

Garrett County, Maryland
Deep Creek Watershed Zoning Ordinance

Amended May 25, 2010

DEEP CREEK WATERSHED ZONING ORDINANCE

Legislative History

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CHAPTER 157: ZONING ORDINANCE

With revisions adopted May 25, 2010 by the Board of County Commissioners of Garrett County

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ARTICLE I. GENERAL PROVISIONS

§ 157.001 SHORT TITLE.

This chapter shall be known and may be cited as the “Deep Creek Watershed Zoning Ordinance”.

§ 157.002 TERRITORIAL JURISDICTION.

This chapter shall apply to all the lands, properties, buildings, structures and their uses situated within the territory drained by Deep Creek and its tributary streams including Deep Creek Lake and its tributaries, as shown by the Zoning District boundary lines on the “Deep Creek Watershed Zoning Map” hereby adopted and included in its entirety as a part of this chapter.

§ 157.003 PURPOSES.

The purposes of this chapter are to promote the public health, safety, morals and/or the general welfare of the present and future inhabitants of Garrett County by:

- A. Giving reasonable consideration, among other things, to the character of districts and their suitability for particular uses;
- B. Encouraging orderly development and the most appropriate use of lands;
- C. Conserving the value of land and buildings;
- D. Promoting the conservation of natural resources;
- E. Preventing environmental pollution;
- F. Promoting health and general welfare;
- G. Avoiding undue concentration of population;
- H. Providing for adequate light and air;
- I. Securing safety from fire, panic and other dangers;
- J. Lessening congestion on roads;
- K. Facilitating the adequate provision of transportation, parking, water, sewerage, parks and other public facilities;
- L. Giving effect to the goals, objectives and policies of the Development Plan for Garrett County, Maryland, as may be amended;
- M. Carrying out the Visions as established in the Smart and Sustainable Growth Act of 2008; and
- N. Serving such other purposes for zoning as are authorized under state law.

§ 157.004 INTERPRETATION.

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promoting the public health, morals, safety, comfort, convenience and general welfare, except that when the provisions imposed by any statute, other ordinance, rule, regulations or permit or by any easement, covenant or agreement are more restrictive upon the use of land or structure than the provisions of this chapter, the provisions of such statute, other ordinance, rule, regulations, permits, easement, covenant or agreement shall prevail.

§ 157.005 APPLICABILITY.

- A. No official or staff-person of Garrett County vested with the duty or authority to issue permits or licenses shall issue a permit or license for any use, structure or activity regulated by this chapter, if such would be in conflict with the provisions of this chapter.
- B. Previous ordinances, resolutions, rules and regulations adopted by the Board of County Commissioners of Garrett County are hereby repealed to the extent that they directly conflict with or impose less restrictive standards than the provisions of this chapter.

§ 157.006 SEVERABILITY.

It is hereby declared to be the legislative intent that the provisions of this chapter are separable, and therefore:

- A. If a court of competent jurisdiction declares any provision of this chapter to be invalid or ineffective in whole or in part, the effect of the decision shall be limited to the provision expressly stated in the court's decision, and all other provisions of this chapter shall continue to be separately and fully effective, the Board of County Commissioners hereby declaring that they would have adopted the remaining provisions without the word, phrase, clause, items, sentence, paragraph or section, or the application thereof, so declared invalid.
- B. If a court of competent jurisdiction finds the application of any provision of this chapter to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the court's decision, and the application of any such provision to other persons, properties or situations shall not be affected thereby.

ARTICLE 2. DEFINITIONS

§ 157.007 DEFINITIONS.

- A. General Provisions. Unless the context clearly indicates a contrary meaning, the following rules of construction shall apply in interpreting this chapter.
- (1) Words used in the present tense include the future;
 - (2) The singular number includes the plural, and the plural the singular;
 - (3) The word “shall” is always mandatory; the word “may” is permissive;
 - (4) The words “used” or “occupied” as applied to any land or building, includes the words “arranged or designed or intended to be used or occupied”.
 - (5) Masculine references shall include the female.
- B. Definition of Terms. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not herein defined shall be determined by the Zoning Administrator to have their common and ordinary meaning, within the context of the provision. A standard reference dictionary may be used to assist in such determination.
- (1) **ACCESSORY STRUCTURE.** A subordinate structure customarily incidental to and located on the same lot occupied by the principal use. The term includes, but is not limited to, a private garage, barn, playhouse, greenhouse, swimming pool, satellite dish antenna, dock or boathouse.
 - (2) **ACCESSORY USE.** A use conducted on the same lot as the primary use to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.
 - (3) **ADULT USE.** A use involving one or more of the following and which shall only be permitted in a zoning district where the use is specifically permitted by this chapter:
 - a. **ADULT BOOKSTORE.** A use with a significant portion of the market value of all items offered for sale or rent being “adult materials”, or which has over 15 square feet of floor area occupied by adult materials for sale or rent. **ADULT MATERIALS** shall be defined as books, films, videotapes (including those offered on coin or token operated machines), magazines or similar printed materials, and/or paraphernalia which is distinguished or characterized by a clear emphasis on the depiction, display or description of uncovered male or female genitals.
 - b. **ADULT LIVE ENTERTAINMENT USE.** A commercial use or club involving employees, contractors or other persons displaying uncovered male or female genitals or nude female breasts relating to some form of monetary compensation or benefit paid to either:
 - i. The entity operating the use; or
 - ii. Persons involved in such display.

- c. ADULT THEATER.** A use involving the display of film or other video forms of “adult materials” to 3 or more persons at a time in a room and that is related to some form of monetary compensation by the persons viewing such matter.
- d. MASSAGE PARLOR.** A use in which manipulative exercises using the hands or a hand-held mechanical device are conducted by one or more persons on the exposed skin of 1 or more other persons within private or semi-private rooms, and that is related to some form of monetary compensation paid by the person(s) receiving the massage. This use shall not include any of the following:
- i. Massages by state-licensed massage therapists or health care professionals;
 - ii. Massages involving persons who are related to each other;
 - iii. Massages within a licensed hospital or nursing home;
 - iv. Hand massages of the face, hands or feet; or
 - v. Therapeutic massages that are clearly incidental to a permitted exercise club or municipal, college or school athletic program.
- (4) **AGRICULTURE.** The cultivation of the soil and the raising and harvesting of products of the soil, including customary soil and water conservation practices. The raising and keeping of livestock and poultry shall also be considered agriculture. Agriculture includes value-added processing: the processing of an agricultural product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting.
- (5) **ALLEY.** A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a road.
- (6) **ALTERATIONS.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.
- (7) **ARTICLE 66B.** Article 66B of the Annotated Code of the State of Maryland, entitled “Zoning and Planning,” as amended, or its successor legislation.
- (8) **AUTOMOBILE SERVICE STATION.** A building or premise where gasoline, oil, grease, batteries, tires and automobile accessories, or any combination therefore, are sold at retail and where incidental servicing and mechanical repairs are conducted; provided, however, that this term shall not be deemed to include motor vehicle repair garages as defined hereinafter.
- (9) **BED AND BREAKFAST INN.** An owner-occupied, or manager-occupied single-family detached dwelling unit in which guest room(s) are provided, for compensation, as overnight accommodations for transient visitors, and in which breakfast is customarily included in the charge for the room. A **BED AND BREAKFAST INN** is subordinate to the use of the dwelling unit as a residence, and it is not a hotel, motel, rooming, lodging house or other use defined or regulated elsewhere in this chapter.
- (10) **BUILDING.** A combination of materials having a roof to form a structure for the shelter of persons, animals or property. The word **BUILDING** shall include any part thereof.

- (11) **BUILDING AREA.** The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, steps, eaves and gutters.
- (12) **BUILDING COVERAGE.** The percentage of the lot area covered by the building area.
- (13) **BUILDING HEIGHT.** A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof over any part of the building, provided, however, the highest point of the roof shall not exceed 50 feet above the lowest level of ground abutting the building.
- (14) **BUILDING SETBACK LINES.** The rear lines of the minimum front yards as herein designated for each zoning district, measured from the road line.
- (15) **CHILD CARE.** See **DAY CARE.**
- (16) **CHURCHES** and **OTHER PLACES OF WORSHIP.** A structure that is primarily used for religious worship and that is operated for non-profit and non-commercial purposes and which is designed to accommodate more than 20 persons at 1 time. **A PLACE OF WORSHIP** may include 1 accessory dwelling unit for housing of an employee and his or her family. Any other residential, institutional or commercial use shall meet the requirements for such use.
- (17) **CLUSTER DEVELOPMENT.** A subdivision of single family detached dwellings that meets the requirements of § 157.073 and applicable provisions of the County Subdivision Ordinance.
- (18) **CODES OFFICIAL.** The officer or employee designated under the Garrett County Classified Employee System as the Building Codes Official and charged with the administration and enforcement of the adopted building codes for Garrett County.
- (19) **COMMERCIAL CAMPGROUND** or **TRAVEL TRAILER CAMP.** Any lot, parcel or tract of land upon which 2 or more tents, camping trailers, travel trailers, pick-up coaches, motor homes or any combination thereof are located or parked for occupancy by vacationers or transients.
- (20) **COMMERCIAL CATERING FACILITY** or **BANQUET HALL.** A business establishment for the accommodation of private parties which are scheduled and reserved in advance of the planned event, providing the following services relating to private parties: food and beverage service including kitchen and bar facilities for preparing and serving meals and beverages on or off the premises, seating accommodations including tables for on-premises meal service, an assembly area designed in compliance with the state's Fire Code. Such an establishment must schedule and reserve special events in advance and may not be open to the general public as would be the case with a restaurant or tavern.
- (21) **COMMERCIAL COMMUNICATIONS ANTENNA OR TOWER.** A structure exterior to a building that is used for transmitting or retransmitting electronic signals. This term shall include, but not be limited to, commercial television and radio broadcast antenna, antenna to receive broadcasts for cable television, and cellular telephone antenna. This term shall not include antenna for the following, which are

- routine accessory uses: amateur “ham” radio, citizen band radio, satellite internet service, emergency communications, reception of commercial radio or television broadcasts (other than by a cable television company), or for a business or municipality to contact their employees.
- (22) **COMMERCIAL RESORT.** A business occupying not less than 20 acres of land and offering lodging, eating, recreational and other facilities intended exclusively or primarily for use by guests registered at the resort.
- (23) **DAY CARE OR CHILD CARE CENTER.** A facility licensed by the State of Maryland as a “Child Care Center” and that, for part or all of a day, or on a 24 hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage. Such a center may include but is not limited to a non-public nursery school. See also **DAY CARE HOME, FAMILY.**
- (24) **DAY CARE HOME, FAMILY.** A facility registered with the State of Maryland as a “Family Day Care Home” and within which care is given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child’s residence, for which the provider is paid in cash or in kind.
- (25) **DENSITY.** The maximum number of dwelling units allowed per gross acre of land in a parcel being subdivided or developed as a condominium, not including accessory dwelling units.
- (26) **DORMITORY.** A building used as group living quarters for a student body or religious order incidental to a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.
- (27) **DWELLING.** A building or portion thereof arranged or designed to provide 1 or more dwelling units.
- a. DWELLING UNIT.** A dwelling or portion thereof providing complete living facilities for 1 family, including living, sleeping, and cooking facilities, limited to not more than 8 bedrooms, except as allowed under subsection (b); provided, however, that the term **DWELLING UNIT** shall not be deemed to include transient vacation rental units, rooming, boarding or lodging houses or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.
- b. SINGLE-FAMILY DETACHED DWELLING.** A building, commonly known as a single-family house designed for and occupied exclusively as a private residence from ground to roof, open on all sides, and not to be available or used for transient vacation rental. The single-family dwelling shall be limited to not more than 8 bedrooms unless the holder(s) of record title to the property for which application is made executes a binding covenant running with the land in favor of adjoining land owners and/or the county, recorded among the land records of the county limiting the use of dwelling to prohibit transient vacation rental of the property.
- c. TWIN DWELLING.** A building containing 2 independent dwelling units that are:
- i. Completely separated by a vertical party wall; and

ii. Involve 1 family occupying each dwelling unit.

d. TWO-FAMILY DWELLING. A building containing 2 independent dwelling units that:

- i. Are not completely separated by a vertical party wall (such as 1 unit above another unit); and
- ii. Involve only 1 family occupying each dwelling unit.

e. TOWNHOUSE. A portion of a building designed for and occupied exclusively as a residence for only 1 family and having:

- i. Only 1 dwelling unit from ground to roof;
- ii. Two points of independent outside access;
- iii. At least 2 other dwellings built in conjunction therewith; and
- iv. Any portion of 1 or 2 walls in common with an adjoining dwelling.

f. MULTI FAMILY (APARTMENT) DWELLING. A building containing any dwelling unit above another dwelling unit, or a building containing 3 or more dwelling units other than townhouse dwelling units.

g. MOBILE HOME.

A 1 family dwelling unit that is:

- i. Detached from other buildings and that is manufactured in 1 complete section;
- ii. Is designed for a long-term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
- iii. Is designed to be transported after fabrication in essentially 1 structural unit, arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations; and
- iv. Is not a sectional (“double-wide”) home or a travel trailer as defined by this chapter.
- v. The term **MOBILE HOME** and **MANUFACTURED HOME** shall have the same meaning for the purposes of this chapter.

h. SECTIONAL (SUCH AS “DOUBLE-WIDE” OR “MODULAR”) DWELLING.

A type of “single family detached dwelling” that is prefabricated off-site in 2 or more substantial sections and then is transported to a building site in sections which are fastened together and mounted on a permanent foundation. For purposes of this chapter, **SECTIONAL DWELLINGS** include modular pre-fabricated dwellings, but shall not include “mobile homes” or “travel trailers” as defined by this chapter.

(28) **ESSENTIAL UTILITY EQUIPMENT.** Underground or overhead electrical, gas, communications, water or sewage systems, including poles, towers, rights-of-way, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone booths, police call boxes, traffic signals, hydrants, regulating and

- measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith; provided, however, that this term shall not be deemed to include buildings, yards or areas for the storage, repair or processing of equipment or material; nor does it include sewage treatment plants, lagoons, settling basins and the like conducted as a principal use; nor does it include yards, areas or substations for the above-ground generation, transforming or switching of electricity.
- (29) **FAMILY.** An individual, or 2 or more persons who are “related,” or a group of a maximum of 8 persons who are not “related”; and which involves such persons living together as a common household unit. See also **GROUP HOME**.
- (30) **GROSS AREA.** The total land area of a lot or parcel, including floodplains and wetlands, but not including land within road rights-of-way
- (31) **GROUP HOME.** The use of a lawful dwelling unit to house persons who need special care and oversight because of mental retardation/developmental disability, old age, physical disability, physical or emotional abuse committed against themselves, or mental illness. Such persons shall function as a common household unit.
- a.** A **GROUP HOME** may also serve other types of persons if the applicant proves to the Board of Appeals that such persons are protected under the Americans with Disabilities Act as having “disabilities.” In such case, the applicant shall also prove to the Board of Appeals that the use will involve adequate supervision.
- b.** A **GROUP HOME** shall not include the housing or treatment of persons who can reasonably be considered a threat to the physical safety of others. A group home shall not meet the definition of a “Treatment Center.”
- c.** See standards in § 157.075.
- (32) **HIGHWAY SERVICE PLAZA.** A business occupying 5 or more acres of land at or near an interchange or intersection of a limited or controlled access highway and intended primarily to provide services for travelers, which may include food, lodging and incidental servicing of motor vehicles and trucks.
- (33) **HOME OCCUPATION.**
An office or other business that:
- a.** Is conducted in a dwelling and/or its accessory building;
- b.** Only involves activity that is clearly incidental and secondary to the use of the premises for residential purposes; and
- c.** Is conducted primarily by persons whose primary or secondary residence is within the dwelling unit in which the activity occurs.
- d.** See standards in § 157.024.
- (34) **HOTEL** or **MOTEL.** Regardless of how owned or titled, a **HOTEL** or **MOTEL** is a building or group of buildings which shall:
- a.** Be operated exclusively as a place of temporary lodging for transient guests who rent rooms or suites on a daily basis for not more than thirty (30) consecutive days.

- b. Be open to the public generally rather than to a limited group.
 - c. Contain a public lobby and guest registration office with guest rooms and/or suites.
 - d. Provide daily on-site management, guest registration personnel, daily maid service and maintenance to all guest rooms and suites.
 - e. Not have individual water and sewer connections metered separately to individual guest rooms or suites.
 - f. Not have separate lockout rooms within the lodging space of any guest rooms or suites approved by Garrett County.
 - g. Maintain a sign with the name of the hotel or motel on the outside of the property prominently displayed.
 - h. Maintain records for all guest rooms and suites, for at least the most recent two years, including names and addresses of the principal registered guests and terms of stay.
 - i. Contain sleeping accommodations and not more than two bathrooms and except as provided for in subsections (1) and (2) of this paragraph below, may contain a kitchenette consisting of a single bowl sink, refrigerator, up to an 18-inch dishwasher, countertop and cabinetry and may contain a microwave oven but no other cooking facilities. The maximum size of any guest room or suit shall not exceed 1500 sq. ft.
 - 1. At the time of application for the initial zoning permit, the developer of any property applying for a zoning permit to construct a hotel or motel may provide plans for any rooms or suites that are intended to include complete kitchens (i.e. facilities beyond those described for kitchenettes above). If any rooms or suites in a hotel or motel facility include complete kitchens then the developer must comply with the additional requirements outlined in subsection (2) below.
 - 2. Comply with a minimum lot or land area requirement of 4,800 sq. ft. per room or suite if a complete kitchen is provided. The number of room or suites allowed in a hotel or motel with a complete kitchen will be calculated by dividing the total land area of the lot by 4,800 sq. ft.
 - j. Not be constructed to include any building or structures defined as a multiple family dwelling under this Chapter for the purpose of calculating minimum land area and off-street parking per room or suite. In the case of mixed uses, the required minimum lot area and parking requirement shall equal the sum of the requirements of the various uses computed separately.
- (35) **LAND RECORDS.** For the purpose of this chapter, **LAND RECORDS** shall mean the duly recorded documents filed, recorded and indexed in the custody of the Clerk of the Circuit Court of Garrett County.
- (36) **LOT.** A parcel or plot of land used or set aside and available for use as the site for 1 or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a road nor including any land within the limits of a public or private road right-of-way. The term **RECORD LOT** or **LOT OF RECORD**

- means the land designated as a separate and distinct parcel of land on a legally recorded deed or plat filed among the Land Records of Garrett County. Any lot created after the effective date of this chapter must have frontage on an existing or planned public or private road.
- a. **LOT, CORNER.** A lot abutting 2 or more roads at their intersections, where the interior angle of the intersection does not exceed 135 degrees.
 - b. **LOT WIDTH.** The width of a lot between side lot lines, measured along the building setback line.
 - c. **LOT, LAKE-FRONT.** A lot in which the rear property line extends conterminously with the property line of the land area, water, shoreline and buffer strip forming Deep Creek Lake which is owned or leased by GPU Energy Corporation, or its successor.
- (37) **LOT AREA.** The area contained within the property lines of a lot of record, including the area within all easements, but excluding the area within all road rights-of-way.
- (38) **LOT LINE.** Any boundary line of a lot:
- a. **LOT LINE, FRONT.** The legal road right-of-way line. If a “future” right-of-way is designated and legally adopted pursuant to Article 66B, then the front lot line shall be such future right-of-way line.
 - b. **LOT LINE, REAR.** Any lot line which is parallel to or within 45 degrees of being parallel to a road line, except for a lot line that is itself a road line, except that in the case of a corner lot the owner shall have the option of choosing which of the 2 lot lines that are not road lines is to be considered a rear lot line. In the case of a lot having no road frontage or a lot of an odd shape, only the 1 lot line furthest from any road shall be considered a rear lot line.
 - c. **LOT LINE, SIDE.** Any lot line which is not a road line or a rear lot line.
 - d. **LOT LINE REAR, LAKE FRONT LOTS.** Any lot line which is coincident with a property line of the former Pennsylvania Electric property (the “Penelec Line”) as of January 1, 2000. Acquisition of an interest in additional land area from the State of Maryland subsequent to January 1, 2000, shall not affect the rear lot line on lake front lots.
- (39) **MARINA.** A business, all or part of which occupies a waterfront property, providing 1 or more of the following services relating to boats and similar recreational equipment used on or in the water: docking, berthing and incidental repairs in the water; sale of fuel and other boating equipment and supplies; boat hauling, maintenance, repair and overhaul; sale, rental and lease of boats and the like; parking for customers and employees; dry storage, including storage in buildings and short-term outdoor storage incidental to launching or hauling; launching ramp, in accordance with § 157.090(C). A hotel, motel, campground, yacht club or similar use, where docking of boats is incidental to the principal use of the property shall not be considered a **MARINA**, nor shall boat docks accessory to a multiple-unit dwelling.
- (40) **MOBILE HOME.** See under “Dwellings.”

- (41) **MOBILE/MANUFACTURED HOME PARK.** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes occupied for non-transient use.
- (42) **MOTOR VEHICLE REPAIR GARAGE.** A building or premises intended or operated for the major repair of motor vehicles including body-work, painting, spraying, welding or the storage of vehicles not in operating condition.
- (43) **NONCONFORMING LOT.** A lot or parcel that was legally created but does not currently comply with lot area or width requirements of this chapter for the zoning district in which it is located.
- (44) **NONCONFORMING STRUCTURE.** A legally existing structure that does not conform to dimensional requirements for the zoning district in which it is located, or having off-street parking, off-street loading or accessory buildings that do not conform to current requirements, due to the adoption of this ordinance, amendments to this ordinance, or changes to the zoning of the property.
- (45) **NONCONFORMING USE.** Any legally established use that no longer conforms to the use regulations of the zoning district in which it is located due to the adoption of this ordinance, amendments to this ordinance, or changes to the zoning of the property.
- (46) **OPEN SPACE, COMMON.** Protected open space that is owned by a homeowner association.
- (47) **OPEN SPACE, PROTECTED.** An area of land that is protected by a deed restriction or conservation easement to prohibit future subdivision of the land, future development of land and commercial use of the land, other than activities that were specifically approved by the Planning Commission. The following areas of land shall not be used to meet requirements for minimum amounts of **PROTECTED OPEN SPACE**:
- a. Areas within road rights-of-way or that are occupied by private roads;
 - b. Land beneath or within 20 feet of buildings, other than buildings that are specifically approved by the Planning Commission as being consistent with the purposes of the **PROTECTED OPEN SPACE**;
 - c. Vehicle parking, other than parking that is clearly primarily needed to serve the open space;
 - d. Areas needed to meet the requirements for an individual lot; and
 - e. Areas within 50 feet of overhead electrical transmission lines of 35 kilovolts or greater capacity, areas within a stormwater detention basin, unless the applicant proves to the satisfaction of the Planning Commission that such area would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions, areas with a width of less than 20 feet, and areas used by a central sewage treatment plant.
- (48) **OVERLAY DISTRICT.** A zoning district that supplements the regulations of the underlying zoning district in order to respond to special features of a land area, such

as physical characteristics, location or other conditions. In this ordinance, only the Scenic Protection District is an overlay district.

- (49) **PERSON.** A corporation, institution, partnership, trust, association or any other legal entity as well as a natural individual.
- (50) **PLANNED RESIDENTIAL DEVELOPMENT** or **PRD.** An area of land to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling units, density, lot coverage and/or required open space to the regulations otherwise established by this chapter for the zoning district within which the development is situated. A PRD may also include certain business uses as provided in § 157.067.
- (51) **PLANNING COMMISSION.** The Garrett County Planning Commission.
- (52) **PUBLIC GOLF COURSE CLUBHOUSE.** A building associated with a public golf course providing at least 18 holes of play or more in which facilities, services and activities are provided as an accessory to the 18-hole public golf course. Facilities, services and activities include: golf pro shop, restaurant, lounge, meeting, exercise and locker rooms, and golf cart storage and maintenance facilities.
- (53) **RESOURCE PARCEL.** A protected open space parcel designated for private ownership and use.
- (54) **RESTAURANT, STANDARD.** An establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals to be consumed primarily on the premises of the principal building and wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.
- (55) **RESTAURANT, CARRYOUT.** An establishment which prepares and sells food products already prepared for consumption, which are generally served in disposable plates, wrappers or containers, to be consumed by customers off the premises, but which may contain 30 or fewer seats for use by eat-in customers.
- (56) **RESTAURANT, DRIVE-THRU.** A fast food restaurant that provides a drive-thru lane by which customers order and receive their food while seated in motor vehicles.
- (57) **RESTAURANT, FAST FOOD.** An establishment that prepares and sells food already prepared for consumption, which are generally served in disposable plates, wrappers or containers, to be consumed by customers inside the building, on a patio, or off the premises, which provides more than 30 seats for use by eat-in customers, and may include drive-through facilities for ordering.
- (58) **ROAD.** A public or private thoroughfare which provides the principal means of access to 3 or more lots, or that is an expressway, but not including an alley or a driveway.
- (59) **ROAD CARTWAY.** The portion of a road designed for vehicle traffic and any areas intended for on-road parking
- (60) **ROAD LINE.** The dividing line between the road and the lot. The **ROAD LINE** shall be the same as the legal right-of-way line, provided that where a future right-of-way

- width for a road is legally established pursuant to Article 66B of the Annotated Code, then the road line shall be the side of the future right-of-way so established.
- (61) **ROOMING OR BOARDING HOUSE.** A building or part of a building (other than an institutional building) in which lodging is provided by the owner or operator to more than 3 roomers, boarders or lodgers but not more than a total of 10 guest rooms may be provided.
- (62) **SECTIONAL DWELLING.** See under **DWELLINGS**.
- (63) **SEWAGE DISPOSAL SYSTEM.** A system designed to collect, treat and dispose of sanitary sewage from user(s) in compliance with county and state health regulations.
- a. CENTRAL SEWAGE SERVICE.** Service by a sewage disposal system which collects, treats and disposes sewage from more than one dwelling, principal use or lot.
- i. COUNTY-APPROVED CENTRAL SEWAGE SERVICE.** Central sewage service that meets the requirements for “county approved” service as specified in § 159.115 of the county’s Subdivision Ordinance.
- ii. PUBLIC SEWAGE SERVICE.** Central sewage service by a system that is owned and/or operated by a sanitary district, municipality or the county.
- b. PRIVATE, NON-CENTRAL OR ON-LOT SEWAGE SERVICE.** Service by a sewage disposal system that does not meet the definition of “central sewage service.”
- (64) **SIGN.** Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as, or which is the nature of, an announcement, advertisement, visual communication, direction or is designed to attract the eye, or bring the subject to the attention of the public. Flags of any governmental unit or any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property, and cornerstones built into or attached to a building are not considered signs for the purposes of this chapter.
- a. ON-PREMISES SIGN.** A sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.
- b. OFF-PREMISES SIGN.** A sign which directs attention to a person, business, profession, product, home occupation, service or activity not conducted or sold on the same lot.
- c. COMMERCIAL ADVERTISING SIGN.** An advertising sign, structure or symbol, commonly known as a billboard, erected and maintained by a person or corporation engaged in the sale or rental for profit of the space thereon to a clientele of manufacturing, service, commercial or other business enterprises upon which space there is displayed, generally for a limited period of time, advertising matter describing a variety of products or services widely or generally available, but usually not produced, assembled, stored or sold on the lot or premises upon which the advertisement is located.
- d. BUSINESS ADVERTISING SIGN.** An advertising sign, structure or symbol erected and maintained by or for the benefit of a specific individual

manufacturing service, commercial or other business enterprise and used exclusively to advertise the location and the products or services offered by said enterprise, rather than for the periodic advertising of products and services generally available.

- (65) **SPECIAL EXCEPTION USE.** A use for which the Board of Appeals may grant zoning approval following a public hearing and findings of fact consistent with the provisions of this chapter, and provided the use complies with conditions and standards stated in this chapter.
- (66) **STRUCTURE.** A combination of materials assembled, constructed or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word **STRUCTURE** shall include any part thereof.
- (67) **SUBDIVISION.** The division of a lot, tract or parcel of land into 2 or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. The term **SUBDIVISION** shall include a re-subdivision of land, and when appropriate to the context, relates to the process of re-subdividing or to the land or territory subdivided.
- (68) **SUBDIVISION PLAT.** A map of a subdivision and accompanying notations. This term includes sketch plats, preliminary plats, final plats and record plats.
- (69) **SWIMMING POOL.** A structure which contains water over 24 inches in depth and is used or intended to be used for swimming or recreational bathing. This includes in-ground, above-ground, and on-ground swimming pools.
- (70) **SWIMMING POOL, COMMERCIAL.** A swimming pool operated for profit and open to members of the general public.
- (71) **SWIMMING POOL, COMMUNITY.** A swimming pool owned and operated by members of a club, cooperative or association; not operated for profit; and restricted primarily to use by members and their guests.
- (72) **SWIMMING POOL, PRIVATE.** A swimming pool used in connection with a residential use and available only to the family and guests of the householder. Includes hot tubs and spas.
- (73) **TAVERN.** An establishment used primarily for the serving of liquor by the drink to the general public, wherein the average daily receipts from the sale of alcoholic beverages exceed the average daily receipts from the sale of food.
- (74) **TOWNHOUSE.** See under **DWELLING**.
- (75) **TRAILERS and OFFICE TRAILERS.** A structure standing on wheels and having a roof, towed or hauled by another vehicle and used for carrying materials, goods or objects, or as a temporary office. This structure should not be confused with mobile homes or travel trailers which are designed for human occupancy and defined or regulated elsewhere in this chapter.
- (76) **TRANSIENT VACATION RENTAL UNIT.** A building offering complete living facilities for 1 single-family under 1 roof provided that a maximum of 8 bedrooms

- and a maximum overnight occupancy of 2 persons per bedroom plus 4 additional persons will be permitted on the property and that the living facilities are rented on the basis of a 14-day period or less to guests. All living facilities must be incorporated into the principal structure and no living quarters may be installed in accessory buildings.
- (77) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation and other short term uses having a maximum floor area of 400 square feet. A **TRAVEL TRAILER** shall be designed to have self-contained sanitary facilities, shall have wheels and tires remain on the unit on the site and shall have no enclosed additions affixed to the unit on the site.
- (78) **TREATMENT CENTER.** A use, other than a prison, providing housing facilities for persons who need specialized housing, treatment and/or counseling because of:
- a. Criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol;
 - b. Addiction to alcohol and/or a controlled substance; or
 - c. A type of mental illness that involves or has involved behavior related to violent felony crime. See also the definition of “Group Home” in this section.
- (79) **USE.** Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- (80) **VARIANCE.** A modification only of density, bulk or area requirements of this Zoning Ordinance where such modification 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 the chapter would result in unnecessary hardship and/or practical difficulty.
- (81) **WATER SUPPLY SYSTEM.** A system designed and operated to supply potable water, and which meets all county and state health regulations.
- a. **CENTRAL WATER SERVICE.** Service of 2 or more dwellings, principal uses or lots by a **WATER SUPPLY SYSTEM.**
 - i. **COUNTY-APPROVED CENTRAL WATER SERVICE.** “Central water service” that meets the requirements to be designated “county-approved” under § 159.116 of the County Subdivision Ordinance.
 - ii. **PUBLIC WATER SERVICE.** Central water service by a system that is owned and/or operated by a sanitary district, a municipality or the county.
 - b. **PRIVATE, ON-SITE OR NON-CENTRAL WATER SERVICE.** Service by a “water supply system” that does not meet the definition of “Central Water Service.”
- (82) **WIND ENERGY DEVICE.** A device (usually a turbine) that uses wind energy to produce electricity. Turbines are typically manufactured as “Horizontal Axis” or “Vertical Axis”. Wind Energy Devices can be classified as industrial, agricultural, or domestic:

- a. AGRICULTURAL WIND ENERGY DEVICE.* A single wind energy device situated in an agricultural setting that is designed and intended to utilize wind power to generate electricity, or in the case of certain agricultural applications to power equipment or machinery, such as pumps, gears, wheels, mills, or similar mechanical devices incidental to farming. Energy produced by such devices is primarily intended for the use of the individual landowner upon whose property the device is situated.
- b. DOMESTIC WIND ENERGY DEVICE.* A single wind energy device situated in a residential setting that is designed and intended to utilize wind power to generate electricity primarily for the use and/or benefit of the individual landowner upon whose property the device is situated.
- c. INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS (WECS).* An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy. The system may also be referred to as a wind charger, windmill or wind turbine. The energy produced by such systems is intended for sale to large-scale energy providers through the grid system.
- (83) *WIND FARM, INDUSTRIAL.* [Also referred to as “*ARRAY*”.] Area arranged and dedicated to the construction and maintenance of more than one Industrial Wind Energy Conversion System. The energy produced by such systems is intended for sale to large-scale energy providers through the grid system.
- (84) *WIND TURBINE* – See *WIND ENERGY DEVICE*.
- (85) *YARDS.* A portion of a lot adjoining and extending inward from a lot line or road line, and which shall remain unobstructed by buildings or structures or portions thereof except overhanging eaves, gutters or cornices.
- a. YARD, FRONT.* A yard adjoining and extending parallel to a road line.
- b. YARD, SIDE.* A yard adjoining and extending parallel to a side lot line and lying between a front yard and a rear yard.
- c. YARD, REAR.* A yard adjoining and extending parallel to a rear lot line.
- (86) *ZONING ADMINISTRATOR.* The person(s) appointed by the Board of County Commissioners to administer and enforce this chapter and their designees.
- (87) *ZONING ORDINANCE* or *THIS CHAPTER.* The Deep Creek Watershed Zoning Ordinance, as amended.
- (88) *ZONING PERMIT.* A permit issued by the Zoning Administrator that authorizes the construction, reconstruction, alteration or placement of a structure or the use or change in use of land or buildings.

§ 157.008 - 157.019 RESERVED.

ARTICLE 3. ZONING DISTRICTS AND USE REGULATIONS

§ 157.020 ZONING DISTRICTS AND MAP.

- A. For the purposes of this chapter, zoning districts are hereby established as follows:
- (1) RR – Rural Resource;
 - (2) AR – Agricultural Resource;
 - (3) LR1 - Lake Residential District 1;
 - (4) LR2 – Lake Residential District 2;
 - (5) TR - Town Residential District;
 - (6) TC - Town Center District;
 - (7) C - General Commercial District;
 - (8) CR1 - Commercial Resort 1; and
 - (9) CR2 - Commercial Resort 2.
- B. For the purposes of this chapter, the zoning districts established by division (A) above shall be of the number, size, shape and location shown on the “Deep Creek Watershed Zoning Map” adopted and included in its entirety as a part of this chapter.
- C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map which shall be maintained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land, buildings and other structures.

§ 157.021 INTERPRETATION OF DISTRICT BOUNDARIES.

- A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:
- (1) Boundaries drawn approximately along the centerlines of streams, drainageways, roads, roads, alleys or railroads or other right-of-way, shall be construed to follow such centerlines.
 - (2) Boundaries drawn approximately parallel to the centerlines of streams, drainageways, roads, roads, alleys or railroads or other rights-of-ways or parallel to property lines shall be construed to lie parallel to such centerlines or property lines at the distance therefrom noted upon the zoning map.
 - (3) Boundaries drawn approximately along or extending from platted lot lines or other property lines shall be construed to follow or to extend in a straight line from such lines
 - (4) The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.
- B. Where a zoning district boundary line as shown on the zoning map divides a lot or property which was in single ownership and of record at the effective date of this chapter, the uses

permitted thereof and the other district requirements applying to the least restricted portion of the lot shall be deemed to extend over the entire lot, or for a distance of 50 feet from the district boundary line into the more restricted portion of the lot, whichever distance is less.

- C. Where a zoning district boundary line as shown on the zoning map divides a lot or property which has been consolidated into single ownership, subsequent to the effective date of this Chapter, the uses permitted thereof and the other district requirements applying to the least restrictive portion of such lot may extend over the entire lot or for a distance of 50 feet from the district boundary line into the more restrictive portion of the lot, whichever distance is less, provided the owner of such property secures a special exception permit from the Board of Appeals pursuant to § 157.166.

§ 157.022 USES PERMITTED IN ZONING DISTRICTS.

- A. Unless otherwise provided by law or specifically in this chapter, no land or building or structure shall be used or occupied except for a use permitted, as specified in this subchapter in the zoning district within which the land or building or structure is located.
- B. No use shall be permitted except in compliance with the laws of the state and the regulations of the Garrett County Health Department regarding water supply and waste disposal, as evidenced by the written approval of the Garrett County Health Department.
- C. A use listed in § 157.024 is permitted by right in any zoning district under which it is denoted by the letter “P” provided that the use shall be subject to the conditions and requirements specified in § 157.024 and elsewhere in this chapter. The uses permitted by right shall be principal uses within the meaning of this chapter, unless otherwise specified.
- D. A use listed in § 157.024 of this chapter is permitted by right as an accessory use, as defined in § 157.007, in any zoning district under which it is denoted by the letter “A”, provided that such use shall be subject to the conditions and requirements specified in § 157.024 and elsewhere in this chapter.
- E. A use listed in § 157.024 shall not be permitted in any zoning district under which it is denoted by the letter “N”. Such uses lawfully existing at the effective date of this chapter shall be construed as nonconforming uses subject to the provisions of §§ 157.125 et seq.
- F. Special exception uses.
 - (1) A use listed in § 157.024 may be permitted as a special exception in any zoning district under which it is denoted by the letter “SE” provided that approval for the use has been granted by the Board of Appeals pursuant to §§ 157.160 et seq., and further provided that the use shall be subject to the conditions and requirements specified in § 157.024 and elsewhere in this chapter and to such further requirements as the Board of Appeals may establish in granting the special exception.
 - (2) Any use lawfully existing on the effective date of this chapter which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of a special exception use, except a change to a use permitted pursuant to division (C) above, shall require a special exception granted by the Board of Appeals pursuant to §§ 157.160 et seq.

§ 157.023 PURPOSES OF ZONING DISTRICTS.

To assist in interpreting the provisions of this chapter, the following summarizes the purposes for the various zoning districts:

- A. Agricultural Resource - To protect rural character and conserve natural resources, primarily agricultural land, and also including forests and sensitive environmental areas by limiting residential development to a low density and providing a cluster subdivision option. To retain the value of land by allowing subdivision with a minimum lot size of three acres, or one acre under specified conditions. To allow selected commercial and recreational uses that do not conflict with the preservation of agricultural resources
- B. Rural Resource - To protect rural character and conserve natural resources, primarily forest and timber resources, and also including agricultural land and sensitive environmental areas by limiting residential development to a low density and providing a cluster subdivision option. To retain the value of land by allowing subdivision with a minimum lot size of three acres, or one acre under specified conditions. To allow selected commercial and recreational uses that do not conflict with the preservation of forest and timber resources.
- C. Lake Residential 1 District - By limiting residential development to a relatively low average density, this district is intended to help reduce pressures for overdevelopment and overcrowding which would threaten the public health, safety and welfare by undermining property values, jeopardizing investments, threatening the tax base, causing pollution, creating health and safety hazards and endangering the balance of ecological systems within the lake's drainage basin. The Lake Residential District 1 is intended for areas that fall within existing or future public sewer service boundaries, allowing for residential development at one dwelling unit per acre. Besides low-density residential use and continued farming and forestry, this district also is intended to help reduce possible pressure for overuse of the lake surface by accommodating certain types of land-based family-oriented recreation facilities. Most non-residential uses are treated as special exceptions to ensure adequate safeguards for preventing nuisances to adjoining properties.
- D. The Lake Residential 2 District is intended to limit residential development to one dwelling per two acres within areas not planned for public water or public sewer service, thereby reducing pressure for overdevelopment that would undermine property values, cause pollution and endanger the balance of ecological systems within the lake's drainage basin. This district is intended to allow continued farming and forestry and to accommodate recreational uses in the same manner as in the Lake Residential 1 District. .
- E. Town Residential District - To provide for higher-density, more compact village or small-town settlements where central water and sewage service exist. To provide for single family homes, side-by-side twins, townhouses and apartments at an average density of approximately 4 to 5 units per acre. To provide for a few selected types of small commercial uses, while making sure these areas remain basically residential in nature.
- F. Town Center District - To recognize the core areas of existing towns. To provide for higher-density, more compact village or small-town settlements where central water and sewage service exist. To provide for single family homes, side-by-side twins, townhouses and apartments at an average density of approximately 5 to 6 units per acre. To also provide for

retail stores, restaurants, offices and similar light commercial uses, while avoiding heavy commercial and industrial uses.

- G. General Commercial District - To mainly provide for larger and/or heavier commercial uses that are not compatible with residential areas and town center locations. To also provide for certain types of compatible light industrial development.
- H. Commercial Resort 1 and 2 - To provide for commercial recreation uses and supporting commercial activities. To promote resort-type light commercial uses and family recreation, while avoiding heavy highway commercial development. The Commercial Resort 1 district provides opportunities for visitor-oriented commercial development, but not major residential development. The Commercial Resort 2 district emphasizes land-based family-oriented development, while allowing for residential development at an average density of 1 unit per acre.

§ 157.024 TABLE OF USE REGULATIONS.

The following table sets forth uses permitted by right, permitted as a conditional use, permitted by special exception or not permitted in the various zoning districts of this chapter.

Legend
A - Permitted Accessory Use
AR – Agricultural Resource
C - General Commercial
CR1 - Commercial Resort 1
CR2 - Commercial Resort 2
LR1 - Lake Residential 1
LR2 – Lake Residential 2
N - Not Permitted
P - Permitted by Right Use
RR – Rural Resource
SE - Special Exception
TC - Town Center
TR - Town Residential

(A) Natural resources and agricultural uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Forest conservation practices and the harvesting of forest products, excluding saw milling	P	P	P	P	P	P	P	P	P
2. Sawmills as a principal use provided that all sawmills should be subject to 3 times the setback requirements specified in § 157.062	SE	SE	SE	SE	N	N	SE	SE	SE
3. Fish and wildlife preserves and propagation areas, except commercial or membership wildlife hunting preserves	P	P	P	P	P	P	P	P	P

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
4. Commercial or membership preserves for wildlife hunting provided a minimum lot size of 100 acres is available for commercial preserves	P	P	SE	SE	N	N	SE	SE	SE
5. Mining, quarrying or the removal of coal, clay, sand, gravel, peat, topsoil or any other natural resources, except natural gas, from on or beneath the land surface for commercial purposes, subject to the provisions of § 157.064 and provided further that a minimum lot size of 10 acres shall be required for such uses (except for the removal of topsoil).	SE	SE	SE	SE	SE	SE	SE	SE	SE
6. Drilling for, or removal or underground storage of natural gas, subject to the regulations of the Maryland Department of Environment, Maryland Public Service Commission and Federal Energy Regulatory Commission. The wellhead and all areas used for storage or operation of equipment shall comply with the following minimum setbacks: a. 2,000 feet from the high water elevation line of Deep Creek Lake, measured at 2,462 feet above sea level. b. 1,000 feet from the property line of any lot not owned or leased to the entity responsible for the gas drilling, removal or storage operation.	P	P	P	P	P	P	P	P	P
7. Agriculture, as defined in §157.007, provided that all buildings or enclosures used commercially for feed lots, hog raising or poultry raising shall be subject to 3 times the setback requirements specified in § 157.062	P	P	P	P	P	P	P	P	P
8. Commercial stockyards and similar livestock sales establishments, provided that such uses shall be subject to 3 times the setback requirements specified in § 157.062	N	N	N	N	N	N	SE	N	N
9. Commercial slaughtering of livestock or poultry, provided that such uses shall be subject to 3 times the setback requirements specified in § 157.062	N	N	N	N	N	N	SE	N	N

(B) Residential uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Single-family detached dwellings	P	P	P	P	P	P	N	N	P
2. “Single-wide” Mobile/manufactured Homes	SE	SE	SE	SE	SE	SE	N	N	SE
3. “Sectional” or “double-wide” or other prefabricated single-family dwellings	P	P	P	P	P	P	N	N	P

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
4. Travel trailer (subject to § 157.041(B)(1) provided that no travel trailer may be located on a lot for more than 90 days in any 12 consecutive months	P	P	P	P	P	P	N	N	P
5. Twin dwellings	P	P	P	P	P	P	N	N	P
6. Townhouse dwellings	P	P	P	P	P	P	N	N	P
7. Multi-family (“apartment”) or 2-family dwellings	P	P	P	P	P	P	N	N	P
8. Mobile/manufactured home parks, subject to the provisions of § 157.066	SE	SE	SE	SE	SE	SE	P	N	SE
9. Dwelling unit in conjunction with and incorporated into the structure of a permitted principal non-residential use	A	A	A	A	A	A	A	A	A
10. Conversion of a single family dwelling or other building into not more than 2 dwelling units, provided that the building complies with the lot area per dwelling unit and the yard, building and other requirements applicable to 2-family dwellings within the zoning districts	P	P	P	P	P	P	N	P	P
11. Conversion of a dwelling or other building into 3 or more dwelling units	SE	SE	SE	SE	P	P	N	P	P
12. Rooming or boarding houses, subject to the following provisions: a. Not more than 10 guest rooms and not more than a total of 20 guests shall be permitted in any rooming or boarding facility b. Meals may be provided only for roomers, boarders or lodgers of the facility c. The establishment shall be subject to appropriate state Fire Regulations, Health Department and/or Sanitary District requirements d. Off-road parking shall conform to all applicable requirements in §§ 157.090 et seq. A minimum of 2 parking spaces shall be provided for each permanent residence, 1 additional space for each guest room, plus 1 space for each full-time non-resident employee	SE	SE	SE	SE	P	P	N	P	SE
13. Planned Residential Development, subject to the provisions of § 157.067	N	N	P	P	P	P	N	N	P

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
<p>14. Customary home occupations, provided that:</p> <p>a. Such occupation shall be conducted only by members of the immediate family residing on the premises, plus not more than 2 nonresident employees; and</p> <p>b. Such occupation shall not occupy an area greater than 25% of the ground floor area of the dwelling unit;</p> <p>c. No display of goods or storage of materials or advertising (except identification signs as specified in § 157.112(B) shall be visible from any road or adjoining property; and</p> <p>d. Off-street parking for the home occupation shall be at least 5 feet from lot lines with a landscape buffer between the parking area and lot lines.</p>	P	P	P	P	P	P	N	P	P
<p>15. Noncommercial parking garage or parking area intended to fulfill the off-road parking requirements specified in §§ 157.090 et seq., provided that such garage or area shall be exclusively for use by residents of nearby dwellings</p>	P	P	P	P	P	P	P	P	P
<p>16. Bed and breakfast inn, only as accessory to residential uses, subject to the following provisions:</p> <p>a. Not more than 5 guest rooms shall be permitted</p> <p>b. Other than breakfast, no other meals shall be prepared for consumption by guests and breakfast shall not be prepared for any nonresidents of the dwelling unit, unless the use is also permitted and approved as a “Restaurant” under this chapter. Food service is subject to Health Department regulations.</p> <p>c. The use shall be subject to appropriate State Fire regulations, Health Department and/or Sanitary District requirements</p> <p>d. Off-road parking shall conform to all applicable requirements in § 157.090 et seq. and be provided as follows: 2 spaces for residents and 1 additional space for each guest room</p> <p>e. Signs shall comply with §§ 157.105 et seq. No sign shall exceed 4 square feet in area</p>	SE	SE	SE	SE	P	P	N	P	P
<p>17. Group Home, meeting the requirements of § 157.075, within an existing lawful dwelling unit</p>	P	P	P	P	P	P	P	P	P
<p>18. Treatment Center</p>	N	N	N	N	N	N	N	N	N

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
19. Single Family Cluster Development, meeting the requirements of § 157.073	P	P	P	P	P	P	N	N	N
20. Transient vacation rental unit for up to 5 bedrooms, meeting the requirements of § 157.079:	P	P	P	P	P	P	N	N	P
21. Transient vacation rental unit for between 6 and 8 bedrooms, meeting the requirements of § 157.079:	SE	SE	SE	SE	P	P	N	N	P

(C) Public or private recreational uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Parks designed or intended for passive recreation	P	P	P	P	P	P	P	P	P
2. Areas designed, equipped or intended for noncommercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like	P	P	P	P	P	P	P	P	P
3. Commercial swimming pool or commercial beach conducted as a principal use	SE	SE	SE	SE	SE	P	P	P	P
4. Community swimming pool located on common open space	P	P	P	P	P	P	P	P	P
5. Boat launching ramps conducted as a principal use, including accessory vehicle parking areas as required by §§ 157.090 et seq.	SE	SE	SE	SE	SE	P	P	P	P
6. Indoor boat storage conducted as a principal use, including accessory vehicle parking areas as required by §§ 157.090 et seq.	SE	SE	SE	SE	SE	P	P	P	SE
7. Marinas, as defined in § 157.007	SE	SE	SE	SE	SE	P	P	P	SE
8. Commercial campgrounds, camping spaces or travel trailer camps, subject to the provisions of § 157.068 and provided a minimum lot size of 50 acres is available with a minimum setback of 200 feet from all lot lines in the LR1 zone	SE	SE	SE	SE	N	N	SE	P	P
9. Vacation farms	P	P	P	P	P	P	P	P	P
10. Riding stables, subject to the setback requirements specified in § 157.062	P	P	SE	SE	N	N	P	P	P
11. Private or membership gun clubs, including outdoor target ranges for trap, skeet, rifle and pistol shooting subject to 3 times the setback requirements specified in § 157.062	SE	SE	SE	SE	N	N	SE	SE	SE

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
12. Private or membership clubs or lodges not operated commercially or conducted primarily as a business enterprise	SE	SE	SE	SE	SE	SE	SE	SE	SE
13. Commercial resorts, as defined in § 157.007, subject to the provisions of § 157.069	SE	SE	SE	SE	SE	N	P	P	P
14. Ski resorts	SE	SE	SE	SE	SE	N	P	P	P
15. Golf courses	P	P	P	P	P	P	P	P	P
16. Golf driving or practice ranges or miniature golf courses or the like, conducted as a principal use	SE	SE	SE	SE	SE	P	P	P	P
17. Commercial outdoor recreation or amusement areas not otherwise described or identified above	SE	SE	SE	SE	SE	SE	SE	SE	SE
18. Use of premises for transient or temporary recreational activity such as a carnival, circus, camporee or fair or the like, provided that no premises shall be used for such activity for more than 14 days in any single year	SE	SE	SE	SE	SE	SE	SE	SE	SE
19. Commercial indoor recreational facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts and the like	N	N	N	N	N	P	P	P	P
20. Non-commercial indoor recreational facilities. Such uses would be accessory uses when planned as part of PRD or Subdivision	SE	SE	SE	SE	SE	P	P	P	P
21. Sale and rental of recreational vehicles including but not limited to motorcycles and snowmobiles and all accessory equipment including incidental repairs to such vehicles and equipment	N	N	N	N	SE	P	P	SE	SE
22. Public golf course clubhouse associated with a public golf course having 18 holes or more of play	SE	SE	SE	SE	P	P	P	P	P

(D) Institutional, educational and utility uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Churches and other places of worship	P	P	P	P	P	P	P	P	P
2. Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE
3. Licensed hospitals	SE	SE	SE	SE	SE	P	N	SE	SE

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
4. Charitable or religious institutions, personal care centers, licensed nursing homes or the like institutions for human care and the treatment of non-contagious diseases, but excluding prisons and facilities for the criminally insane	SE	SE	SE	SE	SE	P	N	N	SE
5. Medical or dental offices or clinics for out-patient treatment, including accessory laboratory facilities	SE	SE	SE	SE	SE	P	SE	P	SE
6. Meeting or assembly halls for philanthropic, religious, fraternal or civic organizations, subject to the setback provisions of § 157.062	SE	SE	SE	SE	SE	P	P	SE	SE
7. Essential utility equipment, as defined in § 157.007, provided that before construction begins on any overhead electric transmission line of 69 kV or greater capacity or on any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of the lines and accessory facilities shall be submitted for the information and review of the County Planning Commission	P	P	P	P	P	P	P	P	P
8. Commercial Communications Antenna, including but not limited to commercial radio or television broadcasting, cable television or cellular telephone antenna, provided that no antenna shall be located closer to any lot line than a distance equal to the height of the tower plus 50 feet	SE	SE	SE	SE	P	P	P	P	P
9. Sewage treatment plants, lagoons, settling basins, holding facilities and the like, constructed as a principal use. See also under Accessory Uses in this table	SE	SE	SE	SE	SE	SE	SE	SE	SE
10. Electric power generating plants or substations, yards or areas for transforming or switching electricity	SE	SE	SE	SE	SE	SE	SE	SE	SE
a. Industrial Wind Energy Conversion Systems	N	N	N	N	N	N	N	N	N
11. Civic buildings, including community center, museums, post offices, libraries, fire stations and public office buildings erected or used by federal, state, county or municipal governments or agencies thereof	SE	SE	SE	SE	SE	P	P	P	SE
12. Governmental buildings or uses, except uses described in division 11 above and except educational buildings and uses.	SE	SE	SE	SE	P	P	P	P	SE
13. Child care centers	P	P	P	P	SE	P	P	P	P
14. Public or private elementary or middle schools	P	P	P	P	P	P	N	P	P
15. Public or private high schools or colleges	SE	SE	SE	SE	P	P	N	P	N

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
16. Public or private trade or professional schools, institutes or the like	SE	SE	SE	SE	SE	P	P	SE	SE
17. Sewage holding tanks as a primary use subject to the screening requirements approved by Board of Zoning Appeals and subject to a minimum lot area of 10,000 square feet and a 25 feet setback from all property lines	SE	SE	SE	SE	SE	SE	SE	SE	SE

(E) Retail and commercial services uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Car washes	N	N	N	N	N	SE	P	SE	N
2. Motor vehicle repair garages	N	N	N	N	N	SE	P	N	N
3. Automobiles, trucks, farm equipment, trailer, mobile homes, motorized homes and camper trailer display and sales or rental including repair and maintenance of such vehicles and equipment as an accessory use	N	N	N	N	N	SE	P	N	N
4. Automobile service stations, except highway service plazas as defined in § 157.007	SE	SE	SE	SE	N	SE	P	SE	SE
5. Highway service plazas, subject to the setback requirements specified in § 157.062	N	N	N	N	N	N	P	N	N
6. Building materials, supplies and sales	N	N	N	N	N	P	P	N	N
7. Animal hospitals, kennels or veterinarians' offices, subject to the setback requirements in § 157.062	SE	SE	N	SE	N	SE	P	N	N
8. Business services including: banks, credit unions, savings and loan and similar financial institutions; business and professional offices, real estate and insurance agencies, telephone central offices and switchboards	N	N	N	N	SE	P	P	P	SE
9. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage	SE	SE	N	N	N	SE	P	N	N
10. Funeral homes	N	N	N	N	SE	P	P	SE	N
11. Greenhouses and nurseries, including sales facilities	SE	SE	N	SE	SE	P	P	P	SE
12. Hotels and motels	N	N	N	N	SE	P	P	P	SE

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
13. Printing, photographic processing, blueprinting and similar reproduction services except publishing as specified in division (F) below	N	N	N	N	SE	P	P	SE	N
14. Parking lots or garages as commercial enterprises provided that such parking lots shall be screened by dense evergreen plantings or by a solid wall, screen or fence at least 3 feet high	N	N	N	N	N	P	P	SE	N
15. Personal service businesses including: barber shops; beauty salons; cold storage lockers; photography studios; repair shops for appliances, bicycles, electronic equipment; guns, locks, shoes or watches; self-service dry cleaning or laundromats; tailoring or dressmaking	N	N	N	N	SE	P	P	P	SE
16. Restaurants, standard and carryout, as defined in § 157.007	N	N	N	N	SE	P	P	P	SE
17. Restaurants, fast food, without drive-thru facilities.	N	N	N	N	SE	P	P	SE	SE
18. Restaurants, drive-thru.	N	N	N	N	N	SE	P	SE	SE
19. Commercial catering facility or banquet hall provided a minimum lot size of two acres is available in any zoning district and provided further that parking is available at the same standard as required for restaurants	SE	SE	SE	SE	SE	SE	SE	P	SE
20. Retail businesses intended primarily for neighborhood convenience shopping including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands or meat markets provided that the net floor area intended for such retail use shall not be greater than 2,000 square feet	SE	SE	SE	SE	SE	P	P	P	SE
21. General retail businesses including the uses listed in division 19 above, and also including shops for the sale of antiques; appliances; automobile, truck and other vehicle parts and accessories; beverages and bottled goods; books, periodicals and stationery; clothing and accessories; drugs and sundries, including food service as an accessory use; flowers and garden supplies excluding commercial greenhouses and nurseries; furniture and other home furnishings; general merchandise; gifts, watches and jewelry; hardware; hobby and craft supplies; pets; shoes; specialty items; sporting goods; and tobacco	N	N	N	N	N	P	P	P	SE
22. Signs subject to the provisions of §§ 157.105 et seq. including:									
a. On-premises identification signs (see § 157.112(B))	A	A	A	A	A	A	A	A	A
b. On-premises advertising signs (see § 157.112(C))	N	N	N	N	A	A	A	A	A

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
c. Off-premises directional signs (see § 157.113(B))	SE	SE	SE	SE	P	P	P	P	P
d. Off-premises advertising signs (see § 157.113(C)(1))	N	N	N	N	N	P	P	P	SE
e. Commercial advertising signs (see § 157.113(C)(2))	N	N	N	N	N	SE	P	SE	N
f. Temporary signs (see §§ 157.112(D) and 157.113(D))	P	P	P	P	P	P	P	P	P
23. Taverns and the like, subject to the requirements of Article 2B of the Annotated Code of Maryland	N	N	N	N	N	SE	P	SE	SE
24. Warehousing and similar storage completely within enclosed buildings, including wholesale sales, truck terminals and accessory servicing but excluding motor vehicle repair garages	N	N	N	N	N	SE	P	N	N
25. Adult use	N	N	N	N	N	N	N	N	N
26. Tattoo parlor	N	N	N	N	N	N	P	N	N
27. Drive-Thru Use (other than restaurant)	N	N	N	N	N	SE	P	SE	SE
28. Temporary, outdoor retail sales, including sales from a truck, trailer, temporary stand or similar use, subject to approval of a zoning permit demonstrating compliance with the following standards: a. The use shall not be permitted within a street right-of-way; b. The use shall not occupy parking spaces needed for compliance with minimum parking standards; c. The location of the use shall provide safe access for motorists and pedestrians; and d. The use shall comply with required setbacks for retail uses established in §157.041.	N	N	N	N	N	P	P	P	SE

(F) Manufacturing and industrial uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Commercial processing including baking, canning, cleaning, cooking, curing, drying, freezing, mixing, packaging and preserving of food and food products, including:									
a. Animals and poultry processing except slaughtering as specified in division (A) above, provided that such processing shall be subject to the setback requirements specified in § 157.007	N	N	N	N	N	N	SE	N	N
b. Bakeries and the manufacture of other foodstuffs from flour or grains excluding milling	N	N	N	N	N	N	P	N	N
c. Bottling of soft drinks or water	N	N	N	N	N	SE	P	N	N
d. Bottling of milk, processing of other dairy products and eggs	N	N	N	N	N	SE	P	N	N
e. Fruit and vegetable processing	N	N	N	N	N	N	P	N	N
f. Milling or grinding of wheat or other grains including storage, subject to the requirements of § 157.062	N	N	N	N	N	N	P	N	N
g. Maple syrup and related products	P	P	N	N	N	SE	P	SE	N
h. Processing of other food and foodstuffs, except the manufacture of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils	N	N	N	N	N	SE	SE	N	N
2. Primary processing or manufacturing of finished or intermediate products from natural raw materials including:									
a. Building materials including brick, cinder block, concrete pipe, firebrick, stone, terra cotta, tile and similar clay, cement and refractory products	N	N	N	N	N	N	SE	N	N
b. Charcoal, creosoted poles, ties and other wood products	N	N	N	N	N	N	SE	N	N
c. Coal gasification, liquefaction or related processing	N	N	N	N	N	N	N	N	N
d. Clay pulverizing for ceramics or other kiln products	N	N	N	N	N	N	N	N	N
e. Limestone, sandstone or other stone drying, crushing or grinding	N	N	N	N	N	N	N	N	N

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
3. Secondary manufacturing including assembly, altering, cleaning, finishing, maintenance, packaging or other processing and incidental storage of previously prepared materials, including bone, canvas, cellophane, cement, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, plastic, precious or semi-precious stone or metal, shell, stone, straw, textiles, wax, wood or yard, to produce finished or intermediate products including:									
a. China, figurines, pottery and similar ceramic products, excluding pulverizing or grinding of clay	N	N	N	N	N	N	N	N	N
b. Cosmetics, toiletries, drugs or pharmaceutical products	N	N	N	N	N	N	N	N	N
c. Clothing, fabrics, hosiery, mattresses, pillows, quilts, rugs and the printing or finishing of textiles and fabrics	N	N	N	N	N	N	SE	N	N
d. Handicrafts and hand-crafted items	N	N	N	N	N	SE	P	SE	SE
e. Boats, bicycles, campers, mobile homes, modular housing units, travel trailers and similar assemblies.	N	N	N	N	N	N	N	N	N
f. Wooden baskets, boxes, crates, furniture, general carpentry items, hampers, millwork, novelties, shipping containers, toys, veneer and similar wood products and assemblies, excluding pulping for paper manufacture	N	N	N	N	N	N	N	N	N
g. Tire recapping and retreading	N	N	N	N	N	N	N	N	N
h. Printing, publishing, binding and related processing and reproduction of paper and cardboard products, including books, boxes, containers, envelopes, forms, newspapers, novelties, periodicals and posters	N	N	N	N	N	N	SE	N	N
i. Electrical or electronic appliances including fans, lamps, lighting fixtures, radio and television receivers, phonographs, electric switches, washing machines, dryers, refrigerators, freezers and air conditioners	N	N	N	N	N	N	SE	N	N
j. Light metal fabrication and products including metal machining, finishing, grinding and polishing, stamping or extrusion of small products, including costume jewelry, kitchen utensils, hand tools, fasteners and the like, vitreous enameled metal products, ornamental iron work, heating and ventilating ducts, down spouting and rain gutters	N	N	N	N	N	N	N	N	N

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
k. Musical instruments; communications, drafting, electrical, electronic, medical, optical and similar precision instruments; jewelry, watches and clocks; toys, games and novelties	N	N	N	N	N	N	SE	N	N
4. Miscellaneous services and activities, including:									
a. Research, design and development laboratories	N	N	N	N	N	N	P	N	N
b. Laundry, carpet and rug cleaners and dry cleaning	N	N	N	N	N	SE	P	N	N
c. Propane storage tanks: Such tank shall not be visible from any roadway in the TC zone. A 6-foot high cyclone fence shall be constructed around a propane storage tank and shall not be visible from any public roadway in the TC zone. The commercial use of any propane tank shall be incidental to the tank's primary function as an accessory use to the on-going business on the property in the TC zone (such as, the tank supplies fuel for the primary energy needs for heating and cooking on the premises). On the premises retail sales would not be permitted in the TC zone.	N	N	N	N	N	SE	P	N	N
d. Petroleum products storage	N	N	N	N	N	N	P	N	N
e. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops	N	N	N	N	N	N	P	N	N
f. Contractor's equipment and other outdoor storage yards	N	N	N	N	N	N	P	N	N

(G) Miscellaneous and accessory uses.

	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
1. Junkyards, in compliance with the rules and regulations, if any, governing junkyards and adopted by the Board of County Commissioners under the authority in Md. Code Article 25	N	N	N	N	N	N	N	N	N
2. Sanitary landfills	N	N	N	N	N	N	N	N	N
3. Other uses substantially similar in character and impact to uses ordinarily permitted by this chapter by right or by special exception within the same zoning district	SE	SE	SE	SE	SE	SE	SE	SE	SE
4. Customarily incidental accessory uses including:									

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
a. Accessory uses as defined in § 157.007	A	A	A	A	A	A	A	A	A
b. Travel trailer and boat storage provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas required by this chapter	A	A	A	A	A	A	A	A	A
c. Temporary buildings accessory to an active construction project including storage trailers and office trailers	A	A	A	A	A	A	A	A	A
d. Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in § 157.065	A	A	A	A	A	A	A	A	A
e. Off-road parking subject to the provisions of §§ 157.090 et seq.	A	A	A	A	A	A	A	A	A
f. Lagoons, treatment plants and related facilities subject to approval by the Garrett County Health Department	A	A	A	A	A	A	A	A	A
g. Temporary buildings, trailers or office trailers used as a temporary real estate office accessory to the development and sale of a property provided that: i. No such temporary real estate office shall be permitted for a period of more than 2 years, except that the Board may upon reapplication reissue a 2-year period permit provided it is consistent with the standards of this chapter ii. The Board of Appeals may impose whatever conditions regarding design and layout it deems necessary to insure that the use is appropriate in appearance with the existing character of the vicinity	SE	SE	SE	SE	SE	SE	SE	SE	SE
h. Family day care home	P	P	P	P	P	P	P	P	P
i. Agricultural Wind Energy Device	A	A	A	A	N	N	N	N	N
j. Domestic Wind Energy Device	A	A	A	A	SE	SE	SE	SE	SE

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	RR	AR	LR1	LR2	TR	TC	C	CR1	CR2
<p>5. Dormitory facilities only as incidental to institutional uses subject to the following provisions:</p> <p style="margin-left: 40px;">a. Such dormitory must be located on the same property or property contiguous or opposite the property occupied by the principal use</p> <p style="margin-left: 40px;">b. Establishment shall be subject to appropriate State Fire Regulations, Health Department and Sanitary District requirements</p> <p style="margin-left: 40px;">c. All utilization of a dormitory must be conducted in conjunction with a function of the primary institutional use</p> <p style="margin-left: 40px;">d. Off-road parking shall conform to all applicable requirements in §§ 157.090 et seq. and be provided as follows:</p> <p style="margin-left: 80px;">i) A minimum of 1 space for each dormitory room used for living quarters</p>	SE	SE	SE	SE	P	N	N	SE	SE
6. Conversion of a detached building that is accessory to a dwelling into a new dwelling unit, or installation of a kitchen within such a building	N	N	N	N	N	N	N	N	N

§ 157.025 – 157.035 RESERVED

ARTICLE 4. OVERLAY DISTRICTS

§ 157.036. DEEP CREEK LAKE SCENIC PROTECTION OVERLAY DISTRICT

- A. Purpose. The ridges and crests surrounding Deep Creek Lake create a series of scenic views from the lake and shoreline. The Scenic Protection District is an overlay district intended to preserve views of these features and thereby protect the natural beauty of the area.
- B. Designations and Applicability.
- (1) The Scenic Protection District is an overlay district. Its requirements supplement the requirements of the underlying zoning district and apply to all land delineated as a Scenic Protection Area on the Zoning Map.
 - (2) This overlay district applies to areas in which all or part of a structure constructed thereon could be silhouetted along the skyline when viewed from Deep Creek Lake or its shoreline. The intent is to minimize the placement and visual impact of structures that would be silhouetted against the sky.
 - (3) Development that is not visible from any point along the shoreline or surface of Deep Creek Lake shall be exempt from the requirements of this overlay district. The burden shall be upon the applicant for development to demonstrate that the proposed development will not be visible from these points. An applicant may submit a viewshed analysis to demonstrate the lack of visibility of the project. Based upon the analysis, the Zoning Administrator shall determine whether the proposed development is exempt.
 - (4) The provisions of this District apply to the issuance of zoning permits for construction or replacement of a principal structure. These provisions shall not be applicable to accessory structures or additions to existing structures.
- C. Tree retention and planting.
- (1) Purpose. Trees must be retained or planted around new principal structures as required below to retain the lake's forested crests and ensure that new principal structures on the crests or ridges blend into the natural landscape. To allow views of the lake from homes, trees are not required between a structure and the lake.
 - (2) Vegetation Plan Required. A vegetation plan shall be included with all applications for a zoning permit or subdivision plat approval. The vegetation plan shall show:
 - a. Location, size and species of existing trees to be retained;
 - b. Location, size and species of existing trees to be removed;
 - c. Proposed trees to be planted, including their species, size at time of planting, and expected size at maturity; and
 - d. Proposed grading.
 - (3) Tree Retention.

- a. To the greatest extent possible, existing forests and trees shall be retained on the crests and ridges surrounding Deep Creek Lake.
- b. Priority shall be given to retaining and protecting trees that are six inches or more in diameter.

(4) Minimum Tree Standards.

The following requirements apply to construction or replacement of a principal structure.

- a. For purposes of this section, a large canopy tree is a deciduous tree with the following characteristics:

	Expected height at maturity	Expected crown diameter or limb spread at maturity
Large canopy tree	More than 40 feet	More than 35 feet

- b. If mature forests will be retained around a proposed dwelling in a manner that will meet the intent of this Subsection 157.036.C, a specific number of trees is not required.
- c. Trees shall be retained or planted to the sides and rear of proposed structures, as viewed from the lake. At least one deciduous, large canopy tree shall be planted per 15 linear feet of building façade, based upon the sum of all building facades that do not face the lake.
- d. This section establishes a minimum number of required trees, but shall not be construed to require trees in a specific arrangement or location. The placement of trees shall be designed to meet the intent of this subsection. The specific location of trees will vary based upon the features of the particular lot.

(5) Maintenance of landscaping.

Where tree planting or retention is required by this section, a tree protection easement shall be required for approval of a building permit for a principal structure. The easement shall:

- a. Require protection of trees and vegetation and require planting of new trees to replace trees that are cut or die.
- b. Be granted to and enforceable by the County.
- c. Run with and bind the land, the grantor, and the grantor’s successors.
- d. Be recorded in the Land Records before issuance of a building permit.

(6) Tree size.

Trees planted to meet the requirements of this section shall be at least eight feet tall at time of planting.

(7) The following guidelines shall be used in meeting the intent of this section:

- a. Reasonable efforts should be taken during construction to maximize the protection of trees. Care is needed not only to minimize the cutting of trees, but also to avoid accidental damage that will cause trees to eventually die. Measures should be used to make sure that equipment does not damage tree trunks, that roots are not compacted by vehicles and that the grade level around trees is not changed by more than 6 inches. Temporary wooden barricades or wire fencing shall be placed below the “dripline” of trees (the area located directly under the outer circumference of the tree branches) to protect the root system from being compacted by vehicles or material storage.
- b. Plant native trees suitable for the Deep Creek Lake Area. The publication, *Maryland Native Plants: Plant Lists for Maryland Regions – Mountain Region*, by the National Park Service, should be used in tree selection. This publication is available from the Zoning Administrator.

§ 157.037 – 157.039 RESERVED

ARTICLE 5. LOT AREA AND YARD REGULATIONS

§ 157.040 GENERAL DIMENSIONAL REQUIREMENTS.

A. The regulations for each district pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width and minimum required yards shall be as specified in § 157.041, subject to any further applicable dimensional requirements for exemptions specified elsewhere in this chapter.

B.

(1) The minimum lot areas specified in § 157.041 are based upon the availability of a centralized water supply system and a centralized sewerage disposal system.

(2)

a. If these systems are not available to serve a proposed use, the following or other applicable standards of the Maryland Department of Health and Mental Hygiene and/or the Deep Creek Sewage Disposal Regulations shall be used in determining minimum lot size.

b. Provided however, that in no case shall the minimum lot or land area per dwelling unit be less than the amount specified in § 157.041:

Percolation Rate (Time Required for a 1 inch drop)	Using a private water supply and a private or shared septic sewage disposal system		Using a centralized water supply and a private sewage disposal system		Using a public central sewage disposal system and a private water supply	
	Minimum Lot Width (feet)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Area (sq. ft.)
1 to 5	100	60,000	100	15,000	75	43,560
6 to 15	125	60,000	100	17,500	75	43,560
16 to 25	150	60,000	100	20,000	75	43,560
26 to 30	150	60,000	140	30,000	75	43,560

C. Measurements of minimum land area and yards pursuant to § 157.041 shall not include any land within the right-of-way of any existing or proposed road.

D. The uses listed in § 157.041 shall only be permitted in any Zoning District in accordance with the provisions of § 157.024, as indicated by the following Zoning District abbreviations:

- (1) AR – Agricultural Resource;
- (2) RR – Rural Resource;
- (3) LR 1 - Lake Residential District 1;
- (4) LR 2 – Lake Residential District 2;
- (5) TR - Town Residential District;
- (6) TC - Town Center District;
- (7) C - General Commercial District;
- (8) CR1 - Commercial Resort 1; and
- (9) CR2 - Commercial Resort 2.

§ 157.041 TABLE OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL USES.

A. General

- (1) Unless otherwise noted, area standards are in square feet.
- (2) The “minimum average lot area per dwelling unit” is intended to provide reasonable flexibility in the form of ownership while establishing a maximum overall density. .
- (3) This table establishes minimum standards for lot area, lot width and yard width for principal uses. See also Section 157.042 for additional standards for subdivision of land in the AR and RR Districts; and Section 157.043 for additional standards for subdivision of land in the LR2 District.
- (4) Around the bulb of an approved cul-de-sac turnaround, the minimum lot width at the minimum building setback line may be reduced by 40%, provided, however, that the minimum lot width prescribed in this table is maintained at the front yard setback proposed by the subdivider.

B. Residential Uses

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Single-family detached dwellings, mobile homes, travel trailers, bed and breakfast inn, rooming and boarding housing where permitted	AR and RR	See 157.053	See 157.053	See 157.053	40	15	40
	LR1 or CR2	1 acre	1 acre	150	40	15	40
	LR2	2 acres	2 acres	150	40	15	40
	TR	10,000	10,000	80	15	10	20
	TC	10,000	10,000	75	10	8	20
2. Two-family or Twin Dwelling	AR and RR	See 157.053	See 157.053	See 157.053	20	15	25
	LR1 or CR2	2 acres	1 acre	200	20	15	25
	LR2	4 acres	2 acres	200	20	15	25
	TR	18,000	9,000	100	15	10	20
	TC	18,000	9,000	75	10	5	15
3. Townhouses	AR or RR	15 acres	3 acres	200	20	15	30
	LR1 or CR2	15 acres	1 acre	---	20	15	30
	LR2	15 acres	2 acres	---	20	15	30
	TR	2 acres	5,400	---	20	15	15
	TC	2 acres	4,800	---	15	10	15
4. Multi-family (“apartment”) dwellings	AR or RR	15 acres	3 acres	200	40	20	40
	LR1 or CR2	10 acres	1 acre	200	40	20	40
	LR2	15 acres	2 acres	200	40	20	40
	TR	2 acres	5,400	200	20	15	10
	TC	2 acres	4,800	150	20	15	20

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	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
5. Mobile Home Park	AR, RR	30 acres	3 acres	See § 157.066			
	TC	5 acres	5,400	See § 157.066			
	CR2	5 acres	1 acre	See § 157.066			
	LR1	10 acres	1 acre	See § 157.066			
	LR2	10 acres	2 acres	See § 157.066			
	TR	10 acres	5,400	See § 157.066			
6. Dwelling units in conjunction with and incorporated into the structure of a permitted principal nonresidential use.	LR1 or CR2	1 acre	For 1 accessory dwelling unit, no additional land required	Same as principal use requirement			
	LR2	2 acres					
	All other zoning districts	The minimum land area applicable to principal non-residential use	5,000				
7. Conversion of a building into 2 dwelling units, pursuant to § 157.024.	AR, RR, LR2, LR1 or CR2	2 acres	1 acre	150	20	20	20
	TR	18,000	9,000	90	20	20	20
	TC	18,000	9,000	90	20	20	20
8. Conversion of a building into 3 or more dwelling units, pursuant to § 157.024.	AR, RR, LR2, LR1 or CR2	5 acres	1 acre	150	20	20	20
	TR	2 acres	5,400	150	20	20	20
	TC	2 acres	4,800	150	20	20	20
9. Planned Residential Development	See § 157.067						
10. Single Family Cluster	See § 157.073						

C. Recreational uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear

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	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Commercial campground or travel trailer camps	AR, RR, LR1 or LR2	50 acres	200 feet from any property line.				
	Any other district	10 acres	See § 157.068				
2. Other commercial outdoor recreation uses pursuant to § 157.024	AR, RR, LR1 or LR2	5 acres	---	200	50	50	50
	Any other district	2 acres	---	200	50	50	50
3. Private clubs or meeting halls (see § 157.024)	Anywhere permitted	1 acre	---	150	40	30	50
4. Nature preserve or similar passive recreation	Anywhere permitted	10,000	---	100	10	10	10
5. Active recreation, other than listed separately	Anywhere permitted	20,000	---	100	20	10	10
6. Miniature golf	AR, RR, LR1, LR2 or CR2	1 acre	---	150	40	30	30
	Any other district	1 acre	---	150	20	10	10
7. Indoor boat storage	Anywhere permitted	1 acre	---	150	40	20	40
8. Commercial indoor recreational facilities	Anywhere permitted	20,000	---	150	20	15	25
9. Noncommercial indoor recreational facilities	AR, RR, LR1, LR2 or TR	3 acres	---	150	50	50	50
	Any other district	20,000	---	150	20	15	25
10. Sale or rental of recreational vehicles	Anywhere permitted	10,000	---	100	20	15	25
11. Private or membership gun club	Anywhere permitted	100 acres	---	---	3 times § 157.062		
12. Golf driving or practice range	AR, RR, LR1, LR2 and TR	10 acres	---	---	50	50	50
	All other districts	1 acre	---	---	50	50	50
13. Marinas and boat launching	Anywhere permitted	2 acres	---	200	100	50	50

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	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
ramps							
14. Public golf course clubhouse	Anywhere permitted	1 acre	---	150	40	30	50

D. Institutional and educational uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Institution for human care (see § 157.024)	AR, RR, LR1, LR2, CR2, TR, TC	2 acres	—	200	100	50	50
2. Child care centers	AR, RR, LR1, LR2 or CR2	3 acres	—	300	50	50	50
	TR	1 acre	—	150	40	30	40
	TC	20,000	—	100	20	15	25
3. Utility substations	Anywhere permitted	20,000		100	20	15	25
4. Other institutional, educational or utility uses pursuant to § 157.024	Anywhere permitted	20,000 or the minimum total lot area required for a single-family detached dwelling, whichever is greater.	—	100	25	15	25

E. Retail and commercial service uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Motor vehicle sales and service, building materials sales, animal hospitals, funeral homes, motels, drive-thru restaurants or warehouses (See § 157.024))	Anywhere permitted	1 acre	—	150	40	30	50

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	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
2. Other commercial uses pursuant to § 157.024	TC	10,000	—	—	10	—	35
	Other district	20,000	—	100	20	15	35
3. Retail and service businesses situated in shopping centers or neighborhood convenience centers having a minimum land area of 1 acre	TC and C	1 acre	6,000	—	10	—	25
	Any other district	1 acre	20,000	---	20	15	35

F. Manufacturing and other uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Uses permitted pursuant to § 157.024	Anywhere permitted	20,000	—	100	20	15	25

G. Miscellaneous and accessory uses.

	Zoning Districts	Minimum Total Lot or Land Area Per Use	Minimum Average Lot Area Per Dwelling Unit	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
1. Other uses permitted under § 157.024	Where permitted	1 acre	—	100	40	15	40
2. Accessory buildings	Except as provided otherwise by Section 157.046, accessory buildings must have the same lot and yard requirements as the principal use herein designated for each zoning district.						
3. Dormitory	Any district	2 acres	—	150	15	40	40

§ 157.042 EXCEPTIONS TO MINIMUM LOT SIZES.

Any lot which was lawful when created but which does not conform to the land area requirements of § 157.041 may be used as permitted in § 157.024, provided that the use complies with Health Department regulations and with the yard requirements specified in § 157.041, and provided further that the actual or intended separate existence of the lot was duly recorded among the land records of Garrett County either by deed or as shown within a plan or plat of a land subdivision, recorded before June 1, 1975 or before the effective date of amendments to this ordinance or the zoning map that made the lot nonconforming..

§ 157.043 LOT AREA OR YARD REQUIRED.

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter. No required lot or area shall include any property, the ownership of which has been transferred after the effective date of this chapter, if the property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which the transfer was made.

§ 157.044 FRONT OR REAR YARD REDUCTION.

- A. Front Yard Reduction. If a building exists on each of the lots adjoining the lot on which a building is proposed to be erected, and where each such existing building lies within 100-feet of the proposed building and lies nearer to the road line than the required front yard depth elsewhere specified in this chapter, then the average depth of the front yards existing on the adjoining lots may be applied to the lot on which the proposed building is to be erected provided that no structure may be located closer than 5 feet from the front property line.
- B. Rear Yard Reduction. If a building exists on each of the lots adjoining the lot on which a building is proposed to be erected, and where each such existing building lies within 100-feet of such proposed building and lies nearer to the rear line than the required rear yard depth elsewhere specified in this chapter, then the average depth of the rear yards existing on the adjoining lots may be applied to the lot on which the proposed building is to be erected provided that no structure may be located closer than 5 feet from the rear property line.

§ 157.045 PERMITTED PROJECTIONS INTO REQUIRED YARDS.

- A. The minimum setbacks and other provisions of § 157.041 shall not apply to the following:
 - (1) Fences or walls, including retaining walls, which are less than 6 feet high above the natural grade;
 - (2) Raised terraces, unenclosed decks, uncovered porches or other similar features not over 3 feet high above the floor level of the ground story, provided that these features shall not extend closer than 5 feet from any property line, except if attached to townhouses and other buildings that are lawfully attached along a property line.
 - (3) Steps and ground level patios.

- B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than 4 feet within all districts; provided that such projections (excepting eaves) are not over 10 feet in length.
- C. The yard requirements of § 157.041 shall not apply to off-road parking areas or to accessory signs, except as expressly provided in Article VI, Off-Road Parking and Loading and Article VII, Sign Regulations, and except as provided in § 157.065, Traffic Visibility at Corners. Provided, however, that parking areas for uses other than single-family dwellings and TVRUs shall maintain a minimum setback of 5 feet from any property lines and trees or other vegetative screening materials are encouraged to be planted in this buffer area.
- D. Bear proof trash containers may be located in a required front or side yard, subject to the following minimum setbacks:
 - (1) From the front lot line: 0 feet
 - (2) From side lot lines: 5 feet

§ 157.046 ACCESSORY BUILDINGS.

- A. Completely detached accessory buildings separated from any other structure by a distance of at least 5 feet may occupy required side and rear yards but shall not be located closer than 5 feet to any side or rear property lines. Accessory buildings not separated from other structures by at least 5 feet shall be subject to the provisions of § 157.041.
- B.
 - (1) On lake-front lots within the LR1 District only, accessory buildings separated from any other structure by a distance of at least 5 feet shall not be located closer than 40 feet from the rear property line, 5 feet from either side property line and 25 feet from the front property line. Accessory buildings not separated from other structures by at least 5 feet shall be subject to the provisions of § 157.041.
 - (2) On lake-front lots, completely detached accessory structures containing less than 120 square feet and separated from any other structure by a distance of at least 5 feet, shall not be located closer than 5 feet from the rear and side property lines. However, in the case of a lake front lot which has acquired an appurtenant interest in additional land area from the State of Maryland subsequent to January 1, 2000, such 120 square foot accessory structures shall not be located closer than 5 feet to the side line and 5 feet to the newly formed common property line between the land owned by the State of Maryland and the private property owner. Such accessory structures must also secure a permit from the Department of Natural Resources Lake Management Office..

§ 157.047 YARDS ON CORNER LOTS.

All yards adjoining public roads, except yards adjoining alleys, shall be deemed front yards.

§ 157.048 HEIGHT REGULATIONS.

- A. No principal building or structure shall exceed 35 feet or 3 stories in height; provided, however, that in the TC and CR-2 District, the Board of Appeals may authorize, as a special

exception, the construction and use of multi-family residential structures and in the TC, CR-1 and CR-2 zoning districts, may authorize construction and use of hotel structures not exceeding 60 feet or 6 stories in height if the applicant for such construction provides satisfactory evidence from the state's Fire Marshal regarding compliance with state requirements for fire protection.

- B. No accessory building or structure shall exceed 20 feet in height, provided, however, the highest point of the roof shall not exceed 32 feet above the lowest level of ground abutting the building.
- C. The height limitations specified in this section shall not apply to barns, silos or other accessory farm structures, or to churches, chimneys, electric or utility poles, broadcasting or equipment towers, water towers, monuments or roof structures such as tanks, ventilating fans, air condition equipment or similar equipment required to operate and maintain the building.
- D. The height limitations specified in this section shall not apply to domestic or agricultural wind energy devices, whether mounted on the ground or on a building. The maximum height for these structures, measured from ground level, shall be:
 - (1) 50 feet for domestic wind energy devices.
 - (2) 100 feet for agricultural wind energy devices.
 - (3) See § 157.052 for setbacks related to the height of these structures.

§ 157.049 LOTS ADJOINING PUBLIC RECREATION LANDS.

Every lot having a property line that coincides with a property line of any land owned or leased by a government agency for recreation, open space, conservation or related purposes shall have a width, measured along the common property line, of not less than 2/3 of the minimum width required for the same lot under § 157.041; this requirement supplements and does not supersede the requirements of § 157.041 nor Department of Natural Resources requirements.

§ 157.050 EXCEPTIONS FOR ACCESSORY DWELLINGS

Dwelling units built in conjunction with and incorporated into the structure of a permitted principal non-residential use located on a lakefront lot in the TC-Town Center Zoning District may include up to three (3) accessory dwelling units without requiring additional land area. The floor area of these accessory dwelling units shall not exceed 50% of the gross floor area of the structure, or, if 100% of the ground floor area of the building is devoted to commercial use, then the accessory dwelling units above the ground story may occupy a floor area up to a maximum of 1.5 times the floor area of the ground story.

§ 157.051 SPECIAL SETBACKS FOR MARINA RETAIL BOAT SHOWROOM BUILDINGS

- A. The minimum yard requirements for marinas specified in § 157.041 shall not apply to a building used exclusively as a retail showroom for the sale of boats in the TC-Town Center

zone. The minimum yard requirements for such buildings used as retail showroom for sale of boats in the Town Center zone shall be:

- (1) 20 feet from front property lines;
- (2) 15 feet from side property lines; and
- (3) 25 feet from rear property lines.

B. All other building and structures shall comply with the yard requirements of § 157.041.

§ 157.052 SETBACKS FOR DOMESTIC AND AGRICULTURAL WIND ENERGY DEVICES

A. Minimum Separation Distances.

Wind energy devices shall be at least:

- (1) 1,000 feet from all schools and any site listed on the National Register of Historic Places.
- (2) 200 feet (domestic wind energy device) or 500 feet (agricultural wind energy device) from any residential structure (other than the principal use on the same lot).
- (3) 100 feet (domestic wind energy device) or 200 feet (agricultural wind energy device) from any non-residential structure not erected on the same lot.

B. Parcel Boundary Setback. A minimum setback equal to no less than 2.0 times the height of the wind energy device shall be required.

C. Calculation of Height. Height shall be determined by measuring the device from ground level at the base of the structure, or base of any structure to which a wind energy device may be affixed, to the highest point of the blade at its greatest extension.

§ 157.053 STANDARDS FOR AR AND RR DISTRICTS

The following requirements establish three types of subdivision, including optional cluster subdivision provisions, for the AR and RR Districts.

A. Subdivision with Three-Acre Minimum Lot Size

Except as provided in subsections B and C of this section, all subdivision in the AR and RR Districts shall be subject to the following standards:

- (1) Minimum lot size: 3 acres
- (2) Minimum average lot area per dwelling unit: 3 acres
- (2) Minimum lot width: 200 feet

B. Subdivision with One-Acre Minimum Lot Size.

Subdivisions meeting the following criteria shall be permitted in accordance with the area, width and yard standards listed in §157.041.B.1 and 2 for the LR1 District:

- (1) Subdivision of any lot for the purpose of creating lots that will be transferred to a child or grandchild of the lot owner(s).

- (2) Subdivision of any lot of record subject to the provisions of § 159.027.C.3 of the subdivision ordinance. As required by the subdivision ordinance:
 - A. If the lot of record has a gross area of 20 acres or less on the effective date of this ordinance, subdivision with a one-acre minimum lot size is permitted.
 - B. If the lot of record has a gross area greater than 20 acres on the effective date of this ordinance, subdivision with a one-acre minimum lot size is permitted only if the Planning Commission grants a waiver of the Subdivision Ordinance. The waiver may be granted if the Planning Commission finds that the waiver complies with §159.027.C.3.

C. Cluster Subdivision

Cluster subdivision shall be permitted in the AR and RR Districts, subject to the following standards.

- (1) Maximum density: one dwelling unit per two gross acres, plus one additional dwelling unit on a resource parcel.
 - (2) Minimum lot size: none. All lots shall comply with lot size requirements of the Health Department.
 - (3) Minimum lot width:
 - a. Lots three acres or larger: 200 feet.
 - b. Lots at least one and less than three acres: 100 feet, or the minimum lot width determined by the Garrett County Health Department.
 - c. Lots less than one acre: 80 feet or the minimum lot width determined by the Garrett County Health Department.
 - (4) Minimum open space for cluster subdivision: 50 percent of the gross area of the subdivision.
- D. If at least 50 percent and less than 66 percent of the gross area of a cluster subdivision in an AR or RR District is open space, the subdivision shall be subject to the provisions for the single-family cluster option, § 157.073 and § 159.030 of the Subdivision Ordinance.
- E. If at least 66 percent of the gross area of a cluster subdivision is open space, the subdivision shall be subject to the following standards in lieu of § 159.030.A through 159.030.C of the Subdivision Ordinance. The open space shall comply with § 159.030.D and E.
- (1) The Planning Commission shall approve the subdivision if the subdivision design meets the following standards to the extent possible, in addition to other requirements of this ordinance:
 - a. Protects contiguous areas of natural resources, including farm fields, forests, scenic views, environmentally sensitive areas, and cultural features such as historic sites.
 - b. Minimizes disturbance of sensitive environmental areas such as flood plains, steep slopes, wetlands and forests.
 - c. Locates subdivision lots and roads to avoid conflicts with farming operations.

- (2) The area of open space in excess of 50 percent of the gross area of the subdivision may be provided by placing a conservation easement on portions of subdivision lots contiguous with the open space. The easement area shall not be used for buildings, patios, pavement or gravel surfaces but may be used for septic systems or wells.
- (3) Upon request of the property owner, qualifying open space parcels may be designated as Garrett County Agricultural Preservation Districts and receive the tax incentive that agricultural districts enjoy.
- (4) The following private road standards shall apply in lieu of the right-of-way width, cartway width and paving requirements established by § 159.111.G of the Subdivision Ordinance. All other provisions of §159.111.G shall apply.
 - a. Minimum private road right-of-way width: 30 feet
 - b. Minimum private road cartway width: 12-feet for a road serving one to ten lots, or 16 feet with one-foot shoulders for a road serving 11 to 40 lots,
 - c. Road construction standards: a stone surface as specified in §159.111.G(3)a of the subdivision ordinance may be approved for a road serving up to 40 lots.
 - d. For roads serving more than 40 lots, the standards of § 159.111.G(3)b shall apply.
- F. If at least 80 percent of the gross area of a cluster subdivision is open space, the subdivision shall be exempt from the design standards in subsection E.1 of this section.

§ 157.054 – 157.060 RESERVED.

ARTICLE 6. GENERAL REGULATIONS

§ 157.061 EROSION AND SEDIMENTATION.

For any use which would involve introducing sediment into any natural or artificial stream or drainageway, or the movement of more than 100 cubic yards of earth, or the disturbance of more than 5,000 square feet of surface area, no zoning permit shall be issued until the applicant presents evidence of compliance with or exemption from Garrett County Soil Erosion and Sediment Control Ordinance, as amended.

§ 157.062 SPECIAL SETBACK REQUIREMENTS.

All uses or buildings subject to compliance with this section shall be located at least 200 feet from any lot occupied by a dwelling, school, place of worship or institution for human care not located on the same lot as the uses or buildings, or from any lot which is within a residential land subdivision duly recorded in the Land Records of Garrett County.

§ 157.063 GENERAL PERFORMANCE STANDARDS.

No land or structure in any Zoning District shall be used or occupied in any manner that creates any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, electromagnetic or other radiation, or other condition in such manner or in such amount as to affect adversely the reasonable use of the surrounding area or adjoining premises.

A. Performance standard procedure.

- (1) Where there is reason to believe that the nature of a proposed use would make it difficult to comply with the applicable standards, the Zoning Administrator may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this section, provided, however, that no applicant shall be required to reveal the secret details of industrial or trade data and may specify that the plans or other information submitted pursuant to this section shall be treated as confidential matters.
- (2) Affidavit. The application for such a permit shall include an affidavit signed by the applicant acknowledging his or her understanding of the performance standards specified herein and applicable to such use and affirming his or her agreement to conduct or operate such use at all times in conformance with such standards.

B. Standards applicable to other uses. Regardless of whether or not a use is required to comply with the procedure specified in division (A) above, every use shall comply with the performance standards in this section.

C. Noise and Vibration prohibitions: All uses shall comply with Title 26 Department of the Environment – Subtitle 02 – Chapter 03 – Control of Noise Pollution, of the Annotated Code of Maryland (COMAR).

- D. Standards for air quality control. All uses shall comply with the Code of Maryland Regulations regarding air pollution.
- E. Standards for water service, sewage service, stormwater and erosion control. All uses shall comply with the Code of Maryland Regulations, Title 26 “Environment” regarding water and sewage services, erosion and sedimentation control, and stormwater management.
- F. Standards for fire and explosion hazards. All uses involving flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in the use and storage of such materials and with adequate firefighting and fire-suppression equipment acceptable to the state’s Fire Marshal.
- G. Standards for water quality. All uses shall comply with the water pollution and water quality laws and regulations of the State of Maryland.

§ 157.064 STANDARDS FOR EXTRACTIVE INDUSTRIES.

- A. State mining regulations applicable. Where extractive uses and activities as identified in § 157.024 also fall within the purview of Maryland law, such uses and activities shall be permitted only in compliance with the rules and regulations adopted by the State of Maryland. Such uses shall comply with the performance standards in division (C) below, whenever such standards impose more stringent requirements than the state laws and regulations.
- B. Procedural requirements. All applications for zoning permits for uses and activities listed in § 157.024 shall be accompanied by the plans and data specified below, except that the plans and data otherwise required pursuant to § 157.167 and/or division (A) above may be submitted in lieu of the following requirements:
 - (1) The application shall be accompanied by a plan of the site, drawn to a scale not smaller than 1 inch equals 200 feet, and showing:
 - a. Contour lines, at a vertical interval not larger than 5 feet, showing the existing and the proposed final grading of the site after completion of the resource extraction;
 - b. All roads, buildings and structures existing within 200 feet of the site’s property lines;
 - c. All roads, buildings and structures proposed within the site, and all proposed points of access to public roads.
 - (2) The application shall be accompanied by the following additional information and descriptions which may either be shown on the site plan or submitted separately:
 - a. The use which is proposed to be made of the land following reclamation including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to legally adopted land use policies and plans;
 - b. The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan where appropriate for backfilling, soil stabilization and compacting, grading and appropriate revegetation; a statement of how the applicant plans to comply with the applicable requirements in division (C) below;

- c. The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;
 - d. The consideration which has been given to insuring the maximum practicable recovery of the subsurface resources;
 - e. A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;
 - f. A detailed description of the measures to be taken during the mining and reclamation process to assure the protection of:
 - (1) The quantity and quality of surface and ground water systems, both on and off-site from adverse effects of the mining and reclamation process; and
 - (2) The rights of present users to such water.
 - g. Such other information as may reasonably be required for proper evaluation of the application.
- C. Performance standards for extractive industries.
- (1) All uses shall comply with the performance standards of § 157.063.
 - (2) All office and storage buildings and all excavation areas shall be located at least 50 feet from all property lines; and all other buildings shall comply with the setback requirements in § 157.062.
 - (3) Topsoil removed in the process of resource extraction shall be stored separately and shall be replaced in the process of site reclamation, unless the applicant provides satisfactory evidence that another method of soil conservation would be at least equally effective for site revegetation or reuse purposes.
 - (4) Following completion of the resource extraction, all surface areas shall be restored to a condition which does not present a hazard to public health and safety, or to adjoining property, and is capable of supporting the uses approved pursuant to the approval of the permit or any revision thereof.
 - a. Where the original slope of the land was less than 12 degrees, all excavations, except stone quarries, shall be backfilled, compacted (where advisable to insure stability or to prevent leaching of toxic materials) and graded to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated, unless the applicant demonstrates that the overburden is insufficient (giving due consideration to volumetric expansion) to restore the approximate original contour, in which case the backfilling, compacting and grading required shall be sufficient to cover all acid-forming, saline and toxic materials, to achieve an angle of repose based upon soil and climate characteristics for the area of land to be affected, and to achieve an environmentally sound condition and a desirable use of the reclaimed area.
 - b. Where the original slope was greater than 12 degrees, the land shall be reclaimed by terracing or modified terracing in accordance with the regulations issued pursuant to Maryland Laws.

- (5) Planting Strip and Fencing. Unless otherwise provided in the approved plan for reuse of the site, quarries and the like excavations for the extraction of stone, which have a depth of 25 feet or more shall be screened by a strip of dense evergreen planting no less than 25 feet in width and extending around the perimeter of the excavation; such planting strip shall not be closer than 15 feet from the rim of the excavation. Such quarries or the like excavations shall also be provided with a chain link (or equivalent) perimeter fence at least 10 feet high, placed along either the inner or the outer edge of the planting strip.
- (6) Revegetation. All reclaimed surface areas shall be effectively stabilized to control erosion and attendant air and water pollution, such stabilization and reclamation to include soil compaction, where advisable, and establishment of a stable and self-regenerating vegetative cover which, where advisable, shall be comprised of native vegetation.
- (7) Slope. When excavations provide for a body of water as part of the approved plan for reuse of the site, the banks of the excavation shall be sloped at a minimum ratio of 7 feet horizontal to one foot vertical; such slope shall extend at least 50 feet (horizontally) on the landward side of the water's edge and shall be continued into the water to a depth of 5 feet.

§ 157.065 TRAFFIC VISIBILITY AT CORNERS.

On every lot abutting the intersection of 2 roads, a triangular area within the lot shall remain clear of any structure, wall, fence, planting or other visual obstruction between the height of 2 feet and 7 feet above the level of the intersecting roads; such triangular area shall be delineated by a line drawn across the lot to connect points at the edges of the two road cartways at a distance of 25 feet from the intersection of the road cartways. The Zoning Administrator may modify the dimensions of the area that must be free of visual obstruction if necessary to provide adequate sight distance.

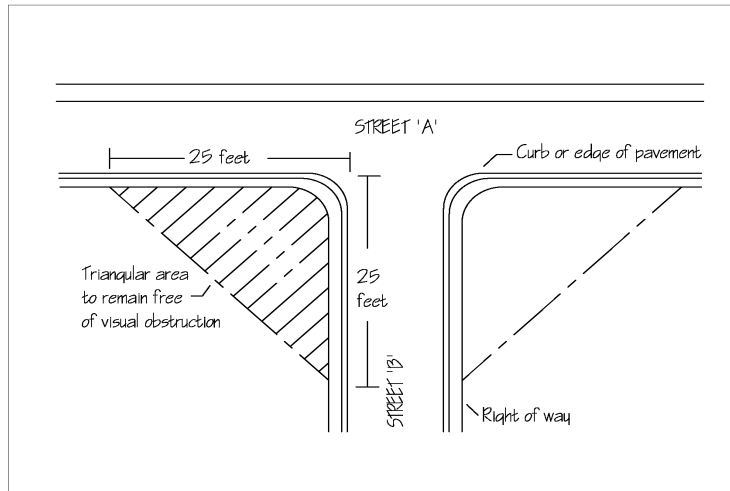


Figure 4. Traffic visibility at corners

§ 157.066 STANDARDS FOR MANUFACTURED/MOBILE HOME PARKS.

Where permitted, manufactured/mobile home parks shall be designed, constructed and maintained in accordance with the provisions of this section, and in accordance with applicable state and county health regulations. For the purposes of this section, the terms “mobile home” and “manufactured home” shall have the same meaning.

A. Lot standards.

- (1) Lot area. Individual mobile home spaces located in a manufactured mobile home park shall contain at least 5,400 square feet of lot area and shall not be less than 45 feet wide at the building setback line exclusive of easements.
- (2) Density. The maximum number of manufactured/mobile homes permitted in a manufactured/mobile home park shall be computed by subtracting 10% from the total lot area (to account for open space) and then dividing the remaining 90% of the lot area by the minimum lot requirements specified in division (A)(1) above. Provided, however, that in computing the maximum number of manufactured mobile homes that may be permitted, all of the following areas shall be deleted from the total lot area:
 - a. Lands within the 100-year floodplain;
 - b. Wetlands;
 - c. Land occupied by above-ground electric transmission lines and poles;
 - d. Land with a slope in excess of 25%.
- (3) Maximum density. In no case shall the total overall density of the entire parcel exceed a maximum density of 5 dwelling units per acre.

B. Yard and setback standards.

- (1) Exterior setback. All manufactured/mobile homes shall be located at least 100 feet from any road right-of-way which abuts a manufactured/mobile home park boundary and at least 100 feet from any other lot line that is exterior to the manufactured/mobile home park.
- (2) Interior setbacks.
 - a. There shall be a minimum distance of 25 feet between an individual mobile home and each of the following: the pavement of an adjoining park road, a common parking area, and other common areas within the mobile home park.
 - b. All manufactured/mobile homes shall be separated from each other and from other buildings by at least 20 feet.
 - c. Pad. Each manufactured/mobile home lot shall have a concrete stand or pad at least 50 feet long and 24 feet wide, or shall use another support and anchoring mechanism approved by the Planning Commission.

C. Road standards.

- (1) Access to manufactured/mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent public roads. Each mobile home park shall have at least 2 points of access to a public road(s), provided that no such points of access shall be within 150 feet of each other.
- (2) All mobile home parks shall have safe and convenient paved access roads serving every mobile home lot. Alignment and gradient shall be properly adapted to topography, in accordance with county roads standards.
- (3) All roads within a mobile home park shall have a right-of-way width of at least 50 feet and a paved cartway at least 28 feet wide, except that roads designed for 1-way traffic may have a right-of-way of at least 40 feet wide and a paved cartway of at least 22 feet width.
- (4) All roads shall be paved in accordance with county roads specifications and shall be kept in good repair.
- (5) No individual manufactured/mobile home shall have direct vehicular access to a public road abutting the mobile home park.

D. Off-road parking standards. Off-road parking shall be comply with §§ 157.090 et seq. Each required off-road parking space shall be located not more than 300 feet from the mobile home it is intended to serve.

E. Buffer and open space standards.

- (1) Buffer. A buffer strip at least 10 feet wide shall be provided by the developer along all of the property and road boundary lines separating the mobile home park from adjacent uses. Such buffer strip shall include evergreen trees and shrubs with an initial minimum height of 3 feet that are intended to form a solid visual screen at least 6 feet in height within 4 years.
- (2) Open space. All mobile home parks shall provide a minimum of 10% of the total lot area for usable open space and recreation purposes. Usable open space shall be so located as

to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

F. Other mobile home park improvements.

- (1) Individual tenants at the mobile home park may construct attached enclosures to individual mobile homes, provided that no such enclosures may not exceed 100% of the floor area of the mobile home, and provided that the setback requirements are still met. Individual building permits shall be required for such enclosures in each case.
- (2) Walkways. All Parks shall have safe, convenient, all-season pedestrian walks of adequate width for intended use, durable and convenient to maintain, between individual mobile home lots, the park roads and all community facilities provided for park residents.

§ 157.067 PLANNED RESIDENTIAL DEVELOPMENT (PRD).

A. Purpose. The purposes of these PRD provisions are:

- (1) To encourage innovations in residential development and renewal so that demand for housing may be met by greater variety and maximum choice in the type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;
- (2) To provide, through such innovations, greater opportunities for better housing and recreation for present and potential residents of the county;
- (3) To encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may enure to the benefit of those who need homes;
- (4) To permit greater flexibility in the design of developments to conserve natural resources such as streams, lakes, floodplains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty and significant natural habitats;
- (5) To make sure that the provisions of this chapter which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district may be applied flexibly, in a manner which would not distort the objectives of this chapter, when dealing with the improvement of land by other than lot-by-lot development; and
- (6) To establish a procedure which can relate the type, design and layout of residential development to the particular site and the demand for housing at the time of development, in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out following sound, expeditious and fair standards and procedures.

B. Eligibility. A proposed development shall be eligible to use the provisions of this section only if all of the following requirements are met:

- (1) Zoning Districts. The proposed PRD is in the LR2, LR1, TR or TC Districts.

- (2) The proposed PRD shall consist of 1 or more contiguous parcels of land under ownership, purchase agreement, option to purchase, leasehold agreement or other similar legal agreement by a single legal entity to own and/or develop the land. One or more phases of a PRD may be transferred to and be developed by a separate legal entity provided that the originating legal entity first secures preliminary approval of the specific phase or phases to be developed. A subsequent legal entity may file an application for final approval provided that the final plan shall conform substantially to the preliminary approved plan.
 - (3) Minimum Acreage. The proposed PRD shall contain a minimum number of contiguous acres in accordance with the following schedule:
 - a. In the LR2 – Lake Residential 2 District: 30 acres.
 - b. In the LR1 - Lake Residential 1 District or CR-2 Commercial Resort 2: 15 acres.
 - c. In the TR - Town Residential District: 8 acres.
 - d. In the TC - Town Center District: 5 acres.
 - (4) Utilities. All principal buildings within the proposed PRD shall be connected to county-approved central water and county-approved central sewage services. All new electric service and telephone lines shall be placed underground.
- C. Types and densities of land uses.
- (1) Housing Types. A PRD may contain more than 1 type of residential use, provided that such use(s) are otherwise permitted in the applicable Zoning District under § 157.024.
 - (2) Subject to the provisions of § 157.024, commercial uses may be permitted in a PRD to the extent that they are designed and intended to serve the daily and convenient shopping and personal service needs of the residents in the PRD and are compatible and harmoniously incorporated into the design of the PRD. A market feasibility study to show need shall be provided by the developer.
 - (3) If permitted, commercial uses shall not occupy more than 5% of the total PRD acreage, and no such areas shall be counted in measuring the total lot area of the PRD for the purpose of computing maximum residential densities.
 - (4) Maximum Density. The maximum number of dwelling units for the total PRD, excluding permitted nonresidential uses, shall be determined based upon the maximum average number of dwelling units per gross acre as follows:
 - a. In the LR2 district – 1 dwelling unit per two acres, regardless of the dwelling type, with an incentive of 1 additional dwelling unit for each 15 acres within the PRD;
 - b. In the LR1 district - 1 dwelling unit per acre, regardless of the dwelling type, with an incentive of 1 additional dwelling unit for each 15 acres within the PRD;

- c. In the TR district - 9 multiple dwelling units or townhouses per acre or 5 dwelling units per acre for other permitted types of dwellings; and
 - d. In the TC district - 10 multiple dwelling units or townhouses per acre or 5 dwelling units per acre for other permitted types of dwellings.
 - (5) Impervious Surfaces. The total percent of the PRD site which is to be covered by buildings, roads, parking areas and other impervious areas shall not exceed 30% of the total lot area.
 - (6) Minimum Open Space. The percent of the PRD site to be included within common open space shall be no less than 25% of the total lot area. Common open space includes recreation areas, pedestrian uses areas, steep slopes, floodplains and easements free of paving and structures, but does not include parking areas, roads and yard areas within 25 feet of any residential building.
- D. Natural features analysis. To determine which specific areas of the total PRD are best suited for higher density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site shall be provided by the applicant and shall address the following subject areas, at a minimum:
- (1) Hydrology. Analysis and mapping of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas and seasonal high water table areas throughout the site;
 - (2) Geology. Analysis of characteristics of rock formations underlying the site including mapping of aquifers (particularly those locally subject to pollution), shallow bedrock areas and areas in which rock formations are unstable;
 - (3) Soils. Analysis, based upon the Garrett County Soil Survey, of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion and soils suitable for development;
 - (4) Topography. Analysis of terrain of the site including mapping of contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 10% or less, and at intervals of not more than 5 feet for land with average natural slope greater than 10%, and including the delineation of slope areas over 20%, between 10% and 20% and under 10%;
 - (5) Vegetation. Analysis of tree and plant cover of the site, including delineation of principal wildlife habitat areas.
- E. Community impact analysis.
- (1) To determine the impact of the PRD upon the county, analysis of the potential effects of the PRD upon public facilities, utilities and roadway systems shall be submitted by the developer.
 - (2) A comparison of the costs to the county versus the tax revenues expected to be produced by the PRD shall be included in the analysis. Market analysis data

which estimates potential market demand for various types of housing in the area of the proposed PRD site shall also be presented.

- F. PRD site design principles. Conventional siting practices as specified in §§ 157.040 et seq., such as the setback and orientation of buildings in relation to lot lines, roads and other buildings, may be varied to produce attractive and interesting arrangements of buildings, subject to the following general requirements:
- (1) Residential structures shall be located and arranged to promote privacy for residents within the PRD and to maintain privacy for residents adjacent to the PRD.
 - (2) Residential and other structures located near the periphery of the PRD shall be designed to be harmonious with neighboring areas.
 - (3) Residential and other structures located within 200 feet of the perimeter of a PRD shall be setback by a distance sufficient to protect the privacy of adjacent existing uses; no structure shall be located within 50 feet from the perimeter boundary line of the PRD site.
 - (4) The natural features of the PRD site shall be a major factor in determining the siting of residential structures. In addition, the effects of prevailing winds, seasonal temperatures and daily hours of sunlight shall be considered in designing and siting dwelling unit structures.
 - (5) Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space wherever possible.
 - (6) No structure shall be located within 20 feet of the right-of-way of any road or parking area within the PRD site.
 - (7) No structure shall be erected within a distance less than its height from any other structure.
 - (8) If permitted, commercial uses shall be located in not more than 2 areas of the PRD, 1 area of which shall consist of at least 2 contiguous acres.
 - (9) Off-road parking areas required, pursuant to §§ 157.090 et seq., in conjunction with permitted nonresidential uses, shall be located and designed to provide direct access to collector or arterial roads. Any such parking area that includes more than 100 parking spaces shall have access only to a collector road or roads.
 - (10) PRD Signs. Signs for non-commercial uses shall be permitted pursuant to §§ 157.105 et seq. in the same manner as the underlying zoning district. Signs for commercial uses shall be regulated by the following requirements:
 - a. Only 1 freestanding sign shall be permitted to advertise all commercial uses within the PRD. Such sign shall be limited to a height of 6 feet with a total sign area of 30 square feet.
 - b. Signs for individual commercial uses shall be permitted if they are attached to the building and do not extend above the roof. Such individual signs may include only the name and/or symbol of the establishment, shall

be a maximum of 30 square feet per establishment and shall be mounted flush on the building.

G. PRD common open space.

- (1) The location, shape, size and character of the required common open space shall be provided in a manner consistent with the objectives set forth for PRDs in this chapter, with natural features constraints determined through the site analysis procedure, with the plans for recreation and conservation set forth in the adopted Development Plan, and with floodplain conservation regulations.
- (2) Wherever possible, common open space shall be provided in contiguous or connected areas for maximum visual and pedestrian accessibility by all residents of the PRD.
- (3) The uses and facilities provided in the common open space shall be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed.
- (4) Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible; provided, however, that no less than 25% of the total common open space area shall be suitable for intensive use as an active recreation area or areas.

H. PRD roads.

- (1) The road system of the PRD shall be designed to relate harmoniously with land uses within and adjacent to the PRD.
- (2) The road system of the PRD shall be designed as collector and local roads, to create a separation of automobile and pedestrian traffic through the coordinated design of roads, dwelling units, common open space areas and pedestrian walkways, to create efficient and safe connections with the existing public road system.
- (3) The road system of the PRD shall be designed to prevent or minimize through traffic in residential areas.
- (4) Cul-de-sac roads shall not exceed 1,000 feet in length, except when the County Planning Commission determines that the benefits for lengths in moderate excess thereof result in a project whose benefit to the public exceed the result of limiting the length of cul-de-sacs to the standard, such as reduced total area dedicated to roadways, or additional land preserved in a natural state. Cul-de-sac roads shall have a turning circle with a minimum right-of-way radius of 50 feet and an outer paved width of 40 feet radius.
- (5) The design and construction of all roads within a PRD shall conform to Garrett County standards for public roads, whether such road is a public road or not, except that the County Planning Commission may approve modifications to standards for a road that will not be publicly maintained, provided such modifications are consistent with the Garrett County Subdivision Ordinance.

- I. PRD parking standards.
 - (1) Off-road parking spaces and areas shall be provided as specified in §§ 157.090 et seq.
 - (2) Parking areas shall be screened from adjacent structures, access roads and traffic arteries, by hedges, dense planting, walls, earth berms or changes in grade. All parking areas shall be at least 20 feet from all structures.
 - (3) No more than 60 parking spaces shall be accommodated in any single parking area without being separated from other single parking areas by approved medians or landscaped areas.
- J. PRD water and sewage services. Water and sewage services shall comply with requirements of the County Health Department and the applicable supplier.
- K. PRD tree conservation and landscaping.
 - (1) Existing trees shall be preserved wherever possible. The protection of trees 6 inches or more in diameter (measured at a height 4.5 feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
 - (2) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be provided to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen roads and parking areas, and enhance the privacy of dwelling units.
 - (3) Street trees shall be provided along all arterial and collector roads, unless the Planning Commission determines that existing trees to be preserved will serve the same purpose. A minimum of 2 trees with a minimum trunk width of 3-inches measured 1 foot above the ground shall be provided for each 50 feet of road perimeter. Such trees shall be planted at a distance from the road that is sufficient to avoid future conflicts with the road.
- L. PRD ownership, maintenance and preservation of common open space.
 - (1) The developer shall make provisions which make sure that the common open space land continues as such and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - a. The organization shall be established by the developer before sale or rental of dwelling units in the PRO.
 - b. The form, financial capability, rules of membership and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

- c. The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
- d. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- e. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the County may serve written notice upon the organization, or upon the residents and owners of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition and the notice shall include a demand that the deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the county may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
 - 1. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within 30 days or any extension thereof, the county, to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of 1 year. The entry and maintenance shall not constitute a taking of the common open space, nor vest in the public any rights to use the same.
 - 2. Before the expiration of the year, the county, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space shall call a public hearing upon notice of such organization, or to the residents and owners of the PRD, to be held by the county, at which hearing such organization or the residents and owners of the PRD shall show cause why such maintenance by the county shall not, at the option of the county, continue for a succeeding year.
 - 3. To maintain common open space in a reasonable condition, the county may, in its discretion, continue to maintain the common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the county in any such case shall constitute a final administrative decision subject to judicial review.
- f. The cost of such maintenance by the county shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on the properties. The county at the time of entering upon the common open space for the purpose of

maintenance, shall file a notice of lien in the office of the Treasurer of the county, upon the properties affected by the lien within the PRD.

- M. PRD procedural requirements. The plans and other required supplementary data for a proposed PRD shall be submitted for review and approval in accordance with the requirements and procedures specified below:
- (1) PRD pre-application consultation. Prior to preparing and submitting an application for tentative approval, the developer of a proposed PRD shall consult with the County Planning Commission. The purpose of the informal meeting is to discuss the general intent of the developer, to consider relationships to the County Development Plan, and to outline the approval process and the specific requirements for plan preparation and submission. It is strongly suggested that a sketch plan of the proposed development be submitted showing:
 - a. Roads and other developments existing on and adjacent to the PRD tract.
 - b. Significant natural features on the tract.
 - c. Proposed general road layout, general land use pattern and general lot and building arrangement.
 - (2) Application for tentative PRD approval. The application for tentative approval of a proposed PRD shall be executed by or on behalf of the landowner and shall be filed with the County Planning Commission not less than 15 days before the regularly-scheduled meeting at which tentative approval is requested. The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRDs herein specified in divisions (A) through (L) above, inclusive, and shall constitute a preliminary version of the development plan for the PRD. Application for the tentative approval shall comply with the submission requirements of the Subdivision Ordinance for preliminary plats and shall include the following plans and documents necessary to determine the adequacy of the proposals.
 - a. A site map or maps drawn to an appropriate scale, showing hydrology, geology, soils, topography and vegetation of the site as required by division (D) above. The combined impact of the natural features upon the development potential of each specific area of the site shall be clearly illustrated on the map or maps.
 - b. A site development plan or plans drawn to an appropriate scale showing the size, type and approximate location of all proposed roads and walkways; parking areas; buildings; common open spaces and facilities; sanitary sewer, water supply and storm drainage and other utility lines; and other proposed development features; and showing the relation of such proposed features to existing features of the same type on or adjoining the site.
 - c. Preliminary profile drawings showing existing ground surface and proposed road grades, typical cross-sections of the proposed roadways and sidewalks; and preliminary profiles and plans of proposed sanitary and storm water sewers with grades and sizes indicated.

- d. Documents indicating the impact of the completed PRD upon public facilities, utilities, roadway systems and existing development. Projections of the number of school children in the PRD shall be included. Where connections to centralized water supply and sewer systems are contemplated, projections of the required water supply capacity and waste water volumes generated by the PRD shall be included. The projected governmental costs for services to the completed PRD shall be compared to projected County tax revenues from the PRD. Documentation shall also show the residential land use density of each area within the PRD and the average total residential density for the entire PRD.
 - e. The proposed text of the deed restrictions or other legal documents relating to the ownership of the common open space areas, and summary information about the substance of covenants, grant of easements or other restrictions to be imposed upon the use of land, buildings and/or structures.
 - f. A written statement by the landowner setting forth the reasons why, in his or her opinion, the PRD would be in the public interest and would be consistent with the county's Comprehensive Plan.
 - g. Such other information and documentation as may reasonably be required by the county Planning Commission to determine the adequacy of the proposed plans for the proposed PRD.
- (3) Action by county's Planning Commission. The County Planning Commission may, at its discretion, conduct a public hearing regarding the proposed PRD, giving notice of such hearing in the same manner as specified in § 157.188. At its next regular meeting following such hearing, or at its next regular meeting if no hearing is conducted, the County Planning Commission shall review the proposed PRD and shall either:
- a. Grant tentative approval of the development plan as submitted;
 - b. Grant tentative approval subject to compliance with specified conditions;
or
 - c. Deny tentative approval to the development plan.
- (4) Findings of Fact. The grant or denial of tentative approval by the County Planning Commission shall be stated in writing to the applicant, describing the reasons for the approval, with or without conditions, or for denial, and describing with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
- a. The extent to which the PRD is or is not consistent with the County Development Plan.
 - b. The extent to which the development plan departs from zoning or other regulations applicable to the subject property, including but not limited to

- density, bulk and use and the reasons why departures are or are not deemed to be in the public interest.
- c. The purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space as related to the proposed density and type of residential development.
 - d. The physical design of the development plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - e. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established.
 - f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the PRD in the completion of the development plan.
- (5) Status of tentatively approved PRD plan. Tentative approval of a development plan shall not qualify a plat of the PRD for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted or violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the county pending an application or applications for final approval, without the consent of the applicant; provided, however, that the tentative approval of a plan shall not be valid for more than 12 months from the date thereof, unless an extension of time is granted in writing by the County Planning Commission.
- (6) Application for final PRD approval. The application for final approval of a tentatively-approved plan shall be executed by or on behalf of the landowner and shall be filed with the County Planning Commission before the expiration of the tentative approval. The plan and other data submitted for final approval shall be submitted not less than 15 days before the regularly-scheduled meeting at which final approval is requested, and shall conform substantially to the tentatively-approved plan, except that it may include only that portion of the PRD that the applicant proposed to record and develop at that time. The application for final approval shall comply with the submission requirements of the Subdivision Ordinance for final plats and shall include copies of the following documents in the number specified by the County Planning Commission.
- a. The final plan of the PRD, drawn at a scale of 1 inch equals 50 feet, suitable for recording, and showing at least the following data:
 - 1. North-arrow, date, written and graphic scales;
 - 2. Accurate boundary lines of all lots, roads, right-of-way and common open space areas, with bearings, distances and curve data

sufficient to permit all lines to be located by survey on the site, and with linear dimensions labeled to the nearest hundredth of a foot, and angular dimensions to the nearest 10 seconds of arc, and closing with an error of not more than 1 foot in 10,000 feet;

3. A listing of the total acreage of the PRD, the area within each lot or other parcel, the land uses in each area, the total number of dwelling units, number of each type of dwelling unit, the average total residential density and the total residential density in each section;
 4. Locations and dimensions of all roads, including right-of-way and cartway lines, parking areas, pedestrian walkways, easements and permanent monuments and property line markers;
 5. Building coverage lines accurately locating all dwelling units and nonresidential structures, giving dimensions of the structures, distances between the structures, distances to road lines and parking areas, with distances accurate to the nearest hundredth of a foot;
 6. Location of common open space areas, specifically indicating those areas to be developed for active recreation, and showing the type of the exact location of structures and facilities to be developed in the common open space areas;
 7. Name and address of the landowner and developer, identification of the deed or deeds giving title to the land within the PRD, and the election district and tax map numbers; and
 8. Seal and signature of the registered engineer or registered land surveyor certifying the accuracy of the plan. Seal and signature of a registered land surveyor certifying the accuracy of the survey.
- b. The final plan of the PRD shall be accompanied by the following additional plans and information:
1. Final construction drawings for the installation of all site improvements required under this chapter or other county regulations, and including profiles and cross-section drawings for road, sanitary sewer, water supply and storm drainage systems.
 2. Architectural drawings illustrating exterior designs and typical floor plans of typical dwelling units of each type and nonresidential structures to be constructed.
 3. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated common open space land. These covenants shall be subject to acceptance by the County Attorney as to their legal sufficiency.
 4. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.

5. Such certificates of approval by other authorities as required by this chapter or by law, including certificates approving the water supply system, the sanitary sewer system and the erosion and sediment control plan.
- c. To guarantee that the improvements required by this chapter or by law will be constructed by the developer and without cost to the county, the final plan shall be accompanied by one or a combination of the following documents:
 1. A certificate from the applicant, signed by the County Commissioners certifying that cash in an escrow account, or certified check, bond or other acceptable security or combination thereof, payable to the County Commissioners of Garrett County and satisfactory thereto in form, sufficiency and legal execution, has been filed with the County Commissioners, The form of such escrow account, bond, certified check or other acceptable securities shall specify the time for the completion of the required improvements, and shall provide that, when the improvements have been completed and approved by the county, the guarantee shall be released and returned; it may also provide that as the required improvements progress and are approved by the county, a portion of the bond, monies or other security commensurate with the cost of the improvement may be released and returned to the applicant; or
 2. A certificate from the applicant, signed by the County Commissioners certifying that all or the specified parts of the required improvements have been constructed, installed or completed in a manner acceptable to the county for compliance with this chapter.
- (7) Action by the County Planning Commission on PRD.
 - a. If the final plan and all supporting data comply with the provisions of this chapter and with the conditions, if any, specified in the grant of tentative approval, the Planning Commission shall approve the final plan at the regularly-scheduled meeting and shall certify its approval by the signatures of its chairperson and secretary.
 - b. If the final plan is not in compliance as specified in division (M)(7)(a) above, the County Planning Commission may refuse to grant approval, in which case the applicant shall be notified in writing and explicitly advised of the reasons for the refusal and of the actions necessary to bring the plan into compliance to receive approval. The applicant may then correct such deficiencies and resubmit the plan for approval, or may appeal the Planning Commission's decision to the Circuit Court of Garrett County as provided in Article 66B.
 - (8) Effect of final approval of PRD.

- a. Final approval of a plan shall constitute an irrevocable offer by the applicant to dedicate all roads, rights-of-way or other areas for public use so indicated upon the plan, but the final approval shall not be deemed to constitute or effect any acceptance by the County Commissioners or the public in general of any such area unless and until formally accepted in the usual legal manner for public use or ownership. The County Commissioners shall have the right at any time to accept the offer of dedication, in writing, either on the original recorded plan or by instrument recorded among the land records of Garrett County, incorporating same by reference designating the acceptance and approval.
 - b. Every final plan approved by the Planning Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the legally-adopted Development Plan for Garrett County and shall constitute a part thereof.
- (9) Recording of final PRD plan. A copy of the approved final plan bearing the signatures of the Planning Commission's Chairperson and Secretary and all other required endorsements shall be filed among the land records in the office of the Clerk of the Circuit Court of Garrett County within 90 days after the date of approval by the Commission; if the plan is not thus filed, the Commission's approval shall become null and void.
- (10) Enforcement and modification of the PRD plan. To further the mutual interests of the residents in the PRD and of the public for the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan, shall not impair the reasonable reliance of the residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:
- a. The provisions of the development plan relating to 1) the use, bulk and location of buildings and structures; 2) the quantity and location of common open space, except as otherwise provided in this chapter; and 3) the intensity of use or the density of residential units, shall run in favor of the county and shall be enforceable in law or in equity by the county without limitation on any powers of regulation otherwise granted the county by law.
 - b. All provisions of the development plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the PRD except as to those portions of the

development plan which have been finally approved and have been recorded.

- c. All those provisions of the development plan authorized to be enforced by the county under this section may be modified, removed or released by the county, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
 1. No such modification, removal or release of the provisions of the development plan by the county shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided herein;
 2. No modification, removal or release of the provisions of the development plan by the county shall be permitted except upon a finding by the governing body or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this chapter, that the same is consistent with the efficient development and preservation of the entire PRD, does not adversely affect either the enjoyment of land abutting upon or across the road from the PRD or the public interest, and is not granted solely to confer a special benefit upon any person.

§ 157.068 COMMERCIAL CAMPGROUNDS CAMPING SPACES OR TRAVEL TRAILER CAMPS.

- A. Commercial campgrounds and the like shall be designed to accommodate tents, camping trailers, travel trailers, pick-up coaches, motor homes or any combination thereof and shall be operated solely for use by transient or vacationing occupants.
- B. Commercial campgrounds and the like shall be designed as follows:
 - (1) The width of any trailer campsite shall not be less than 35 feet.
 - (2) In no case shall the average density exceed 10 campsites per net acre nor shall the maximum density permitted within said camp exceed 15 campsites for any single net acre.
 - (3) All campsites shall be located at least 75 feet from any road right-of-way which abuts a campground boundary and at least 100 feet from any other boundary line.
 - (4) There shall be a minimum distance of 25 feet between an individual campsite and any road, common parking area or other common area within the campground.
 - (5) Access to campgrounds shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent public roads.
 - (6) The alignment and gradient of roads within the campground should be properly adapted to the topography. If unpaved, such roads shall be properly stabilized to prevent soil erosion and sedimentation.

- (7) No campsite within a campground shall have direct vehicular access to a public road abutting the campground.
- (8) Campsites, including travel trailer spaces, shall be rented by the day or week only, and no occupant shall remain in a campsite or travel trailer space for more than 60 days in any 6 months period.

§ 157.069 COMMERCIAL RESORTS.

A. Dimensional requirements and permitted uses.

- (1) A commercial resort site shall contain at least 20 acres of land and shall have direct vehicular access to a state highway or to a county primary or county secondary highway, or shall otherwise have vehicular access to 1 or more such highways in a manner that will, in the opinion of the County Planning Commission, satisfactorily accommodate the anticipated traffic with regard to capacity, safety and impact on neighboring properties and on county roads expenditures.
- (2) No building shall be erected within 100 feet of any lot or boundary line, including road lines.
- (3) The commercial resort shall include an office and lobby and may include such accessory uses as dormitories or other sleeping accommodations; restaurants, coffee shops, cafeterias, dining halls or other accommodations for serving food and drinks; game or recreation rooms, swimming pools, saunas, gymnasiums or other indoor recreational facilities; conference and assembly rooms; children's playgrounds; golf courses and driving ranges, tennis, archery or other sports fields; riding stables and bridle, hiking, skiing and snowmobile trails; and related facilities intended primarily for use by guests at the resort.
- (4) The total ground floor area of all principle and accessory buildings shall not cover more than 35 percent of the commercial resort site. No restaurant, coffee shop, cafeteria or dining hall shall cover more than 10% of the site.
- (5) There shall not be more than one dormitory or sleeping room or suite for every 2,000 square feet of site area. Distance between buildings shall not be less than 25 feet, except that this distance may be reduced to 15 feet where no driveway passes between buildings.
- (6) The total interior floor area of each dormitory or sleeping room inclusive of bathroom and closet space, shall not be less than 250 square feet. Dormitory units shall not be interconnected by interior doors in groups of more than 2 units.

B. Parking requirements.

- (1) At least 1 parking space shall be provided for each sleeping unit. Such space shall be located within 300 feet of the unit it serves.
- (2) If any restaurant, coffee shop, cafeteria or the like is available for use by persons other than registered guests at the resort, one parking space shall be provided for each 100 square feet of floor space thus available.

- (3) One parking space shall be provided for every 1.5 employees on duty at peak periods.
 - (4) All off-road parking areas shall be paved and shall be at least 50 feet from all property lines; parking areas serving a restaurant, cafeteria, coffee shop or dining hall shall be at least 30 feet from all dormitory or other dwelling or sleeping units.
- C. Procedural requirements. Before the issuance of any zoning permit, a detailed plan for the proposed development of a site for commercial resort facilities shall be submitted to and reviewed by the County Planning Commission. The site Development Plan application shall identify the location and size of existing trees, all other landscaping proposed, the architectural style, general design, colors and materials to be used on exterior surfaces and detailed plans for any signs as well as any other information elevations or perspectives which will enable the Commission to determine the impact of the proposed development on the area involved and to determine conformity with the purpose of this chapter.

§ 157.070 DEVELOPMENT WITH ACCESS TO PUBLIC RECREATION LAND.

The use of land for residential purposes, whereby the land is to be developed whether by land subdivision, by condominium or by other form of real property ownership (“Development”), and wherein the ownership or use of a lot or dwelling unit in the “development” includes: 1) the right to use, in common with other persons, an area (“common use area”) adjoining any land owned or leased by a government agency for recreation, open space, conservation or related purposes (“public recreation land”); or 2) the right to use a duly authorized point of access onto or across such “public recreation land”, shall be permitted only in compliance with the following additional requirements:

- A. Each such “development” shall have a “common use area” bounded on 1 side by a right-of-way line or property line coincident with a property line of the subject “public recreation land” (“common property line”). The “common use area” shall also be bounded by a right-of-way line or property line lying generally parallel to, and at least 25 feet distance from the “common property line”. Access to the nearest public or private road in the “development” to the “common-use area” should be by right-of-way or easement not less than 20 feet in width along its entire length and shall be screened by vegetation or other screening materials as approved by the Planning Commission.
- B. In a LR1 or LR2 zoning district, the length of the “common property line” shall be either:
 - (1) At least 100 feet if the number of lots or dwelling units in the “development” entitled to use the “common use area” is or will be one. Where the “common use area” is established for the purpose of providing an authorized point of access for a single lot or single unit in a “development”, the “common use area” shall be owned in fee simple absolute by the owner of the single lot or single unit;
 - (2) At least 200 feet if the total number of lots or dwelling units in the “development” entitled to use the “common use area” is or will be 8 or less; or

- (3) At least 300 feet if the total number of dwelling units or lots entitled to use the “common use area” is or will be 20 or less. The length of the “common property line” shall be increased by 15 feet for each dwelling unit or lot more than 20.
- C. In a TR or a TC District, the length of the “common property line” shall be either:
- (1) At least 75 feet if the total number of lots or dwelling units in the “development” entitled to use the “common use area” is or will be 3 or less; or
 - (2) At least 150 feet if the total number of dwelling units or lots entitled to use the “common use area” is or will be 10 or less. The length of the “common property line” shall be increased by 10 feet for each additional lot or dwelling unit more than the 10.
- D. Evidence of compliance with this section shall be by written certification, which shall be issued by the Zoning Administrator to every applicant who shall submit a plat wherein is shown a proposed “development” that will conform to the requirements of this section; provided, however, that said certification shall not take effect unless and until a copy of the plat shall have been recorded with the Clerk of the Circuit Court among the land records of Garrett County.
- E. The provisions of this section apply only to standards for access to public recreation lands and do not preempt Department of Natural Resources regulations. (NOTE: As of 1996, such regulations were within Code of Maryland Regulations Title 8, Sub-title 8). D.N.R. Regulations govern the use of both the “buffer strip” and surface of Deep Creek Lake.

§ 157.071 STEEP SLOPES - SEE SENSITIVE AREAS ORDINANCE.

The Garrett County Sensitive Areas Ordinance shall apply.

§ 157.072 STREAM BUFFERS - SEE SENSITIVE AREAS ORDINANCE.

The Garrett County Sensitive Areas Ordinance shall apply.

§ 157.073 SINGLE FAMILY CLUSTER OPTION.

- A. Purposes. The same purposes apply as are listed in § 159.030 of the County Subdivision Ordinance.
- B. Applicability. This section offers an applicant the option to reduce the minimum required lot sizes and lot widths if the applicant proves to the satisfaction of the Planning Commission that the development will fully comply with this section.
- (1) The provisions of § 159.030 of the County Subdivision Ordinance shall also apply to any Single Family Cluster Development in the Deep Creek Watershed. A tract shall include a minimum total lot area of 5 acres in order to be eligible as a Single Family Cluster Development.
 - (2) The application shall be submitted to the Zoning Administrator, who shall forward copies to the Planning Commission. An applicant may, at his or her

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option, have a Cluster Development approval considered prior to or as part of a formal complete application for approval under the Subdivision Ordinance.

- (3) The Planning Commission shall advise the Zoning Administrator regarding whether the submittal meets the requirements of this section. The Zoning Administrator shall then determine compliance with this chapter.
- (4) In addition to the specific requirements of this section, a Cluster Development shall only be approved if the applicant proves to the satisfaction of the Planning Commission that requirements of § 159.030 of the Subdivision Ordinance will be met. Those requirements are hereby incorporated by reference.

C. Reduction of lot width and area. If approved as a Cluster Development, then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum preserved open space on the entire tract meets the requirement stated below and all other requirements of this chapter. Cluster Development shall only be permitted under the situations listed below.

Zoning District/Water and Sewage Service	Non-Cluster Minimum Lot Area ***** (sq. ft.)	Non-Cluster Minimum Lot Width (feet)	Permitted Minimum Lot Area in a Cluster Development **** (sq. ft.)	Permitted Minimum Lot Width in a Cluster Development ** (feet)	Minimum Preserved Open Space Within the Tract of a Cluster Development ***	Maximum Density Bonus see § 157.073(H)
1. AR and RR	See §157.053	See § 157.053	See § 157.053	See § 157.053	See § 157.053	See § 157.053
2. LR1 with county-approved central water and central sewage services	43,560	150	25,000	100	35%	One additional dwelling unit for each 15 acres of total lot area
3. LR1 with county-approved central water or central sewage service	43,560	150	25,000	100	25%	One additional dwelling unit for each 15 acres of total lot area
4. LR1 not meeting rows "2" or "3" above, but with the well and/or septic field approved to be located within common open space	43,560	150	35,000	100	20%	One additional dwelling unit for each 15 acres of total lot area

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Zoning District/Water and Sewage Service	Non-Cluster Minimum Lot Area ***** (sq. ft.)	Non-Cluster Minimum Lot Width (feet)	Permitted Minimum Lot Area in a Cluster Development **** (sq. ft.)	Permitted Minimum Lot Width in a Cluster Development ** (feet)	Minimum Preserved Open Space Within the Tract of a Cluster Development ***	Maximum Density Bonus see § 157.073(H)
5. LR2, without county-approved central water or sewage services, but with the well and/or septic field approved to be located within common open space.	2 acres	200	35,000	100	40%	One additional dwelling unit for each 15 acres of total lot area.
6. TR or TC/ with county-approved central water and central sewage services	10,000	75	8,000	65	15%	Not applicable

Notes:

**For the purposes of this § 157.073, lot width shall be calculated based upon the average of the following: a) the length of the rear lot line, and b) the width of the lot at the front of the proposed principal building. This front line used for calculating required lot width shall be shown on the record plat and shall be the required front building setback line for the lot. In addition, for lots that are adjacent to publicly accessible recreation land that abuts Deep Creek Lake, each lot that is adjacent to a common property line (as provided in § 157.170) shall have an absolute minimum lot width of 100 feet as measured along such “common property line.”

***Shall be calculated based upon the “Total Area of the Tract” (see definition above).

**** Except where the steep slope regulations of the Sensitive Areas Ordinance apply.

*****Non-cluster provisions are only summarized in the above table for general information purposes. For non-cluster development, see the actual provisions in § 157.041.

- D. Other requirements. A Cluster Development shall comply with all of the same requirements that apply to any other subdivision of single family detached dwellings, except for provisions that are specifically permitted to be adjusted by this Section. All other requirements of this chapter and the County Subdivision Ordinance shall still apply to a Cluster Development.
- E. Open Space. Division (C) above states the minimum percentage of the tract area within a Cluster Development that shall be permanently preserved as public, semi-public or private open space. Such preserved open space shall meet all of the requirements of § 159.030 of the Subdivision Ordinance.
- F. Steep slopes. A lot required to have a larger minimum lot area under § 157.071 because of steep slopes shall not be permitted to be reduced in lot area under this section. However, through the use of the smaller minimum lot areas in this section, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the requirements of § 157.071 no longer apply.

G. Access. A Cluster Development shall have an interior road system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector roads.

H. Yield plan.

(1) Purpose. To make sure that the Cluster Development does not result in an excessive increase in density from the maximum that would otherwise be permitted.

(2) A Yield Plan shall be submitted as part of an application for a Cluster Development. The Yield Plan shall be a sketch plan drawn to scale that shows the number and location of lots that could reasonably be expected to be permitted under the conventional zoning regulations of the applicable district. Such Yield Plan shall consider the impacts of regulations regarding steep slopes, floodplains, wetlands and similar matters. The Yield Plan shall consider the same areas of land as the proposed Cluster Development.

(3) A Cluster Development shall not be permitted to include a greater total number of dwelling units than is determined to have been possible based upon the Yield Plan, unless a density bonus is specifically permitted in division (C) above. The Yield Plan shall be subject to acceptance by the Planning Commission.

§ 157.074 OFFICE TRAILERS AND OTHER TRAILERS.

Office trailers and other types of trailers may not be utilized for housing primary uses listed in § 157.024 and are permitted only as:

A. Temporary buildings accessory to a construction project; or

B. As may be approved under § 157.024(G) as a temporary real estate office accessory to the development and marketing of a property.

§ 157.075 GROUP HOMES.

A. See definition in § 157.007 and provisions of § 157.024.

B. See provisions for modifications in § 157.166.

C. A group home shall house a maximum of 8 unrelated persons, in addition to any staff-persons necessary to assist and supervise such persons.

D. A minimum of 1 off-street parking space shall be provided for each employee on-site during peak periods.

E. A copy of any relevant federal, state or county license or certification shall be provided to the Zoning Administrator. The Zoning Administrator shall be notified in writing within 7 days by the operator of the use if such license or certification is suspended, expired or withdrawn.

F. The group home shall apply for and receive a zoning permit. The permit application shall state the maximum number of residents, general type of treatment/care, level of staffing and any sponsoring agency.

G. Any medical or counseling services on-site shall be limited to a maximum of 3 persons who do not live on-site.

- H. If the group home is within a residential district, it shall be maintained and/or constructed to be closely similar in appearance to other dwellings in the area.
- I. No sign shall identify the type of use.

§ 157.076 LIGHTING CONTROL.

- A. This section shall only apply to outdoor lighting of commercial or industrial use(s), other than ski resorts.
- B. Outdoor lighting (including lighting of signs) shall be properly diffused as needed with a translucent or similar cover to prevent exposed lighting elements from being directly visible from public roads or dwellings.
- C. Outdoor lighting (including lighting of signs) shall be properly directed, placed and shielded as necessary to prevent the lighting from creating a nuisance for residents of other properties, to contain light on the lot, and to prevent lighting from shining into the eyes of motorists.

§ 157.077 DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS

- A. Pursuant to Section 13.01 of Article 66B of the Annotated Code of Maryland, the Board of County Commissioners may:
 - (1) By ordinance, establish procedures and requirements for the consideration and execution of agreements; and
 - (2) Delegate all or part of the authority established under the ordinance to a public principal within the jurisdiction of the governing body.

§ 157.078 SITE AND ARCHITECTURAL STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT IN THE TC, TR AND GC DISTRICTS

- A. Intent. The standards in this section are intended to ensure that new, nonresidential construction in the Town Center, Town Residential and General Commercial zoning districts makes a positive contribution to the visual quality of Garrett County in order to maintain property values, encourage economic development and enhance the character of existing communities. These standards are not intended to require use of any particular architectural style or material or imitation of existing buildings.
- B. Review and Approval
The following requirements apply to applications for principal non-residential structures in the TC, TR and C districts:
 - (1) Zoning permit applications shall include plans and documentation (drawings, sketches, photographs, or samples) sufficient to demonstrate compliance with these standards.
 - (2) The Zoning Administrator shall approve permits only upon a determination that the use complies with the standards of this section.

- (3) The Zoning Administrator shall request the recommendation of the Planning Commission on the design of any proposed principal, non-residential structure that will be visible from a public road and will use metal siding on any facade.

C. Architectural standards.

- (1) Construct buildings of high quality, permanent materials that are compatible with the quality of materials traditionally used in the surrounding rural, mountain or town architecture. In locations visible from a public road, no more than 60 percent of the building façade may have metal siding.
- (2) Design all sides of the building visible from a roadway or public area to be of finished quality and consistent in material and style with the front of the building.
- (3) Avoid blank walls more than 50 feet in length within view from the roadway or public area. Provide visual variety by using elements such as windows, façade offsets, recessed or projected entries or other appropriate architectural features, or by using tree planting or landscaping.
- (4) Roof Types.
 - a. To the greatest extent possible, a sloped roof representative of the traditional architectural forms in the area shall be incorporated with building design. Preferred roof types are gable, cross gable, hipped, shed, or mansard.

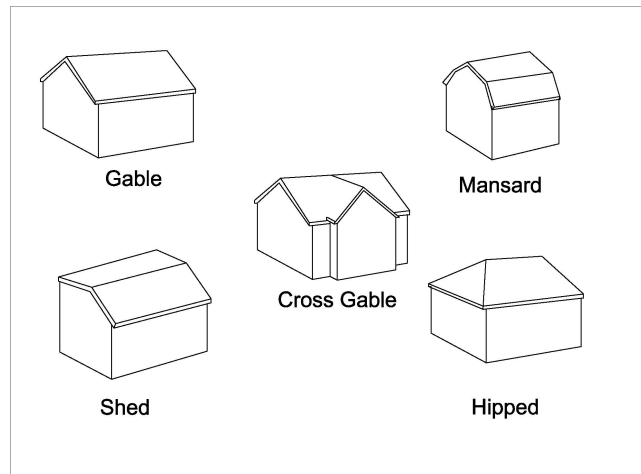


Figure 5. Roof types

- b. Flat roofs are not permitted unless specifically approved by the Zoning Administrator based on findings that a flat roof for a particular proposed building design meets the intent of this section. A parapet shall be provided to screen roof-top equipment.
- D. Lake Access. To the fullest extent feasible, businesses located on Lake Front Lots as defined by §157.007 shall establish and maintain the following amenities for customers and clients of the on-site establishments:
- (1) Pedestrian access to the buffer strip and shoreline of Deep Creek Lake.

- (2) Pedestrian amenities such as walkways and seating areas on portions of the site within view of Deep Creek Lake and adjacent to the Lake's buffer strip.
- E. Pedestrian Access. Commercial uses shall be designed to provide safe, convenient pedestrian access between parking areas, sidewalks and on-site or neighboring non-residential buildings.

§ 157.079. TRANSIENT VACATION RENTAL UNITS

The following requirements apply to all transient vacation rental units.

- A. A zoning permit application shall be submitted which demonstrates compliance with all applicable requirements.
- B. One off-street parking space shall be provided for each bedroom; except that in those developments existing or planned for duplex, townhouse or multi-family dwelling units and offering shared parking spaces within parking lots developed with a minimum of twenty (20) spaces or more, the minimum parking requirement shall be one off-street parking space for each one and one half (1.5) bedroom or any fraction thereof.
- C. A bear-proof trash container providing adequate volume to accommodate the occupancy shall be provided. Such containers may be located in a required front or side yard, subject to the following minimum setbacks:
 - (1) From the front lot line: 0 feet
 - (2) From side lot lines: 5 feet
- D. Weekly collection and removal of trash shall be provided.
- E. A plan for monitoring and controlling audible disturbance and trespassing shall be provided.
- F. All living facilities must be incorporated into the principal structure, including cooking, eating, and sleeping quarters, bathrooms and living rooms. Accessory buildings shall be limited to the following uses:
 - (1) Storage sheds and garages;
 - (2) A single game or recreation room, secondary to the primary living space within the principal structure; and,
 - (3) Other uses customarily secondary and incidental to a residence.
- G. For a unit with six to eight bedrooms, the zoning permit application shall include a written evaluation of the following, prepared by a knowledgeable professional in the field of real estate, appraisal or development:
 - (1) The extent to which transient vacation rental units are already an established use in the neighborhood;
 - (2) The relative value of the present improvements, if any, of other properties in the neighborhood;
 - (3) The probable effect of the proposed transient vacation rental unit on the value of other improved properties in the neighborhood and the expected level of investment on adjoining properties;

- (4) The discernable trend, if any, in the types of residential units being newly established in the neighborhood; and,
- (5) Compatibility of design with other improvements in the neighborhood.

§ 157.080– 157.089 RESERVED.

ARTICLE 7. OFF-ROAD PARKING AND LOADING

§ 157.090 REQUIRED OFF-ROAD PARKING SPACES.

Off-road parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this chapter, is established, erected, enlarged or altered for any of the following purposes or uses in any district; for uses not specifically listed, the requirements for the most similar use listed shall be followed:

(A) Natural resources and agricultural uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Agriculture and other uses listed in § 157.024(A)	Full-time non-resident employee	—

(B) Residential uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Single family detached or multi-family dwellings or other dwellings not listed separately	0.5 per bedroom unit	—
2. Manufactured/Mobile home parks	1.5 per dwelling unit	—
3. Conversions, rooming or boarding houses	1 dwelling unit/rental unit	—
4. Home occupation	Non-resident employee	One space per 200 square feet of floor area accessible to visitors

(C) Public or private recreational uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Commercial swimming pools or beaches	4 persons of total capacity	Full-time employee
2. Boat storage: a) Long term indoor boat storage (winter storage) b) Intermittent or day use boat storage		a) 4 parking spaces for employees b) 1 space for every 5 boats of storage capacity, plus 1 space for each employee
3. Boat launching ramps		Parking spaces must equal the number of day use launches by DNR as specified under the DNR licensing procedure

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Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
4. Marinas	1 parking space for each 2 boat slips, plus 1 space for each 600 sq. ft. of showroom area if showroom is provided	Plus 1 space for each full-time employee
5. Private or membership clubs or lodges	6 members or 6 persons of total capacity	Full-time employee
6. Golf courses, driving ranges, miniature golf	3 persons of total capacity	Full-time employee
7. Bowling alleys	0.25 lanes (4 spaces per lane)	2 full-time employees
8. Theaters, auditoriums, libraries, skating rinks, stadiums	6 seats (bench capacity computed at 1 seat for each 20 inches)	2 full-time employees

(D) Institutional and educational uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Churches or other places of worship	4 seats	100 sq. ft. of meeting room area plus 1 space for each 2 employees
2. Licensed hospitals or nursing home	3 patient beds	Staff and visiting doctors, plus 1 space for each 2 employees
3. Medical or dental offices, clinics	0.25 practitioner (4 spaces per practitioner)	Full-time employee
4. Meeting or assembly halls for fraternal or civic organizations	50 sq. ft. of floor area	2 full-time employees
5. Schools, as listed in § 157.024(D)	0.8 faculty and other full-time employees (1.25 per employee)	2 students aged 16 years or older

(E) Retail and commercial services uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Automobile servicing and repair	1/3 service bay (3 spaces per bay)	Full-time employee
2. Automobile, truck, furniture or appliance stores	300 sq. ft. of sales floor area	Full-time employee
3. Business services such as banks, credit unions	100 sq. ft. of floor area used for serving customers	Full-time employee
4. Professional offices such as real estate, insurance consultants	200 sq. ft. of gross floor area	Full-time employee
5. Retail stores and businesses	100 sq. ft. of area used for serving customers	2 full-time employees

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Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
6. Funeral homes	4 seats for patron use or 50 sq. ft. of gross floor area	Full-time, non-resident employee
7. Hotels, motels	Rental room or suite having one bedroom plus one-half off-road parking space required for each additional bedroom.	Full-time employee on the largest shift.
8. Personal service business such as barber shops, photo shops, appliance repair	100 sq. ft. of floor area used for serving customers	2 full-time employees
9. Restaurants, taverns	3 seats for customers	2 full-time employees
10. Carryout or fast food restaurants	100 sq. ft. of gross floor area	Table or booth, plus 1 space for each 2 counter stools, plus 1 space for each 2 employees
11. Self-service laundromats	Washing or dry cleaning machine	
12. Shopping centers and neighborhood convenience centers	167 sq. ft. of retail sales area (6 spaces per 1,000 sq. ft.)	
13. Commercial resort	See § 157.069	

(F) Manufacturing and industrial uses.

Use	One Off-Road Parking Space Required for Each	Plus One Off-Road Parking Space Required for Each
1. Wholesaling and warehousing	200 sq. ft. of office and customer service floor area	1.5 employees
2. Manufacturing and industrial uses	0.9 company officials, managers and the like	1.5 other employees on-site during the peak time of day, plus 1 space for each company vehicle based at the plant

§ 157.091 REGULATIONS FOR OFF-ROAD PARKING.

- A. Existing parking. Structures and uses in existence at the effective date of this chapter shall not be subject to the requirements of this subchapter so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this chapter.
- B. Changes in use. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of § 157.090, for an increase of 10% or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.
- C. Conflict with other uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

- D. Continuing character of obligation. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-road parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this subchapter in conjunction with a change in the nature of the use.
- E. Joint use.
- (1) Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in division (E)(2) below.
- (2) Up to 50% of the parking spaces required for a) theaters, auditoriums, bowling alleys or private clubs, and up to 100% of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in a) provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the County Attorney, and filed with the application for the zoning permit.
- F. Mixed uses. Where a permitted use contains or includes more than 1 of the types of uses identified in § 157.090, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.
- G. Location of parking spaces. Required off-road parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within 400 feet walking distance of the principal use.
- H. Fractional spaces. Where the computation of required parking spaces results in a fractional number, only the fraction of ½ or more shall be counted as 1.

§ 157.092 PARKING DESIGN STANDARDS.

The design standards specified in this section shall be mandatory for all new off-road parking facilities with a capacity of 4 or more vehicles. Such facilities shall be designed so that their use shall not constitute a nuisance or hazard, or unreasonable impediment to traffic.

A. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking Measured from Curb	Stall Width	Stall Depth	Aisle Width	
			1-Way	2-Way
1. Automobile parking				
90°	9'	18'	20'	22'
60°	9'	18'	18'	21'
45°	9'	18'	15'	18'
30°	9'	18'	12'	15'
Parallel	8'	22'	12'	18'

2. Automobile and trailer parking				
60°	10'	53' (measured perpendicular to curb)	15'	

B. Each automobile parking space shall contain a rectangular area with minimum stall depth and width as stated in the table above. Parking spaces may be at various angles in relation to curbs or aisles as indicated in the table above, provided that all parking spaces shall contain the minimum rectangular area.

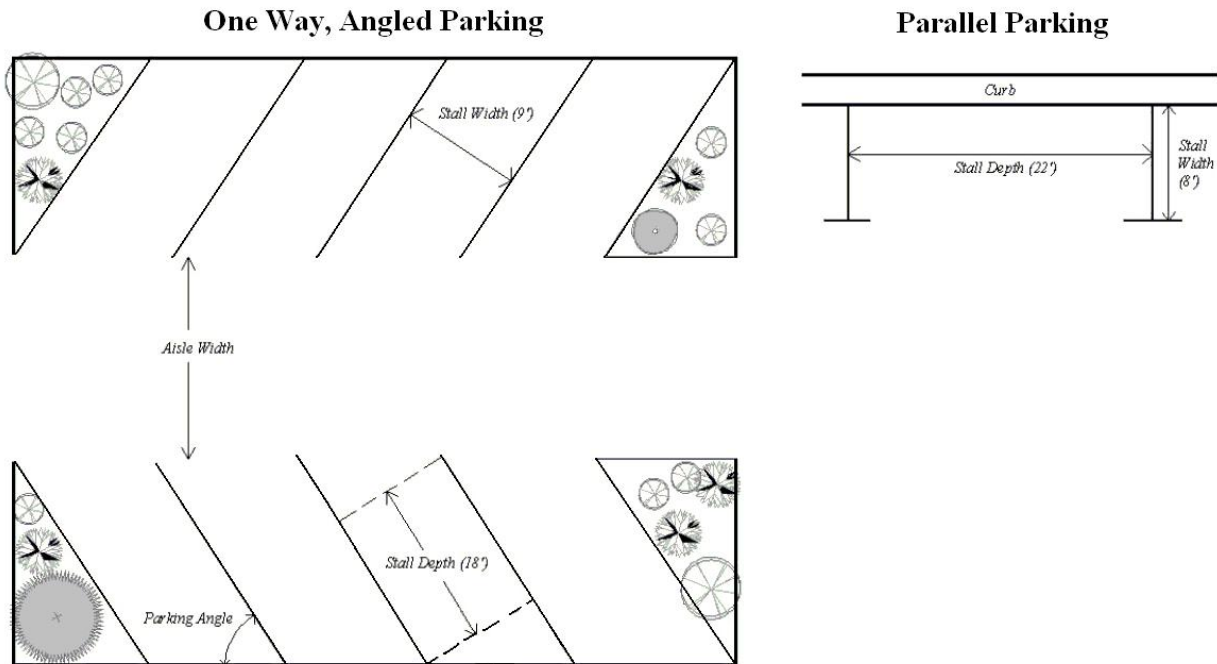


Figure 6. Parking Area Dimensions

- C. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- D. The width of entrance and exit drives shall be:
- (1) A minimum of 12 feet for 1-way use only;
 - (2) A minimum of 20 feet for 2-way use; and
 - (3) A maximum of 40 feet at the road line.
- E. No parking areas shall be designed to require or encourage parked vehicles to back into a public road in order to leave a parking space.
- F. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion or excessive water flow across roads or adjoining properties.

- G. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public roads and adjoining properties.
- H. Except where entrance and exit drives cross road lines, all parking areas for any purpose other than single family residences shall be physically separated from any public road by a concrete curb and by a planting strip which shall be not less than 10 feet in depth. This 10 foot planting strip shall be parallel to the road line and shall be measured from the future right-of-way line, if any.
- I. Boat Launches. Permitted boat launch ramps shall have accessory parking areas to accommodate vehicles with boat trailers. Such parking areas shall be designed in accordance with the standards in division (A) above. A minimum of 20 vehicle and trailer parking stalls shall be provided for each boat launch ramp.
- J. Handicapped Parking for Non-Residential and Multi-Family Uses.

(1) Number of spaces. Any lot including 4 or more off-road parking spaces shall include a minimum of 1 handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act.

Total Number of Required Parking Spaces on the Lot	Required Minimum Number/Percent of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- (2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
- (3) Minimum size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by 2 handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.

- (4) Slope. Handicapped parking spaces shall be located in areas of less than 2% slope in any direction.
 - (5) Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
 - (6) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is accessible with a wheelchair.
- K. To comply with 1995 amendments to Article 66B of the Code of Maryland, any new use required to provide 10 or more new off-road parking spaces shall include a suitable area for the parking of bicycles. Such area should allow for locking of bicycles to a secure feature, but shall not result in obstructions to fire exits or handicapped access.

§ 157.093 OFF-ROAD LOADING AREA.

- A. All permitted uses requiring truck loading and unloading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with the normal operations shall stand in or project into any public road.
- B. Size. The applicant shall provide evidence acceptable to the Zoning Administrator that the loading space(s) will be large enough to reasonably accommodate the size of trucks expected to routinely service the use. To serve medium sized trucks, each loading space is intended to be at least 30 feet in length by 12 feet in width by 14 feet in height.
- C. Number. The applicant shall provide evidence acceptable to the Zoning Administrator that the number of off-road loading spaces will be sufficient.
- D. Each required off-road truck-loading berth shall have unobstructed access to a public road. Such access may be combined with access to an off-road parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-road parking spaces or intrude into any road right-of-way. No off-road loading berth shall be located in any required front yard.
- E. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except that berths may be provided in spaces designed to serve jointly 2 or more adjacent establishments provided that the number of berths in such joint facilities shall not be less than the total required separately for all such establishments.

§ 157.094– 157.104 RESERVED.

ARTICLE 8. SIGN REGULATIONS

§ 157.105 PURPOSES.

This subchapter recognizes that signs perform an important function by identifying residences and businesses. However, some control of signs is necessary to promote the community's safety and general welfare by:

- (1) Lessening safety hazards to pedestrian and vehicular traffic;
- (2) Conserving property values;
- (3) Preventing unsightly and detrimental development which has a blighting influence upon residential and business uses;
- (4) Preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned; and
- (5) Securing certain fundamentals of design to protect the scenic qualities which form an essential basis for part of the county's economic well-being.

§ 157.106 APPLICABILITY AND EXEMPTIONS.

- A. No sign shall be erected, hung, placed or painted in any Zoning District except as provided in this chapter.
- B. For the purpose of this chapter, any of the following words relating to signs are intended to include any tense or to read with the prefix "re-": affix, alter, attach, display, erect, hang, move, paint, paper, paste, place, post or repair.
- C. No sign erected before the enactment of these regulations shall be altered in any respect or moved, except in compliance with the provisions of this chapter, and except that any sign may be removed completely.
- D. Nothing in this chapter shall prevent the proper erection and maintenance of official signs by federal, state, county or municipal agencies for traffic control, directional or informational purposes, or by a private person or agency solely for the protection of the public health, safety and welfare.
- E. Where the flag, emblem, name or insignia of a nation, governmental unit, nonprofit educational, charitable or religious group is used as a sign within the meaning of this chapter, such use shall comply with the provisions hereof, except that no fee shall be charged for issuing a permit for such use.

§ 157.107 PERMIT REQUIREMENTS.

- A. A permit shall be required to erect, affix, hang, or otherwise display, alter or repair any sign, on-premises or off-premises, except the following:
 - (1) An on-premises identification sign as listed in §157.112.B below, that is no larger than two square feet in area.

- (2) An on-premises temporary sign, as listed in §157.112.D below, that is no larger than 6 square feet in area
- (3) Governmental signs.
- B. All signs of any size shall comply with all the regulations contained herein, regardless of whether a permit is required.
- C. No permit shall be required for the repainting or repapering of a sign which conforms to the provisions of this chapter. Signs accessory to theaters advertising changes in program shall not require permits except for the initial installation thereof.

§ 157.108 MEASURING SIGN AREA.

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing the permitted sign area of a double-faced sign, only 1 side shall be considered, provided only one face is readable from any location.

§ 157.109 GENERAL SIGN REGULATIONS.

- A. Any sign attached to a building shall not exceed a height of more than 3 feet above the roof nor project more than 14 inches out from the wall to which it is attached. Signs not exceeding 4 square feet in area may be placed perpendicular to a building face if attached to and below a canopy projecting from the building.
- B. Height of Signs. Signs that are not attached to a building shall not exceed a maximum total height above the ground of 20 feet. However, the Board of Appeals may authorize a special exception to such limit provided that:
 - (1) The exception shall be granted only for on-premises signs accessory to retail commercial uses such as gasoline service stations, restaurants, motels and the like offering services intended primarily or substantially for highway travelers and other transient users;
 - (2) The retail commercial uses are or will be located at or near an interchange of a limited access highway;
 - (3) Such special exception sign shall contain only the name or the name and symbol or emblem of the use to which it is accessory;
 - (4) The area of such special exception sign shall not exceed 100 square feet;

- (5) Not more than 1 structure for such sign shall be permitted on a single property, but the structure may be authorized to contain the sign of more than 1 permitted use if such use is on the same or contiguous property; and
 - (6) If such special exception sign is authorized, the number of off-premises business signs permitted to such use pursuant to § 157.113(C) shall be reduced to 2.
- C. Condition of Signs. All signs except temporary signs shall be constructed of durable materials kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or the public safety in the opinion of the Zoning Administrator, he or she shall order that such sign be made safe or removed. Such order shall be complied with within 5 days of receipt thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.
- D. Lighting of Signs. Lighting devices shall be shielded so that they do not create a glare or a nuisance by shining directly into a public road or highway or into a residential district. No flashing or rotating flashing illumination of a sign shall be permitted except for official traffic signs.
- E. Setback from Road.
- (1) Except for official traffic signs, no sign with an area larger than 18 square feet shall be placed nearer than 10 feet from the right-of-way line of a road provided the height of the sign is less than 10 feet. Signs having a height of more than 10 feet shall not be placed nearer than 20 feet from the road right-of-way line.
 - (2) These required setbacks from roads shall not apply to subdivision identification signs located within the right-of-way of a private road.
 - (3) On-premises advertising signs situated in the TC-Town Center and C-Commercial zones and located along a state highway may be placed up to but not hung over the state road right-of-way line.
- F. Special Provisions for Light Emitting Diode (LED), Liquid Crystal Display (LCD), and Scrolling Message Signs.
- (1) LED, LCD, and Scrolling message signs shall be permitted for accessory on-premises uses pursuant to the provisions of Section 157.024 Table of Use Regulations and Section 157.112.C, Permitted Advertising Signs Accessory to On-premise Uses. On-premises LED, LCD and Scrolling Message signs shall be subject to the following additional standards and limitations:
 - a. All such signs shall be limited to a single color and changing or toggling between colors is not permitted.
 - b. Reverse lighting images having illuminated backgrounds with non-illuminated messages are not permitted on such signs.
 - c. The illuminated portion of any LED, LCD and Scrolling Message sign shall not exceed 25% of the total area at any given time.
 - d. The illusion of motion of any type shall not be permitted on such signs.

e. No flashing illuminations of the sign shall be permitted; single line message signs shall not change messages more frequently than one-second intervals and multiple line message signs shall not change messages more frequently than four-second intervals.

(2) LED, LCD, and Scrolling Message signs may be permitted for off-premise uses by special exception only in the TC and CR-1 zoning districts and shall not be permitted in any other zoning district. Off-premise LED, LCD and Scrolling Message signs shall be subject to the provisions of Section 157.109.F.1.a through 157.109.F.1.e above and Section 157.113, Signs Relating to Off-Premises Uses and messages on such off-premise signs shall not change more frequently than one-hour intervals.

§ 157.110 PROHIBITED FEATURES.

- A. No sign shall constitute a public safety or traffic hazard, such as by obstructing traffic signals, traffic signs, road warning signs, road name signs or the full view of the traffic in all directions at driveways, entranceways or any other public road intersection.
- B. No signs except official traffic signs shall be located within the right-of-way of any road or on any slope or drainage easement for a road, except that subdivision identification signs may be located within the right-of-way of a private road.
- C. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal.
- D. Tacking, painting, posting or otherwise affixing of signs or posters on the walls of buildings, barns, sheds, trees, posts, poles, fences, walls or other structures is prohibited except as hereinafter provided.
- E. Signs shall not obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress for any building or structure.

§ 157.111 NONCONFORMING SIGNS.

- A. Nonconforming signs, once removed, shall be replaced only by conforming signs; however, nonconforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the general content of the sign.
- B. Every sign and other outdoor advertising medium lawfully erected in the county prior to June 1, 1975 may continue to be maintained despite lack of conformity with all of the provisions of this chapter, provided that such sign or medium is not changed in a manner that would increase its nonconformity with this chapter.

§ 157.112 SIGNS ACCESSORY TO ON-PREMISES USES.

- A. Signs, as specified in divisions (B), (C) and (D) below shall be permitted as authorized in §§ 157.020 et seq. as an accessory use in conjunction with a permitted principal use when located on the same premises as the permitted use.
- B. Permitted Identification Signs.

- (1) A sign indicating the name or number of the building or premises or the accessory use of a dwelling for a home occupation, provided that such sign shall not exceed 2 square feet in area, and provided that not more than 1 such sign shall be erected on each road frontage. Such sign shall not be internally illuminated in a residential district.
- (2) A sign indicating the name of an active farm, provided that such sign shall not exceed 10 square feet in area, and provided that not more than 1 such sign shall be erected along any road adjoining the farm.
- (3) Bulletin or announcement boards or identification signs for schools, places of worship, hospitals and other principal uses and buildings other than dwellings, provided that the area of any such sign shall not exceed 12 square feet and not more than 1 such sign shall be placed on a property unless such property fronts on more than 1 road, in which case 1 such sign may be erected on each road frontage.
- (4) Nongovernmental traffic control and directional signs not exceeding 2 square feet in area. Such signs shall not be illuminated, but may be of the beaded reflector type. No advertising matter whatsoever shall be contained on signs of this type.
- (5) Any signs used upon a property warning the public against hunting, fishing or trespassing thereon or indicating the private nature of a road, driveway or premises, provided that no individual sign shall exceed 2 square feet in area.
- (6) Development Signs. A sign indicating the name of a subdivision or residential development, provided that such sign shall not exceed 35 square feet in area, and provided that the sign shall not exceed 10 feet in overall height from the ground level. Such sign shall not be internally illuminated.
- (7) A sign used for the identification of a transient vacation rental unit, provided such sign shall not exceed 300 square inches (2.083 square feet) and provided that not more than one such sign shall be erected. Every transient vacation rental unit identification sign erected prior to the effect date of this amendment may continue to be maintained despite lack of conformity to this section for a period of three years after the adoption hereof, or until October 31, 2009, after which the owner of the property shall cause the sign to be brought into conformity with the ordinance or shall remove the sign.

C. Permitted Advertising Signs.

- (1) A sign advertising the sale of agricultural products grown or produced on the premises, provided that the area of any such sign shall not exceed 20 square feet and not more than 1 such sign shall be placed on a property unless such property fronts on more than 1 road, in which case 1 such sign may be erected on each road frontage.
- (2) Accessory signs identifying permitted nonresidential uses, which signs may include business advertising signs as defined in § 157.007, provided that:
 - a. The aggregate area of all signs attached to or painted on a building shall not exceed 10% of the area of the building face on which they are attached or painted, or 100 square feet, whichever is less. Signs attached to or painted on a roof shall be included in the sign area, but the area of the building face shall include only the wall, not the roof area.

- b. Freestanding signs identifying a single building or a shopping center or other principal use shall be permitted in accordance with the following schedule:

Total Road Frontage	Number of Permitted Sign Structures
1 to 1,000 feet	1
Each full additional 1,000 feet	1

- c. The area of all freestanding accessory signs shall not exceed 1 square foot for each lineal foot of road frontage of the property occupied by the principal use, and in no case shall the area of all signs attached to 1 freestanding sign structure exceed 100 square feet on each of 2 sides. However, if a lot includes 4 or more distinct retail, restaurant or personal service establishments, then the maximum sign area per freestanding sign structure may be increased from 100 to 125 square feet.

- (3) Sign Bonus. A sign permitted by this section may have a total sign area that is 25% greater than would otherwise be permitted if such sign is constructed of relief cut wood and was constructed by a professional sign-maker.

D. Permitted Temporary Signs.

- (1) A temporary sign advertising sale or lease of the land or building upon which such sign is displayed, provided that the area of any such sign shall not exceed 6 square feet and not more than one such sign shall be placed on a property, unless such property fronts on more than one road, in which case, 1 such sign may be erected on each road frontage. Such signs shall be removed immediately upon final settlement or renting of the property.
- (2) A temporary sign advertising the development of the property upon which it stands or the opening of a new subdivision, provided that the area of any such sign shall not exceed 100 square feet, that not more than 1 such sign may be placed on a property, unless such property fronts on more than one road, in which case 1 such sign may be erected on each road frontage. Such signs shall be removed immediately upon completion of the development.
- (3) Temporary contractors', architects' or builders' signs, provided that the area of any such sign shall not exceed 12 square feet. Such signs shall be removed immediately upon completion of the work or 18 months after erection of the signs, whichever shall occur first.
- (4) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, education or religious organization. Such signs shall not exceed 12 square feet in area and shall be removed not more than 5 days after the event.

§ 157.113 SIGNS RELATING TO OFF-PREMISES USES.

- A. Signs directing attention to a person, business, profession, product, home occupation, service or activity not conducted or sold on the same property, herein designated "off-premises" signs, shall be permitted as authorized in § 157.024, and as specified hereinafter.

B. Permitted Directional Signs.

- (1) Signs for directing patrons, members or visitors to service clubs, places of worship or other nonprofit organizations, provided that such signs shall indicate only name, emblem, meeting hours, address and direction of the facility, and shall not exceed 4 square feet in area.
- (2) Directional signs relating to a place, which includes without being limited to commercial and industrial establishments, intended to direct or point the way at road intersections toward said place which obviously could not easily be located without such sign or device, provided that such signs shall contain only the name, symbol or emblem of the place, and provided that no such sign shall be larger than 2 square feet in area.

C. Permitted Advertising Signs.

- (1) Off-premises business advertising signs, as defined in § 157.007, subject to the following restrictions:
 - a. No such sign shall be placed within the following minimum distances:
 - (1) Within 200 feet of any dwelling;
 - (2) Within 25 feet of any road right-of-way line; or
 - (3) Within 50 feet from any other lot line.
 - b. No such sign shall be placed closer than 300 feet to any intersection on a dual highway or closer than 100 feet to the intersection of any other roads, except that such signs may be placed on a building at such intersections if the sign does not cause any greater obstruction of vision than caused by the building itself.
 - c. No such sign shall have a maximum total sign area of 100 square feet per side, and shall have a maximum of 2 sides, only 1 of which shall be visible at 1 time.
 - d. No such sign shall obstruct the view from state highways or county primary roads to areas or structures of scenic or historic interest.
 - e. No more than 4 such off-premises signs shall be permitted for a single business or commercial or industrial use, except that the permitted number may be reduced pursuant to § 157.109(B)(6).
 - f. A maximum of 1 such sign shall be permitted per lot.
- (2) Commercial advertising signs, as defined in § 157.007, subject to the restrictions contained above in divisions (C)(1)(a) through (C)(1)(f) inclusive, and the restrictions contained in §§ 157.020 et seq. and 157.040 et seq.

D. Permitted Temporary Signs.

- (1) Temporary signs directing patrons, members or audience to exhibits, shows or events, subject to the following requirements:
 - a. No such sign shall exceed 12 square feet in area.
 - b. Signs shall be removed within 5 days after the date of the exhibit, show or event; otherwise the county may cause such signs to be removed with the cost of the

- removal to be borne by the person or organization responsible for posting the temporary signs.
- c. No such sign shall be posted earlier than 6 weeks before the occurrence of the event to which it relates.
- (2) Temporary directional signs relating to a land subdivision or to a construction project, intended to direct or point the way at road intersections toward such subdivision or project, subject to the following requirements:
- a. No such directional sign shall be larger than 2 square feet in area.
 - b. Such directional signs shall be removed within 5 days after the completion of such subdivision or project.

§ 157.114 – 157.124 RESERVED.

ARTICLE 9. NONCONFORMITIES

§ 157.125 CONTINUATION OF NONCONFORMITIES.

Except as otherwise provided in this subchapter and in § 157.111, the lawful use of any structure or land existing at the effective date of this chapter may be continued although such use does not conform with the provisions of this chapter and becomes a nonconforming use as defined in § 157.007.

§ 157.126 ENLARGEMENT OR EXTENSION OF NONCONFORMITIES.

- A. A use of land or use of structure which does not conform to the regulations of §§ 157.020 et seq may be enlarged by extension, alteration, reconstruction or other change provided that application for a zoning permit is approved and further provided that:
- (1) Such enlargement shall not exceed 35% of the floor area of a nonconforming structure; and
 - (2) Such enlargement shall not exceed 20% of the land area actually occupied by a non-structural nonconforming use.
- B. A nonconforming structure, as defined in §157.007, may be altered, reconstructed or enlarged, subject to the following:
- (1) If the use or structure also falls under division (A) above, any change shall be subject to the provisions of that paragraph.
 - (2) Alteration, reconstruction or enlargement shall be permitted if the area of expansion or reconstruction complies with current minimum yard and maximum height requirements of this chapter.
 - (3) Reconstruction or expansion that does not comply with current yard or setback requirements of this chapter shall be permitted without a variance if:
 - a. The area of expansion or reconstruction encroaches no further than the existing structure into a required minimum yard or setback area; and
 - b. The structure being expanded or reconstructed is at least 30 feet from existing, single-family detached dwellings on adjacent lots, and at least 50 feet from existing, single-family detached dwellings on lots separated by a road right-of-way (including built or unbuilt roads).
 - (4) Except as provided in paragraphs (2) and (3) above, a variance granted by the Board of Appeals shall be required for expansion or reconstruction of a nonconforming structure. See §157.165.F for variance standards specific to expansion of certain nonconforming structures.

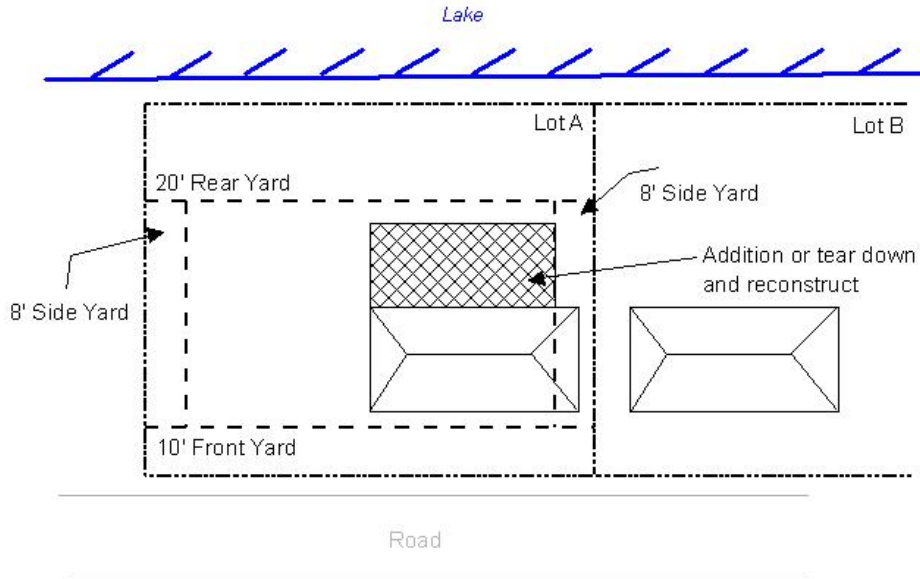


Figure 6. Illustration of §157.126.B.2 and 3 using a sample lot with minimum yard requirements as required in the TC zoning district. An addition to a nonconforming structure must comply with current requirements if within 30 feet of a single-family detached dwelling on adjacent lot.

§ 157.127 RESTORATION OF NONCONFORMITIES.

- A. Structures damaged by fire or other causes may be repaired, reconstructed or used for the same nonconforming use without action by the Board of Appeals.
- B. Any such reconstruction or repair shall be subject to the following provisions:
 - (1) The reconstructed structure shall not exceed the height, area or volume of the damaged structure.
 - (2) Reconstruction shall begin within 1 year from the date of damage and shall be carried on without interruption.
- C. If application for reconstruction or repair is made within 6 years of the date, the use of land or structure became nonconforming, the property shall be subject to the following provisions:
 - (1) Enlargement shall not exceed 35% of the floor area of a nonconforming structure; and
 - (2) Reconstruction shall begin within 1 year from the date of damage and shall be carried on without interruption.

§ 157.128 ABANDONMENT OF NONCONFORMING USES.

Whenever a nonconforming use has been discontinued for a period of 24 months, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this chapter.

§ 157.129 CHANGES TO NONCONFORMING USES

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- B. The Board of Appeals may grant, as a special exception pursuant to §§ 157.160 et seq., permission to change a nonconforming use to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use in regard to:
 - (1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 - (3) Storage and waste disposal; and
 - (4) Appearance.

§ 157.130 NONCONFORMING LOTS

- A. See § 157.042, Exceptions to Minimum Lot Sizes, authorizing use of nonconforming lots.
- B. Nonconforming lots may be altered through a lot line adjustment, as provided in the Subdivision Ordinance, even if the resulting lots are nonconforming, provided that the lot line adjustment:
 - (1) Does not increase the extent of a nonconformity; and
 - (2) Does not result in a conforming lot becoming nonconforming.
- C. Any parcel containing multiple lots that were created prior to June 1, 1975, but which is held in title by one deed containing a perimeter metes and bound description combining said lots, shall be treated as one lot for purposes of this ordinance.

§ 157.131 DETERMINATION OF NONCONFORMING LOT, STRUCTURE OR USE

- A. Application by owner
 - (1) A property owner may request a determination from the Zoning Administrator that a lot, structure or use is legally nonconforming. The request shall include, as applicable:
 - a. Documentation that the lot was legally created.
 - b. Documentation that the structure was legally constructed, to include all structure dimensions.
 - c. Documentation that the use was legally established, to include documentation of the area of land and structures devoted to the nonconforming use.
 - (2) Burden of proof
 - a. The burden of establishing the legal nonconforming status shall be upon the owner of the land.
 - b. The casual, temporary, intermittent or illegal use of land is insufficient to establish the existence of a nonconforming use or structure.

- c. The existence of a nonconforming use on part of a premise shall not be construed to establish a nonconforming use on the entire premises.

B. Certificate of nonconformity

Upon finding that a legal nonconforming lot, structure or use exists, the Zoning Administrator shall issue a certificate of nonconformity. The certificate shall specify the nature and extent of the legal nonconformity, including the land and building area devoted to a nonconforming use.

C. Appeal

The Zoning Administrator's determination may be appealed to the Board of Appeals within 30 days of certificate issuance.

D. Register of certificates

The Zoning Administrator shall maintain a register of certificates issued for nonconforming lots, structures and uses.

§ 157.132– 157.144 RESERVED.

ARTICLE 10. ADMINISTRATION

§ 157.145 DUTIES AND POWERS OF ZONING ADMINISTRATOR.

The provisions of this chapter shall be administered and enforced by the Zoning Administrator who shall be appointed by the County Commissioners. One or more Deputy Zoning Administrators may be appointed, who shall serve in the same manner as the Zoning Administrator. It shall be the duty of the Zoning Administrator and he/she shall have the power to:

- A. Receive, record, examine and file applications for zoning permits, special exceptions and variances, together with accompanying plans and documents; all such applications, plans, documents and correspondence pertaining thereto shall be maintained as a public record.
- B. Issue permits only where there is compliance with the provisions of this chapter. Permits for uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals.
- C. Receive applications for special exceptions, submit these applications to the Planning Commission for their comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.
- D. Following the refusal to issue a permit, to receive applications for variances, or appeals for interpretation; to docket the applications and appeals for consideration at the next scheduled public hearing by the Board; and promptly to mail copies of the applications and appeals to the members of the Board.
- E. Conduct lawful inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
- F. Issue stop, cease and desist orders and orders in writing for correction of all conditions found to be in violation with the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Administrator to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person violating any such order shall be guilty of a violation of this chapter.
- G. With the approval of the County Commissioners, or when directed by them, institute in the name of the county any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- H. Revoke by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this chapter.
- I. Maintain the official zoning map showing the current zoning classification of all land zoned under this chapter.
- J. Maintain a map of known nonconforming uses and special exception uses for which permits or certificates have been issued pursuant to this chapter and a file on each such use.

- K. Upon the request of the County Commissioners, the Planning Commission or the Board of Appeals, present to such bodies, facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.

§ 157.146 ZONING PERMITS.

- A. Hereafter, no structure (except certain signs as provided in §§ 157.105 et seq.) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion.
 - (1) No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this chapter.
 - (2) A use and occupancy permit proposed to be issued under a County Building Ordinance shall also be reviewed and approved by the Zoning Administrator.
- B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of completion of the project.

§ 157.147 APPLICATION REQUIREMENTS FOR ZONING PERMITS.

- A. Every application for a zoning permit shall be made in writing by the owner, vendee under contract of sale, or authorized agent of the owner, on a form supplied by the county, and shall be filed with the Zoning Administrator.
- B. The Zoning Administrator may publish an application form and checklist of required information to be submitted with a zoning permit application. The zoning permit application shall contain, at a minimum, the following information:
 - (1) Site location for structures as required by C(1) below.
 - (2) Plans for landscaping, parking, lighting, sidewalks, pathways and other improvements as applicable to the particular application.
 - (3) Other material necessary to determine compliance with the requirements of this ordinance.
- C. If the application for a zoning permit is approved, the Zoning Administrator shall sign the zoning application and the application for construction release form that is circulated by the Garrett County Codes Official for all building permits. The administrator shall return the application for construction release to the Codes Official to secure evidence of compliance with all other pertinent agencies before a building permit is issued. Construction, reconstruction, alteration or movement of a structure; or change in use of land or building shall not be initiated until a “building permit” is issued by the Code Official and the permit is posted on the premises.

- (1) Every application for a zoning permit shall be accompanied by a certified site location plan for all new permanent structures or building additions. The corners of all lots must be established by survey and all new buildings must be located and staked out by the surveyor in the field to avoid error in the placement of the building. An application for a zoning permit whereby the setbacks are more than 300% of the required minimum yards as set forth in § 157.041 are exempt from this requirement.
- (2) If the certified site location plan required under division (B)(1) above illustrates that a structure or building will extend to within 120% of the minimum setback required under § 157.041, then the corners of all new foundation walls must be located and set by a licensed surveyor in the field. This fieldwork is to be conducted after the footers for all new structures or building additions are excavated and poured and a certified site location plan must be provided to the Zoning Office verifying compliance before any foundation work may continue.

§ 157.148 FEES.

All applicants for zoning permits, special exceptions and interpretation and variance appeals shall at the time of making application, pay to the Zoning Administrator for the use of the county, a fee in accordance with a fee schedule adopted by resolution of the County Commissioners upon the enactment of this chapter, or as such schedule may be amended by resolution of the County Commissioners.

§ 157.149 LIFE OF A PERMIT.

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within 1 year after the date of issuance of the permit. If not, the permit shall be considered null and void.

§ 157.150– 159.159 RESERVED.

ARTICLE 11. BOARD OF APPEALS

§ 157.160 ESTABLISHMENT OF BOARD.

To provide for the competent interpretation and the full and equitable achievement of the purposes of this chapter, the existing Deep Creek Watershed Board of Zoning Appeals is hereby continued in effect.

§ 157.161 MEMBERSHIP, TERMS OF OFFICE.

The Board of Zoning Appeals (the “Board”) shall consist of 5 members. The terms of office of the members shall be 3 years. Members shall be appointed by the County Commissioners, and shall be removable for cause upon written charges and after public hearing. The County Commissioners shall designate one or more alternate member or members for the Board. In the event of absence or voluntary disqualification of any appointed member, the Chairperson of the Board of Appeals shall designate one of the alternate members to act during that meeting in place of the appointed member.

§ 157.162 PROCEDURES, MEETINGS, RECORDS AND DECISIONS.

- A. The Board shall elect a chairperson from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this chapter and of Article 66B.
- B. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson or acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Three members present shall constitute a quorum.
- C. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by resolution in which 3 members, present during the proceedings, must concur. Each resolution shall contain a statement of the grounds and any findings forming the basis of such action or decision.
- D. The Board shall notify the County Commissioners, Planning Commission and Zoning Administrator of all decisions and resolutions.

§ 157.163 WHO MAY APPEAL TO THE BOARD.

Appeals may be made to the Board by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator.

§ 157.164 POWERS AND DUTIES; INTERPRETATION.

Upon appeal from a decision by the Zoning Administrator the Board shall decide any question:

- A. Where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Administrator in the enforcement of this chapter; or
- B. Involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

§ 157.165 POWERS AND DUTIES; VARIANCES.

- A. Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this Chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions whereby such strict applications would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.
- B. In general, the power to authorize a variance from the terms of this Chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.
- C. No variance in the strict application of the provisions of this Chapter shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied. The appellant must show that the variance will not be contrary to the public interest and that practical difficulty and an unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate his appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:
 - (1) That the granting of the variance shall be in harmony with the general purpose and intent of this Chapter, shall not be injurious to or alter the character of the neighborhood, will not impair adequate light and air to the adjacent property and will not impair views from the adjacent property, or otherwise be detrimental to the public welfare.
 - (2) That the granting of the variance will not permit the establishment within a district of any use that is not permitted in that District.
 - (3) That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship. If the hardship is general, that is, shared generally by the land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of this Chapter.
 - (4) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It shall not be considered sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Chapter; it must be suffered directed by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

(5) In the case of applications for Variances involving lots that qualify under the provisions of §157.042 (Exceptions to Minimum Lot Sizes), the Board shall give specific consideration to whether the variance would establish a structure that is proportional in size, height, bulk and character to structures within the general neighborhood

D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provision to which the variance applies.

E. Special Powers and Duties for Rear Yard Variances on Lake Front Lots.

The Board may approve a rear yard variance on a lake front lot which has acquired an appurtenant interest in additional land area from the State of Maryland subsequent to January 1, 2000 to construct a building or structure closer to the rear lot line than that specified in § 157.041, Table of Dimensional Requirements, if:

(1) The variance will not be contrary to public interest.

(2) The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(3) The applicant provides adequate evidence that the proposed building or structure does not adversely affect the adjoining property owners' use or enjoyment of their property.

(4) The variance will not allow a building or structure to be erected closer than 100 feet to the high water elevation (2462 feet above sea level) in the LR-Lake Residential Zone or closer than 50 feet to the high water elevation in any other zoning district.

F. Special Powers and Duties for Variances for Certain Nonconforming Lots and Nonconforming Structures.

(1) The following standards apply to variances that would allow:

a. Alteration, reconstruction, replacement or enlargement of a nonconforming structure, where the area of expansion or reconstruction encroaches no further than the existing structure into a required minimum yard or setback area; or

b. Reduction of a front, side or rear yard to a yard no smaller than the minimum yard required in the TR zone, for nonconforming lots in the AR, RR, LR1 or LR2 zones that have an area of 17,400 square feet or less and lot width of 60 feet or less.

(2) The variances specified above may be granted if:

a. The variance will not be contrary to the public interest.

b. The granting of the variance would be in harmony with the general purpose and intent of this ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

c. The applicant provides adequate evidence that the proposed building or structure will not adversely affect the adjoining property owners' use or enjoyment of their property.

d. The proposed structure is proportional in size, height, bulk and character to structures in the general neighborhood.

- e. On a lake front lot, no variance shall be granted under this section to allow a reduction in the depth of a rear yard.
- f. The variance is necessary for reasonable use of the land and is the minimum variance necessary to grant relief.

(3) Certain expansions or reconstruction of nonconforming structures are permitted without a variance. See § 157.126.B.

§ 157.166 POWERS AND DUTIES; SPECIAL EXCEPTIONS.

- A. The Board shall have the power to approve special exceptions for any of the uses for which this chapter requires obtaining of such exceptions and for no other use or purpose. The Board shall not grant a special exception except in conformance with the conditions and standards of this chapter.
- B. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this chapter. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:
 - (1) In accordance with the county's Comprehensive Development Plan and consistent with the spirit, purposes and intent of this chapter.
 - (2) Suitable for the property in question, and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 - (3) Suitable in terms of effects on road traffic and safety with adequate access arrangements to protect roads from undue congestion and hazard.
- C. The Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this chapter. The Board shall consider recommendations by the Planning Commission, if any, prior to rendering a decision.
- D. In deciding on applications for mobile homes, the Board shall consider, among other things, the criteria specified in divisions (B) and (C) above and the following additional criteria:
 - (1) With regard to the neighborhood in which the mobile home is proposed to be located:
 - a. The extent to which mobile homes are already an established use, if at all;
 - b. The relative value of the present improvements, if any, on other properties;
 - c. The probable effect, if foreseeable, of the proposed mobile home on the level of investment that might reasonably be expected on adjoining properties;
 - d. The discernable trend, if any, in the types of residential units being newly established;
 - e. The extent to which the neighborhood is related to or isolated from Deep Creek Lake; and
 - f. The comments expressed by other property owners.
 - (2) With regard to the proposed site for the mobile home:

- a. The likely visibility of the unit, when installed, from public highways, from adjoining properties, from the surface of Deep Creek Lake, and from public recreation lands as identified in § 157.070;
 - b. The extent and character of trees or other vegetative screening; and
 - c. Whether there is a mobile home on the site at the time of the application.
- (3) With regard to the mobile home unit and its proposed use:
- a. Whether the use will be as a primary (year-round) residence, or for secondary or seasonal use;
 - b. Whether the unit will be occupied by the owner or a close relative or is intended for rental purposes;
 - c. The design of the unit and its compatibility with other nearby development;
 - d. The anticipated useful life of the unit; and
 - e. Whether the applicant would voluntarily enter into a binding agreement that the unit shall not be allowed to remain on the site after a set number of years.
- E. In deciding on applications for transient vacation rental units, the Board shall consider among other things, the criteria specified in divisions (B) and (C) and the following additional criteria:
- (1) With regard to the neighborhood in which the transient vacation rental unit is proposed to be located:
- a. The extent to which transient vacation rental units are already an established use, if at all;
 - b. The relative value of the present improvements, if any, on other properties;
 - c. The probable effect, if foreseeable, of the proposed transient vacation rental unit on the level of investment that might reasonably be expected on adjoining properties and the impact on the value of other improved properties in the vicinity.
 - d. The discernable trend, if any, in the types of residential units being newly established;
 - e. The comments expressed by other property owners.
- (2) With regard to the proposed site for the transient vacation rental unit:
- a. The likelihood of outdoor recreational use and the availability of facilities for such use;
 - b. The presence or absence of natural and planned visual screening and the planned delineation of boundary lines.
- (3) With regard to the proposed use of transient vacation rental unit:
- a. Whether the use will be primarily rental or will the unit be used occasionally by the owner as a secondary home;
 - b. The design of the unit and its compatibility with other nearby development;

- F. Persons with Disabilities. After having received a complete written application, the Board of Appeals shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Board of Appeals are necessary to provide a “reasonable accommodation” under the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable state law, as amended, to serve persons who the applicant proves have “disabilities” as defined in and protected by such laws.

§ 157.167 RULES FOR FILING APPEALS AND APPLICATIONS TO THE BOARD OF ZONING APPEALS.

A. Filing and time limit.

- (1) Any appeal shall be made/filed with the Zoning Administrator within 30 days after the date of the Zoning Administrator’s decision; provided however, that the Board may waive the time limit if the appellant demonstrates good cause for doing so or files the appeal within 30 days of the commencement of construction or other activity under the permit.
- (2) All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.

- B. Interpretation. Appeals concerning the interpretation of any provisions of this chapter shall exactly set forth the interpretation that is claimed by the appellant to be the more correct interpretation.

- C. Variance. Appeals for variance from the literal application by this chapter shall include a copy of the zoning permit application denied by the Zoning Administrator together with a statement containing any relevant supporting arguments regarding the requirements listed in § 157.165.

- D. Special exception. Applications for special exceptions shall include a zoning permit application with all information required therein and a statement with any supporting data describing the merits of the proposed use at the proposed location and showing the proposal complies with the general and specific requirements of this chapter.

- E. Multiple applications. A pending application or appeal for a special exception, variance or interpretation will automatically terminate if a second application or appeal for substantially the same proposal on the same premises is filed with the Zoning Administrator by the same applicant before the Zoning Board of Appeals has reached its decision on the first application

§ 157.168 NOTICE OF HEARING.

Upon transmittal to the Board of an application filed with the Zoning Administrator for a special exception, a variance or an appeal from alleged error of the Zoning Administrator, the Board shall fix a reasonable time (not less than 14 days nor more than 45 days from the transmittal date) for a public hearing thereon and give notice as follows:

- A. Legal ad. At least 14 days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or the error

alleged by the appellant, or of the variance or other question which is subject to appeal, in at least one newspaper of general circulation within the county.

- B. Sign. Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in division (A) above, such posting to occur at least 14 days prior to the date fixed for the public hearing.
- C. Mail. Give written notice of the time and place of such hearing sent by certified mail to the applicant or appellant and to the owners of record of property contiguous to or opposite the property affected.

§ 157.169 REVIEW BY THE PLANNING COMMISSION OF APPLICATIONS FOR SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS.

The Board shall request an advisory opinion from the Planning Commission on any application for a special exception and the Board shall consider such advisory opinion, if any, prior to making a decision on an application. The Board may also request an advisory opinion from the Planning Commission on any application for a variance or interpretation.

§ 157.170 DECISIONS BY THE BOARD.

- A. Time Limit. Decisions by the Board on special exceptions, variances and interpretation appeals shall be rendered in writing, within 10 working days of the completion of hearing(s) on the exception, variance or interpretation, unless a later date is mutually agreeable to the Board and the applicant.
- B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with law and the provisions of this chapter, reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. Criteria. In making its decisions pursuant to the authority conferred by this chapter, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. The application for a permit shall not be approved where the Board finds that the proposed building or structure or use, or the proposed addition, extension or change of a building or structure or use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board may give consideration, among other things, to the following:
 - (1) The orderly growth of the community, as expressed in the Garrett County Comprehensive Plan or otherwise;
 - (2) The number of people residing or working in the immediate area concerned;
 - (3) Traffic conditions and facilities;
 - (4) The effect of such use upon the peaceful enjoyment of people in their homes;
 - (5) The conservation of property values;

- (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values;
- (7) The most appropriate use of land and structure;
- (8) Decisions by the courts;
- (9) The purposes of this chapter as described herein; and
- (10) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

§ 157.171 TIME LIMITS ON BOARD APPROVALS.

- A. Structures. A decision of the Board permitting the erection or alteration of a structure shall be valid for a period of 2 years, unless a zoning permit for such erection or alteration is obtained within this period and the erection or alteration proceeds to completion in accordance with the terms of the decision.
- B. Uses. No decision of the Board permitting the use of a structure or land shall be valid for a period longer than 2 years, unless the use is established within the period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning permit for such erection or alteration is obtained within the period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

§ 157.172 TIME LIMITS ON RESUBMITTING.

If an application or an appeal therefrom is disapproved, the Board shall take no action on another application for or an appeal against substantially the same proposal on the same premises until after 12 months from the date of the disapproval.

§ 157.173 APPEALS.

See § 157.193.

§ 157.174 – 184 RESERVED.

ARTICLE 12. AMENDMENTS, APPEALS, REMEDIES AND PENALTIES

§ 157.185 POWER OF AMENDMENT.

The County Commissioners may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. When doing so, the County Commissioners shall proceed in the manner prescribed in this subchapter and Article 66B of state law.

§ 157.186 WHO MAY INITIATE.

Proposals to amend, supplement, change, modify or repeal may be initiated by the County Commissioners on their own motion, by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals originated by the County Commissioners. The County Commissioners shall refer every proposed amendment, supplement, change, modification or repeal to the Planning Commission. Within 30 days of the referral of the proposal, the Planning Commission shall submit to the County Commissioners a report containing the Commission's recommendations, which may include any additions or modifications to the original proposal.
- B. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit to the County Commissioners any proposal for the amendment, supplement, change, modification or repeal of this chapter.
- C. Proposals originated by a citizen petition.
 - (1) Each petition by 1 or more owners of property to be affected by a proposal to amend, supplement, change or modify shall be submitted to the Zoning Administrator on forms provided therefore. The Zoning Administrator shall transmit such petitions to the County Commissioners, and a copy thereof to the Planning Commission.
 - (2) The Planning Commission may, at its discretion, notify the County Commissioners of their intention to conduct promptly a public hearing on any such petition. Within 30 days following receipt of such petition, or if a public hearing is held within 30 days following such hearing, the Planning Commission shall transmit to the County Commissioners a report containing their recommendations thereon, which may include additions or modifications to the original proposal.
 - (3) The County Commissioners shall then proceed in accordance with § 157.188.

§ 157.187 FEES.

All applicants petitioning for zoning amendments shall, at the time of making application, pay to the Zoning Administrator for the use of the county, a fee in accordance with a fee schedule adopted by resolution of the County Commissioners upon enactment of this chapter, or as such schedule may be amended by resolution of the County Commissioners.

§ 157.188 PUBLIC HEARING AND NOTICE.

No amendment, supplement, change, modification or repeal shall become effective until after a public hearing by the County Commissioners in relation thereto at which parties in interest and citizens shall have the opportunity to be heard, and of which a complete record shall be kept.

Notice shall be given as follows:

- A. At least 14 days prior to the date fixed for public hearing, a notice containing the name of the applicant, if any; the date, time and place of the hearing; and the general nature of the hearing shall be published in at least 1 newspaper of general circulation in the county.
- B. When such hearing concerns a zoning map change, a notice of pending action containing the same information as specified in division (A) above, shall be posted in a conspicuous place on the property involved, such posting to occur at least 14 days prior to the date fixed for public hearing.
- C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing shall be sent by certified mail to the applicant, if any, and to the owners of property contiguous to or opposite the property affected.
- D. At the discretion of the County Commissioners, written notice of the hearing may be sent to other interested persons, organizations or agencies.
- E. The authority conferred by § 4.01(b) in Article 66B for imposing conditions or reserving the power to grant subsequent approval in conjunction with zoning or rezoning of land may be exercised by the County Commissioners as follows:
 - (1) Whenever it is contemplated to exercise such authority, the notice of the public hearing, given pursuant to divisions (A) through (D) above, shall also give adequate notice of the conditions sought to be imposed or the powers to be reserved.
 - (2) If, following the public hearing, it is decided to exercise such authority, the County Commissioners shall give written notice of the proposed conditions or reservations to all persons who are parties to the matter and to each other person who requests, in writing, receipt of such notice.
 - (3) The County Commissioners shall provide not less than 14 days from the date of such notice for receiving comments before such conditions or reservations shall take effect.

§ 157.189 FACTORS TO BE CONSIDERED BY THE COUNTY COMMISSIONERS.

Before enacting an amendment, modification, repeal or reclassification as herein provided, the County Commissioners shall make finding of facts in each specific case including, but not necessarily limited to, the following matters:

- A. The report and recommendations of the Planning Commission;
- B. Population change in the area to be affected by the proposed change;
- C. Availability of public facilities such as police and fire protection, and water and sewerage to serve the area;
- D. Present and future transportation patterns in the area;

- E. Compatibility with existing and proposed development of the area;
- F. The relationship of the proposed change to the adopted Comprehensive Plan for the County;
and
- G. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.

§ 157.190 ACTION BY THE COUNTY COMMISSIONERS ON AMENDMENT.

- A. The County Commissioners may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept.
- B. An application for a reclassification shall not be accepted for filing by the local legislative body if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the local legislative body on the merits within 12 months from the date of the local legislative body's decision.

§ 157.191 CONDITIONS FOR A ZONING AMENDMENT.

- A. Conditions established by Board of Commissioners.
 - (1) Under the authority of Md. Code § 4.01(b), the County Board of Commissioners may, upon the rezoning of any land(s):
 - a. Impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve or protect the general character and design of the land or improvements being rezoned, or of the surroundings or adjacent lands and improvements; and
 - b. Retain or reserve the authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations, and changes made or to be made on the subject land(s) to assure conformity with the purposes of Md. Code Article 66B and this chapter.
 - (2) Restrictions, conditions or limitations imposed under the above division (A)(1) above shall be enforceable in the same manner as any other provisions of this chapter.
 - (3) An initial draft of any proposed restrictions, conditions or limitations shall be read aloud at a legally advertised public hearing, with advance notice provided to the applicant. The legal advertisement shall state that the Board of Commissioners may consider restrictions, conditions or limitations connected to the zoning amendment.
 - (4) If conditions are established under this division (A), then a requested zoning map change shall not become finally effective until all such conditions are carried out in full. In the event all such conditions are not carried out in full, then the map change shall become null and void, and the property shall revert to its former classification.

- B. State law. As of 1996, Md. Code § 4.05 of Article 66B generally provided the following:
“Where the purpose and effect of the proposed amendment is to change the zoning classification, the Board of Commissioners... may grant the amendment based *upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.*”

§ 157.192 ENFORCEMENT AND REMEDIES.

- A. As provided in Md. Code § 7.01 of Article 66B, a violation of this chapter is declared to be a misdemeanor.
- B. For any and every violation of the provisions of this chapter, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who commits, takes part or assists in any such violation or who maintains or uses any building or premises in which any such violation shall exist, shall be, on conviction thereof, guilty of a misdemeanor and liable to a fine or penalty not to exceed \$100.
- C. Corrections
- (1) Whenever any such person specified in division (B) above, shall have been notified in writing by the Zoning Administrator that he or she is violating this chapter, such person shall commence correction of all violations within 5 days of receipt of such notice and correct all violations within 30 days thereafter.
 - (2) If corrections are not commenced within 5 days and are not either completed within 30 days or being pursued in good faith to completion each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use or other violation continues shall be deemed a separate offense punishable by the like fine.
- D. Injunction
- (1) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, sign of and is used in violation of this chapter, the appropriate authorities of Garrett County, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use to:
 - a. Restrain, correct or abate such violation;
 - b. Prevent the occupancy of such structure or land; and/or
 - c. Prevent any illegal act, conduct, business or use in or about such premises.
 - (2) The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law.
- E. Civil Violations. Pursuant to Md. Code § 7.01 of Article 66B, violations of this chapter may be considered to be civil zoning violations.

- (1) The zoning official may deliver a citation to a person believed to be committing a civil zoning violation. A copy of the citation shall be retained by the zoning official and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:
 - a. The name and address of the person charged;
 - b. The nature of the violation;
 - c. The place where and time that the violation occurred;
 - d. The amount of the fine assessed;
 - e. The manner, location and time in which the fine may be paid; and
 - f. The person's right to elect to stand trial for the violation.
- (2) A preset fine, not to exceed \$500, may be imposed for each violation. All fines, penalties or forfeitures collected by the District Court for zoning violations shall be remitted to Garrett County.
- (3) Trial. A person who received a citation may elect to stand trial for the offense by filing with the zoning official a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment as set forth in the citation. On receipt of the notice of intention to stand trial, the Zoning Administrator shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for the trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for zoning violations shall be remitted to Garrett County.
- (4) Failure to Pay. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 days the citation is not satisfied, the zoning official may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.
- (5) Civil. Adjudication of a violation under this division is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
- (6) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions herein. The Garrett County Commissioners may authorize the County Attorney to prosecute a civil zoning violation.
- (7) Costs. If a person is found by the District Court to have committed a civil zoning violation, he or she shall be liable for the costs of the proceedings in the District Court.

§ 157.193 APPEAL TO COURT.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals or by a zoning action by the local legislative body, or any taxpayer, or any officer, department,

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board or bureau of the jurisdiction may appeal the same to the Circuit Court of Garrett County. Such appeal shall be taken in accordance with Title 7, Chapter 200 of the Maryland Rules. Nothing in this division shall change the existing standards for review of any zoning action.

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§ 157.195 – 157.999 RESERVED.