

**THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY TO AMEND CERTAIN SECTIONS OF CHAPTER 230 "ZONING" OF THE POCOMOKE CITY AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION TO AMEND:**

- (1) ARTICLE II, TERMINOLOGY, §230-5, Definitions and word usage. To add the definitions of alcoholic beverages, brew-pub, brewery, micro-brewery, micro-winery, micro-distillery;
- (2) AMEND ARTICLE IX, B-1 SHOPPING DISTRICT, §230-62 Principal permitted uses. To add Item N. Brew-pub, Brewery; Item O. Micro-Brewery, Micro-Winery, Micro-Distillery; Item P. Taverns, Nightclubs, and entertainment facilities. §230-63 Conditional Uses. To eliminate item M. Alcohol sales in conjunction with a restaurant only and with appropriate licenses.
- (3) AMEND ARTICLE X, B-2 GENERAL BUSINESS DISTRICT, §230-70 Principal permitted uses. To add item Z. Brew-pub, Brewery, Micro-Brewery; Item AA Micro-Winery, Micro-Distillery; to renumber it Z to BB.
- (4) AMEND ARTICLE XI, M-1 LIGHT INDUSTRIAL DISTRICT, §230-78 Principal permitted uses. To add Item O. Brew-pub, Brewery; Item P. Micro-Brewery, Micro-Winery, Micro-Distillery.

**WHEREAS, the Planning Commission and staff of the Planning and Zoning Department have recommended adoption of zoning text amendments to update Chapter 230 Zoning of the Pocomoke City Code; and that these zoning text amendments further the goals of the Pocomoke City Comprehensive Plan duly adopted on October 6, 2014 by Resolution 485; and**

**WHEREAS, the current zoning regulations are out-of-date with regard to new business facilities and land uses that may produce, sell, distribute alcoholic beverages as it relates to brew-pubs, brewery, micro-brewery, micro-winery, micro-distillery and similar related uses. The proposed zoning text changes would allow such land uses and facilities to be permitted as principal permitted uses in the B-1, B-2 and M-1 zoning districts.**

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of the City of Pocomoke City that Chapter 230 "Zoning" be amended as follows:**

(Note: deletions to existing regulations are shown as cross-outs, new proposed regulations are shown as underlined text and in black/ bold highlighted text.

## ARTICLE II TERMINOLOGY

### [230-5 Definitions and word usage.](#)

A. In general, the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not directory.

B. In the interpretation and construction of this chapter, certain words and phrases shall be understood to have particular or limited meanings as herein defined, except where the context otherwise requires:

ACCESSORY USE OR STRUCTURE - A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use, but specifically excluding towers as an accessory use or structure.

ADULT DAY-CARE CENTER - A place where an individual or organization provides daytime supervision for adults.

AGRICULTURE - The use of land for agricultural purposes, including farming, horticulture and floriculture only.

ALLEY - A public or private way affording secondary means of access to abutting property.

**ALCOHOLIC BEVERAGES - alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, containing one-half of one per centum or more of alcohol by volume, which is fit for beverage purposes.**

ASSISTED LIVING FACILITY - A facility where adults reside under the supervision of other adults who assist the residents with everyday necessities.

BASEMENT - A story where the floor is more than 12 inches but not more than 1/2 of its story height below the average level of the adjoining ground (as distinguished from a cellar, which is a story more than 1/2 below such level).

BED-AND-BREAKFAST - A part of a dwelling where overnight lodging or sleeping accommodations are provided, along with the breakfast meal only, to transient guests.

BILLBOARD and SIGN

(1) BILLBOARD - Any structure or portion thereof situated on private premises on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of such premises or the nature of the business conducted thereon or the principal products sold or manufactured thereon.

(2) REAL ESTATE SIGN - A billboard or signboard advertising for sale or rent the premises on which located.

BOARD - The Board of Appeals (the Board) established hereunder.

BOARDINGHOUSE or LODGING HOUSE - A dwelling or part thereof where meals and/or lodgings are provided for compensation for persons not transients.

**BREW-PUB – BREWERY. An establishment licensed and regulated by the Maryland Annotated Code, Alcoholic Beverages Article and Worcester County Board of License Commissioners used primarily for the production, bottling, storage, distribution and sale of alcoholic beverages. A brew-pub or brewery may include as additional uses the tasting and consumption of alcoholic products and food, retail sales of related items, educational tours, entertainment, and events.**

BUILDING - Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons or chattels. When such a structure in single ownership is divided by one or more unpierced walls extending from the ground up, it shall be considered one "building" for the purpose of applying the provisions of this chapter.

BUILDING, HEIGHT OF - The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

CELLAR - A story having more than 1/2 of its height below average finished grade. A "cellar" is counted as a story for the purpose of height regulations only if used as a separate dwelling.

COMMUNITY RESIDENTIAL FACILITY (GROUP HOME) - Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Secure Community Transition Facility, Halfway House or Community Treatment Facility.

COMMUNITY TREATMENT FACILITY (REHABILITATION HOUSE) - Any dwelling or building licensed, certified or authorized by State, Federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems, needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include halfway houses, or secure community transition facilities.

COMPREHENSIVE DEVELOPMENT PLAN - A comprehensive set of plans, specifications and measures for the private and/or public development of an industrial park, cluster development, apartment project, shopping center or other planned development permitted in this chapter. The development plan shall include:

- (1) A site plan showing the location of all streets, pedestrian ways, rail lines, utility systems, landscaped areas, parcel lines, building areas, entrances and exits to be provided.
- (2) Any restrictions to be included in the sale or lease of land for parking, building location, property maintenance, sign control and any other protective measures.
- (3) A schedule for the development of streets, grading, utility installation, rail facilities, docking facilities or other improvements to be provided for the project area and occupants thereof.
- (4) A statement of intent to proceed and of the financial capability of the developer and sponsor.

CONDITIONAL USE - A use which may be permitted in a district through the granting by the Board of Appeals of a special exception as defined in § 1.00, Definitions, of Article 66B of the Annotated Code of Maryland, as amended, upon a finding by the Board that it meets specified conditions.

[Amended 6-2-1997 by Ord. No. 349]

CONDOMINIUM - Property subject to the condominium regime established under the Maryland Condominium Act, Title 11 of the Real Property Article of the Annotated Code of Maryland.

CONSTRUCTION, STARTING OF - The combining of labor and material into any portion of the structure on the site thereof.

COURT - An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

DAY-CARE CENTER - A single-family dwelling unit or other separate building in which daytime adult supervision is provided for more than eight children, not members of the caregiver's family, under the age of 16 and in which the caregiver may or may not reside.

**DISTRICT** - A portion of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term "R District" shall mean any R-1, R-2 or R-3 District; the term "B District" shall mean any B-1 or B-2 District; and the term "M District" shall mean the M-1 District.

**DRY NIGHTCLUB** - An establishment in which the primary use is as a gathering place for people regardless of age limitations for purposes of entertainment, dancing, social discourse and other social activities in the nature of those generally associated with social clubs, nightclubs, dance halls and after hours clubs as American Culture has defined by historical experience but not including theaters, schools, bona fide service clubs, or churches and establishments holding alcoholic beverage what constitutes a Dry Nightclub.

**DWELLING** - Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or mobile house or a room in a hotel or motel.

**DWELLING, MULTIFAMILY** - A detached building designed for or used exclusively for residence purposes by more than two families or housekeeping units. The term includes apartments, flats, row apartments and condominiums, among others.

**DWELLING, SINGLE-FAMILY** - A detached building designed for or used exclusively for residence purposes by one family or housekeeping unit.

**DWELLING, TWO-FAMILY** - A detached building designed for or used exclusively for residence purposes by not more than two families or housekeeping units.

**ESSENTIAL SERVICES** - Facilities owned or maintained by public utility companies or public agencies, located in public ways or in easements provided for the purpose or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication or similar services to adjacent customers, but not including any building or any yard, station or facility requiring a site in excess of 400 square feet and not including any cross-country pipeline or transmission line on towers or the tower itself, or any line requiring a private right-of-way.

**FAMILY** - A person living alone or two or more persons living together as a single housekeeping unit, but not including a group of persons occupying a boardinghouse, lodging house, hotel, dormitory, institution, group home, halfway house, rehabilitation house or similar use.

**FAMILY DAY-CARE PROVIDER HOME** - A single-family dwelling unit in which daytime adult supervision is provided for up to eight children, including children of the occupant, under six years old and other children who are not members of the caregiver's family under the age of 16 and in which the caregiver regularly resides.

FARM - A parcel of land not less than five acres in size used for agricultural purposes as defined in "agriculture" (see above).

GARAGE, PRIVATE - A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises.

GARAGE, PUBLIC - A space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

GOVERNMENT BUILDINGS - Buildings owned or leased by a City, County or State government organization or agency.

KENNEL, COMMERCIAL - A commercial operation that (a) provides food and shelter and care of domestic animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of domestic animals for sale, or (c) any place where more than two adult domestic animals (over six months) are kept for a boarding or other fee, or (d) any place where more than four adult domestic animals are kept for any purpose.

LAND USE PLAN - The long-range plan for desirable use of land, as officially adopted and as amended from time to time by the Planning and Zoning Commission, the purpose of such plan being, among other purposes, to serve as a guide in zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools and public buildings.

LOT - Any plot or parcel of land occupied or intended to be occupied by a principal building or use, or a group of buildings, conforming to the regulations of this chapter and its accessory buildings and uses, including all open spaces required by this chapter, and having frontage on a street as defined herein. In the case of a farm or estate five or more acres in size, the "lot" shall be deemed to be that part of the property on which the principal building and its accessory buildings and uses are located, together with the yards and other open spaces required by this chapter, and such "lot" need not front directly on a public road if connected therewith by a private lane or road which serves no other lot.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT LINE, FRONT - The line separating the lot from the street upon which it fronts.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT LINE, STREET OR ALLEY - Any lot line separating the lot from a street or alley.

LOT WIDTH - The width of the lot measured at right angles to its center line at the front setback line.

LOT, CORNER - A lot abutting upon two or more streets at their intersection or upon two parts of the same street and in either case forming an interior angle of less than 135°.

LOT, THROUGH - A lot having frontages on two nonintersecting streets, as distinguished from a corner lot.

**MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY – A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and that will obtain and possess the appropriate license from the State of Maryland and Worcester County. Such facilities may include as additional uses the tasting and consumption of alcoholic products and food, retail sales of related items, educational tours, entertainment, and events.**

MOTEL - Any establishment consisting of two or more guest rooms or suites, with separate outside entrances and adjacent parking spaces, designed and maintained for the accommodation of transients; or any establishment for the accommodation of transients which proclaims itself a "motel."

NONCONFORMING USE - An existing building, structure or premises legally devoted to or occupied by or for a use that does not conform to the provisions of this chapter or amendments thereto for the district in which located.

NURSERY SCHOOL - A place where an educational organization provides formal instruction, maintains a regular faculty and curriculum and has a regularly enrolled body of students less than six years of age.

PARKING LOT, COMMERCIAL - A surfaced area of one or more parking spaces designed or used for the parking of vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

PARKING SPACE - A surfaced area either within a structure or in the open, exclusive of driveways or access drives, for the parking of one vehicle.

PLANNING AND ZONING COMMISSION - The Pocomoke City Planning and Zoning Commission.

PUBLIC BUILDING - A building which is held, used or controlled for public purposes by a department of the Federal government or a state government or subdivision thereof.

PUBLIC PURPOSE - For the use and benefit of the general public or to fulfill a government responsibility.

ROLL-OFF TRASH CONTAINER - A large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a "trash container" or "dumpster" that is stored in a more permanent manner on the property in compliance with the provisions of this chapter. This term shall not be interpreted to include recycling facilities.

SECURE COMMUNITY TRANSITION FACILITY (HALFWAY HOUSE) - A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses. A residential facility for persons civilly committed and conditionally released to a less restrictive alternative. A Secure Transition Facility or Halfway House has supervision and security, and either provides or ensures the provision of sex offender treatment services. The residents of a Secure Community Transition Facility shall not include any person who, during the term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such facility.

SEMI-PUBLIC BUILDING - A building of which some part is used for public purposes by the general public as a matter of right and not as an invitee of the owner or tenant of the building, or is used to fulfill a government purpose or responsibility.

SETBACK LINE - The minimum building line along the front of a lot or along the side of a corner lot adjoining the side street, as determined by the yard requirements of this chapter or of any superior regulation.

SEWAGE DISPOSAL PLANT- A plant or lagoon for the treatment of sewage which serves the municipality or any group of properties, as distinguished from a private septic tank or package treatment plant which is accessory to and located on the same premises with a principal use.

SHOPPING CENTER - A group of commercial establishments built on a site that is planned and developed as an operating unit related in location, size and type of shops to the trade area that the unit serves. It provides common on-site parking in definite relationship to the type and total size of the use the parking is intended to serve.

(1) NEIGHBORHOOD - A shopping center not exceeding 30,000 square feet in gross floor area.

(2) COMMUNITY or REGIONAL - A shopping center exceeding 30,000 square feet in gross floor area.



SMALL WIND ENERGY SYSTEM - A single-towered wind energy system that: is used to generate electricity; has a rated nameplate capacity of 50 kilowatts or less; and has a total height of 150 feet or less.

SOLAR ENERGY EQUIPMENT - Items including panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy in connection with a building on residential or commercial property. Solar energy equipment and its use is accessory to the principal use of the property.

STORY - That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

(1) STORY, GROUND - The lowest story or ground story or first story of any building, the floor of which is not more than 3 1/2 feet below the average contact ground level at the exterior walls of the building, except that any basement used as a separate dwelling by other than a janitor or caretaker or his or her family shall be deemed a ground or first story.

(2) STORY, HALF - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used as a separate dwelling, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

STREET - A public right-of-way 50 feet or more in width which provides a means of public access to abutting property or any such public or private right-of-way not less than 30 feet in width which existed prior to the enactment of this chapter. The term "street" shall include "road," "avenue," "drive," "lane," "circle," "square," "court," "highway," "beach," "way" or any similar term.

STREET LINE - The right-of-way or property line.

STREET, MAJORA street or highway designated as a major street or expressway on the Official Major Street Plan of Pocomoke City.

STRUCTURAL ALTERATION - Any change in the structural members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE - Anything constructed, the use of which requires a fixed location on the ground or which is attached to something having such location, but not including fences, sidewalks, driveways, curbs or essential services defined in "essential services" (see above), and towers as defined below.

SWIMMING POOL - An artificially created pool of water or tank used for swimming or recreational purposes utilizing water, filtering equipment, etc.

TOWER - A monopole, lattice or guy structure that is relatively high for its length and width, either a separate structure or part of another structure, its purpose being to provide a base or supporting structure for some other use or purpose, but excluding public utility poles of the normal type and height. Tower does not include any antenna mounted or affixed to a building or structure not over 40 feet in height and not projecting more than 10 feet above such structure used for reception or transmission of electromagnetic communications signals for non-commercial purposes.

TOWNHOUSE - A single-family dwelling forming one of a series of attached single-family dwellings separated from one another by a party wall, without doors, windows or other provisions for human passage or visibility and sound transmission through such party wall, extending from the cellar floor and/or foundation to the highest point on the roof along the dividing lot line and separated from any other building or structure by space on all other sides and which may be offered for sale or rental.

TRAILER - Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device and so designed that it is or may be mounted on wheels and transported over highways and streets, propelled or drawn by its own or other motive power.

USE FIRST PERMITTED - A use which in the sequence of successively listed zoning districts occurs as a permitted use for the first time in a specified zoning district.

YARD, FRONT - An open space extending the full width of the lot between any part of a building not hereinafter excepted and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

(1) FRONT YARD, LEAST DEPTH - The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the front lot line.

YARD, REAR - An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

(1) REAR YARD, LEAST DEPTH - The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the rear lot line.

YARD, SIDE - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified in Article XIV.

(1) SIDE YARD, LEAST WIDTH - The shortest distance, measured horizontally, between any part of a building, other than such parts as excepted in § 230-99, and the nearest side lot line.

ZONING CERTIFICATE - Written statement issued by the Zoning Inspector authorizing the use of buildings, structures or premises consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

ZONING INSPECTOR - The Zoning Inspector (City Manager) or his or her authorized representative, appointed in accordance with the provisions of Article XV.

ZONING MAP - The Zoning Map of Pocomoke City, Maryland, dated December 15, 1986, together with all amendments thereto subsequently adopted.[1]

[1]

Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector and included as an attachment to this chapter.

## **Article IX B-1 Shopping District**

[§ 230-61 Site plans; applicability.](#)

[§ 230-62 Principal permitted uses.](#)

[§ 230-63 Conditional uses.](#)

[§ 230-64 Accessory uses.](#)

[§ 230-65 Use regulations; prohibited uses.](#)

[§ 230-66 Area, yard and bulk regulations.](#)

[§ 230-67 Height regulations.](#)

[§ 230-68 Downtown Central Business District.](#)

[§ 230-61 Site plans; applicability.](#)

**A.** In addition to all other requirements of this article, any proposed new construction or substantive exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in § [230-91](#) of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent

approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.

**B.** The uses enumerated in this article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the B-1 Shopping District.

**§ 230-62 Principal permitted uses.**

Principal permitted uses in the B-1 District shall be as follows:

**A.** Public parks, playgrounds and cultural or historical activities.

**B.** Boat dock slips, piers, wharves, anchorages or moorages for yachts and pleasure boats or for boats for hire to carry passengers or for excursions, sightseeing, pleasure trips and fishing trips.

**C.** Government buildings.

**D.** Motels and hotels.

**E.** Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department store, a barber-, beauty, florist or specialty shop, a shoe repair shop, an automatic laundry or cleaning shop, a bank or savings and loan office or the like supplying commodities or performing services primarily for residents of the City and surrounding community.

**F.** Restaurants, cafes or confectioneries.

**G.** Antique or gift shops.

**H.** Commercial parking garages and lots for passenger vehicles.

**I.** Theaters, bowling alleys and dance studios.

**J.** Funeral homes.

**K.** Printing, upholstery, furniture repairing and interior decorating shops, provided that all operations are confined to enclosed buildings.

**L.** General administrative and executive offices.

**M.** Pet grooming establishment provided:

**(1)** The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

(2) All animal waste shall be placed in closed waste disposal containers and shall be disposed at least weekly. Offensive odors shall be controlled;

(3) External yards or other external facilities for the keeping of animals shall not be permitted; and

(4) Any sale of pet supplies is an accessory use only.

### **N. Brew-pub, Brewery.**

AMENDMENT 2: AMEND N. TO READ:

N. BREW-PUB, BREWERY PROVIDED:

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND

TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.

(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

**O. Micro-brewery, Micro-winery, Micro-Distillery.**

AMENDMENT 3: AMEND O. TO READ:

O. MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY BREWERY PROVIDED:

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.

(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

**O. Micro-brewery, Micro-winery, Micro-Distillery.**

**P. Taverns, nightclubs and entertainment facilities. This was deleted at the last meeting.**

**Amendment 1 add P. Churches**

**§ 230-63 Conditional uses.**

Conditional uses requiring Board authorization shall be as follows:

**A.** Multifamily dwellings element and meeting the following requirements:

(1) Multifamily development standards subject to § **230-53**.

(2) Townhouse development subject to § **230-54**.

**B.** Nursery schools and child-care centers when located not less than 20 feet from any lot in an R District, provided that there is established and maintained a completely fenced and screened play lot of adequate size.

**C.** The construction, erection, modification or alteration of up to one apartment for residential use at or above the second floor level in existing buildings. Such apartment may contain no more than one bedroom or sleeping room, except that owner-occupied units may contain up to three bedrooms. One off-street parking space will be required for each such apartment, except that owner-occupied units having more than one bedroom shall have two off-street parking spaces. The Planning Commission may reduce or waive off-street parking requirements where it is determined by the Planning Commission that adequate on-street parking is available within 600 feet of a public entrance of the building housing the apartment unit.

**D.** Auto service stations, light repair and storage garages, provided that all motor tuning or testing or other noisy activities shall be conducted within enclosed buildings.

**E.** Neighborhood shopping centers or mini-malls.

**F.** City sponsored farmers markets, including produce, arts, crafts and related items.

**G.** Outdoor cafes.

**H.** Rest homes, nursing homes or for transients or permanent residents.

**I.** Boarding- and lodging houses.

[Added 6-2-1997 by Ord. No. 349]

**J.** Bed-and-breakfast establishments.

[Added 6-2-1997 by Ord. No. 349]

**K.** Community Residential Facility (Group Home).

**L.** (Reserved)<sup>[1]</sup>

[1] *Editor's Note: Former Subsection L, regarding solar energy equipment, was repealed 2-6-2017 by Ord. No. 429. See now § [230-64E](#).*

**M.** Alcohol sales in conjunction with a restaurant only and with appropriate licenses.

#### **§ 230-64 Accessory uses.**

Accessory uses in the B-1 District shall be as follows:

**A.** Private garages, parking areas and other customary outbuildings and structures.

**B.** Identification or exterior signs pertaining only to the uses conducted on the premises. Such signs shall be integral with or attached to the building. The areas of all signs on the premises shall not exceed in the aggregate one square foot for each linear foot of building frontage.



**C.** Directional or incidental signs, not exceeding four square feet each in area, required in connection with the operation of an automobile service station, parking lot or similar use, provided that such signs do not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

**D.** The cleaning, laundering, repairing or other treatment of objects as a retail service to the customers on the premises, in which operation not more than three persons shall be engaged at one time.

**E.** Solar energy equipment, subject to the following:

[Added 2-6-2017 by Ord. No. 429]

**(1)** Solar energy equipment may be on roofs of principal buildings or ground-mounted.

**(2)** Placement of solar energy equipment is not permitted within the required front yard setback unless the Zoning Administrator determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may, on occasion, be visible from the public way even if located in the side or the rear yard.

**(3)** If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground-mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure, whichever is greater.

**(4)** The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.

**(5)** Any proposed fencing must comply with all applicable height requirements. Natural-colored fencing is preferred.

**(6)** Roof-mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.

**(7)** The Zoning Administrator, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include sun and shadow diagrams specific to the subject proposed installation which would enable

the Zoning Administrator to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.

**(8)** The Zoning Administrator may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.

**(9)** The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Zoning Administrator may order its removal and/or relocation as appropriate.

### **§ 230-65 Use regulations; prohibited uses.**

**A.** All business and processing shall be conducted wholly within completely enclosed buildings, except for the farmer's market building, outdoor cafes and the sale of automobile fuels, lubricant and incidental services at service stations.

**B.** Off-street loading spaces and off-street parking spaces shall be regulated under special provisions as set forth in §§ **230-85** and **230-86**.

**C.** Where a B-1 District fronts directly across the street from any R District, the parking and loading facilities shall be set back at least 25 feet from the street line, and the intervening space shall be landscaped. All buildings in such cases shall be set back at least 15 feet.

**D.** Goods sold or stocked shall consist primarily of new merchandise or of bona fide antiques, except for items sold at farmers market.

**E.** Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

**F.** Prohibited uses include any uses first allowed in a lower zoning district and residential apartments or housing units at first floor (ground) level.

**G.** Other prohibited uses include pawn shops, tattoo parlors, body piercing parlors (not including ear piercing), adult bookstores, massage parlors, and towers or similar uses.

### **§ 230-66 Area, yard and bulk regulations.**

**A.** All existing lots prior to modification of this chapter are exempt.

**B.** For a permitted use, deeds of record and description will be considered as the lot size to be used.

### **§ 230-67 Height regulations.**

No structure shall exceed three stories or 40 feet in height. Where a building is to be located between two existing principal buildings and within 200 feet in the same block front, the proposed building shall be constructed to a height that is the average of the height of the adjacent buildings.

**§ 230-68 Downtown Central Business District.**

**A.** All businesses established in this area shall be reviewed through the Pocomoke City Comprehensive Master Plan.

**B.** Replacement buildings should be the same height and have the same setbacks as the existing adjoining buildings.

**Article X B-2 General Business District**

**§ 230-69 Site plans; applicability.**

**§ 230-70 Principal permitted uses.**

**§ 230-71 Conditional uses.**

**§ 230-72 Accessory uses.**

**§ 230-73 Use regulations; prohibited uses.**

**§ 230-74 Height regulations.**

**§ 230-75 Area, yard and bulk regulations.**

**§ 230-69 Site plans; applicability.**

**A.** In addition to all other requirements of this article, any proposed new construction or substantive exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in **§ 230-91** of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.

**B.** The uses enumerated in this article shall be permitted and the following regulations and the applicable regulations contained in other Articles shall apply in the B-2 General District.

**§ 230-70 Principal permitted uses.**

Principal permitted uses in the B-2 District shall be as follows:

**A.** Public parks, playgrounds and cultural or historical activities.

**B.** Boat dock slips, piers, wharves, anchorages or moorages for yachts and pleasure boats or for boats for hire to carry passengers or for excursions, sightseeing, pleasure trips and fishing trips.

**C.** Government Buildings, Churches.

**D.** Boarding- and lodging houses.

**E.** Motels and hotels.

**F.** Any community retail business or service establishment, such as a food, drug, clothing, hardware, accessory, variety or department store, a barber-, beauty, florist or specialty shop, a shoe repair shop, an automatic laundry or cleaning shop, a bank or savings and loan office or the like supplying commodities or performing services primarily for residents of the City and surrounding community.

**G.** Restaurants, cafes or confectioneries.

**H.** Antique or gift shops.

**I.** Commercial parking garages and lots for passenger vehicles.

**J.** Theaters, bowling alleys and dance studios.

**K.** Funeral homes.

**L.** Printing, upholstery, furniture repairing and interior decorating shops, provided that all operations are confined to enclosed buildings.

**M.** General administrative and executive offices.

**N.** Produce stands.

**O.** Taverns, nightclubs and drive-in eating and drinking establishments, including entertainment and dancing, provided that the principal building shall be the distance of at least 200 feet from any lot in an R District.

**P.** Automobile parking lots, repair shops or general garages, subject to the conditions below:

**(1)** No gasoline station, public garage or automobile shop shall have an entrance or exit for vehicles within 200 feet along the same side street of the premises of any school, public playground, church, hospital, public library or institution for dependents or children, except where such property is in another block or on another street which the lot in question does not abut, but in no case shall any such gasoline filling station, repair shop or garage be located within 100 feet of any said public or semi-public or institutional buildings or properties. This regulation shall

not be interpreted, however, as prohibiting a parking area accessory to and on the premises of the institution itself.

**(2)** No gasoline filling station or public garage shall be permitted where any oil drainage pit or visible appliance for any such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any R District, except where such appliance or pit is within a building.

**(3)** On all corner lots, all vehicular entrances to or exits from any gasoline filling station or commercial, customer or employee parking lot for more than five motor vehicles or public garage or automobile repair shop shall be not less than 25 feet from the corner property lines extended. No such vehicular entrance or exit, whether on a corner lot or not, shall exceed 40 feet in width at the curblineline or 30 feet at the property line.

**Q.** Automobile, tire, battery, trailer and implement establishments for display, hire, sale or general repair, including sales lots.

**R.** Animal hospital, veterinary clinic or kennel, provided that any structure or area used for such purposes shall be the distance of at least 200 feet from any lot in an R District.

**S.** Bakery, laundry, clothes cleaning and dyeing establishments, provided that any principal building shall be the distance of at least 100 feet from any lot in an R District.

**T.** Wholesale business, warehousing, storage and distributing establishments, except for flammable liquids, paints, explosives or other hazardous materials.

**U.** Contractor's equipment storage yard for storage of equipment used by contractor.

**V.** Retail sales of building supplies and retail lumber yard, including mill work only when incidental.

**W.** Stone or monument works not employing power-driven tools or, if employing such tools, then only within a completely enclosed building which shall be the distance at least 100 feet from any lot in an R District.

**X.** Electric, communications, water, sewer, gas and fuel transmission lines and necessary equipment incidental thereto excluding towers, and wireless transmitting stations excluding towers, transformers, boosters, railroad lines and stations.

**Y.** Beer, wine or liquor take-out stores.

**Z. Brew-pub, Brewery.**

**AMENDMENT 4: AMEND Z. TO READ:**

**Z. BREW-PUB, BREWERY PROVIDED:**

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.

(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

**AA. MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY.**

AMENDMENT 5: AMEND AA. TO READ:

AA. MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY BREWERY PROVIDED:

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.

(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

**Z. BB**-Any other use that is determined by the Board of Zoning Appeals to be of the same general character as the above-mentioned uses.

#### § 230-71 Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

**A.** Nursery schools and child-care centers when located not less than 20 feet from any lot in an R District, provided that there is established and maintained a completely fenced and screened play lot of adequate size.

**B.** Residential apartments at or above the second floor level of existing commercial buildings.

**C.** Auto service stations, light repair and storage garages, provided that all motor tuning or testing or other noisy activities shall be conducted within enclosed buildings.

**D.** Neighborhood shopping centers or mini-malls.

**E.** Farmers markets, including produce, arts, crafts and related items.

**F.** Flammable liquids, underground storage only, not to exceed 40,000 gallons, provided that the distance shall be at least 200 feet from any lot in an R District.

**G.** Swimming pools, dancing, skating, golf driving ranges, livery stables, riding academies, amusement parks, circuses, carnivals, pool halls, video arcades, target ranges or similar open-air recreational uses and facilities, except racetracks shall be the distance of at least 200 feet from any lot in an R District.

**H.** Revival tents and outdoor meetings.

**I.** Rest homes, nursing homes for transients or permanent residents.



J. Dry nightclubs, provided that:

(1) There shall be a separation of at least 1,500 feet between dry nightclubs, and also between dry nightclubs and establishments holding liquor licenses as issued by the Worcester County Board of License Commissioners.

(2) The initial conditional use granted to an applicant by the Board of Zoning Appeals shall be for a period not to exceed one year. Subsequent conditional uses may be granted for a longer period provided an acceptable performance record has been established.

(3) The hours of operation (admissions and sales) shall be from 4:00 p.m. to midnight, with patrons off the premises by 12:20 a.m. for under 21 dry nightclubs. The hours of operation (admissions and sales) shall be from 4:00 p.m. to 1:30 a.m. of the following day, with all patrons off the premises by 2:00 a.m. for over 21 dry nightclubs.

(4) Patrons shall be at least 15 years old and younger than 21 years old for under 21 dry nightclubs and 21 and older for over 21 dry nightclubs.

(5) There shall be a minimum of two interior security personnel at least 21 years of age on duty during all hours the club is open. If the capacity of the club exceeds 200 persons, one additional security person shall be required for each 50 persons over 200. The functions of the security personnel shall be only security; they shall not perform other jobs such as dishwashing, bartenders, doorkeepers, etc., while customers are in the building. Security personnel shall be attired in a manner to be clearly identifiable as security personnel. Security personnel must be at least 21 years old and must pass "background" checks similar to Day Care Workers.

(6) The business must take place completely inside an enclosed building (not to exceed 2,500 square feet).

(7) The building must be completely enclosed and soundproofed.

(8) There shall be no outside amplification of any sound.

(9) There shall be no outside hawking, soliciting of customers, electronic displays, or dissemination of promotional materials.

(10) There shall be no activity outside the building other than customer parking, ingress and egress. Patrons are not permitted to congregate in the parking lot of other portions of the premises, except in line to enter the building.

(11) There must be a minimum distance of 1,000 feet of separation between any building used as a dry nightclub and any lot in my R district.

**(12)** All parking and other requirements of the City Code must be satisfied.

**(13)** Applications requirements.

**(a)** If the applicant is a corporation, partnership or joint venture, each stockholder, partner, or person affiliated with the corporation, partnership or joint venture shall be identified on the application. The application shall include the address and telephone number of each such person. The name, address and telephone number of the manager or other person principally in charge of the operation shall also be included on the application.

**(b)** All applicants shall be at least 21 years of age.

**(c)** The following documentation must be submitted with the conditional use and license applications:

**[1]** A letter from the Pocomoke Chief of Police stating whether any of the applicants have, in the past five years, been convicted of any felony or misdemeanor.

**[2]** A letter from the Worcester County Fire Marshal stating that the application meets all applicable fire code regulations, reporting whether the applicant or club has violated any fire provisions in previous operations, and stating the allowed capacity of the club.

**[3]** A letter from the Pocomoke City Zoning Administrator reporting whether applicant or club has had any violations of zoning ordinance or previous Conditional Use Agreements.

**(d)** Any fraudulent, misleading or false statements contained in the application or made during the Conditional Use approval process shall be grounds for denial of the Conditional Use request and issuance of a business license and dry nightclub license, or for revocation of such licenses, if determined after their issuance.

**K.** Community residential facility (group home).

**L.** Kennel, commercial.<sup>[1]</sup>

*[1]Editor's Note: Former Subsection M, regarding solar energy equipment, which immediately followed this subsection, was repealed 2-6-2017 by Ord. No. 429. See now § [230-72E](#).*

#### **§ 230-72 Accessory uses.**

Accessory uses in the B-2 District shall be as follows:

**A.** Private garages, parking areas and other customary outbuildings and structures.

**B.** Directional or other incidental signs, not exceeding four square feet each in area, required in connection with the operation of an automobile service station, parking lot or similar use, provided that such signs do not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

**C.** The cleaning, laundering, repairing or other treatment of objects as a retail service to the customers on the premises, in which operation not more than three persons shall be engaged at one time.

**D.** Identification or exterior signs pertaining only to the uses conducted on the premises. Such signs shall be integral with or attached to the building or freestanding. The areas of all signs on the premises shall not exceed in the aggregate two square feet for each linear foot of building frontage. Freestanding signs shall not extend over street lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

**E.** Solar energy equipment, subject to the following:

[Added 2-6-2017 by Ord. No. 429]

**(1)** Solar energy equipment may be on roofs of principal buildings or ground-mounted.

**(2)** Placement of solar energy equipment is not permitted within the required front yard setback unless the Zoning Administrator determines that it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may, on occasion, be visible from the public way even if located in the side or the rear yard.

**(3)** If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground-mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is not located in the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure, whichever is greater.

**(4)** The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.

**(5)** Any proposed fencing must comply with all applicable height requirements. Natural-colored fencing is preferred.

**(6)** Roof-mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.

**(7)** The Zoning Administrator, prior to issuing a permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include sun and shadow diagrams specific to the subject proposed installation which would enable the Zoning Administrator to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.

**(8)** The Zoning Administrator may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.

**(9)** The Zoning Administrator may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Zoning Administrator may order its removal and/or relocation as appropriate.

#### **§ 230-73 Use regulations: prohibited uses.**

**A.** Processes, equipment employed and goods processed and sold shall be limited to those which are not objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

**B.** The front of lots for public display or sale of automobiles, trucks, trailers, implements, boats or other machinery or equipment shall be landscaped and neatly maintained. No lighting of such lot, other than minimum protective night lighting, shall remain on after normal business hours. All lighting shall be shaded so as to direct the light away from residential premises and from public streets.

**C.** Along any side adjacent to any R District or institutional premises, an ornamental wall, fence or compact evergreen hedge and wire fence, not less than four feet nor more than six feet high, shall be installed and maintained in good condition, without any advertising attached to it.

**D.** Prohibited uses include any uses first allowed in a lower zoning district, and pawn shops, tattoo parlors, body piercing parlors (not including ear piercing) adult bookstores, massage parlors, towers, and similar uses.

#### **§ 230-74 Height regulations.**

No structure shall exceed three stories or 40 feet in height. All public and semi-public utility buildings and structures must meet the requirements of **§ 230-93**.

#### **§ 230-75 Area, yard and bulk regulations.**

The following minimum requirements shall be observed:

**A.** Lot area and width requirements.

<b>Permitted Uses</b>	<b>Minimum Lot Area (square feet)</b>	<b>Minimum Lot Width (feet)</b>
As listed in B-2 General Business	6,000	60

**B.** Yard requirements.

	<b>Front Yard Depth (feet)</b>	<b>Side Yard Width, Each Side Yard (feet)</b>	<b>Rear Yard Depth (feet)</b>
Minimum (property line behind curblin)	25	5	20

**C.** All setbacks should be comparable with adjoining buildings and not less than twenty-five-foot frontage.

**Article XI M-1 Light Industrial District**

[§ 230-76 Purpose.](#)

[§ 230-77 Site plans.](#)

[§ 230-78 Principal permitted uses.](#)

[§ 230-79 Conditional uses.](#)

[§ 230-80 General standards and requirements.](#)

[§ 230-81 Height regulations.](#)

[§ 230-82 Prohibited uses.](#)

[§ 230-76 Purpose.](#)

**A.** The purpose of this article is to provide for the establishment of an industrial park district, recognizing that the trend in industrial development is toward protected industrial zones.

**B.** This article is intended to provide suitable standards for the development of industrial parks within an area defined on the City Zoning Map.<sup>[1]</sup>

[1] *Editor's Note: The Zoning Map is on file in the office of the Zoning Inspector.*

**§ 230-77 Site plans.** In addition to all other requirements of this article, any proposed new construction or substantial exterior modification of any principal buildings or other site improvements, or additions thereto, shall be first submitted to the Planning and Zoning Commission for site plan approval, as described in § **230-91** of this chapter. A building permit for such work may be issued following approval by the Planning and Zoning Commission and subsequent approval by the Mayor and Council based upon the recommendation of the Planning and Zoning Commission.

**§ 230-78 Principal permitted uses.**

Principal permitted uses in the M-1 District shall be as follows:

**A.** The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, musical instruments, novelties, molded rubber or plastic products, electronic appliances, instruments or devices, optical or dental goods, printed matter and similar products.

**B.** The preparation or packaging of food products, except for rendering plants. The processing of seafood, including storage of completed inventory and other necessary materials, shall not include the opening, shucking, picking, scaling or deboning of any seafood. The processing of other food products will be allowed so long as it does not adversely affect the operation of the Pocomoke Sewage Treatment Plant.

**C.** The manufacturing, compounding, blending assembly or treatment of articles of merchandise from previously prepared materials, such as bone, cloth, cork, fiber, feathers, paper, plastics, metals, stone, thread, tobacco, wax, yarn, chemicals, liquids or similar products, except that no sawmill, planing mill or punch press shall be permitted without a variance from the Board.

**D.** The manufacturing of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by gas or electricity.

**E.** Laboratories, chemical, physical or biological, not including high explosives or toxic chemicals, fumes, odors, etc.

**F.** The manufacturing and repair of electric signs, advertising structures and light sheet metal products (heating and ventilating equipment).

**G.** Plumbing and roofing shops.

**H.** The following uses when conducted wholly within completely enclosed buildings:

**(1)** Automobile, truck trailer, bus, implement, machinery or similar equipment fabrication assembly or major repair including machine shops, structural steel and fabrication shops.

**(2)** Automobile body or paint shops.

**(3)** Tire recapping plants.

**(4)** Creamery, bottling, ice manufacturing or cold storage plant or milk distributing depot.

**(5)** Foundry casting lightweight nonferrous metals or electric foundry not producing noxious fumes or odor.

**(6)** Bag, carpet and rug cleaning plants, provided that equipment is used to effectively precipitate or recover dust.

**(7)** Manufacturing of boxes, furniture, cabinets, baskets and other wood products of similar nature.

**(8)** Wholesale merchandising and storage warehouses, with floor area devoted to warehousing and handling of merchandise, excluding fuels and other flammable liquids or explosives.

**(9)** Freezer plants or frozen food storage facilities.

**I.** Other similar uses as determined by the Planning and Zoning Commission. Uses not specified or determined to be similar to other permitted uses by the Planning and Zoning Commission must be approved by the Board of Zoning Appeals.

**J.** Fairgrounds and racetracks.

**K.** Hair or hair products manufacturing.

**L.** Chicken hatchery.

**M.** Kennel, Commercial.

**N.** Solar energy equipment.

[Added 2-6-2017 by Ord. No. 429]

**O. Brew-pub, Brewery.**

Amendment 6: AMEND O. TO READ:

O. BREW-PUB, BREWERY PROVIDED:

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.



(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

**P. Micro-brewery, Micro-winery, Micro-distillery**

AMENDMENT 7: AMEND P TO READ:

P. MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY BREWERY PROVIDED:

(1) THERE SHALL BE A SEPARATION OF AT LEAST 200 FEET BETWEEN THE ENTRANCES OF A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.

(2) THE HOURS OF OPERATION (ADMISSIONS AND SALES) SHALL BE FROM 11:00 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY AND 1:00 P.M. TO MIDNIGHT, ON SUNDAY, WITH PATRONS OFF THE PREMISES BY 12:20 A.M.. A SPECIAL EXCEPTION, THROUGH THE BOARD OF ZONING APPEALS, MAY BE SOUGHT TO AMEND THE HOURS OF OPERATION FOR ADMISSIONS AND SALES.

(3) THERE SHALL BE NO OUTSIDE AMPLIFICATION OF ANY SOUND.

(4) THERE SHALL BE NO OUTSIDE HAWKING, SOLICITING OF CUSTOMERS, ELECTRONIC DISPLAYS, OR DISSEMINATION OF PROMOTIONAL MATERIALS.

(5) THERE MUST BE A MINIMUM DISTANCE OF 200 FEET OF SEPARATION BETWEEN THE ENTRANCE TO ANY BUILDING USED AS A BREW-PUB, BREWERY, MICRO-BREWERY, MICRO-WINERY, MICRO-DISTILLERY, A DRY NIGHTCLUB AND ESTABLISHMENTS HOLDING LIQUOR LICENSES AS ISSUED BY THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS AND ANY LOT IN THE R DISTRICT.

(6) THE BUSINESS LICENSE APPLICATION, PURSUANT TO CHAPTER 109 OF THE CITY CODE, CONTAINS THE FOLLOWING INFORMATION IN ADDITION THE STANDARD REQUIREMENTS.

(A) IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR JOINT VENTURE, EACH STOCKHOLDER, PARTNER, OR PERSON AFFILIATED WITH THE

CORPORATION, PARTNERSHIP OR JOINT VENTURE SHALL BE IDENTIFIED ON THE APPLICATION. THE APPLICATION SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF EACH SUCH PERSON. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION SHALL ALSO BE INCLUDED ON THE APPLICATION.

(B) ALL APPLICANTS SHALL BE AT LEAST 21 YEARS OF AGE.

(C) A LETTER FROM THE POCOMOKE CHIEF OF POLICE STATING WHETHER ANY OF THE APPLICANTS HAVE, IN THE PAST FIVE YEARS, BEEN CONVICTED OF ANY FELONY OR MISDEMEANOR.

(D) A LETTER FROM THE POCOMOKE CITY ZONING ADMINISTRATOR REPORTING WHETHER THE BUSINESS HAS HAD ANY VIOLATIONS OF ZONING ORDINANCE.

(E) ANY FRAUDULENT, MISLEADING OR FALSE STATEMENTS CONTAINED IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE ISSUANCE OF A BUSINESS LICENSE AND BUILDING PERMIT.

#### § 230-79 Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

**A.** Towers, but subject to the following minimum additional requirements in addition to all requirements of this article as applicable.

**(1)** Towers shall be located a minimum distance of 200 feet from any lot line, street or right-of-way or a minimum of 150 feet plus the height of the tower, from any lot line, street or right-of-way, whichever is greater.

**(2)** The engineering, design and construction of towers is subject to approval of the Board.

**(3)** Towers shall be enclosed by decay resistant security fencing not less than six feet in height equipped with an anti-climbing device or other similar protective device designed to prevent tower access.

**B.** The operation of an aquaculture facility and business, including but not limited to the raising and production of fish and all types of marine life, with the exception of shell fish, but including crayfish, shrimp and related species, in tanks, in enclosures and in enclosed ponds. The permitted use of aquaculture also includes, but is not limited to, the raising of said fish and marine life a hereinbefore recited, the processing of the same on site, including the scaling, evisceration, filleting, packaging, smoking, and/or curing of the same,

and the storage of living and processed aquaculture products, but not the long-term storage, processing or on-site disposal of fish and marine life body parts or by-products that are not intended for resale for human consumption.

**C.** Gas storage (fuel), including liquefied gas, for distribution to customers.

**D.** Candle manufacturing.

**E.** Concrete mixing plants.

**F.** Cooperage works.

**G.** Meat packing and seafood packing, but not stockyards or slaughterhouses.

**H.** Sandblasting or cutting.

**I.** Sawmill or planing mill or the manufacture of excelsior, wood fiber or sawdust products.

**J.** Stone or monument works employing power driven tools.

**K.** Boiler shops, machine shops, structural steel fabrication shops and railway repair shops.

**L.** Brick, pottery, tile or terra cotta manufacturing.

**M.** Forge or foundry works.

**N.** Any other use which in the opinion of the Board of Zoning Appeals is of similar character to those specified above.

**O.** Community treatment facility (rehabilitation house), secure community transition facility (halfway house) subject to the following conditions:

**(1)** The use is located or maintained at a distance so that it is not across the street from, across the parking lot from, adjacent to, or within the line of sight of the following preexisting uses, as measured from the nearest property line of the secure community transition facility or community treatment facility to the nearest property line of the preexisting use. The definition of "within line of sight" means that it is possible to reasonably and visually distinguish and recognize individuals. For the purposes of granting a conditional use permit, the Board of Appeals shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet.

**(a)** Public library;

**(b)** Public playground, sports field, recreational center, community center, park, publicly dedicated trail;

- (c) Public or private school and its grounds of pre-school to twelfth grade;
- (d) School bus stop;
- (e) Child day-care center;
- (f) Place-of worship such as church, mosque, synagogue, and temple;
- (g) Another Secure Community Transition Facility subject to the provisions of this section; and

(h) Any other risk potential activity or facility identified by the Board of Appeals.

(2) The secure community transition facility or community treatment facility shall meet all applicable state, federal, and local licensing for a facility authorized by state, federal, or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment; and

(3) The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility or community treatment facility.

**P.** Small wind energy system may be permitted as an accessory use in M-1 District districts subject to the following requirements:

(1) Setbacks. A wind tower for a small wind energy system shall be set back a distance equal to its total height plus an additional 20 feet from:

- (a) Any state, city or county right-of-way or the nearest edge of a state, city or county roadway, whichever is closer;
- (b) Any right of ingress or egress on the owner's property;
- (c) Any overhead utility lines;
- (d) All property lines; and
- (e) Any existing guy wire, anchor or small wind energy tower on the property.

(2) Access.

(a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

**(b)** The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

**(3)** Electrical wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

**(4)** Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.

**(5)** Appearance, color, and finish. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

**(6)** Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

**(7)** Code compliance. A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.

**(8)** Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission regulations.

**(9)** Small wind energy systems shall not be attached to any building, including guy wires.

**(10)** Each property is eligible for two small wind energy systems only.

**(11)** Abandonment.

**(a)** A small wind energy system that is out-of-service for a continuous six-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the

owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

**(b)** If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the Owner's sole expense within three months of the date of Notice of Abandonment. If the owner fails to remove the wind generator from the wind tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

**(12)** Public service commission. In accordance with the Maryland Annotated Code, Public Utilities Companies any property owner seeking to construct a small wind energy system and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the City prior to construction and being issued a building permit.

**(13)** Variances. Variances to the distances, restrictions, and standards contained in this article are not permitted.

**(14)** Noise. All small wind energy systems shall comply with the limitations contained in the State law.

**(15)** Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.<sup>[1]</sup>

*[1] Editor's Note: Former Subsection Q, regarding solar energy equipment, which immediately followed this subsection, was repealed 2-6-2017 by Ord. No. 429. See now § [230-78N](#).*

## **§ 230-80 General standards and requirements.**

**A.** Construction and alterations. No buildings, fences, landscaping, wall structure or alterations shall be commenced unless complete plans and specifications therefore, showing the nature, kind, shape, size, construction materials, color scheme and the location of such structure or alteration, and, when requested, any grading plans shall be first submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall have the right to refuse to approve any such plans or specifications, grading plans, material or color scheme that is not suitable or desirable in its opinion for aesthetic or other reasons. Every building or other structure placed on any part of said

property shall be constructed from new material. The exterior walls of all such buildings or structures shall be fireproof material. No wooden frame buildings are allowed.

**B.** Lot size. The minimum lot size for industrial development will be two acres.

**C.** Setbacks. All buildings and other structures shall comply with the following setback requirements (minimums):

**(1)** Front setback: 50 feet from street right-of-way.

**(2)** Rear setback: 25 feet, except a rear property line 40 feet from any adjoining residential zoned property.

**(3)** Side setback: 50 feet from any street right-of-way or adjoining property, except 30 feet from any adjoining industrial-zoned property line.

[Amended 6-2-1997 by Ord. No. 349]

**D.** Appearance and landscaping.

**(1)** Front setback areas shall be used for grass, shrubbery, ornamental trees, standard width driveway and/or sidewalk and shall be maintained in a park like condition at all times. Other land areas, including those at the sides of buildings, shall likewise be maintained in a condition which is compatible with the landscaped front area. Landscaping shall be accomplished within one year of completion of the initial building. Landscaping plans must be approved, in writing, by the Pocomoke City Planning and Zoning Commission.

**(2)** All automobiles and truck parking and/or loading areas shall be adequately screened from the road or roads on which the property faces by the construction and proper maintenance of a suitable fence or planting screen. All lessees, tenants or users of any parcel must maintain such landscaping in a condition as to present a pleasing appearance.

**(3)** No truck parking, loading or storage areas are permitted in the front of the property.

**E.** Loading docks. No loading dock shall be located fronting on any street without the written consent of the Pocomoke City Planning and Zoning Commission. Provisions for handling all freight, either railroad or truck, insofar as possible, shall be on those sides of any building which do not face any street or proposed street. Where possible, all loading shall be accomplished in the rear of the premises.

**F.** Parking. On street parking is not permitted. Adequate parking spaces shall be provided by the owner on the site for all types of vehicles, including those of employees, managerial personnel, visitors and other vehicles associated or used in any manner, whether regularly

or temporarily, with respect to the operation of the owner's business. The required parking spaces shall be constructed to provide a dust free and all-weather surface. No parking shall be allowed in front of any building. Parking areas should be landscaped for aesthetic purposes.

**G.** Grades. No change in grade or elevation of land shall be made without written approval from the Pocomoke City Planning and Zoning Commission.

**H.** Time limitations. Should building construction not be started in good faith within one year of land purchase, the owner shall resell the land to Pocomoke City at the original price. Once erection of any building is begun, work thereon must be prosecuted diligently and it must be completed within a reasonable time.

**I.** Storage. No storage is permitted in setback areas. Outside storage of refuse, mobile equipment, tanks, containers, pallets and like materials is permitted only if screened with suitable landscaping, plantings or decorative walls which attractively and adequately screen from view the materials stored. No truck parking or storage area is permitted in the front of the property.

**J.** Signs. Signs shall contain only the name of the business, its slogan, trademarks, if any, and brief mention of products or services. Signs may not extend above the principal roof of the building, except that a sign may be attached flat against or painted on a parapet wall not exceeding five feet above such roofline. Freestanding signs may be constructed on the property but may not exceed six feet in height. Total sign area allowed will be up to two square feet per foot of building frontage, up to a maximum aggregate of 300 square feet in area. No billboard, sign or other advertising device of any character shall be erected, posted, displayed or permitted upon any part of the herein described property, except with the written approval of the Pocomoke City Planning and Zoning Commission.

**K.** Fire hazard; nuisances. No part of the land and no building or structure erected thereon shall be used or allowed to be used at any time for the manufacture, storage, distribution or sale of any product which may increase the fire hazard of any adjoining property or which shall cause a nuisance, nor shall any activity be engaged in which injures the reputation of the park or of the neighboring properties.

**L.** Maintenance of premises. Premises must at all times be kept in a safe, clean, wholesome condition and comply in all respects with government, health and policy regulations and requirements. All refuse or rubbish of any character whatsoever must be promptly removed and not allowed to accumulate on the premises, notwithstanding the provisions of Subsection **I** above.

**M.** Site coverage. No building shall be erected upon an area in excess of 50% of the parcel upon which it is located, exclusive of required parking, driveways, loading, etc. The



Pocomoke City Planning and Zoning Commission reserves the right to modify a minimum ratio of building area to site area in order to make efficient use of the industrial park property.

**N.** Building uses. No building shall be constructed or used primarily for residential, retail or commercial purposes. Retailing of merchandise is allowed on site only if it is a secondary use.

**O.** Underground wires. All electrical and telephone connections and wires to buildings facing on streets or highways shall be made underground from the nearest pole line, and any transformer required shall not be located on any pole line but shall be placed on the surface and shall be adequately screened and fenced, and all such installations shall be subject to approval by the Pocomoke City Planning and Zoning Commission.

**P.** Temporary structures. No structure, covering, garage, barn or other outbuilding of a temporary nature shall be situated, erected or maintained on any parcel on the subject property. This subsection shall not apply to construction buildings and/or storage facilities used during the course of construction of any permanent building which is to be located on the subject property.

**Q.** Fences. No hedge, fence or wall shall be grown, constructed or maintained on those portions of any parcel within side or rear yard setback areas that exceeds eight feet in height. No fence, hedge or wall shall be allowed within the front yard setbacks.

**R.** Resubdivision. The property shall not be resubdivided until a plan for such proposed resubdivision shall have been submitted and approved pursuant to Chapter [205](#), Subdivision of Land.

**S.** Change of use of property. No use of property other than uses approved by the Pocomoke Planning and Zoning Commission shall be permitted without the review and approval of the Pocomoke City Planning and Zoning Commission.

**T.** In the event that any provisions of the within industrial park district code shall be in conflict with any other provision of this chapter, the provisions herein shall control.

**U.** Notwithstanding any other provision of this article, any property in the M-1 Zone which is owned and developed by the City of Pocomoke City need not conform to these requirements.

#### **[§ 230-81 Height regulations.](#)**

No principal structure shall exceed three stories or 40 feet in height. All public and semi-public utility buildings and structures must meet the requirements of [§ 230-93](#).

#### **[§ 230-82 Prohibited uses.](#)**

The following uses shall be prohibited in the M-1 District:

**A.** Any use in conflict with any law or regulation of Pocomoke City, Worcester County, the State of Maryland or the United States of America.

**B.** Any dwelling, house trailer, school, hospital, church, clinic or other institution for human care, provided that any dwelling, trailer, school, hospital, church, clinic or other institution for human care legally existing in the M-1 District at the time of the enactment of this chapter or any amendment thereto shall not be subject to any of the limitations or other regulations prescribed for nonconforming uses elsewhere in this chapter.

**C.** Any of the following uses:

**(1)** Acetylene manufacture in excess of 15 pounds pressure per square inch.

**(2)** Acid manufacture.

**(3)** Asphalt or tar roofing or waterproofing manufacture.

**(4)** Bleaching powder, ammonia or chlorine manufacture.

**(5)** Celluloid or pyroxylin manufacture or processing.

**(6)** Creosote manufacture or creosoting plant.

**(7)** Disinfectant, insecticide or poison manufacturing.

**(8)** Distillation of bones.

**(9)** Manufacture or storage of explosives, including fireworks.

**(10)** Fat rendering.

**(11)** Feed manufacturing from refuse or mash.

**(12)** Gas generation.

**(13)** Glue or size manufacture.

**(14)** Lime, gypsum, plaster or plaster of paris manufacture.

**(15)** Match manufacture.

**(16)** Nuclear materials, production or processing.

**(17)** Oil or gas drilling or wells.

**(18)** Paper or pulp manufacturing.

**(19)** Petroleum refining or reprocessing of petroleum or coal tar products.

- [\(20\)](#) Potash manufacturing.
- [\(21\)](#) Radium extraction.
- [\(22\)](#) Soap manufacturing.
- [\(23\)](#) Soda, soda ash, caustic soda or washing compound manufacture.
- [\(24\)](#) Starch, glucose or dextrine manufacture.
- [\(25\)](#) Sugar refining.
- [\(26\)](#) Tar distillation or manufacturing.
- [\(27\)](#) Turpentine, varnish or shellac manufacture.
- [\(28\)](#) Chicken house for raising chickens or other fowls except chicken hatcheries.
- [\(29\)](#) Billboards, except as provided in § [230-90](#) or elsewhere in this chapter.
- [\(30\)](#) Fuel depots.
- [\(31\)](#) Metal plating operations.
- [\(32\)](#) Towers.

**PUBLIC HEARING AND ADOPTION**

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a 1<sup>st</sup> reading was held \_\_\_\_\_ . Reported favorably (with or without amendments);

Read a second time \_\_\_\_\_. Reported favorably (with or without) amendments.

A public hearing was held \_\_\_\_\_; and ordered to be considered and adopted on \_\_\_\_\_.

**BE IT FURTHER ENACTED**, by the City Council of Pocomoke City that this Act shall take effect on the \_\_\_ day of \_\_\_\_\_, 2021

ATTEST: \_\_\_\_\_

\_\_\_\_\_ Date Introduced      \_\_\_\_\_ Date Passed      \_\_\_\_\_, Council Vice President

**Approved by Mayor on This \_\_\_ Day Of \_\_\_\_ 2021**

\_\_\_\_\_  
Michelle Beckett-El Soloh, City Clerk

\_\_\_\_\_  
Susan Marshall Harrison, Mayor