

ORDINANCE NO. 2024-08

AN ORDINANCE TO AMEND CHAPTER 1, ARTICLE II, SECTION 1-16, DEFINITIONS, OF THE CODE OF THE TOWN OF MYERSVILLE, TO ADD DEFINITIONS PERTAINING TO VACANT RESIDENTIAL AND VACANT NON-RESIDENTIAL STRUCTURES TO THE CODE OF THE TOWN OF MYERSVILLE.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 1 “General Provisions”, Article II, Section 1-16 of the Code of the Town of Myersville be, and hereby is, amended as hereinafter provided. New language is designated by being **IN BOLD CAPITAL LETTERS**, and deletions are designated by being ~~{in brackets and stricken through}~~.

Chapter 1 – General Provisions

Article II – Definitions

§ 1-16 Word usage; terms defined.

Words used in the present tense include the future, words in the singular number include the plural number, the word "shall" is mandatory. For the purpose of this Code, certain terms are defined as follows:

ACCESSORY BUILDING

One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. Accessory buildings may be no more than one story, as defined by BOCA.

ACTIVE WORK

REGULARLY ONGOING MODIFICATIONS TO BRING A STRUCTURE UP TO CODE AND WHICH INVOLVE TWO OR MORE SYSTEMS, INCLUDING BUT NOT LIMITED TO CONSTRUCTING, ENLARGING, ALTERING, MOVING, DEMOLISHING, ERECTING, INSTALLING, REMOVING, CONVERTING OR REPLACING ANY ELECTRICAL, PLUMBING, OR MECHANICAL SYSTEM. "ACTIVE WORK" ALSO INCLUDES MODIFICATIONS TO THE STRUCTURE ITSELF.

[Amended 10-11-2005]

ADEQUATE PUBLIC FACILITIES (APF)

Those public facilities included in the context of Chapter 105 of this Code of Ordinances which meet established minimum standards as further specified herein.

[Added 3-12-2002 by Ord. No. 2002-1]

AGRICULTURAL ANIMAL

Any animal commonly used by persons for use, draft or pleasure purposes, but not primarily for farming purposes. The definition of "agricultural animal" includes: poultry, rabbits, sheep and goats but excludes those animals not included in this definition or which otherwise are prohibited within the Code. The definition of these animals shall be interpreted as their common dictionary definition unless otherwise defined.

[Added 7-9-2013 by Ord. No. 2013-06]

AGRICULTURE or AGRICULTURAL PURPOSES

[Amended 7-9-2013 by Ord. No. 2013-06]

- A. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for parking, housing and feeding the animals. The above activities shall not include the business of garbage feeding of hogs, fur farms or the raising of animals for experimental purposes.
- B. The raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops, such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

ALLEY

A way which affords generally a secondary means of access to abutting properties.

AMEND or AMENDMENT

Any repeal, modification, or addition to a regulation, ordinance, resolution or any other law;
any new regulation, ordinance, resolution or any other law.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

BACKGROUND ENROLLMENT GROWTH

The average annual impact of equated student enrollment changes during the preceding three years in the school attendance areas serving a proposed development, with appropriate adjustments made in the determination by the Frederick County Public Schools to eliminate student enrollment changes caused solely by school redistricting.

[Added 3-12-2002 by Ord. No. 2002-1]

BEEKEEPER

A person who owns or has charge of one or more colonies of bees.

[Added 4-10-2012 by Ord. No. 2012-04]

BILLBOARD

A sign which calls attention to a business, commodity, service, entertainment or other activity, conducted, sold or offered elsewhere than on the premises upon which the sign is located.

[Amended 9-10-2013 by Ord. No. 2013-08]

BLIGHTED CONDITION

A CONDITION IS BLIGHTED WHEN IT EXHIBITS DETERMINABLE SIGNS OF DETERIORATION SUFFICIENT TO CONSTITUTE A THREAT TO HUMAN HEALTH, SAFETY AND PUBLIC WELFARE.

BUILDING

Includes, but is not limited to, any building, structure, dwelling, excavation, matter, condition or thing in or about the lot on which the building is situated, and the plumbing, sewage, drainage, light or ventilation thereof.

BUILDING HEIGHT

The total overall height of a building measured from the lowest grade level to the highest point of the roof.

CAPITAL BUDGET

The current and fiscal year of the approved CIP.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

CAPITAL IMPROVEMENT PROGRAM (CIP)

Annual documents adopted by the Town and by Frederick County, indicating Town and Frederick County capital projects having funding approval for the current fiscal year and those capital projects which are currently planned for following years, including the proposed means of financing the same.

[Added 3-12-2002 by Ord. No. 2002-1]

COLONY

Bees in any hive, including queens, workers and drones.

[Added 4-10-2012 by Ord. No. 2012-04]

COMMERCIAL BEEKEEPING

An operation which has as its primary purpose the raising of colonies for sale or profit, or the production or procurement of honey for sale or profit, or the selling of hives or bees, and which is typically characterized by customers visiting the operation's location on foot or in a vehicle.

[Added 4-10-2012 by Ord. No. 2012-04]

COMPANION ANIMAL

Any animal that is commonly kept by persons as a pet or for companionship, including but not limited to domesticated dogs and domesticated cats.

[Added 7-9-2013 by Ord. No. 2013-06]

COMPREHENSIVE PLAN

A composite of mapped and written text, the purpose of which is to guide the physical development of the Town, and which is adopted by the Mayor and Council and includes all changes and additions thereto made under the provisions of Article 66B of the Annotated Code of Maryland.

[Added 3-12-2002 by Ord. No. 2002-1]

CONSOLIDATED TRANSPORTATION PROGRAM (CTP)

An annual document prepared by the Maryland Department of Transportation and approved by the Maryland General Assembly indicating state transportation projects which have funding approval for the current fiscal year and those projects which are planned for following years.

[Added 3-12-2002 by Ord. No. 2002-1]

COPY

The words or message displayed on a sign.

[Added 9-10-2013 by Ord. No. 2013-08]

COPY AREA

That area which encloses the actual copy on a sign.

[Added 9-10-2013 by Ord. No. 2013-08]

COUNTY MASTER HIGHWAY PLAN

The official plan of major roads, highways, streets, and other ways adopted by the Frederick County Planning and Zoning Commission and approved by the Board of County Commissioners of Frederick County on February 7, 1972, and as amended in accordance with Article 66B of the Annotated Code of Maryland.

CROSSWALK

An area or section which traverses a public or private right-of-way and which is designated for use by pedestrians.

DEVELOPER

An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for any or all of the activities covered by Chapters 105, 130 and 165, particularly the designing of a subdivision plan or site development plan showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plan is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of the project may differ.

[Added 3-12-2002 by Ord. No. 2002-1]

DEVELOPMENT

An area of land which is subject to change in use (preliminary plan or site plan approval) or expansion of existing use and which is subject to subdivision or site plan review.

[Added 3-12-2002 by Ord. No. 2002-1]

DIRECTIONAL SIGN

A sign designed to provide direction to pedestrian and vehicular traffic.

[Added 9-10-2013 by Ord. No. 2013-08]

DWELLING

A building or structure designed for living quarters for one or more families, but not including boarding or tourist homes or other accommodations for transient occupancy.

[Amended 3-12-2002 by Ord. No. 2002-1]

- A. DWELLING, MULTIFAMILY building containing three or more dwelling units (townhouse, apartment),

- B. DWELLING, SINGLE-FAMILYA building containing not more than one dwelling unit,
- C. DWELLING, TWO-FAMILYA building containing two dwelling units, not to include duplexes. [Amended 10-11-2005]

DWELLING UNIT

A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

[Amended 10-11-2005]

EXOTIC ANIMAL

[Added 7-9-2013 by Ord. No. 2013-06]

- A. Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include but are not limited to any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species.
- B. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.
 - (1) Nonhuman primates and prosimians (monkeys, chimpanzees, baboons).
 - (2) Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars). This provision does not apply to domesticated cats.
 - (3) Canidae (wolves, coyotes, foxes, jackals). This provision does not apply to domesticated dogs.
 - (4) Ursidae (all bears).
 - (5) Reptilia (all venomous snakes, all constricting snakes).
 - (6) Crocodilia (alligators, crocodiles).

- (7) Proboscidea (elephants).
- (8) Hyaenidae (hyenas).
- (9) Artiodactyla (hippopotamuses, giraffes, camels; not cattle or swine or sheep or goats).
- (10) Procyonidae (raccoons, coatis).
- (11) Marsupialia (kangaroos, opossums).
- (12) Perissodactyla (rhinoceroses, tapirs; not horses or donkeys or mules).

FACE

The surface area of a sign on which the advertising message is displayed. A sign may have more than one face.

[Added 9-10-2013 by Ord. No. 2013-08]

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 or hotel.

FARM

A parcel of land not less than 25 acres in size used for agriculture.

FINAL PLAT

The final map, drawing or chart upon which a subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, will be submitted for recording among the land records for Frederick County.

[Added 3-12-2002 by Ord. No. 2002-1]

FLASHING SIGN

A sign, the illumination of which is not kept stationary or constant in intensity at all times when in use, including "open" signs and electronic message centers. Digital display components are to be permitted and not be considered flashing signs so long as the message

or information displayed does not change more than once per thirty-minute duration or periodically as emergency public service announcements or incidental changes related to time, date or temperature may warrant. Notwithstanding the foregoing, there shall be no change in message or information, other than incidental changes, beyond the principal use's stated hours of operation, but in no case earlier than 6:00 a.m. or later than 8:00 p.m. on any day. Display of emergency public service announcements at any time shall be permitted and not considered a flashing sign.

[Added 2-10-2009 by Ord. No. 2009-02; amended 9-10-2013 by Ord. No. 2013-08]

GARAGE, PRIVATE

A garage intended for and used for the storage of the private motor vehicles of the families residing upon the premises. Detached garages may be no more than one story, as defined by BOCA.

[Amended 10-11-2005]

GARAGE, PUBLIC

A space or structure, other than a private garage, for the storage, hire, care, repair or refinishing of vehicles or trailers.

[Amended 10-11-2005]

GOVERNMENT PROJECTS

Any building, structure, or alteration thereof paid for or used by the local, state or federal government entities.

[Added 3-12-2002 by Ord. No. 2002-1; amended 10-11-2005]

GRADE PLANE

A reference plane representing the average of the finished ground level adjoining the sign structure.

[Added 9-10-2013 by Ord. No. 2013-08]

HIVE

Any artificial or natural receptacle which may be used to house bees.

[Added 4-10-2012 by Ord. No. 2012-04]

HOME OCCUPATION

An occupation conducted entirely within a dwelling by a member or members of the immediate family. Boarding and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

HOME OCCUPATION, NO-IMPACT or NO-IMPACT HOME OCCUPATION

A home occupation which satisfies the conditions set forth in Chapter 165 and which is determined by the Zoning Administrator, with the recommendation of the Planning Commission, to have no impact on surrounding properties.

[Added 1-13-2009 by Ord. No. 2009-01]

INCIDENTAL SIGN

A sign, generally informational, that has an incidental purpose to the use of the lot on which it is located, such as "no parking," "entrance," "exit," "loading only," and other similar directives. These signs shall include but not be limited to signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

[Added 9-10-2013 by Ord. No. 2013-08]

INDUSTRIAL PARK

A tract of land for industrial use developed according to a plan for occupancy by a group of industries and equipped with streets and necessary utilities.

INTERIOR SIGNS

Signs that are located inside a building or other facility.

[Added 9-10-2013 by Ord. No. 2013-08]

JUNKYARD

Any land or building used for the abandonment, sale, storage, keeping, collecting or bailing of paper, rags, scrap metal or other scrap or discarded materials or for the abandonment, demolition, dismantling, storage or salvaging or sale of three or more motor vehicles, not in running condition, machinery, or parts thereof.

KENNEL

Any building or structure and/or land used, designed, or principally arranged for housing, boarding, or the breeding of more than five adult dogs over the age of four months.

[Added 11-8-2005 by Ord. No. 2005-8]

LEVEL OF SERVICE (LOS)

A standardized index of relative service provided by a road or highway ranging from "A" to "F" with "A" representing free, unobstructed flow and "F" representing a forced flow beyond capacity of the facility as defined in the Highway Capacity Manual published by the Highway Research Board.

[Added 3-12-2002 by Ord. No. 2002-1]

LOT

A parcel or portion of land separated from other parcels or portions either by descriptions as on a subdivision plat or a recorded survey map, or by metes and bounds, for the purpose of sale, lease or other development uses or occupied or intended to be occupied by a principal building or use or a group of buildings and its accessory buildings and uses.

LOT AREA

The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any street right-of-way whether dedicated to public use or not but including areas of easements.

LOT, CORNER

A lot abutting upon two or more roads at their intersection or upon two parts of the same

road and, in either case, forming an interior angle of less than 135°.

LOT, DOUBLE FRONTAGE

A lot extending through the block from one street to another.

MARQUEE

A permanent roofed structure projecting from and attached to a building and supported by either the building or column supports from grade or a combination of both.

[Added 9-10-2013 by Ord. No. 2013-08]

MENU BOARD

A variable-message sign that allows a retailer to list products and prices (for example, the bill of fare for a fast-food restaurant).

[Added 9-10-2013 by Ord. No. 2013-08]

MINOR SUBDIVISION

Any parcel that has been or is proposed to be subdivided to create five or fewer lots.

[Added 3-12-2002 by Ord. No. 2002-1]

MIXED-USE STRUCTURE

A BUILDING THAT CONTAINS AT LEAST ONE PERMITTED NON-RESIDENTIAL USE AND AT LEAST ONE PERMITTED RESIDENTIAL USE.

MYERSVILLE COMPREHENSIVE PLAN

The officially adopted Comprehensive Plan of the Town of Myersville, or any part of such plans or any amendments thereto.

[Amended 10-11-2005]

NONCONFORMING USE

A building, structure or premises legally devoted to or occupied by or for a use that does not conform with the provisions for the district in which located.

NONCONFORMITY, DIMENSIONAL

A lot or structure which is nonconforming because it is not in compliance with the dimensional regulations of this Code.

NON-RESIDENTIAL STRUCTURE

ANY STRUCTURE OR PREMISES IN WHOLE OR IN PART THAT CONTAINS SPACES FOR COMMERCIAL OR INDUSTRIAL USES, SUCH AS MANUFACTURING OPERATIONS, OFFICES, WAREHOUSES, SHOPPING CENTERS, RETAIL AND WHOLESALE FACILITIES, AND OTHER SIMILAR USES. THIS DEFINITION SHALL INCLUDE MIXED-USE STRUCTURES.

OUTLOT

A non-buildable lot that is only for the purpose of providing access to adjoining properties and/or for the continuation of future street patterns.

OWNER

- A. ANY PERSON, PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION OR OTHER ENTITY HAVING A LEGAL OR EQUITABLE INTEREST IN OR CONTROL OF REAL PROPERTY.**
- B. ANY PERSON WHO, ALONE, JOINTLY OR SEVERALLY, SHALL HAVE THE CHARGE, CARE OR CONTROL OF ANY PREMISES AS EXECUTOR, ADMINISTRATOR, TRUSTEE OR GUARDIAN OF THE ESTATE OF THE OWNER.**
- C. ANY PERSON HAVING ANY INTEREST IN A PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION OR OTHER ENTITY WHICH OWNS OR HAS ANY OWNERSHIP INTEREST OR CONTROL OF THE PREMISES.**
- D. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION OR OTHER ENTITY WHOSE NAME APPEARS ON THE DEED OR PROPERTY TAX BILL FOR THE PREMISES SHALL BE DEEMED TO BE THE OWNER OF THE PREMISES.**

PLANNING COMMISSION

The Planning Commission of the Town of Myersville.

POSTER

Paper or vinyl advertising sheets that are hung by hand onto outdoor advertising structures.

[Added 9-10-2013 by Ord. No. 2013-08]

PRELIMINARY PLAN

The preliminary drawings and supplementary materials indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

[Added 3-12-2002 by Ord. No. 2002-1]

PREMISES

**ANY SINGLE PARCEL OR LOT OF REAL PROPERTY IN THE TOWN,
INCLUDING THE LAND AND ALL IMPROVEMENTS OR STRUCTURES.**

PROJECTING SIGN

A building sign which extends out, over or away from the wall of a building.

[Added 9-10-2013 by Ord. No. 2013-08]

PUBLIC WORKS AGREEMENT

A contract, between the developer and the Town to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

REAL PROPERTY

FIXED PROPERTY, PRINCIPALLY LAND AND STRUCTURES.

[Added 3-12-2002 by Ord. No. 2002-1]

RECREATIONAL BEEKEEPING

An activity or pursuit by a beekeeper who owns or maintains one or more hives for the primary purpose of personal hobby, personal consumption of bee by-products or for educational pursuits.

[Added 4-10-2012 by Ord. No. 2012-04]

SIGN

Includes every visually communicative display external to any building used to advertise or promote the interest of any person.

[Added 9-10-2013 by Ord. No. 2013-08]

SIGN STRUCTURE

The supports, uprights, braces and framework of the sign.

[Added 9-10-2013 by Ord. No. 2013-08]

SITE DEVELOPMENT PLAN (SITE PLAN)

The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the Planning Commission for approval prior to the release of building permits on the site.

[Added 3-12-2002 by Ord. No. 2002-1]

SPECIAL EXCEPTION

A grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in this Code exist, that the use conforms to the Myersville Master Development Plan and is compatible with the existing neighborhood.

STATE RATED CAPACITY (SRC)

The maximum number of students, as determined by the state, that can be reasonably accommodated in a school facility without significantly hampering delivery of the given educational program.

[Added 3-12-2002 by Ord. No. 2002-1]

STORAGE CONTAINER

A prefabricated "sea container" or "C container" or similar object which is or resembles a modified trailer, railroad car or intermodal shipping container and which is manufactured or used primarily for storage or shipping purposes.

[Added 3-10-2009 by Ord. No. 2009-03]

STREET or ROAD

Any public or private right-of-way, highway, street, land, square, court, or way set aside as a permanent right-of-way for public travel used for the movements of pedestrian and vehicular traffic as well as the installation of public utilities. Streets or roads shall be defined and classified in accordance with the Town Master Plan as follows:

[Amended 10-11-2005]

- A. **ARTERIAL** A street intended for the movement of traffic from collector through Town to other collectors or arterials. They are not intended as a means of access to adjacent properties.
- B. **COLLECTOR** A street intended for the movement of traffic from secondary collectors to arterials or other secondary collectors in Town. They are not intended as a means of access to adjacent properties.
- C. **SECONDARY COLLECTOR STREET** A street which, in addition to providing access to properties abutting thereon, is intended to collect traffic or distribute it to a series of local access streets within a neighborhood.
- D. **LOCAL ACCESS ROAD AND STREET** A street intended to serve and provide access exclusively to the properties abutting thereon.
- E. **SERVICE ROAD** A road not serving as a collector road, but merely providing access to properties fronting on a highway, which road is contiguous and parallel to the major highway. "Adjacent" here shall mean that no structure shall be built between the service road and the major highway.

STRUCTURAL ADEQUACY

Determination that pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

[Added 3-12-2002 by Ord. No. 2002-1]

STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDE

The act of creating a subdivision as herein defined.

SUBDIVIDER

Any person or persons, partnerships, firms, corporation, or cooperative enterprises undertaking or participating in the subdivision of land.

SUBDIVISION

The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or the land or territory subdivided. This definition is not intended to include a testamentary or inter vivos partition of land.

[Amended 10-11-2005]

SWIMMING POOL

Any artificial structure, basin, chamber, or tank, either above or below ground, designed to contain in depth more than 18 inches of water, used or intended to be used for the primary purpose of swimming, diving, wading, or recreational bathing.

[Added 3-12-2002 by Ord. No. 2002-1]

TEMPORARY SIGN

A sign erected or posted for a period of no more than 90 days.

[Added 9-10-2013 by Ord. No. 2013-08; amended 9-14-2021 by Ord. No. 2021-08]

TRAILER (including "automobile trailer" and "mobile home")

Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling, sleeping, or the conduct of any business, trade or occupation.

TRUCK STOP

Any facility offering for sale fuel for tractor-trailer vehicles and constructed and designed to enhance maneuverability and fueling of tractor-trailer vehicles by the contouring of curbs and aprons, the placement and design of fuel pump islands or other such design criteria. In addition, a truck stop shall have the capability to fuel two or more tractor-trailer vehicles at the same time and/or parking facilities for five or more such vehicles.

[Added 3-8-2005]

UNINHABITABLE

THE CONDITION WHERE ANY BUILDING HAS BEEN CONSTRUCTED, ALTERED OR REPAIRED IN A MANNER WHICH MAKES THE CONDITION OF THE BUILDING UNSAFE; OR ANY BUILDING THAT IS A FIRE, HEALTH OR SAFETY HAZARD FOR ANY REASON, INCLUDING, BUT NOT LIMITED TO, LACK OF REPAIR, AGE, DILAPIDATED CONDITION, ABANDONMENT OR STORAGE OF COMBUSTIBLE, FLAMMABLE OR EXPLOSIVE SUBSTANCES OR MATERIAL IN THE BUILDING OR ON ITS PREMISES; OR ANY CONDITION IN A BUILDING OR ON ITS PREMISES THAT ENDANGERS THE SAFETY OF PERSONS OCCUPYING OR USING THAT BUILDING OR PREMISES OR ENDANGERS ANY ADJACENT BUILDING, PREMISES, PROPERTY OR PERSONS THEREON; OR ANY BUILDING THAT IS DANGEROUS OR DETRIMENTAL TO LIFE, HEALTH OR PROPERTY.

USE

The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

USE, PRINCIPAL

The main or primary use of property or structures measured in terms of net floor area.

VACANT

NOT OCCUPIED AS A DOMICILE, RESIDENCE, OR PLACE OF BUSINESS.

VACANT BLIGHTED NON-RESIDENTIAL STRUCTURE

ANY NON-RESIDENTIAL STRUCTURE THAT IS VACANT WITH A PENDING ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST; OR IS VACANT WITH BLIGHTED CONDITIONS; OR HAS BEEN PLACARDED BY THE TOWN AS UNINHABITABLE. FOR PROPERTIES WITH MULTIPLE STRUCTURES, SUCH AS SHOPPING CENTERS WITH PAD SITES, IF ANY INDIVIDUAL STRUCTURE MEETS THIS DEFINITION, THAT STRUCTURE SHALL BE SUBJECT TO THE TERMS OF THIS CHAPTER.

VACANT BLIGHTED RESIDENTIAL STRUCTURE

ANY RESIDENTIAL STRUCTURE, SINGLE- OR MULTI-UNIT, THAT IS VACANT WITH A PENDING ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST; OR IS VACANT WITH BLIGHTED CONDITIONS; OR HAS BEEN PLACARDED BY THE TOWN AS UNINHABITABLE. FOR PROPERTIES WITH MULTIPLE STRUCTURES, SUCH AS APARTMENT COMPLEXES, IF ANY INDIVIDUAL STRUCTURE MEETS THIS DEFINITION, THAT STRUCTURE SHALL BE SUBJECT TO THE TERMS OF THIS CHAPTER.

VACANT NON-RESIDENTIAL STRUCTURE

ANY NON-RESIDENTIAL STRUCTURE THAT IS VACANT FOR A CONTINUOUS SIX-MONTH PERIOD. FOR PROPERTIES WITH MULTIPLE STRUCTURES, SUCH AS SHOPPING CENTERS WITH PAD SITES, IF ANY INDIVIDUAL STRUCTURE IS VACANT FOR A CONTINUOUS SIX-MONTH PERIOD, THAT STRUCTURE SHALL BE SUBJECT TO THE TERMS OF THIS CHAPTER. FOR CALCULATION OF THE CONTINUOUS SIX-MONTH PERIOD REQUIRED TO SATISFY THE DEFINITION OF "VACANT NON-RESIDENTIAL STRUCTURE," THE FOLLOWING PERIODS OF TIME SHALL NOT BE INCLUDED:

- A. THE ONE-YEAR PERIOD IMMEDIATELY FOLLOWING THE ISSUANCE OF CERTIFICATE OF OCCUPANCY PERMIT FOR NEW CONSTRUCTION;**
- B. ANY PERIOD OF TIME DURING WHICH ACTIVE WORK IS BEING LEGALLY PERFORMED PURSUANT TO A VALID PERMIT ISSUED BY FREDERICK COUNTY;**
- C. THE SIX-MONTH PERIOD IMMEDIATELY FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PERMIT FOR EXISTING CONSTRUCTION; OR**
- D. THE FIRST YEAR OF VACANCY OF A NON-BLIGHTED STRUCTURE WHILE BEING MARKETED VIA A CURRENTLY LICENSED REAL ESTATE AGENT**

THROUGH MARYLAND'S DEPARTMENT OF LABOR, LICENSING AND REGULATION.

VACANT RESIDENTIAL STRUCTURE

A. ANY RESIDENTIAL STRUCTURE, SINGLE OR MULTI-UNIT, THAT HAS BEEN VACANT FOR A CONTINUOUS SIX-MONTH PERIOD. FOR PROPERTIES WITH MULTIPLE STRUCTURES, SUCH AS APARTMENT COMPLEXES, IF ANY INDIVIDUAL STRUCTURE IS VACANT FOR A CONTINUOUS SIX-MONTH PERIOD, THAT STRUCTURE SHALL BE SUBJECT TO THE TERMS OF THIS CHAPTER. FOR CALCULATION OF THE CONTINUOUS SIX-MONTH PERIOD REQUIRED TO SATISFY THE DEFINITION OF "VACANT RESIDENTIAL STRUCTURE," THE FOLLOWING PERIODS OF TIME SHALL NOT BE INCLUDED:

- (1) THE ONE-YEAR PERIOD IMMEDIATELY FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PERMIT FOR NEW CONSTRUCTION;**
- (2) ANY PERIOD OF TIME DURING WHICH ACTIVE WORK IS BEING LEGALLY PERFORMED PURSUANT TO A VALID BUILDING PERMIT ISSUED BY FREDERICK COUNTY;**
- (3) THE SIX-MONTH PERIOD IMMEDIATELY FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PERMIT FOR EXISTING CONSTRUCTION; OR**
- (4) THE FIRST YEAR OF VACANCY OF A NON-BLIGHTED STRUCTURE WHILE BEING MARKETED VIA A CURRENTLY LICENSED REAL ESTATE AGENT THROUGH MARYLAND'S DEPARTMENT OF LABOR, LICENSING AND REGULATION.**

B. A VACANT RESIDENTIAL STRUCTURE SHALL NOT INCLUDE A STRUCTURE THAT FALLS WITHIN THE DEFINITION OF A NON-RESIDENTIAL STRUCTURE PURSUANT TO CHAPTER 167 OF THE TOWN CODE

VARIANCE

A modification only of density, bulk or area requirements where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of this Code would result in unnecessary hardship.

VIDEO LOTTERY FACILITY

A facility at which video lottery terminal players play video lottery terminals.

[Added 11-8-2005 by Ord. No. 2005-7]

VIDEO LOTTERY TERMINAL

Any machine or other device that, on insertion of a bill, coin, token, ticket, coupon or similar item, or on payment of any consideration, A) is available to play or simulate the play of any game of chance in which the results, including the options available to the video lottery terminal player, are randomly and immediately determined by the machine or other device; and B) by the element of chance, may deliver or entitle the video lottery terminal player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner. "Video lottery terminal" includes a machine or device A) that does not directly dispense money, tokens, or anything of value to winning video lottery terminal players and B) described in this definition, that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary. "Video lottery terminal" does not include a machine or device that is available to play the Maryland state lottery conducted under § 9-101 et seq. of the State Government Article of the Annotated Code of Maryland.

[Added 11-8-2005 by Ord. No. 2005-7]

VIDEO LOTTERY TERMINAL PLAYER

An individual who plays a video lottery terminal in a video lottery facility.

[Added 11-8-2005 by Ord. No. 2005-7]

YARD, FRONT

An unoccupied open space extending across the full width of the lot between the front lot line or the proposed front street line and setback line of the minimum required front yard depth measured at the shortest horizontal distance.

YARD, REAR

An unoccupied open space extending across the full width of the lot between the rear line of the lot and the setback line of the minimum required rear yard depth measured at the shortest horizontal distance.

YARD, SIDE

An unoccupied open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot and the setback line of the minimum required side yard depth measured at the shortest horizontal distance. The side yard extends from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line.

ZONING ADMINISTRATOR

The administrative officer in charge of zoning administration within the Town.

[Amended 3-12-2002 by Ord. No. 2002-1]

ZONING CERTIFICATE

Signature approval on a permit, by the Zoning Administrator, authorizing the issuance of a permit for buildings, structures, or uses consistent with the requirements of Chapter 165 of this Code.

INTRODUCED on the 11th day of June, 2024.

ENACTED AND APPROVED this 9th day of July, 2024 by a vote of 5 for, 0 against, 0 absent and 0 abstaining.

ATTEST:

Kathy Gaver
Kathy Gaver, Town Clerk

**MAYOR AND COUNCIL OF THE
TOWN OF MYERSVILLE**

By: Mark Hinkle (SEAL)
Mark Hinkle, Mayor