

[NEW VERSION: AS REQUESTED BY CITY COUNCIL ON REMAND]

**ORDINANCE NO. 278
OF THE
CITY OF FRUITLAND**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND, AMENDING THE DEFINITION OF "HOME OCCUPATION" BY RESTATING THE OPENING PHRASE OF ORDINANCE NO. 67, SECTION XVIII.S., ENTITLED "HOME OCCUPATION," AND REPEALING SECTIONS 1 THROUGH 11 THEREOF, AND FURTHER AMENDING SECTION VI, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS" OF THE AFORESAID ORDINANCE BY THE ADDITION OF A SUBSECTION X, SETTING FORTH THE REGULATIONS IN REGARD TO HOME OCCUPATIONS.

WHEREAS, changes in lifestyles and in the community, and in the manner and method in which businesses and occupations are conducted since the passage of Ordinance No. 133 which defined home occupations on April 8, 1986, evidences the need for changes in the aforesaid Zoning Ordinance to provide for such changes not only in living patterns, but also in the conduct of businesses; and

WHEREAS, the Planning Commission has conducted public hearings on this matter and has reviewed numerous suggestions and proposals, and has, after due deliberation, recommended various changes and amendments to the existing regulations of home occupations to the City Council for its consideration; and

WHEREAS, having considered the recommendation of the Planning Commission, the City Council is of the opinion that Ordinance No. 67, as amended, would be improved and would be more in harmony with the needs of the City and its residents were certain amendments made to the manner and method by which home occupations are permitted and regulated within the City.

BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND, as set forth below:

SECTION 1. Ordinance No. 67, Section XVIII, Entitled "Definitions," is amended by repealing Subsection "S" of the same and replacing it with the following

S. Home Occupation

An occupation conducted in a dwelling unit or an auxiliary building on the same lot as the dwelling unit, in a residential zone, and as regulated by Section VI., Subsection X. herein.

SECTION 2. Ordinance No. 67, Section VI, Entitled "Supplementary District Regulations," is amended by the addition of Subsection X, as set forth below:

Section VI. Supplemental District Regulations

X. Home Occupations.

1. Purpose: The purposes of the home occupation regulations are:

- (a) To support and to some extent encourage entrepreneurial businesses, so long as they are compatible with the residential character of the neighborhood in which they are conducted, and do not denigrate the residential neighborhood into a business environment.
- (b) To allow for limited business opportunities on residential property.
- (c) To ensure that the home business activities remain only incidental to residential uses and have minimal impact upon the residential neighborhood in the form of noise, traffic impact, or appearance, and do not pose a safety hazard or create a nuisance in the neighborhood.

2. Applicability:

- (a) Those home occupations which are considered to have zero or minimal impact on the residential neighborhood in which they are located are permitted uses in all residential zones and are not covered by these regulations.
- (b) Low impact occupations are permitted in Districts R1-A, R1-AA, R1-B, R1-C, R1-D, R-2, R-3 and R-4, provided they comply with the requirements set forth herein for low impact occupations.
- (c) No other type of home occupations are permitted in any residential zone, except those which were "grandfathered" or permitted by Special Exception, as set forth in paragraphs 5 and 6 below, including licensed childcare homes.

3. Requirements for Zero or Minimal Impact Home Occupation:

- (a) The activities of the occupation shall be conducted solely by residents of the dwelling.
- (b) The occupation will generate no noise, odor, vibration, or glare which emanates from the dwelling into the neighborhood.
- (c) All activities related to the occupation will be conducted within the dwelling or an accessory building thereto. There shall be no outdoor sales or storage.
- (d) The home occupation will entail no visits to the neighborhood by customers, clients, or others seeking to utilize the services of the occupation, nor from vendors, delivery people, or the like seeking to service the occupation.
- (e) No signs will be placed on the premises indicating that there is an occupation being conducted within.
- (f) There will be no changes to the design character of the dwelling or any accessory building which would indicate that it is anything but a residential dwelling.
- (g) Nothing shall prohibit the residents of the dwelling from conducting more than one (1) zero or minimal impact home occupation, and the existence of more than one (1) zero or

minimal impact home occupation does not alone raise the impact level. If, however, the additional occupation causes the permitted impacts to increase, that may evidence a higher impact level for the combined occupations.

- (h) There shall be no reference in any advertising literature to the physical location of the home occupation as being within the City of Fruitland, Maryland, although a post office box may be so advertised.
 - (i) No business shall be conducted other than office type work, utilizing telephone equipment, computers, and other office machines, except as provided in subparagraph (j) below.
 - (j) Nothing herein shall prohibit the resident of a dwelling from selling a motor vehicle, boat, recreational vehicle or similar item, from the place of residence; provided that the item to be sold has been owned, and, if applicable, titled to said resident for six (6) months or more before it is offered for sale; and further provided that no more than two (2) such items may be offered for sale in any one (1) calendar year.
4. Requirements for Low Impact Home Occupation:
- (a) The activities of the occupation shall be conducted solely by residents of the dwelling.
 - (b) The occupation will generate no noise, odor, vibration, or glare which emanates from the dwelling into the neighborhood.
 - (c) All activities related to the occupation are conducted within the dwelling or accessory building. There shall be no outdoor sales or storage.
 - (d) The home occupation will only rarely entail visits to the neighborhood by customers, clients, or others seeking to utilize the services of the occupation, or from vendors, delivery people, or the like seeking to service the occupation.
 - (e) No signs will be placed on the premises indicating that there is an occupation being conducted within.
 - (f) There will be no changes to the design character of the dwelling or any accessory building which would indicate that it is anything but a residential dwelling.
 - (g) Nothing shall prohibit the residents of the dwelling from conducting more than one (1) low impact home occupation, and the existence of more than one (1) low impact home occupation does not alone raise the impact level. If, however, the additional occupation causes the permitted impacts to increase, that may evidence a higher impact level for the combined occupations.
 - (h) There shall be no reference in any advertising literature to the physical location of the home occupation as being within the City of Fruitland, Maryland, although a post office box may be advertised.

5. Home occupations which are being operated pursuant to a Special Exception granted prior to November 1, 2015, shall expire upon the expiration of the terms set in the aforesaid Special Exception for that home occupation, at which time any individual seeking to continue the conduct of a home occupation shall be subject to the terms and conditions set forth in this Ordinance.

6. Any Special Exception or "grandfathered" right to conduct a home occupation granted under this Ordinance or in existence prior to the passage of this Ordinance, either by Special Exception or by having been grandfathered in before April 8, 1986,* shall expire at such time as the holder of the Special Exception or the "grandfathered" right removes his residence to another location, or ceases to operate the home occupation for a period of three (3) or more consecutive months, or five (5) months out of a twelve (12) month period, or pursuant to paragraph 5, above..

BE IT FURTHER ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND, that this Ordinance shall take effect on _____, 20__.

The above Ordinance was introduced and given first reading before the City Council of the City of Fruitland, Maryland, at the regularly scheduled City Council meeting held on the 11th day of August, 2015, and finally passed at a meeting of same held on the ____ day of _____, 20__, having been published as required by law in the meantime and a Public Hearing having been held pursuant to said Notice on the ____ day of _____, 20__.

ATTEST:

FRUITLAND CITY COUNCIL

Raye Ellen Thomas, City Clerk

Darlene Kerr, President

Gloria J. Ortiz, Treasurer

Raymond D. Carey

Roland H. Palmer, Sr.

Charles L. Nichols

Effective Date: _____