be incorporated within the overall circulation patterns and should be convenient and safe for pedestrians.

(d) Emergency vehicle access. Access for emergency vehicles should be integrated into the design of the project. Signage and striping shall be compatible with the overall design.

(e) Outside storage. Outside storage areas, if permitted, shall be screened from street view and FROM adjacent ((residence)) RESIDENTIAL, office, and commercial districts ((in accordance with § 235-26 of the Aberdeen Development Code)).

#### (11) Signage.

(a) Signs ((should)) SHALL be in harmony with the style and character of the development and should be an integral design component of the building architecture, building materials, landscaping, and overall site development.

(b) The following signs will be permitted:

[1] Attached signs. Attached signs shall be integrated with the primary physical features of the building and should ((not be incongruous to))  
COMPLEMENT the building architecture.

[2] Letters. Signs should be composed of individual letters, such as channel letters, upgraded cabinet forms, or other durable material, and should be mounted so that the attachment device is not visible or discernible.

Raceways or similar mounting platforms should be the same color as the surface upon which they are placed.

[3] ((Detached signs. Freestanding)) MONUMENT signs SHALL ((should)), where feasible and desirable, incorporate design features associated with the buildings or structures and should constitute an architectural component of the overall development.

(c) ((Sign structures should be monument style)) MONUMENT SIGNS SHALL BE CONSTRUCTED with a base of metal or masonry construction. Sign cabinets and sign faces mounted atop a base or other fixture ((should)) SHALL be bordered or background by the architectural features, materials, and embellishment of the entire sign.

(d) ((Exterior materials, finishes, colors should be in harmony with or an upgrade to those of the buildings or structures on site.

(e) The sign structure should reflect distinctive elements of the general architectural style or design theme of the development.

(f) Embellishment should be used as a method to incorporate the primary design elements or unique architectural features of the buildings or structures.

(g) The)) SIGN copy ((area should)) SHALL not ((ordinarily)) exceed a horizontal to vertical ratio of 2 to 1.

((h)) (E) Internally illuminated signs should provide an opaque background so that only the sign copy is illuminated, except where the background is colored to mute the amount of illumination or where the background is integral to the design of a corporate image or registered trademark.

#### (12) Security.

(a) Physical barriers ((can create a secure property for both the site and its occupants)), SUCH AS BOLLARDS, ARE PERMISSIBLE FOR SECURITY PURPOSES.

(b) ((Buildings)) DOORWAYS and windows should be located to maximize surveillance of entryways, pathways, and parking lots.

(c) Adequate OUTDOOR lighting ((should)) SHALL be provided throughout the development.

(d) Landscaping ((should)) SHALL not block surveillance ((abilities or safety apparatus)) MEASURES OR ACCESS AND EGRESS OF SAFETY VEHICLES AND EQUIPMENT.

(13) Noise impact.

(a) Site design ((should)) SHALL include provisions for limiting noise ((from one development interfering)) SO AS NOT TO INTERFERE with the use of adjacent property. The occupants of a development ((should)) SHALL be protected from noise from both outside and within the site through screening, setbacks, and NOISE-REDUCING building materials.

(b) Noise-generating equipment ((should)) SHALL be located to minimize impact on adjacent residential uses ((or districts)).

((D. Compliance with overlay district regulations and design requirements. No building permit shall be issued by the City unless the provisions of this section are found to be in compliance.

E. Establishment of the Architecture Review Committee (ARC). The Architectural Review Committee shall consist of five members appointed by the Mayor and City Council. The Committee shall consist of two members who have experience in architecture, one member chosen from the citizens at large, one member from the business community, and one member with experience in planning and zoning. In the event that the Mayor and City Council cannot appoint members with the disciplines noted above, the Council may appoint such members as nearly as possible having experience in the areas noted. The Council shall appoint such alternates as may be necessary in the event of a conflict of interest. A majority of members will constitute the quorum.

(1) Powers and duties of the Architectural Review Committee (ARC). The Committee shall:

(a) Review all applications for development, redevelopment, renovations, or additions to existing buildings within the overlay districts.

(b) Determine whether the application and the proposed construction are in accordance with the overlay district regulations and design requirements.

(c) Adopt such rules, regulations and guidelines as may be necessary to provide for uniformity within the overlay district.

(d) Establish architectural standards for uniform development consistent within the purpose of each overlay district.

(e) Establish procedures for proceedings before the Committee.

(2) General procedures.

(a) An application for new business, new construction, development, redevelopment, and renovation within any overlay district shall be submitted to the Department of Planning and Community Development for initial review.

- (b) The Director of Planning shall refer the proposal to the Architectural Review Committee (ARC) for its consideration. The ARC shall make recommendations in accordance with the design requirements. The ARC shall set forth in writing its recommendations. If the applicant disputes any recommendations, then issues can be preserved for resolution by the City Council and consolidated with any review by the Planning Commission. The ARC shall be responsible for reviewing the application for aesthetic considerations and those factors within the overlay districts which may not be part of the site plan review.
- (c) After submission to the ARC, the application shall be submitted to the Planning Commission, if applicable, with the recommendation of the ARC. The Planning Commission shall have general review of the site plan in accordance with the Comprehensive Plan, Development Code and the Subdivision Regulations.
- (d) Meetings before the ARC shall be administrative in nature.
- (e) The ARC shall review the following:
- [1] The general scope of the plan and its compatibility with existing or proposed design themes;
  - [2] The conformity of the application with the overall purpose of the design requirements to present a harmonious development within each of the overlay districts.
  - [3] Determine that signage is consistent with purpose of design requirements and conforms to the type, location and size of signs required by the ARC.
  - [4] Determine that the proposed landscaping conforms to the design requirements: streets, trees, plantings, furniture, and other amenities.
  - [5] Facades of the proposed buildings or renovations and their orientation to the existing buildings.
  - [6] The color scheme is compatible with adjacent buildings and structures.
- (f) The ARC shall issue its recommendation within 30 days after all information is received for its review. Recommendations shall be set forth in writing.
- (g) If the ARC fails either to approve or disapprove such plans and specifications (including resubmission of disapproved plans and specifications which have been revised) within 30 days after the same have been submitted to and received by all Committee members, it shall be conclusively presumed that said plans and specifications have been approved.
- (h) The ARC shall not be liable in damages to anyone submitting plans to it for approval or to any applicant by reason of a mistake in judgment, negligence or

nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve such plans and specifications.

(i) The ARC shall have the right to enforce these covenants, conditions, and restrictions.

(j) Approval by the ARC shall not be deemed to substitute the plans or the requirements of any local building codes, and it shall be the responsibility of the applicant or any other persons submitting the plans to the ARC to comply there with.

(3) Variances.

(a) Where circumstances such as topography, hardship, location of property lines, location of trees, brush, streams, or other matters require, the ARC may by an affirmative vote of the majority of the members of said Committee allow a reasonable variance to any of the covenants and restrictions contained in the design requirements on such terms and conditions as it requires.

b) The ARC shall develop a design review standard that shall govern its actions in respect to granting any variances. The design review standard will be maintained in a documentary form and will detail every variance granted and the reasons for granting the same.

(4) Books and records.

(a) The ARC shall keep and safeguard a complete written record of all applications approved or disapproved and submitted to it and all actions taken by it under the provisions of this section.

(b) Said records shall be maintained for a minimum of five years after approval or disapproval.

(5) Review of ARC.

(a) The decision of the ARC shall be subject to review by the Mayor and City Council upon request to be filed with the City administration offices within 30 days from the date of the final decision of the ARC.

(b) The review by the Mayor and City Council shall be administrative in nature and shall not be appealable to the courts. The Council may consolidate any appeal from the Planning Commission regarding the same project. Council proceedings shall be administrative in nature.))

**SECTION 8. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN,** that Sections 235-40.1, 40.2, 40.6, 40.7.C. and 40.14.C. of the Code of the

City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article VA, Sign Regulations, are repealed and reenacted, with amendments, to read as follows:

## **Chapter 235. DEVELOPMENT CODE**

### **Article VA, Sign Regulations**

#### **§ 235–40.1. General purpose.**

The purpose of this article is to regulate all exterior signs so as to protect property values and the character of the various neighborhoods; to preserve and enhance natural scenic beauty; to protect public safety; and to promote the general welfare. THIS ARTICLE IS SUPPLEMENTAL TO SPECIFIC SIGNAGE REQUIREMENTS APPLICABLE WITHIN INDIVIDUAL ZONING AND OVERLAY DISTRICTS.

#### **§ 235-40.2. Definitions and interpretations.**

For the purposes of this article, the following words and phrases have the meanings provided below. Words and phrases not specifically included below are defined elsewhere in this article or chapter or, if not defined elsewhere in this article or chapter, shall have their usual and commonplace definitions.

**AWNING** – CANVAS OR OTHER SIMILAR MATERIAL STRETCHED ON A FRAME AND USED TO KEEP THE SUN OR RAIN OFF A STOREFRONT, WINDOW, OR DOORWAY.

**BANNER SIGN** – Any sign made of fabric or any nonrigid material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, county, or municipal flags, or the official flag of any institution or business shall not be considered banners.

**BEACON** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. FOR PURPOSES OF THIS CHAPTER, A SEARCH LIGHT IS CONSIDERED A BEACON.

**BILLBOARD SIGN** – Any freestanding outdoor advertising sign that promotes or advertises products, services, activities, or businesses not related to the site or building or use on which it is located.

**BOARD** – The Aberdeen Board of Appeals.

**BUILDING MARKER SIGN** – Any sign indicating the name of a building, date of the building, and incidental information about its construction, which is cut into a masonry surface or on a bronze tablet or other permanent material; OR A CANOPY SIGN THAT IDENTIFIES THE NAME OR LOCATION OF A BUILDING.

CANOPY SIGN – Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. For purposes of this article, a marquee is not a canopy.

\* \* \*

FREESTANDING SIGN – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. For purposes of this article, a monument sign is not a freestanding sign.

ILLUMINATED SIGN – Any sign which has characters, letters, figures, designs, or outline lighted in any manner.

INCIDENTAL SIGN – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located((, such as “no parking,” “entrance,” “loading only,” “telephone,” “no trespassing,” “beware of dog,” and other similar directives)).

((INFORMATIONAL SIGN – Any temporary sign placed in order to advertise a political, charitable, educational, or religious function.))

MAINTENANCE – The painting, repainting, cleaning, and other repair of a sign or structural trim. For purposes of this article, a message change is not considered maintenance.

MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN – A sign attached to, in any manner, or made a part of a marquee.

\* \* \*

PENNANT ((SIGN)) – Any lightweight plastic, fabric, or other material, ((whether or not containing a message of any kind,)) suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

\* \* \*

ROOF SIGN – Any sign erected and constructed ((wholly)) ENTIRELY on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL – Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion



of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

((SETBACK – The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.))

SIGN – ((A permanent or temporary)) ANY device, fixture, placard, or structure (including a banner and pennant) that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA – The surfaces, including the outer extremities of all letters, figures, characters, and delineations, or surface making contact with the outer framework or background of the sign, whichever is greater. Columns, pylons, or buildings, or part thereof, shall not be included in the sign area unless used for advertising purposes.

((STREET – A strip of land subject to vehicular and pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.))

STREET FRONTAGE – The distance, for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET SIGN – A sign that identifies a street.

((STRUCTURE – A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed below or above the surface of land or water.))

STRUCTURE TRIM – COMPONENTS OF A SIGN STRUCTURE, OTHER THAN THE SIGN FACE, INCLUDING BUT NOT LIMITED TO, the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

SUSPENDED SIGN – A HANGING sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN – Any sign that is not permanently mounted and for a period not exceeding 30 consecutive days or 60 days in any one-year period.

TRAFFIC CONTROL DEVICE – MARKERS, SIGNS, AND/OR SIGNAL DEVICES USED TO INFORM, GUIDE, AND CONTROL TRAFFIC, INCLUDING PEDESTRIANS, MOTOR VEHICLE DRIVERS AND BICYCLISTS.

VEHICULAR SIGNS - SIGNS PAINTED OR MOUNTED ON VEHICLES.

§ 235-40.6. Miscellaneous provisions.

\* \* \*

D. Freestanding signs.

\* \* \*

(6) Nonconforming freestanding signs in designated overlay districts may remain as long as the only changes are to the sign copy. In the event a freestanding sign in a designated overlay district is to be replaced, it must be replaced with a monument sign adhering to the requirements in this article.

(7) FREESTANDING SIGNS ARE NOT PERMITTED IN ANY OVERLAY DISTRICT.

E. A TEMPORARY SIGN SHOULD BE PLACED ON WOODEN STAKES OR ON AN "A" FRAME TYPE OF PLACARD AND SHALL NOT BE HIGHER THAN THREE (3) FEET MEASURED FROM THE GROUND TO THE TOP OF THE SIGN.

F. ((E.)) Monument signs.

(1) MONUMENT SIGNS, AS DEFINED IN THIS CHAPTER, ARE MANDATORY IN ALL OVERLAY DISTRICTS.

(2) (((1))) Monument signs shall be securely fastened to the ground.

(3) (((2))) No commercial monument sign shall be placed within 50 feet of residentially zoned property.

(4) (((3))) Monument signs shall be set back 1/3 of the required building setback distance for the underlying zoning district and out of the right-of-way or easement.

(((4) Monument signs shall have a copy area not exceeding a horizontal to vertical ratio of two to one.))

(5) ((The structure of a)) A monument sign shall not exceed eight feet in height above finished grade.

(((6) Monument signs are mandatory in designated overlay districts as defined in this chapter.))

(6) (((7))) No monument signs may be placed in a recorded PUBLIC easement ((area or over City utilities)).

(7) ~~((8))~~ A monument sign must be set back 10 feet from the City's utilities or two times the depth of the utility, whichever is greater.

~~((F.))~~ G. Signs that are not commercially produced will be prohibited in all zoning districts.

H. ~~((G.))~~ Project development signs shall be set back at least 10 feet from the road right-of-way, shall not exceed 10 feet in height above the road grade, and shall not exceed the sizes as expressed in Table 3. Project development signs must be removed within 15 days after sale or lease of the last lot in the development.

I. ~~((H.))~~ Vehicular signs ~~((signs painted or mounted on the side or rear of trucks and trailers))~~ ON VEHICLES parked ON ~~((along))~~ a right-of-way are prohibited. ~~((For purposes of this Code, bona fide commercial images, logos, or language related to the use of or product carried by a given vehicle shall not be considered vehicular signage.))~~

J. ~~((I. Signs shall be permitted for institutions such as churches, public and private schools, and funeral homes located within a residentially zoned area, except that electronic message signs may only be activated from dawn to dusk, and must be set back a minimum of 50 feet from an adjacent residential use and 20 feet from the road right-of-way. Signs for these uses shall not exceed 32 square feet in area and shall not exceed eight feet in height. For purposes of this subsection, day-care centers are not considered institutions.))~~

K. ~~((J. Informational signs shall be set back 10 feet from the road right-of-way. These signs shall not exceed six square feet in sign area and shall not exceed six feet in height above the road grade. All informational signs may be posted 10 days prior to a function and shall be removed within 24 hours after that function.~~

L. ~~))~~ Projecting signs shall be at least two feet away from the vertical street curb line or improved shoulder edge of the travel way, and shall project no more than 42 inches from the wall. There shall be a clearance of at least eight feet from the top of the sidewalk to the bottom edge of the sign, or 14 feet for vehicle access.

L. Real estate signs must be removed within seven calendar days of the transfer, lease, or removal from the market of the real property.

M. Signs may be placed on four sides of a commercial or industrial building, except that a sign may not be placed on a side of a commercial or industrial building that faces a residential area.

N. Entrance signs shall not exceed six feet in height above finished grade.

O. An off-premises directory sign for general identification in support of an office park or similar project in the IBD Zoning District is permitted, provided that such a sign is within 2,000 feet of the property line of the office park or project. This type of sign shall be limited

to a maximum of twelve (12) feet in height above finished grade ((, and a maximum of seventy-five (75) square feet in area)).

P. ELECTRONIC MESSAGE SIGNS ARE PERMITTED AS AN ATTACHMENT TO A STRUCTURE OR PLACEMENT AS A FREESTANDING SIGN WITH THE FOLLOWING REQUIREMENTS:

(1) THE MAXIMUM AREA CANNOT EXCEED 50 SQUARE FEET.

(2) ONLY ONE ELECTRONIC MESSAGE SIGN PER BUSINESS IS PERMITTED.

(3) ELECTRONIC MESSAGE SIGNS MUST BE A MINIMUM DISTANCE OF 50 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY.

(4) ANIMATION, FLASHING, BLINKING CHARACTERS, SCROLLING TEXT, OR CONTINUOUS MOVEMENT IS PERMITTED AS LONG AS IT DOES NOT IMPEDE, CONFUSE, OR DISTRACT MOTORISTS OR PEDESTRIANS.

(5) NO SOUNDS CAN BE EMITTED FROM ELECTRONIC MESSAGE SIGNS.

§ 235-40.7. General restrictions.

\* \* \*

B. Signs of a size, location, movement, content, coloration, or manner of illumination that may be confused with or construed as a traffic control device, OR that hide from view any permitted signs, or which distract or obstruct the view of road or pedestrian traffic in any direction at a road intersection shall be prohibited.

C. Signs shall not be ((displayed)) PLACED on OR ATTACHED TO City, COUNTY OR STATE property, WITHIN A ((road rights-of-way)) PUBLIC RIGHT-OF-WAY OR EASEMENT, on utility poles, ((or in such a way as to present a danger to person or property, or to limit the visual field of drivers or pedestrians)) ON ANY ROADWAY SIGN AND POST, OR ON A TRAFFIC CONTROL DEVICE.

\* \* \*

§ 235-40.14. Violations and penalties.

C. Notwithstanding the provisions herein for violations, the City may seek ((an)) RELIEF THROUGH injunction or other remedies as provided by law.

**SECTION 9. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN,** that Article VI. Citizen Participation and Notification Process, of the Code of

the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, is repealed in its entirety.

**SECTION 10. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Article VII. Transitional Provisions, of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, is renumbered to be Article VI. Transitional Provisions.

**SECTION 11. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Section 235-42 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT CODE, Article VI, Transitional Provisions, is repealed and reenacted, with amendments, to read as follows:

### **Chapter 235. DEVELOPMENT CODE**

#### **Article VI, Transitional Provisions**

§ 235-42. Effect on pending or preexisting certificates, permits, and regulations.

A. Approved or pending zoning certificates or building permits.

(1) The requirements of this chapter OR AMENDMENT TO THIS CHAPTER shall not apply to any building, structure or use established pursuant to a valid building permit ((approved)) ISSUED prior to the effective date of this chapter OR AMENDMENT TO THIS CHAPTER, provided that SUBSTANTIAL CONSTRUCTION UNDER THE PERMIT HAS COMMENCED ((any such development shall commence within 12 months of)) WITHIN THREE MONTHS AFTER ISSUANCE OF THE PERMIT ((the effective date of this chapter)).

(2) The requirements of this chapter OR AMENDMENT TO THIS CHAPTER shall not apply to any building, structure, or use proposed to be established pursuant to a valid building permit application pending as of the effective date of this chapter OR AMENDMENT TO THIS CHAPTER ((. Such permit application is subject to the requirements of the Aberdeen Zoning Code and amendments thereto. Provided)) PROVIDED the permit application is approved AND ISSUED within 60 days after the effective date of this chapter OR AMENDMENT TO THIS CHAPTER, AND any development initiated pursuant to the ((approved)) ISSUED permit ((application must commence)) COMMENCES within ((12)) THREE months of the date of the ((approved application)) ISSUED PERMIT. Failure to commence within the ((twelve)) THREE-month period shall subject the permit to the provisions of this chapter OR AMENDMENT TO THIS CHAPTER.

B. Approved and pending preliminary plats.

(1) The requirements of this chapter AND AMENDMENTS TO THIS CHAPTER shall not apply to lots shown on a preliminary subdivision plat approved as of the effective date of this chapter OR AMENDMENT TO THIS CHAPTER, provided that a final plat applicable to that parcel shall have been recorded in the land records of the county prior to the effective date of this chapter OR AMENDMENT TO THIS CHAPTER or ((shall be recorded)) within 12 months after such effective date.

(2) The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat pending approval as of the effective date of this chapter OR AMENDMENT TO THIS CHAPTER, provided that ((the requirements of the Aberdeen Development Code and amendments thereof shall apply and)) the PRELIMINARY plat ((shall be)) IS approved by the Planning Commission within 60 days from the effective date of this chapter OR AMENDMENT TO THIS CHAPTER and a final plat applicable to that parcel ((shall be)) IS recorded in the land records of the county within 12 months after the date of approval of the preliminary plat.

C. Board of Appeals approvals. The requirements of this chapter OR AMENDMENT TO THIS CHAPTER shall not apply to any variance, SPECIAL EXCEPTION, or conditional use approved by a final decision of the Board pursuant to ((the Aberdeen Zoning Ordinance No. 254, as amended)) THIS CHAPTER, ANY AMENDMENT TO THIS CHAPTER, OR ANY PREDECESSOR TO THIS CHAPTER, EXCEPT THAT ANY REQUEST FOR A CHANGE TO THE PRIOR APPROVAL SHALL BE SUBJECT TO THIS CHAPTER OR AMENDMENT TO THIS CHAPTER.

((D. Effect of prior zoning regulations. All district classifications and maps, special exceptions, variances and conditional uses and applications for such approvals, including the particular zoning category or categories applicable to a parcel of land, established under the Aberdeen Zoning Ordinance No. 254, as amended, and as applied by legislative or administrative action thereunder, shall, as of the effective date of this chapter, be of no further effect or validity, except to the extent that specific continuing rights are granted by the terms of this chapter.))

D. APPROVED PRELIMINARY SITE PLANS, FOREST CONSERVATION PLANS, AND LANDSCAPING AND LIGHTING PLANS. THE REQUIREMENTS OF THIS CHAPTER OR AMENDMENTS TO THIS CHAPTER SHALL NOT APPLY TO PRELIMINARY SITE PLANS, FOREST CONSERVATION PLANS, AND LANDSCAPING AND LIGHTING PLANS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENTS TO THIS CHAPTER AS LONG AS SUCH PLANS OTHERWISE HAVE NOT EXPIRED UNDER THE PROVISIONS OF THIS CHAPTER.

\* \* \*

**SECTION 12. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN,** that Article VIII. Transit Oriented Development Maps and Graphics, of the

1 Code of the City of Aberdeen (2010 Edition as amended), Chapter 235. DEVELOPMENT  
2 CODE, is renumbered to be Article VII. Transit Oriented Development Maps and Graphics, and  
3 Section 235-43 of that Article is renumbered to be Section 235-42.  
4

5 **SECTION 13. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**  
6 **OF ABERDEEN**, that Chapter 235. DEVELOPMENT CODE, Appendix A, Table of Use  
7 Regulations, Code of the City of Aberdeen (2010 Edition as amended), is repealed and  
8 reenacted, with amendments, to read as follows:  
9





	Zoning District											
Use	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	ORE	AG	IBD	TOD
Residential												
((Dwelling, two-family	--	P	P	--	--	--	--	--	--	--	--	--))
Halfway house	--	--	SE	SE	SE	--	--	--	--	--	--	--
((Life care facility	--	--	SE	SE	SE	--	--	--	--	SE	--	--))
<b>LIVE WORK UNIT</b>	--	--	--	--	--	--	--	--			--	<b>P</b>
Mobile home park	--	--	SE	--	--	--	--	--	--	--	--	--
Personal care home	--	--	P	P	P	--	--	--	--	SE	--	--
<b>RETIREMENT COMMUNITY</b>	--	--	<b>P</b>	--	--	--	--	--			<b>P</b>	--
Commercial												
Adult bookstore or adult entertainment center	--	--	--	--	--	--	--	--	--	--	--	--
Agriculture machinery, sales and service	--	--	--	--	--	P	P	--	--	P	--	--
((Agriculture	--	--	--	--	--	--	--	--	--	P	--	--))
Athletic facilities or clubs (indoor)	--	--	--	P	P	P	P	SE	SE	SE	P	P
Auction house	--	--	--	--	--	SE	P	--	--	--	--	--
Automobile or boat sales/rental	--	--	--	--	--	P	--	--	--	--	--	<b>P</b>
Automobile carwash	--	--	--	--	--	P	--	--	--	--	--	--
Automobile repair shop	--	--	--	--	P	P	P	SE	--	--	--	--
Banks with or without drive-through facilities	--	--	--	P	P	P	P	P	SE	--	P	P
Banquet facility	--	--	--	--	--	P	--	--	P	--	P	P
Body piercing service	--	--	--	--	<b>P</b>	<b>P</b>	--	--	--	--	--	--
<b>BREW PUBS</b>	--	--	--	--	<b>P</b>	<b>P</b>	<b>P</b>	--			<b>P</b>	<b>P</b>
Business service	--	--	--	P	P	P	P	P	P	SE	P	P
Bus station, train station, taxi depot, and transit center	--	--	--	P	P	P	P	P	--	SE	--	P
<b>CATERING SERVICES</b>	--	--	--	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	--			<b>P</b>	<b>P</b>
Cemetery	--	--	--	SE	SE	SE	--	--	--	SE	--	--
Coliseums, stadiums, and accessory dormitory	--	--	--	--	--	P	P	--	P	SE	P	--
Commercial amusement, entertainment, recreation facilities, and sports camps	--	--	--	--	SE	P	P	--	P	P	P	P
Communication tower or monopole	--	--	--	--	--	SE	SE	SE	SE	SE	SE	SE
Conference center	--	--	--	--	--	P	--	--	P	--	P	P
Construction services and supplies	--	--	--	--	--	P	P	P	--	--	--	--
Convenience retail establishment with accessory fuel pumps	--	--	--	--	P	P	P	SE	--	--	P	P

	Zoning District											
Use	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	ORE	AG	IBD	TOD
Day-care center (group)	--	--	--	P	P	P	P	P	P	P	P	P
Day spa	--	--	--	--	P	P	--	--	--	--	P	P
<b>DORMITORY</b>	--	--	--	--	--	P	P	--			P	--
<b>FOOD TRUCKS (WITH PEDDLERS AND SOLICITORS LICENSE UNDER SEC. 417-6)</b>				P	P	P	P	P			P	P
Fortune telling	--	--	--	--	--	((SE ) --	SE	--	--	--	--	--
Fuel storage facility	--	--	--	--	--	--	SE	SE	--	--	--	--
Funeral home	--	--	--	--	P	P	--	--	--	--	--	T-5
Gourmet food establishment	--	--	--	P	P	P	--	--	--	--	P	P
Greenhouse/nursery	--	--	--	--	P	P	P	--	--	P	--	--
Heliport	--	--	--	--	--	--	P	P	P	P	--	--
Helistop	--	--	--	--	--	--	P	P	P	P	--	--
Hotel	--	--	--	--	--	P	--	--	--	--	P	P
Hotel, full service	--	--	--	--	--	P	--	--	--	--	P	P
Junkyard	--	--	--	--	--	--	--	--	--	--	--	--
Liquor store	--	--	--	P	P	P	--	--	--	--	--	P
Kennel	--	--	--	--	--	P	--	--	--	SE	--	--
((Main Street retail center	--	--	--	--	P	P	SE	--	--	--	P	P))
Massage services	--	--	--	--	--	--	--	--	--	--	--	--
<b>MEDICAL CANNABIS DISPENSARY</b>	--	--	--	--	--	--	P	--			--	--
<b>MEDICAL CANNABIS GROWER</b>	--	--	--	--	--	P	P	--			--	--
<b>MEDICAL CANNABIS PROCESSOR</b>	--	--	--	--	--	P	P	--			--	--
Medical services	--	--	--	P	P	P	--	--	--	--	SE	SE
<b>MICROBREWERIES</b>	--	--	--	P	P	P	--	--			--	P
Mobile home sales office	--	--	--	--	--	P	--	--	--	--	--	--
Motel	--	--	--	--	--	P	--	--	--	--	--	P
Motor vehicle painting and bodywork	--	--	--	--	--	P	P	--	--	--	--	--
Movie theater	--	--	--	--	--	P	--	--	--	--	P	P
((Nightclub	--	--	--	--	--	P	--	--	--	--	--	P))
Office building	--	--	--	P	P	P	P	P	P	SE	P	P
Open air market (farm and craft markets; produce market)	--	--	--	--	P	P	--	--	--	P	P	P
Personal services	--	--	--	P	P	P	SE	SE	--	SE	P	P
Pet Store	--	--	--	--	P	P	--	--	--	--	P	P
Pharmacy with or without drive-through	--	--	--	--	--	P	--	--	--	--	P	P
<b>PROFESSIONAL SERVICES</b>	--	--	--	P	P	P	P	P			P	P

	Zoning District											
Use	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	ORE	AG	IBD	TOD
Radio and television station	--	--	--	--	--	P	P	P	--	--	SE	SE
Restaurant	--	--	--	P	P	P	<b>P</b>	--	P	--	P	P
Restaurant with drive-through	--	--	--	--	P	P	SE	--	--	--	<b>P</b>	--
<b>RETAIL, COMMERCIAL STORES</b>	--	--	--	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	--			<b>P</b>	<b>P</b>
Sand and gravel pits	--	--	--	--	--	--	--	--	--	--	--	--
((Shoppers merchandise	--	--	--	P	P	P	--	--	--	--	P	P))
Shopping center	--	--	--	--	--	P	--	--	--	--	<b>P</b>	--
<b>SPECIALTY STORE OR SHOP</b>	--	--	--	<b>P</b>	<b>P</b>	<b>P</b>	--	--			<b>P</b>	<b>P</b>
Supermarket	--	--	--	--	P	P	SE	SE	--	--	--	P
Tattoo parlor	--	--	--	--	<b>P</b>	<b>P</b>	--	--	--	--	--	--
Truck repair or truck service station	--	--	--	--	--	((SE))--	P	P	--	--	--	--
<b>TRUCK TERMINAL</b>	--	--	--	--	--	--	<b>P</b>	<b>P</b>			--	--
Veterinary clinics	--	--	--	--	P	P	--	--	--	SE	P	--
Warehouse establishments	--	--	--	--	--	--	P	P	--	--	--	--
Wholesale establishments	--	--	--	--	--	--	P	P	--	--	--	--
Industrial												
Apparel and other textile products manufacturing	--	--	--	--	--	--	--	P	--	--	--	--
Asphalt and concrete batching plant	--	--	--	--	--	--	<b>P</b>	--	--	--	--	--
Biological products manufacturing	--	--	--	--	--	--	--	P	SE	--	--	--
Compost facility	--	--	--	--	--	--	SE	--	--	--	--	--
Electrical and electronic equipment	--	--	--	--	--	--	P	P	P	--	--	--
Food products manufacturing	--	--	--	--	--	--	P	P	P	--	--	--
Furniture and fixtures manufacturing	--	--	--	--	--	--	P	P	--	--	--	--
Instruments and related products manufacturing	--	--	--	--	--	--	P	P	P	--	--	--
Leather and leather products manufacturing	--	--	--	--	--	--	--	--	--	--	--	--
Lumber, wood, and paper products manufacturing and sawmill	--	--	--	--	--	--	--	--	--	--	--	--
Machinery manufacturing	--	--	--	--	--	--	--	P	--	--	--	--
Medicinal and chemicals ((and botanicals)) manufacturing	--	--	--	--	--	--	SE	SE	P	--	--	--
Office machine manufacturing	--	--	--	--	--	--	P	P	P	--	--	--
Petroleum and coal products	--	--	--	--	--	--	--	--	--	--	--	--

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Use	Zoning District											
	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	ORE	A G	IBD	TOD
Pharmaceutical preparation manufacturing	--	--	--	--	--	--	P	P	P	--	--	--
Printing and publishing	--	--	--	--	--	P	P	P	P	--	--	--
Recycling facility	--	--	--	--	--	--	SE	SE	--	--	--	--
Sanitary landfill	--	--	--	--	--	--	--	--	--	--	--	--
Stone, clay, and glass products manufacturing	--	--	--	--	--	--	--	--	--	--	--	--
Textile mill	--	--	--	--	--	--	--	--	--	--	--	--
Transportation equipment manufacturing	--	--	--	--	--	--	--	SE	--	--	--	--
<b>WELDING AND METAL FABRICATION</b>	--	--	--	--	--	--	<b>P</b>	--			--	--
Institutional												
Art galleries	--	--	--	P	P	P	--	--	P	--	P	P
Auditorium/lecture halls/convention centers	--	--	--	--	--	P	P	P	P	--	P	P
((Churches, synagogues Temples and affiliated house of worship, including associated nursery schools)) <b>PLACES OF RELIGIOUS WORSHIP AND AFFILIATED SCHOOLS</b>	P	P	P	P	--	P	--	--	--	P	--	2ND floor
<b>COLLEGES AND UNIVERSITIES</b>	--	--	--	--	<b>P</b>	<b>P</b>	--	--			<b>P</b>	<b>P</b>
Community center	--	--	P	P	P	P	--	--	--	--	P	P
Fraternal clubs	--	--	--	SE	P	P	P	P	--	--	--	P
Generating or treatment plants, pumping or regulator stations, substations, and transmission lines utilizing multi-legged structures	--	--	--	--	--	--	P	P	P	P	--	--
Hospital	--	--	--	--	--	P	P	--	--	--	--	P
Library	--	--	--	P	P	P	--	--	P	P	P	P
Museum	--	--	--	P	P	P	--	--	P	P	P	P
Public or governmental buildings	SE	SE	SE	SE	P	P	P	P	P	--	SE	P
Public utilities	P	P	P	P	P	P	P	P	P	P	P	P
Schools ((colleges and universities))	P	P	P	P	--	P	--	--	P	P	P	P
Social clubs	--	--	--	--	P	P	P	--	--	--	--	P
Trade and vocational schools	--	--	--	--	--	P	SE	SE	P))	P))	P	P
<b>TEMPORARY USE</b>												
<b>ANIMAL SHOW</b>	-	-	-	-	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			<b>P</b>	<b>P</b>

<b>CARNIVAL</b>	-	-	-	-	-	P	P	P			P	-
<b>CIRCUS</b>	-	-	-	-	P	P	P	P			P	-
<b>CRAFT SHOW</b>	-	-	-	P	P	P	P	P			P	P
<b>FAIR</b>	-	-	-	P	P	P	P	P			P	P
<b>FLEA MARKET</b>	-	-	-	P	P	P	P	P			P	P

**SECTION 14. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Chapter 235. DEVELOPMENT CODE, Appendix C, Aberdeen Historical Structures, Code of the City of Aberdeen (2010 Edition as amended), is repealed in its entirety.

**SECTION 15. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Chapter 235. DEVELOPMENT CODE, Exhibit 1, Table 1, Permitted Signs by Type and Zoning District, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

P – Allowed without sign permit  
 \*P – Noncommercial only  
 S – Allowed only with sign permit  
 \*I – Institutional only  
 – Not allowed

Exhibit 1  
Table 1, Permitted Signs by Type and Zoning District

	Zoning District										
Type	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	IBD	TOD	((AG
((Animated	X	X	X	X	80	80	80	80	X	))	N
<b>AWNING</b>	--	--	--	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	
Banner	*P	*P	*P	S	S	S	S	S	S	*P	*P
<b>BEACON</b>	--	--	--	--	--	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	--	
Billboard	--	--	--	--	--	--	S	--	--	--	N
Building marker	P	P	P	P	P	P	P	P	P	<b>P</b>	<b>P</b>
Canopy	*I,S	*I,S	*I,S	S	S	S	S	S	S	<b>S</b>	<b>S</b>
Changeable copy	--	--	--	S	S	S	S	S	S	<b>S</b>	N
<b>DIRECTORY</b>	--	--	--	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	
Electronic message	*I,S	*I,S	*I,S	--	S	S	S	S	S	S	N
Entrance	*P,S	*P,S	*P,S	--	--	--	--	--	--	--	N
Freestanding	--	--	--	S	S	S	S	S	S	<b>S</b>	<b>S</b>
<b>ILLUMINATED</b>	--	--	--	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	
Incidental	P	P	P	P	P	P	P	P	P	<b>P</b>	<b>P</b>
((Informational	*P	*P	*P	P	P	P	P	P	P	))	P
Marquee	--	--	--	S	S	S	S	S	S	<b>S</b>	N
Monument	--	--	--	S	S	S	S	S	S	<b>S</b>	N
Off-premises	--	--	--	--	--	--	--	--	<b>S</b>	--	N

**SECTION 16. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Chapter 235. DEVELOPMENT CODE, Exhibit 2, Table 2, Number of Signs per Recorded Lot or Business by Zoning District, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

**Table 2, Number of Signs per Recorded Lot or Business by Zoning District**

[illegible]

Political campaign	U	U	U	U	U	U	U	U	U	U	U
Private traffic control	U	U	U	U	U	U	U	U	U	U	U
Project development	*1	*1	*1	1	1	1	1	1	1	1	1
Projecting sign	X	X	X	1	1	1	1	1	1	1	X
Public	U	U	U	U	U	U	U	U	U	U	U
Real estate	2	2	2	2	2	2	2	2	2	2	2
Roof	X	X	X	X	1	1	1	1	X	X	X
Roof, integral	X	X	X	X	1	1	1	1	X	X	X
Street	U	U	U	U	U	U	U	U	U	U	U
Suspended	X	X	X	1	1	1	1	1	1	1	X
Wall	X	X	X	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)	1(A)	X
Window	*U	*U	*U	U	U	U	U	U	U	C	X))

A - Per store front or building \* - Each entrance  
B - Per building \*I (I) - Institutional only  
U - Unrestricted number X - Not allowed  
\*U - Unrestricted number (noncommercial)  
**C - 25% of the window may be covered with window signs**

**SECTION 17. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN,** that Chapter 235. DEVELOPMENT CODE, Exhibit 3, Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

U - Unrestricted  
\*U - Unrestricted (noncommercial)  
I - Institutional only  
X - Not allowed  
**C - 25% OF THE WINDOW MAY BE COVERED WITH WINDOW SIGNS**

Exhibit 3  
Table 3, Sign Area for Each Sign on Recorded Lot or Business by Zoning District

	Zoning District										
Type	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	IBD	TOD	((AG
((Animated	X	X	X	X	80	80	80	80	X	))	X
<b>AWNING</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	
Banner	12	12	12	12	24	24	24	24	24	12	12
<b>BEACON</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>X</b>	
Billboard	X	X	X	X	X	X	X	X	X	X	X
Building marker	6	6	6	6	6	6	6	6	6	6	6
Canopy	12(I)	12(I)	12(I)	24	24	36	24	24	24	24	12
Changeable copy	X	X	X	50	50	50	50	50	50	50	X
<b>DIRECTORY</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	
Electronic message	32(I)	32(I)	32(I)	X	80	80	80	80	X	32	X

Entrance	80	80	80	X	X	X	X	X	X	X	X
Freestanding	X	X	X	50	100	150	100	100	100	50	50
<b>ILLUMINATED</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>50</b>	<b>100</b>	<b>150</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>50</b>	
Incidental	12	12	12	12	12	12	12	12	12	12	12
((Informational	6	6	6	6	6	6	6	6	6	))	6
Marquee	X	X	X	100	150	150	150	150	150	150	X
Monument	X	X	X	128	128	128	128	128	128	128	X
Off-premises directory	X	X	X	X	X	X	X	X	75	X	X
Pennant	X	X	X	12	12	12	12	12	12	12	X
Political campaign	U	U	U	U	U	U	U	U	U	U	U
Private traffic control	6	6	6	6	6	6	6	6	6	6	6
Project development	36	36	36	72	72	72	72	72	72	36	36
Projecting sign	X	X	X	36	36	36	36	36	36	36	X
Public	U	U	U	U	U	U	U	U	U	U	U
Real estate	10	10	10	24	24	24	50	50	50	24	10
Roof	X	X	X	X	100	150	150	150	X	X	X
Roof, integral	X	X	X	X	100	150	150	150	X	X	X
Street	6	6	6	6	6	6	6	6	6	6	6
Suspended	X	X	X	361	36	36	36	36	36	36	X
Wall	X	X	X	X	100	150	150	150	100	100	X
Window	*U	*U	*U	U	U	U	U	U	U	C	X))

**SECTION 18. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN,** that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.



**COUNCIL OF THE CITY OF ABERDEEN**



**Patrick L. McGrady, Mayor**



**Steven E. Goodin, Councilman**



**Sandra J. Landbeck, Councilwoman**



**Timothy W. Lindecamp, Councilman**




**Melvin T. Taylor, Councilman**

**ATTEST:**

  
**Monica A. Correll, City Clerk**

**SEAL:**

**Date**

  
**April 9, 2018**

