

**THE
CITY
OF
FREDERICK
ZONING
REGULATIONS**

Property Of
FREDERICK COUNTY
PLANNING & ZONING COMMISSION

No. _____

1952

ZONING ORDINANCE
THE CITY OF FREDERICK

Approved July 21, 1948 — Revised and Approved June 14, 1951

AIRPORT ZONING ORDINANCE

Approved October 18, 1951

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ZONING ORDINANCE THE CITY OF FREDERICK

An Ordinance to be known as "The Zoning Ordinance of the City of Frederick, Maryland," including a Zone District Map and a Front Yard map, which shall be a part of the Zoning Ordinance, to promote the health, safety, morals or the general welfare of the community, by regulating and restricting the height, number of stories, and size of buildings and other structures, the size of yards, the density of the population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, in accordance with a comprehensive plan; and to provide for the administration and enforcement of the regulations and restrictions; to impose certain duties and confer powers upon the City Engineer and the Board of Zoning Appeals, which Board is created by the provisions of this ordinance; to provide for appeals; to authorize exceptions; to provide penalties for the violation of the provisions of this ordinance, and to provide for amendments to this ordinance; in accordance with the provisions of Chapter 705 of the Acts of 1927, Chapter 443 of the Acts of 1929, Chapter 599 of the Acts of 1933, Chapter 448 of the Acts of 1935, and Chapter 868 of the Act of 1947, of the General Assembly of Maryland.

Whereas by authority of Chapter 705 of the Acts of 1927 of the General Assembly of Maryland, as amended by Chapter 448 of the Acts of 1935 and as amended by Chapter 397 of the Acts of 1937, the Mayor and Board of Aldermen may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of these Acts, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and

WHEREAS, by authority of Chapter 443 of the Acts of 1929, the Mayor and Aldermen may appoint a Planning Commission which shall have all the powers heretofore granted by law to the Zoning Commission; and

WHEREAS, by authority of Chapter 868 of the Acts of 1947, the Mayor and Aldermen of Frederick may pass ordinances relating to policing, planning and zoning for a distance of one mile from the boundaries of the city; and

WHEREAS, in order that the municipality may avail itself of the Zoning powers conferred by these Acts, it shall be the duty of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, by the passage of Chapter 448 of the Acts of 1935 the General Assembly recognized that the local legislative body cannot examine each and every building and parcel of land within the municipality to establish its relation to the facts which determine the zone district lines, the factor of safety in locating these lines, and the degree of exactness which they may present; and

WHEREAS, according to said Act, in order to provide for adjustment in the relative location of uses and buildings of different classifications, and for adjustment at and near district boundary lines, and to permit greater flexibility in the application of the general zoning law it is desirable to empower the Board of Zoning Appeals, under uniform rules and regulations, as set forth by local ordinances to determine the facts of a particular case and their applicability to the spirit and intent of the general zoning law, and to provide that no permit for such uses and buildings shall be issued without the approval of such Board and further the nature and extent of the facts which the Board shall consider and the rules which the municipality shall set up to guide the discretion conferred are not susceptible of precise definition, nor reducible to any exact or final formula, but must be gathered from their application to the varying facts of actual

cases as they arise, and in order to promote the usefulness of the ordinance as an instrument for fact finding, interpretation, application and adjustment, so as to supply the necessary elasticity to its efficient operation, and so as to protect the whole people from evils and dangers which follow the strict and literal application of a general zoning law to actual facts and conditions at the time of the application for the permit; and

WHEREAS, the Planning Commission has made a preliminary report and has held a public hearing thereon and has submitted its final report; and

WHEREAS, the Mayor and Aldermen have held a public hearing at which all parties in interest and citizens have had an opportunity to be heard in relation to said report and proposed regulations, restrictions, and boundaries; and the Mayor and Aldermen have given the fifteen days' notice required by acts of the General Assembly, and has otherwise complied with the requirements of the said acts;

Declaration of Enactment

Section 1. Be it enacted and ordained by The Mayor and Aldermen of Frederick, that for the purpose of promoting the health, security, general welfare and morals of the community, the height, number of stories and size of buildings and other structures, the size of yards, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, are regulated and restricted.

Section 2. Purposes in View. The regulations are made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations are made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

Section 3. Preliminary Studies. For the purposes set forth in Section 2, consideration has been given to the design, size and location of—

- (a) sanitary and storm water sewers;
- (b) water mains and pipes for fire extinguishment, domestic consumption and manufacturing;
- (c) other underground structures;
- (d) fire houses and their equipment;
- (e) police protection;
- (f) streets, alleys, bridges and paving;
- (g) schools, parks, playgrounds and other public facilities and requirements;

and, among other things, to

- (h) Traffic problems and regulations;
- (i) transportation requirements and facilities;
- (j) hazards from fire and disease;
- (k) access of light and air to buildings;
- (l) access for fire and police protection;
- (m) protection of occupants of dwellings from noise, dust and gases caused by traffic;
- (n) railroads and buses, with yards, stations, terminals, shops, garages and other structures and facilities;
- (o) situation and present uses of land and buildings for residence, business, industries, churches, schools, and for other uses; as affected by the uses of land and buildings, by the heights of buildings and by the size and location of yards, and by the density of population in each of the districts hereinafter mentioned.

Section 4. Districts and Maps. For any and all of the purposes in view, the City of Frederick and the territory within one mile beyond the corporate limits is divided into districts of such number, shape and area deemed best suited to carry out the purposes of this law. The districts herein established shall be known as:

1. Rural Districts
2. Industrial Districts
3. Business A Districts
4. Business B Districts
5. Service Districts for Professional, Artistic, Cultural and certain other Services
6. Residential B Districts
7. Residential C Districts

and are shown on the zone district map which accompanies this ordinance and which is hereby declared to be part of this ordinance. The district map designations, lines, figures, letters and symbols shown on said map are hereby declared to be part thereof.

Section 5. Classification of Uses and Districts. Uses which are not excluded from residential districts shall be known as residential uses. Residential uses and residential districts shall have the highest classification. Uses which are excluded from residential districts but which are not excluded from service districts shall be known as service uses. Service uses and service districts shall be lower in classification than residential uses and residential districts. Uses which are excluded from service districts but which are not excluded from business districts shall be known as business uses. Business uses and business districts shall be lower in classification than service uses and service districts. Uses which are excluded from business districts and which are not excluded from industrial districts shall be known as industrial uses. Industrial districts and industrial uses shall have the lowest classification. Uses permitted in rural districts shall be known as rural uses. Rural uses and rural districts are not classified.

Section 6. Regulations. The following regulations relating to the construction, reconstruction, alteration, extension, repair and use of buildings or structures, and to the use of land, are hereby established, except in so far as these regulations may be modified by the exceptions permitted in Sections 14, 24 and 25 or by other regulations herein and following this section. The regulations are designed to be uniform for each class or kind of buildings throughout a district.

Section 7. Rural Districts. In rural districts, land and buildings shall be used and buildings shall be arranged intended and designed to be used for any one or more of the following specified uses:

1. Residential uses
2. Service uses
3. Airports, landing fields and ordinary accessories and appurtenances
4. Baseball playing fields and race tracks or fairgrounds and accessories and appurtenances
5. Dairy and dairy products
6. Farming, gardening, orchards, nurseries and greenhouses
7. Livestock, poultry, birds, bees, rabbits, fish and other creatures raised or caught on the premises.
8. Sale on the premises of the products produced by authority of this section.
9. All business and industrial uses, shall be limited as to location, and shall be permitted only by authority of an ordinance of the Mayor and Board of Aldermen after public notice as required for industrial uses in Section 9.

Section 8. Uses Prohibited in Rural Districts.

1. Business and industrial uses and buildings except as provided in Section 7.

Section 9. Industrial Districts. In an industrial district, no use of land or building shall be excluded except the following manufacturing:

1. Acetylene gas
2. Ammonia
3. Bleaching powder
4. Celluloid
5. Chlorine, or hydrochloric, nitric, picric, sulphuric or sulphurous acid

6. Distillation of coal, wood or bones, spirits of turpentine or varnish

7. Fireworks or explosives

8. Glue

9. Vinegar

and the following industries:

10. And use which is a nuisance per se

11. Arsenal

12. Hair factory

13. Any use or trade, which, though properly and safely operated with ordinary care, according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke, dust, vibration or noise which substantially interferes with other uses of property permitted in the district,

provided, however, that nothing in this section shall be construed to exclude from this district any of the following:

A. Railroads and bus transportation and their

1. Roundhouses

2. Shops

3. Garages

4. Filling stations

5. Oil storage

6. Terminals

7. Trucks

8. Yards

9. Accessories and appurtenances

B. Other Public Utilities and their

1. Electric substations

2. Filtration or other water purification facilities

3. Gas holders

4. Gas plants
5. Power plants
6. Pumping stations
7. Reservoirs
8. Sewage disposal plant
9. Shops
10. Transformers
11. Transportation facilities
12. Water supply installations
13. Water towers, tanks
14. Coal and wood storage
15. Oil storage
16. Accessories and appurtenances

C. Provided, however, that in an industrial district, the following manufacturing:

1. Abattoir
 2. Asphalt products
 3. Fertilizer
 4. Incineration of garbage (wholesale)
 5. Refining petroleum or its products
 6. Sash weight foundry
 7. Soap except from vegetable oils
- and the following industries:

8. Automobile storage yard for wrecking, dismantling or salvaging parts
9. Junk yard or shop for purchase, sale, handling, baling or storage of scrap paper, scrap metals, scrap rubber, hides or rags, where, in the conduct of which establishments these materials are on the premises

are limited as to location in industrial districts, so that, none of these uses may be established without authority of an ordinance of the Mayor and Board of Aldermen, and such authority may be granted in industrial districts only. Before any ordinance, authorizing any use, or authorizing construction, extension or alteration of buildings, for any use listed in Paragraph C of this section may be passed, at least ten days notice shall be given by the applicant interested in or applying for authority, of the intended application for the passage of such ordinance, by posting a conspicuous sign on the premises, and by a publication of at least four insertions in a daily newspaper published in the City of Frederick. The sign and publication shall specify the exact location and nature of such use, construction, extension or alteration, as the case may be, in such a way as to apprise property owners or occupants of the proposal.

Section 10. Business Districts. In all business districts land and buildings shall be used and buildings shall be arranged, intended and designed to be used for any one or more of the following specified uses:

1. Residential uses.
2. Services uses
3. Business or professional office
4. Bottling plant
5. Bus terminals, garages and shops
6. Outdoor advertising structure or sign
7. Parking lots, garages and filling stations
8. Places of business such as: tailoring and clothes pressing, barber shop, beauty parlor, photographic establishment, printing establishment, radio shop, shoe repair shop, upholstery shop, automobile or storage battery service station
9. Railroad freight or passenger stations
10. Retail business
11. Store or shop for custom work or for the making of articles, the major portion of which are to be sold at retail on the premises.

12. Theatre
13. Wholesale and warehouse business
14. Wholesale laundry or dyeing and cleaning business

Section 11. Uses prohibited in Business Districts. In all business districts, land and buildings shall not be used and buildings shall not be arranged, intended or designed to be used or to change any use for:

1. Industrial uses
2. Automobile storage yard for wrecking, dismantling or junking cars or for salvaging parts
3. Cleaning establishment where explosive liquids are used
4. Coal yard or lumber yard
5. Gasoline or other inflammable oil in bulk storage for wholesale distribution to retailers or to consumers off premises
6. Junk yard or shop for purchase, sale, handling, baling or storage of scrap paper, scrap metals, scrap rubber or rags, where, in the conduct of which establishment these materials are on the premises.
7. Manufacturing
8. Pickling
9. Storage yard for building materials or contractor's construction equipment or plant
10. Hides and bones, baling, handling and storage
11. Wholesale bakery
12. Any use or trade, which, though properly and safely operated with ordinary care, according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke, dust, vibration or noise which substantially interferes with other uses of property permitted in the district.

Section 12. Service Districts. In a service district, land and buildings shall be used and buildings may be arranged, intended and designed for one or more of the following specified uses:

1. Residential uses

Sec. 12 Amended by Ordinances of March 25 and April 3, 1952 to read as follows:

- 2.
3. Charitable or other eleemosynary uses or institutions
4. Hotel
5. Medical clinic or dispensary
6. Office building
7. Professional office of physician, dentist, architect, engineer, surveyor or attorney at law
8. Real estate or insurance office
9. Studio of artist or sculptor
- 10.

provided, however, that: (a) there shall be no advertising on the building or on the windows but an ordinary customary small trade or professional identification or directional sign may be allowed as an accessory, (b) the building shall not be altered or constructed with an ordinary retail store front, and (c) the uses permitted shall not include display, storing or sale of merchandise.

Section 13. Uses Prohibited in Service Districts. In a service district, land and buildings shall not be used and buildings shall not be arranged, intended and designed to be used for business uses.

Section 14. Residential Districts. In a residential district, land and buildings shall be used, and buildings shall be arranged, intended and designed to be used for one or more of the following specified uses:

1. Dwellings
2. Apartment houses
3. Church or parish house
4. Club for civic purposes, operated solely by a recognized civic group but a club, the chief activity of which is a business, and a club carried on as a business or for profit, shall be excluded.

5. Country club, golf course, and accessory recreational uses ordinarily incidental to a social country club operated for mutual recreation for the members and not as a business for profit.

6. Customary home occupation carried on by a resident in his own home, not as a full time ordinary business activity, but incidental to the occupancy of the building as a dwelling and during such time as the resident is not otherwise engaged in ordinary household activity, without advertising, without employees, and the building shall be constructed as a dwelling and not as a place of business; but a small trade or professional identification or directional sign may be allowed as an accessory.

7. Farming, gardening, orchard, nursery, greenhouse

8. Hospital, sanatorium and convalescent or nursing home, public or private, except for the insane, feeble minded, infectious diseases or chronic alcoholics

9. Library, art gallery, community center building or public museum

10. Municipal recreational use including public parks, athletic fields, playgrounds, tennis courts and golf courses

11. Office of a physician or other professional person, and studio of an artist or musician for practice or teaching in his home, without advertising, but an ordinary customary small identification, professional or directional sign may be allowed as an accessory

12. Orphanage or home for the aged

13. Railroad right of way or passenger station

14. School, college, kindergarten or nursery school, public or private, with ordinary accessory buildings of such institutions including dormitories, dining hall, recreational gymnasium, swimming pool and studios, laundry, heating and power plant.

15. Telephone exchange building at a telephone wire center

16. Accessory uses, customarily or necessarily incidental to any of the above specified uses. A sign on land or on a building, advertising it for sale, rent or lease shall be permitted as accessory. An accessory use shall be situated on the same lot as the primary use to which it is accessory. The term accessory use shall not

include ordinary outdoor billboards or other outdoor advertising structures, nor shall it include window display of merchandise.

17. Garage for not more than three motor vehicles and not over 900 square feet, except as provided in Section 27.

17-A. Undertaking business or establishment with approval of Board of Zoning Appeals.

18. Other uses not of prima facie business, commercial or industrial character

Section 15. Uses Prohibited in Residential Districts. In all residential districts, land and buildings shall not be used and buildings shall not be arranged, intended or designed to be used or to change any use for:

1. Business, commercial or industrial uses
2. Service or rural uses except those permitted in Section 14
3. Bakery
4. Bowling alley
5. Club, the chief activity of which is a service customarily carried on as a business
6. Correctional or penal institution
7. Dance hall
8. Dyeing or cleaning establishment
9. Factory
10. Filling station for the sale of inflammable liquids
11. A garage or garages for more than three motor vehicles and covering in the aggregate more than nine hundred square feet, except as provided in Section 27.
12. Laundry
13. Livery stable
14. Milk bottling or distributing plant
15. Motor vehicle, wagon or bicycle repair shop
16. Office building

17. Outdoor advertising structure, except the ordinary sign advertising for rent, sale or lease property on which such sign is situated

18. Plumbing establishment

19. Pool or billiard room

20. Sale or boarding stable

21. Shop for the conduct of a trade or for the sale of trade appurtenances

22. Store

23. Tailoring establishment

24. Tavern

25. Theater including those for moving pictures

27. Wholesale warehouse or storage warehouse or building to be used for the storage of household effects or merchandise

28. Storing or altering of packing boxes on any lot or in any building

29. The following places of business where service is rendered: clothes pressing, barber shop, photographic establishment, printing establishment, shoe-repair shop, shoe-shining, poultry-killing, cat or dog hospital, automobile or storage battery service station.

Section 16. General Use, Regulations and Exceptions. Nothing contained in this ordinance shall be construed to prevent

1. Continuance of any use of land or building which now legally exists

2. Reconstruction and use of any building destroyed by fire

3. Repair, restoration or strengthening of a building for the same use

4. Construction or use authorized by a permit which has been issued, and exercised within six months of the passage of this ordinance

5. Construction of a necessary telephone exchange building at a telephone wire center

6. Where in Sections 12 and 13 or elsewhere in this ordinance, a trade or professional identification or directional sign is referred to and permitted, such sign shall not be illuminated and shall not extend over a sidewalk.

Section 17. Non-conforming Uses. A non-conforming use is a use that now legally exists and that does not comply with the regulations for the use district in which it is established. A non-conforming use may not be extended, except as provided in Section 27, paragraph C, but the extension of a use to any portion of a building, which portion is now arranged, intended or designed for such non-conforming use, shall not be deemed to be an extension of a non-conforming use. A non-conforming use may be changed to a use of the same classification or to a use of a higher classification. A non-conforming use, if changed to a use of a higher classification, may not thereafter be changed to a use of a lower classification.

Section 18. Height of Buildings, Side and Rear Yard and Population Density Regulations.

1. **Height Regulations:** No building shall be constructed or increased in height to a height in excess of the height limits in the several districts as set forth in the table in this section.

2. **Rear and Side Yard Regulations Where Required:** For buildings which may hereafter be constructed, extended, or moved, the minimum depth of rear yards, the required number of side yards, the minimum aggregate width of side yards, and the minimum width of any side yard, where required in the several zoning districts, shall be as set forth in the table in this section.

3. **Population Density:** The ratio of the area of the lot to the maximum number of families per acre that may be housed on any lot in the several zoning districts shall be as set forth in the table in this section. The nearest whole number, resulting from the computation, is permitted.

4. Height, Side and Rear Yard and Population Density Table.

Districts	Maximum Height in Feet	Minimum Depth of Rear Yards in Feet	Number of Side Yards	Minimum Aggregate Width of Side Yards in Feet	Minimum Width of Side Yards in Feet	Maximum Number of Families per Acre
For Rural (see rule at bottom of page)						
Industrial						
For dwellings	45	25				60
For other buildings	90					
Business A						
For dwellings	45	25				60
For other buildings	90					
Business B						
For dwellings	45	25	1*	3	3	60
For other buildings	45					
Service						
For dwellings	45	25	1*	3	3	60
For other buildings	45	25				
Residential B	45	25	1*	3	3	60
Residential C						
For detached dwelling	45	30	2	16	8	12
For semi-detached dwelling	45	30	1	10	10	12
For other buildings	45	30	2	20	10	

In rural districts, where a tract of land is subdivided for residential development into lots for sale, or when dwellings, including apartment houses, are built for sale or rent, the height, yard and population density regulations for Residential C districts shall be the regulations for such tract and buildings.

*Corner lots require no side yards.

Section 19. General Heights Exception. The height regulations of this ordinance shall not apply to the construction of the following:

1. Belfries, chimneys, conveyors, cupolas, derricks, domes, gas holders, fire escapes, fire towers, flag poles, flues, minarets, monuments, observation towers, parapet walls, pinnacles, silos, smoke stacks, spires, steeples, transmission towers, ventilators, water towers, windmills, or outdoor radio towers, poles, antennae and wires;

2. Water towers or tanks other than those located on the roof of a building;

3. Bulk-heads, cooling towers, elevator enclosures, monitors, pent houses, sky lights, stage towers and water tanks occupying less than twenty-five per cent, in the aggregate, of the area of the roof of the building on which they are situated;

4. Towers, occupying not more than twenty-five per cent, in the aggregate, of the area of the building on which they are situated and not more than fifty percent, in the aggregate, of the length of the street frontage of the building.

Section 20. Area Regulations and Exceptions. The following area regulations and exceptions shall apply:

1. An outside stairway, or an open or lattice enclosed fire escape may project not more than eight feet into a rear yard, and a solid floor balcony may project not more than six feet into a rear yard.

2. Ordinary window-sills, chimneys, eaves and cornices may project into any yard, and a fence not over four feet high may project into or enclose any yard.

3. Enclosed or unenclosed porches not more than one story high may project not more than ten feet into a front yard.

4. An unenclosed porch may project not more than six feet into a required rear yard, steps for entrance to a building may project into any yard, and a chimney, oriel or bay may project not more than three feet into any yard, provided, however, that such steps, chimney, oriel or bay shall not project into such side yard as is required for dwellings in a B area district, or service district.

5. Notwithstanding other provisions of this ordinance pertaining to the number of families per acre, a single family may occupy any lot, the separate identity of which was determined at the time of the passage of this ordinance.

6. Notwithstanding other area provisions of this ordinance, a garage for not more than one motor vehicle and not more than 300 sq. ft. in area, may be constructed in the rear yard of any lot on which there is a building, but not a garage, at the time of the passage of this ordinance.

7. Garages and other accessory buildings not over twenty-four (24) feet high may occupy ten percent of the lot area, in addition to the building area limitation, providing that not more than fifty percent of the required area of the rear yard is occupied by such garages and other accessory buildings. No sideyard shall be required for private garages and accessory buildings when these structures are located to the rear of and on the same lot containing a dwelling.

8. No dwelling shall hereafter be erected on a lot abutting on a street, alley or way which is less than thirty feet in width.

9. Nothing in this ordinance shall be construed to interfere with or restrict the number of families occupying buildings at the time of the passage of this ordinance.

10. Nothing in this ordinance shall be construed to interfere with or restrict the percentage of lot now occupied by buildings, nor to require an existing building to be reduced in size in order to provide larger yards.

11. In C area districts, garages and other accessory buildings hereafter erected shall be set back not less than ten feet from all street lines, and garages and other accessory buildings, not attached to or within the principal building, shall be thirty feet therefrom; in A and B area districts the distance shall be twenty-five feet for similar garages and other accessory buildings.

12. In B area districts and service districts wherever a side yard is now provided, no extension or alteration of a dwelling shall be made so as to reduce such a side yard to less than three feet in width.

13. In a C area district, an unenclosed porch or steps may project into a side yard, provided for a detached building, they

shall not be constructed within three feet of a side lot line and for a semi-detached dwelling they shall not be constructed within five feet of a side lot line.

Section 21. Front Yards. For buildings hereafter constructed, extended or altered, front yards shall be provided as shown on the front yard map which accompanies this ordinance, and which is hereby declared to be part of this ordinance. The required front yards designated on said map are hereby established. The front yard map designations, lines, figures, letters and symbols shown on said map are hereby declared to be part thereof. No building shall be constructed except in accordance with the front yards prescribed for the block in which such building is proposed to be situated. No building shall be so extended or altered as to reduce the front yard prescribed for the block in which such building is situated. Nothing in this ordinance shall be construed to interfere with or restrict the size of front yards for buildings erected prior to the passage of this ordinance. Wherever, in a block, a zero is shown on the map, it is intended that no front yard shall be required. Except in Industrial Use Districts, wherever in a block or on unsubdivided land there is no front yard designated, it is intended that the required front yards for the block or for the land that may be subdivided into building lots hereafter or for blocks bordering streets that may be laid out hereafter through unsubdivided land, shall be determined by application of the rule set forth in Section 22 of this ordinance.

Section 22. Wherever the required front yard is not shown by an exact number of feet on the front yard map, it shall be determined by the following table, which specifies the minimum depth of front yard required, based on both depth of lot and width of street on which the lot abuts:

**Front Yards Required for Lots Varying from 90-150 Feet
in Depth and Streets Varying from 35 to 100 Feet**

Width of street in feet		Depth of lot												
		90	95	100	105	110	115	120	125	130	135	140	145	150
35	40	23	24	25	26	27	28	29	30	31	32	33	34	35
40	45	22	23	24	25	26	27	28	29	30	31	32	33	34
45	50	21	22	23	24	25	26	27	28	29	30	31	32	33
50	55	20	21	22	23	24	25	26	27	28	29	30	31	32
55	60	19	20	21	22	23	24	25	26	27	28	29	30	31
60	65	18	19	20	21	22	23	24	25	26	27	28	29	30
65	70	17	18	19	20	21	22	23	24	25	26	27	28	29
70	75	16	17	18	19	20	21	22	23	24	25	26	27	28
75	80	15	16	17	18	19	20	21	22	23	24	25	26	27
80	85	14	15	16	17	18	19	20	21	22	23	24	25	26
85	90	13	14	15	16	17	18	19	20	21	22	23	24	25
90	95	12	13	14	15	16	17	18	19	20	21	22	23	24
95	100	11	12	13	14	15	16	17	18	19	20	21	22	23
100	or over	10	11	12	13	14	15	16	17	18	19	20	21	22

Section 23. Front Yard Exceptions. The table in the preceding section specified the required front yard on lots varying from 90 feet to 150 feet in depth and on streets varying from 35 feet to 100 feet in width, but

1. For lots less than 90 feet deep the same front yard shall be required as for lots 90 feet deep.

2. For lots more than 150 feet deep the same front yard shall be required as for lots 150 feet deep.

3. For streets less than 35 feet wide the same front yard shall be required as for streets 35 feet wide.

4. For streets over 100 feet wide the same front yard shall be required as for streets 100 feet wide.

5. It is hereby expressly set forth that front yards are required for dwellings but are not required for other buildings in industrial use districts, except where designated on the front yard map.

6. Wherever, for a land subdivision, there are front yards, set-backs, or building lines established back of the street line by plats, deeds or covenants now recorded in a court of record, the front yards, set-backs, of building lines thus required shall be deemed to be the front yard requirements of this ordinance for such tract of land.

7. In instances where there are minor irregularities in depths of existing front yards in a particular block, any one of the existing depths that is considered most applicable by the City Engineer shall be the required minimum front yard depth for the entire frontage, or for any part thereof, and for the entire block or for either side thereof.

8. The City Engineer may determine the front yard requirement for any lot or block where the rules above set forth do not establish the depth of a front yard, but the rules most applicable shall apply.

Section 24. Interpretation of Maps and Map Designations. The following rules of interpretation shall be applicable to the maps:

1. A district name and height number shown on the district map indicates that the regulations pertaining to the district designated by that name and number extend throughout the whole area bounded by the district boundary lines within which such name, number or letter is shown.

2. Where the precise location of a district boundary line is indicated by a designated number of feet, shown on the map, that distance shall control.

3. Where the precise location of a boundary line is shown as within or binding along a street or alley, such boundary line shall be deemed to be the centre of such street or alley.

4. Where a boundary line is shown and its location is not fixed by any of the above rules of this section, its precise location shall be determined by scaling from fixtures shown on the map.

5. The depth of a front yard required for any building in a block shall be not less than the number of feet indicated as the front yard requirement for such block, as shown on the front yard map, said front yard depth to be measured from the front line of the lot to the front line of the building.

6. In order to supply to citizens and city officials necessary information pertaining to the district map and the location of the district boundaries, a blue print, white print or other suitable copy of said map shall be kept by the City Engineer and immediately upon the passage by the Board of Aldermen of any amendments to or change of the map and the location of the boundary lines, the City Engineer shall forthwith add the said amendments or changes to his copy of the district map so that it should be an up-to-date record of the zoning districts of the city which shall be an accurate public record for reference for all those desiring to know how any lot or all of the land throughout the city is affected by this ordinance.

7. Every amendment, authorized in Section 31 proposing to change the district boundary lines, shall be accompanied by a plat drawn to such scale as the City Engineer shall require and showing the information necessary to enable him to plot the amendment on the district map kept in his office as a public record.

Section 25. Enforcement. The method for enforcing this ordinance, and the procedure to be followed in making application for permits shall be as follows:

1. Before any land or building may be used, or before any building may be constructed, extended, altered, repaired, changed or converted, application for a permit shall be made to the City Engineer. The application shall be accompanied by plans and specifications of the proposed building. If the application, filed together with the plans and specifications, conforms in all respects with the requirements of this ordinance, the City Engineer shall, within reasonable time, issue the permit applied for.

2. If the application and the accompanying papers do not comply in all respects with the regulations of this ordinance, it shall be disapproved by the City Engineer, and the applicant notified in writing. The City Engineer may, in his discretion, before disapproving any application, return such application to the applicant, who may amend the said application, plans or specifications in order to make the proposal comply with the regulations of this ordinance. In such event the City Engineer shall proceed to pass upon the application as if it were an original one.

3. If an application is disapproved, the applicant shall be notified in writing, with reasons for the disapproval. If an application is approved, a written permit shall be issued. In passing upon applications for permits, approval or disapproval of the City Engineer shall, at all times, be in accordance with interpretations given this ordinance and the maps by the Board of Zoning Appeals, hereinafter established.

4. In cases where an appeal is filed by the applicant or where he applies for a variance, and in cases where by the provisions of this ordinance special exceptions, limited as to location, are permitted with approval of the Board of Zoning Appeals, such applications shall be transmitted forthwith by the City Engineer to the Board of Zoning Appeals for its action, and shall be returned by the Board to the City Engineer with the action of the Board noted in writing. If such an application is disapproved by the Board, it shall forthwith notify the applicant.

5. An application for a permit shall show such information as may be necessary to determine if the application conforms

with the regulations of this ordinance and shall be accompanied by a plat in triplicate, drawn to such scale as the Engineer may require, showing the actual dimensions of the lot built upon or to be built upon, the size and situation of all existing buildings upon the lot, the size and situation of the building or buildings to be constructed, the size and situation of any proposed extension, the house number and names of all streets upon which the lot abuts, and such other information as may be necessary to provide for enforcement of this ordinance, or upon which to base an inspection prior to passing on the application.

6. In case any building or structure is constructed, extended, altered, repaired, changed, converted or maintained, or any building, structure or land is used in violation of this ordinance, the Mayor and Aldermen, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, extension, alteration, repair, change, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any act, conduct, business or use in violation of this ordinance, in or about such premises.

Section 26. Board of Zoning Appeals. Constitution of the Board of Zoning Appeals, procedure for taking appeal, and powers of the Board are as follows:

1. The Board of Zoning Appeals is hereby established. It shall consist of five members, and they shall be appointed by the Mayor, subject to approval of the Board of Aldermen. The members of the Board of Zoning Appeals shall be appointed for a term of four years, but of the first appointed members, two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. One member shall be named by the Mayor as Chairman. Annually hereafter the Mayor shall appoint, subject to the approval of the Board of Aldermen, members for terms of four years, to succeed those whose terms have expired. A vacancy shall be filled for the unexpired term of any member whose term becomes vacant. The members of the Board of Zoning Appeals shall be removable for cause by the appointing authority upon written charges and after public hearings.

2. The Board shall appoint such employees as may be authorized from time to time by the Board of Aldermen. The members of the Board of Zoning Appeals and employees shall receive such compensation as may be fixed by the Board of Aldermen.

3. The Board of Zoning Appeals, hereinafter referred to as "the Board," shall adopt rules necessary for carrying out the provisions of this ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed immediately in the office of the Board, and shall be a public record.

4. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the City Engineer. Such appeal shall be taken within a reasonable time, as provided by rules of the Board, by filing with the City Engineer and with the Board a notice of appeal, specifying the grounds thereof. The City Engineer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

5. An appeal stays all proceedings in furtherance of the action appealed from, unless the City Engineer certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the City Engineer and on due cause shown.

6. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within

a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

7. The Board of Zoning Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

B. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under this ordinance.

C. To authorize upon appeal in specific cases such variance from the terms of this ordinance as is necessary to avoid arbitrariness and so that the spirit of the ordinance shall be observed and substantial justice done.

D. To approve buildings and uses, limited as to location under such rules and regulations as may be provided by this ordinance.

8. In exercising the above-mentioned power the Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the City Engineer.

9. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City Engineer, or to decide in favor of the applicant of any matter upon which it is required to pass under this ordinance.

Section 27. Special Exceptions Permitted if Approved by Board of Zoning Appeals:

1. In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classification, for adjustment at or near boundary lines, for adjustment in the practical application of yard regulations, for adjustment of uses and buildings limited as to location, and to permit greater flexibility in the application of this ordinance, certain exceptions are

permitted if approved by the Board of Zoning Appeals under uniform rules, guides, standards and regulations, set forth in this Section and under other applicable rules in this ordinance set forth herein.

2. Under this authority, the Board shall determine the facts of a particular case and their applicability to the spirit and intent of this ordinance, and no permit for such uses and buildings shall be issued without the approval of the Board.

3. As recognized by the General Assembly in Chapter 448 of the laws of 1935, so also The Mayor and Aldermen of Frederick recognize that the nature and extent of the facts which the Board shall consider and the rules which the municipality shall set up to guide the discretion herein conferred are not susceptible of precise definition, nor reducible to any exact or final formula, but must be gathered from their application to the varying facts of actual cases as they arise, in order to promote the usefulness of the ordinance as an instrument for fact finding, interpretation, application and adjustment, to supply the necessary elasticity to its efficient operation, and so as to determine the relation of the facts which determined the zone plan, to a particular location and use, as such facts and conditions are found at the time of the application for the permit.

4. Besides other guides and standards in this ordinance, the following rules are set up:

A. Procedure to be followed by the Board of Zoning Appeals before deciding any case arising under this section:

1. Public notice and hearing
2. Inspection of the premises involved in the application
3. Inspection of the neighborhood deemed to be affected
4. Consideration of present physical conditions on the premises and in the vicinity
5. Give consideration to the physical conditions which the records show were considered in the design of the zone plan and ordinance for the property and its immediate vicinity, and considering especially any changes of those since the zone plan was adopted.

6. Give all parties in interest an opportunity to testify as to any material facts in connection with the proposed use.

7. Act as a fact-finding body and shall approve or disapprove the issuance of a permit for the proposed use in accordance with the evidence adduced before it and from its own investigation.

B. In passing on any case under the authority of this section and as a further guide to its decision upon the facts of the case, the Board may give consideration to, among other things, the following facts insofar as the Board deems that they or any of them may relate thereto:

1. The rules and regulations set forth elsewhere in this ordinance and especially in Section 26 and in this section.

2. The character and use of buildings and structures adjoining or in the vicinity of the property mentioned in the application.

3. The number of persons residing, studying, working in or otherwise occupying buildings adjoining or in the vicinity of the property mentioned in the application.

4. Traffic conditions and accessibility of building for fire and police protection.

5. Accessibility of light and air to the premises and to the property in the vicinity.

6. The location, kind and size of surface and subsurface structures in the vicinity of the property mentioned in the application, such as water mains, sewers and other utilities.

7. Materials of combustible, explosive or inflammable nature to be sold, stored, or kept on the premises.

8. Protection of occupants of buildings from noise, dust and gases.

9. The type of electric illumination for the proposed use, with special reference to its effect on nearby structures and the glare, if any, from such illumination in surrounding sleeping quarters.

10. The relation of the location, buildings and use, to the facts which determined the zone district lines.

11. The relation of the proposed application to conditions in the vicinity which have changed since the zone plan and this ordinance were enacted.

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FREDERICK COUNTY
PLANNING & ZONING COMMISSION

C. Buildings and uses, limited as to location, and especially in the locations described below in this section, are permitted if approved by the Board of Zoning Appeals:

1. A business use next door to a non-conforming business or industrial use in a residential district.
2. On a lot adjacent or in a building adjoining a non-conforming use, a use of the next higher classification.
3. A business use on a corner of intersecting streets where three corners or more are already used for business or industry.
4. Business to extend to the entire lot where there is now business on a portion of the lot.
5. Business on a lot, between two lots which are now used for business.
6. A use now existing in any part of a building to be extended vertically or laterally to other portions of the building and to permit such use or any part of it to be changed to another use of the same classification. In a building now occupied by a business or industrial use, to permit a use of the same classification in the remainder of the building.
7. The extension of an existing building and the existing use thereof upon the lot occupied by such building at the time of the passage of this ordinance or permit the erection of an additional building upon a lot occupied, at the time of the passage of this ordinance, by a business or industrial establishment and which additional building is a part of such establishment.
8. Where a use district boundary line crosses a lot, a use of either classification on the whole lot.
9. Controlled parking, with necessary regulations, of automobiles in residential, service and rural districts on open lots adjacent to non-conforming uses or on open lots adjacent to business and industrial districts where such parking will tend to relieve traffic congestion in the streets at and near the premises in question, will tend to reduce the number of vehicles moving or parked on the residential streets, thereby lessening the noise, dust and gas near the dwellings and tending to promote more safety for pedestrians and the children playing in the streets.

10. In a building adjoining an existing business or industrial use, a use which per se, or by reason of its operation, results in less hazard from fire or traffic, less traffic congestion, less noise, dust or artificial light than the existing business or industrial use now there, so that there may be interposed between dwellings, and business and industrial uses, such uses as may be less hazardous than the existing business or industrial use, so that the less hazardous shall be adjacent to a dwelling.

11. Garage for more than three cars in a residential district.

12. Filling stations for sale of gasoline.

13. Bulk storage of flammable liquids and flammable nauseous or toxic gases. (Fuel oil not exceeding 550 gallons excepted.)

14. Apartment houses as follows:

(a) a group of apartment houses

(b) a housing project of a group of apartment houses to be constructed as a unit according to a comprehensive well planned design, with adequate provision for access of light and air to the apartments and to neighboring properties

provided there is substantial compliance with the population density regulations of the district, and further provided that the aggregate area of the open yard spaces is substantially equivalent to the minimum aggregate area required for these buildings.

14-A. Undertaking business or establishment in residential districts.

D. Yard exceptions limited as to location, and especially in the locations described below in this section, are permitted if approved by the Board of Zoning Appeals:

1. An exception in the yard regulations on a lot where, on the adjacent lot there is a front, side or rear yard, that does not conform with the yard regulations.

2. A yard exception on corner lot or lots opposite or adjoining permanent open spaces, including parks and playgrounds.

3. An exception in the depth of rear yard on a lot in a block where there are non-conforming rear yard conditions.

4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street, between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

5. An exception in the front yard requirements for any lot or for a lot frontage on a side of a street between two intersecting streets.

6. Special exceptions in front, side and rear yards if necessary because of topography.

E. Where in this section and Section 26, the Board is authorized to approve exceptions, to decide appeals and special exceptions to authorize variances and to approve buildings and uses limited as to location, the decision, authorization or approval shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

1. No outside advertising structures, except professional signs.
2. Limitation of signs as to size, color, location or illumination.
3. Limit outdoor advertising.
4. Face brick.
5. Cleaning or painting.
6. Gable roof or other type.
7. A cornice or no cornice.
8. Connected or disconnected with other buildings.
9. Exits, doors and windows.
10. Paving, shrubbery, or ornamental fence or wall.
11. Time of day or night for operating.
12. No store front.
13. No structural changes.
14. Control or elimination of smoke, dust, gas, noise or vibration caused by operations.
15. Such other conditions as are necessary.

F. Where in this section the Board is authorized to approve exceptions, such approval shall not change the use classification of the building nor give it any status as a non-conforming use, such as is referred to in Section 17, nor shall there be another change of use without approval of the Board.

Section 28. Court review is herein provided in accordance with Article 66B of the Annotated Code of Maryland.

1. Any person, or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer, or any officer, department board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after filing of the decision in the office of the Board.

2. Upon the presentation of such petition the court may allow an appeal to review such decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the appeal shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

3. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such appeal. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

5. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

6. An appeal may be taken to the Court of Appeals from any decision of the Court of Record reviewing the decisions of the Board of Zoning Appeals (chapter 448, 1935).

Section 29. Restoration of Buildings. Nothing in this ordinance shall prevent the restoration of a building destroyed by fire, explosion, act of God, act of the public enemy or otherwise, or prevent the continuance of the use or part thereof as such use existed at the time of such destruction of such building or part thereof or prevent a change of such existing use under regulations provided by this ordinance. Nothing in this ordinance shall prevent the restoration of any part of a building declared unsafe by the City Engineer or by a Board of Survey.

Section 30. Permits Good for Six Months. Whenever a permit is granted under the provisions of this ordinance, it shall be exercised by the grantee therein named within six months from date of its issuance, and if not exercised by the grantee therein named within that time, the privilege and all rights granted shall become null and void and of no effect.

Section 31. Provision for Amendment. This ordinance with its regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the Board of Aldermen of the City of Frederick. No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in the City of Frederick.

Section 32. Definitions. Certain words in this ordinance are defined for the purpose of this ordinance as follows, unless otherwise clearly appears from the context:

(a) The word "occupied" includes the words "arranged, intended or designed to be occupied." The word "used" includes the words "arranged, intended or designed to be used."

(b) Street. The term "street" shall apply to any street thirty feet or over in width.

(c) Width of the Street. The mean of the distance between the sides of the street between two intersecting streets.

(d) Building. An edifice, structure or construction of any kind constructed or proposed to be constructed on a lot.

(e) Height of Building. The height of a building is the vertical distance measured, in the case of flat roofs, from the mean curb level to the level of the highest point of the roof beams adjacent to the street wall, and, in the case of pitched roofs, from the mean curb level to the mean level of the roof. Where no roof beams exist, or where there are structures wholly or partly above the roof, the height shall be measured from the mean curb level to the level of the highest point of the building. Where the walls of a building do not adjoin a street, then the height of a building shall be measured from the average elevation of the ground adjoining the walls instead of from the curb level.

(f) Lot. A lot is a parcel of land now or hereafter laid out and occupied by one building and the accessory buildings or uses customarily or necessarily incident to it, including such open spaces as are required by this ordinance. If a lot is subdivided or if two buildings are to be built on a lot, such lot or building shall comply with the required open spaces, except as provided in Sections 26 and 27.

(g) Corner Lot. A lot of which at least two intersecting sides abut for their full length upon a street.

(h) Interior Lot. A lot other than a corner lot.

(i) Depth of Lot. The dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken.

(j) Dwelling. The term "dwelling" shall apply to a building used in any part for dwelling purposes, including an apartment house, but not a hotel.

(k) A semi-detached dwelling is one which adjoins another dwelling or is attached thereto, having no side yard space between or separating them, the two standing as a pair of semi-detached buildings with a common or party wall between them. Such a pair is commonly called a double house.

(l) Front Yard. That portion of the lot extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

(m) Rear Yard. That portion of the lot extending across the entire width of the lot and situated between the rear line of the building and the rear line of the lot.

(n) Side Yard. That portion of the lot extending for the full length of the building between the building and the side lot line.

(o) Front or Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

Section 33. Validity. In case it shall be judicially determined that any word, phrase, clause, item, sentence, paragraph or section, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Board of Aldermen hereby declaring that it would have ordained the remaining provisions of this ordinance without the word, phrase, clause, item, sentence, paragraph or section, or the application thereof, so held invalid.

Section 34. Identification. Upon the passage of this ordinance by the Board of Aldermen, as evidence of the authenticity of the maps which are a part hereof, and for identification, the maps shall be signed by the Mayor and other members of the Board of Aldermen, the City Engineer and the City Register.

Section 35. Penalties for Violations. Any person who shall construct, extend, alter, repair, change, convert or use any building, or use any land, or change the use of any land or building

in violation of this ordinance, or who shall neglect to obtain the permit required by this ordinance shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction, shall be fined not less than twenty-five nor more than one hundred dollars; every such person may be deemed guilty of a separate offense for every day such violation shall continue. Upon failure or refusal of the party convicted to pay such fine and costs, he shall be committed to the jail of Frederick County for a period not exceeding ninety days, unless the person convicted shall pay such fine and costs before the day limited in the commitment, in which case he shall be released.

Section 36. Repeal of Conflicting Zoning Ordinances. The zoning ordinance, district map and front yard map adopted August 5, 1929 and re-ordained as Article XX of the Frederick City Code on April 20, 1938 and all amendments thereto, are hereby repealed.

Section 37. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect from the date of its approval.

Passed: July 21, 1948

LLOYD C. CULLER (Signed)

President of the Board of Aldermen

Approved: July 21, 1948

LLOYD C. CULLER

Mayor

Amended by Ordinance: June 14, 1951

DONALD B. RICE (Signed)

President of the Board of Aldermen

Approved: June 14, 1951

DONALD B. RICE

Mayor

**AIRPORT
ZONING
ORDINANCE
FREDERICK
MUNICIPAL
AIRPORT**

AIRPORT ZONING ORDINANCE FREDERICK MUNICIPAL AIRPORT

An Ordinance creating and establishing approach zone districts, transition zone districts and turning zone districts and establishing the original boundaries thereof in the vicinity of the Frederick Municipal Airport, and regulating and restricting the height of structures and objects of natural growth in the vicinity of said airport and prescribing the conditions for the use of property within said zone districts and boundaries.

WHEREAS, each political sub-division of the state, which owns an airport, and this includes the City of Frederick, is authorized and empowered to adopt and enforce airport zoning regulations under conditions prescribed in Chapter 422 of the Acts of the General Assembly of Maryland under sub-title "Airport Zoning," and

WHEREAS, The Mayor and Aldermen of Frederick, by Ordinance, affirmed April 19th, 1950, have appointed an Airport Zoning Commission; and

WHEREAS, the Airport Zoning Commission has made a preliminary report, held a public hearing and has submitted its final report; and

WHEREAS, The Mayor and Aldermen of Frederick have given notice of the time and place of public hearing, by the required fifteen days' notice, published in a paper of general circulation in the City of Frederick and in Frederick County and has otherwise complied with the requirements of said Act of the General Assembly, and the aforementioned ordinance; therefore

Section 1. Short Title. This ordinance shall be known and may be cited as the "Airport Zoning Ordinance of Frederick."

Section 2. Definitions. As used in this ordinance, the following words are defined, in order that the regulations and references may be clearer, and major components of the zoning problem understood:

1. Airport means the Frederick Municipal Airport.
2. Airport hazard means any structure, tree or use of land which interferes with communication between an airport and

aircraft approaching, or leaving the same or which obstructs the aerial approaches of an airport or which is otherwise hazardous to its use for landing or taking off of aircraft.

3. Aircraft means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

4. Altitude. Distance of zone floors or aerial contours above mean sea level.

5. Airport Reference Point. The airport reference point is a point selected and marked at the approximate center of the airport landing area.

6. Airport Referenced Imaginary Surfaces. These imaginary surfaces are established by reference to the airport, as described under the title of, and consist of, the approach surfaces, horizontal surface, conical surface and transitional surfaces.

7. Approach Area. The ground lying under the approach surface.

8. Approach Surfaces. The approach surface is an inclined plane located directly above the approach area. The dimensions of the approach area are measured horizontally. The approach area has a length of 10,000 feet beginning 200 feet from the end of each runway and extending outward, ending at a point 10,200 feet from the end of the runway on the extended center line of the runway. In addition, the approach area of all runways which may be used for instrument operation shall extend outward an additional 40,000 feet. The approach area is symmetrically located with respect to the extended runway center line, and for an instrument runway has a total width of 1,000 feet at the end adjacent to the runway. The approach area flares uniformly to a width of 4,000 feet at the end of the 10,000 feet section and to a total width of 16,000 feet at the end of the additional 40,000 foot section. For all the runways not intended for instrument operation, the approach area has a total width at the end adjacent to the runway of 500 feet and the width at the approach end is 2,500 feet. For an instrument runway the slope of the approach surface along the runway center line extended is 50:1 for the inner 10,000 foot section and 40:1 for the outer 40,000 foot section. For the other runways the slope is 40:1.

9. Approach Zone. The Approach Zone is all the air space delineated horizontally by the boundaries of the Approach Zone District, and in effect complies with and is synonymous to the Approach Surface, described above.

10. Approach Zone District. The Approach Zone District is all that area on the ground lying under the Approach Zone, and in effect complies with and is synonymous to the Approach Area described under Approach Surfaces as the ground lying underneath it.

11. Conical Surface. The Conical Surface extends upward and outward from the periphery of the horizontal surface with a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance of 5,000 feet.

12. Elevation. Distance above mean sea level of points on the earth's surface, trees and existing or proposed structures.

13. Established Airport Elevation. The established airport elevation is the elevation of the highest point of the usable landing area.

14. Horizontal Surface. The horizontal surface is a plane, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point of 8,500 feet.

15. Landing Area means the area of the airport used for landing, take-off or taxiing of aircraft.

16. Non-conforming use means any structure, tree, or use of land or building which does not conform to a regulation prescribed in this ordinance or an amendment thereto.

17. Obstructions. Objects which project above the landing area or any of the airport referenced imaginary surfaces, described or defined under that title and its extensions, shall be considered obstructions to air navigation. Objects exceeding the Limiting Heights above Ground, described under the title in the Ordinance, shall be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study.

18. Person means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, committee, assignee or other similar representative thereof.

19. Structure means any object or thing constructed, erected, placed or installed above the surface of the ground, including, but without limitation, buildings, fences, derricks, hay stacks, poles, wires, towers and smoke stacks.

20. Transitional Surfaces. The transitional surfaces are inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of the runway. The transitional surfaces, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center line equal to one-half the minimum width of the approach area, or 250 feet or 500 feet, for non-instrument or instrument runway, respectively. Transitional surfaces extend from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface or the conical surface. The approach surfaces for an instrument runway projecting through and beyond the limits of the conical surface have a 7:1 transitional surface extending a distance of 5,000 feet measured horizontally from the edge of the approach surfaces and at right angles to the runway center line.

21. Transition Zone. All the air space fixed by the Transitional Surfaces previously described and defined, lying above the floor of the surfaces.

22. Transition Zone District. All that area on the ground under the Transitional Surfaces and Transition Zones.

23. Tree means any object of natural growth.

24. Turning Zone. All the air space horizontally within the limits for the Turning Zone District and lying above the floor of the Horizontal Surface and Conical Surface that together extend 13,500 feet out from the airport reference point in the form of a circle.

25. Turning Zone District is all the area on the ground under the Turning Zone.

26. Zone districts are fixed by dimensions, bearings and descriptions shown on the Airport Zoning District Map.

27. Zone floor coincides with the height limitations applying to the district below it.

28. Zones are three dimensional, being the air space usable by aircraft.

Section 3. Districts. To carry out the purposes of said Ordinance as approved April 19, 1950, by The Mayor and Aldermen of Frederick, three types of airport zoning districts are hereby established for Frederick Municipal Airport for all that land area within a circle whose radius is 13,500 feet from the airport reference point, the latitude of which is 39° 24' 58" N and the longitude is 77° 22' 27" W and for all that land area in the instrument runway, designated No. 3, approach zone district extending ten statute miles in either direction along the center line of said runway from the airport reference point.

The names of the districts are:

1. Approach Zone Districts
2. Transition Zone Districts
3. Turning Zone Districts

B. There shall be six approach zone districts, twelve transition zone districts and one turning zone district as shown on the Airport Zoning District Map.

C. Runway No. 3 shall be the instrument runway and Runways No. 1 and No. 2 shall be the non-instrument runways.

D. The Established Airport Elevation is 306 feet above sea level.

E. The Airport Reference Point is located at the intersection of Runways No. 1 and No. 2 at 39° 24' 58" N latitude and 77° 22' 27" W longitude.

F. The elevation of the horizontal surface is 456 feet.

Section 4. Boundaries. The boundaries of each district are hereby established as shown on a map entitled "Airport Zoning District Map for Frederick Municipal Airport," and which is

attached hereto and is hereby made part of these Airport Zoning Regulations as though written herein. Copies of said map shall be filed in the land record offices of Frederick County and in the office of the City Engineer of the City of Frederick.

Section 5. Approach Zone Districts. In the approach zone districts the following height regulations will prevail. The height of any structure or tree within the inner or outer approach zone districts shall not exceed the limitations of slope defined under Approach Surface, so as to rise above it, or exceed the height of the horizontal surface or conical surface of the turning zone, if the approach surfaces should intersect them.

Section 6. Transition Zone Districts. The height of any tree or structure within a transition zone district shall not rise above the inclined plane of slope 7:1, i. e., one foot vertical rise for each seven feet of horizontal measure, from the approach surfaces, until that plane or surface intersects the horizontal or conical surfaces of the turning zone, or extending beyond, its limits are the bounds of 5,000 feet along the instrument runway approach zone district, measured horizontally from the edge and at right angles to the runway center line.

Section 7. Turning Zone District. The height of any tree or structure within this district shall not exceed the limiting heights fixed for the horizontal surface or the conical surface, i. e., 150 feet above the established airport elevation or 456 feet above sea level for the horizontal surface, the conical surface extending from the edge of it, starting at 456 feet and rising one foot vertically in each 20 feet it extends horizontally for 5,000 feet, where it terminates at a vertical height of 706 feet above sea level.

Section 8. Limiting Height Above Ground. In addition to the requirements of objects not extending above the airport referenced imaginary surfaces, they shall also be considered obstructions to air navigation and not permitted within the zoned regions about the airport if they extend 500 feet above the ground, or fall in the following categories:

A. Objects in instrument approach areas, more than 100 feet above the ground or 100 feet above the elevation of the approach end of the runway, whichever give the higher elevation of the

object, within three statute miles of the runway end, and increasing in height above ground in the proportion of 25 feet for each additional statute mile or distance outward from the runway end but not to exceed 250 feet within ten statute miles of the runway end.

B. Objects more than 170 feet above the ground or more than 170 feet above the established airport elevation, whichever gives the higher elevation of the object, within three statute miles of the reference points of the airport, and increasing in height in the proportion of 100 feet for each additional mile of distance from the airport but not to exceed a maximum of 500 feet above ground.

C. Objects in the instrument approach zone districts whose elevation would increase the final approach minimum flight. This limitation extends for a distance of ten statute miles along the final approach course outward from the radio facility.

Section 9. Overlapping Districts. Where districts overlap, the height permitted shall be that of the district having the most restrictive height regulation.

Section 10. Use Regulations. Except as otherwise provided in these regulations or in the ordinance approved April 19th, 1950, no land or building shall be used and no building or other structure shall be constructed, extended or altered for, nor arranged, intended or designed to be used for any of the following uses:

1. Transformer stations.
2. High power transmission lines.
3. Manufacturing establishments or other uses which produce smoke interfering with the safe use of the airport.
4. Rifle ranges and private landing fields which would interfere with the health, safety, and general welfare of the public in the use of the airport.
5. All plants and businesses of every kind which emit or discharge smoke, gases and odors that would interfere with the health, safety and general welfare of the public in the use of the airport.

6. Businesses or structures of any kind that may be detrimental or injurious to the health, safety, and general welfare of the public in the use of the airport.

7. Any use which would create electric interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking-off or maneuvering of aircraft.

Section 11. Hazard Marking and Lighting. Any permit that is approved as an exception or variance by the Board of Appeals shall be so approved, only on condition that the owner of the structure or tree mentioned in the application, shall permit the City of Frederick, at its own expense, by its City Engineer, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 12. Permits. No permit for the use of land or building or for the construction, extension or alteration of buildings or other structures that fall within any airport zoning district, shall be issued by the City Engineer or by the proper agency of Frederick County, until the application has been approved as to airport zoning regulations by the City Engineer under his authority as administrative officer, conferred by said Ordinance passed April 19, 1950.

Section 13. Conflicting Regulations:

1. The height regulations of this ordinance shall be supplementary to and in addition to the height regulations of the present general zoning ordinance of the City of Frederick, approved July 21, 1948.

2. Where the height regulations of this ordinance bear a lower height limit than the height regulations of the said general zoning ordinance, the height regulations of this ordinance shall apply to structures and trees.

3. In the case of conflict between the requirements of this ordinance and any other regulations, applicable to the same area of the airport zoning district, the more restrictive regulation shall govern.

Section 14. Validity. The rule set forth in Section 17 of Ordinance approved April 19, 1950, shall apply to this ordinance and its several regulations.

Section 15. Identification. Upon passage of this ordinance by The Mayor and Aldermen as evidence of the authenticity of the airport zoning district map, the said map and all amendments thereto, shall be signed by the Mayor and attested by the City Register.

Section 16. Date Effective. This ordinance shall take effect from the date of its passage.

Passed: October 18, 1951

DONALD B. RICE (Signed)

President, Board of Aldermen

Approved: October 18, 1951

DONALD B. RICE

Mayor

INDEX
TO
ZONING ORDINANCE
THE CITY OF FREDERICK

Accessory Uses	18
Airport Zoning Ordinance	38
Amendments	33
Apartment Houses	30
Area District Regulations	5
A Area Districts	16
(a) Percentage of lots covered	16
(b) Rear yard required	16
(c) Number of families per acre	16
Area Regulations and Exceptions	17
(a) Outside stairways	17
(b) Window sills, chimneys, etc.	17
(c) Enclosed or unenclosed porches ..	17
(d) Single family may occupy	18
(e) Garage for not more than one motor	
vehicle 300 sq. ft. of area	18
(f) Garage and accessory buildings	18
(g) Location of garage	18
(h) No dwelling on street under 30' width	18
(i) Number of families occupying dwelling	18
(j) Percentage of lot now occupied	18
Buildings and Uses Limited as to Locations	29
Business Use Districts	9
B Area Districts	16
(a) Percentage of lots covered	16
(b) Rear yard required	16
(c) Number of families per acre	16
(d) Side yard requirements	16
Board of Zoning Appeals	24
(a) Board established	24
(b) Appointment of employees	25
(c) Adopt rules to carry out ordinance ..	25
(d) Appeals to Board of Zoning Appeals ..	25
(e) An appeal stays all proceedings	25
(1) Time for hearing of the appeal	25
(f) Exercising of powers	26
(g) Powers of Board of Zoning Appeals	26
(1) To hear and decide appeals	26
(2) To hear and decide special exceptions	26
(3) To authorize upon appeal	26
(h) Reverse decision of City Engineer	26
(i) Special exceptions, where authorized	26
(j) Yard exceptions	30
C Area Districts	16
(a) Percentage of lots covered	16
(b) Rear yard requirements	16
(c) Number of families per acre	16
(d) Side yard requirements	16
Classification of Uses and Districts	5
(a) Regulations	5
Court Review	32
(a) Any person may appeal to Court	32
(b) Presentation of Petition to Court	32
(c) Return of original papers	32

(d) Testimony to Court	32
(e) Proceedings under this section have preference	33
Districts and Maps	4
Definitions	34
(a) Occupied	34
(b) Lot	34
(c) Street	34
(d) Front or frontage	35
(e) Height of building	34
(f) Building	34
(g) Width of street	34
(h) Corner lot	34
(i) Interior lot	34
(j) Depth of lot	34
(k) Front yard	19-35
(l) Rear Yard	35
(m) Side yard	35
(n) Dwelling	35
(o) Semi-detached dwelling	35
Enforcement	23
(a) Permits and plans required	23
(b) Application for permit shall show information	23
(c) Action against	23
Front Yards	19
Front Yard Table	20
Front Yard Exceptions	21
General Heights Exceptions	17
(a) Belfries, chimneys, etc.	17
(b) Water towers	17
(c) Bulkheads, cooling towers, etc.	17
(d) Towers	17
General Ordinance	1-3
General Use, Regulations and Exceptions	14
(a) Use of land	14
(b) Reconstruction and use of any building	14
(c) Repair, restoration or strengthening of any building	14
(d) Construction of Telephone Exchange	14
(e) Signs	15
Height Regulations	15-16
Industrial Use Districts	6
Interpretation of Maps and Map Designations	21
(a) District name	22
(b) Precise location of district boundary line is indicated	22
(c) Precise location of boundary line is shown	22
(d) Where boundary line is shown and location not fixed	22
(e) Depth of front yard required for any building	22
(f) Change the district boundary lines	22
Non-Conforming Uses	15
Permits good for six months	33
Penalties for Violation	35-36
Population Density	15
Provision for Amendment	33
Residential Use Districts	11
Restoration of Buildings	33
Rural Use Districts	6
Saving Clause (Validity)	35
Service Use Districts	10-16
Use Districts	4-5
Violations	35