
CHAPTER 164: Garrett County Land Management Ordinance

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Draft Garrett County Land Management Ordinance

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ARTICLE I. GENERAL PROVISIONS

§ 164.001 SHORT TITLE.

This chapter shall be known and may be cited as the “Garrett County Land Management Ordinance”.

§ 164.002 TERRITORIAL JURISDICTION.

This chapter shall apply to all the lands, properties, buildings, structures and their uses situated within Garrett County with the exception of areas within the borders of incorporated towns and the territory drained by Deep Creek and its tributary streams including Deep Creek Lake and its tributaries as shown on the “Deep Creek Watershed Zoning Map” referenced in Chapter 157 of the Garrett County Code of Local Ordinances.

§ 164.003 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. Encouraging orderly development and the most appropriate use of lands;
- B. Conserving the value of land and buildings;
- C. Promoting the conservation of natural resources;
- D. Preventing environmental pollution;
- E. Promoting health and general welfare;
- F. Avoiding undue concentration of population;
- G. Providing for adequate light and air;
- H. Securing safety from fire, panic and other dangers;
- I. Lessening congestion on roads;
- J. Facilitating the adequate provision of transportation, parking, water, sewerage, parks and other public facilities;
- K. Giving effect to the goals, objectives and policies of the Development Plan for Garrett County, Maryland, as may be amended;
- L. Carrying out the Visions as established in the Smart and Sustainable Growth Act of 2008

§ 164.004 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.

§ 164.005 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.

§ 164.006 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

§ 164.007 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, etc.
 - (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 that 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 thereof, 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 meet the requirements 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) **COMPRESSOR STATIONS.** A mechanical pumping station for raising the pressure of natural gas during its extraction, transport and storage. Types of compressor stations include head pressure and pipeline stations for gas mains, stations for underground storage facilities, and stations for pumping gas back into a gas bearing layer.
- (24) **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 childcare 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.**
- (25) **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.
- (26) **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.
- (27) **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.
- (28) **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, provided, however, that the term **DWELLING UNIT** shall not be deemed to include 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.
- 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.

- (29) **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 compressor stations associated with natural gas transmission lines; 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.
- (30) **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.**
- (31) **GROSS AREA.** The total land area of a lot or parcel, including floodplains and wetlands, but not including land within road rights-of-way.
- (32) **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** 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.”
- (33) **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.
- (34) **HOME OCCUPATION.**
An office or other business that:
- a.** Is conducted in a dwelling and/or its accessory building;
- b.** Only involve activity that is clearly incidental and secondary to the use of the premises for residential purposes; and that is conducted primarily by persons whose primary or secondary residence is within the dwelling unit in which the activity occurs.
- (35) **HOTEL or MOTEL.** Regardless of how owned or titled, a **HOTEL** or **MOTEL** is a building or group of buildings containing sleeping rooms for the accommodation of transient guests.
- (36) **JUNKYARD.** Any land or building used for storing, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded or abandoned materials; or for storing, keeping or collecting wrecked, scrapped, ruined, abandoned or partially dismantled motor vehicles or motor vehicle parts for the purpose of buying or selling the same; or for storing, keeping or collecting more than 5 unlicensed automobiles or other unlicensed vehicles not in running condition, including machinery or parts thereof.
- (37) **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.

- (38) **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.
- 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.
- (39) **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.
- (40) **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 that is not a road line or a rear lot line.
- (41) **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 § 164.090(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.
- (42) **MOBILE HOME.** See under “Dwellings.”
- (43) **MOBILE/MANUFACTURED HOME PARK.** A parcel of land under single ownership that has been planned and improved for the placement of mobile homes occupied for non-transient use.
- (44) **MOTOR VEHICLE REPAIR GARAGE.** A building or premises intended or operated for the major repair of motor vehicles including bodywork, painting, spraying, welding or the storage of vehicles not in operating condition.

- (45) **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
- (46) **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.
- (47) **OUTDOOR SPECIAL EVENTS AND FESTIVALS.** An outdoor gathering of people that: 1) is open to the public; 2) is expected to have an attendance of 250 or more individuals; 3) is not held on a regular basis; 4) may or may not include an admission charge; and 5) may or may not include the sale of food or beverages for public consumption.
- (48) **PERSON.** A corporation, institution, partnership, trust, association or any other legal entity as well as a natural individual.
- (49) **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.
- (50) **PLANNING COMMISSION.** The Garrett County Planning Commission.
- (51) **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.
- (52) **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.
- (53) **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.
- (54) **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.
- (55) **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.
- (56) **ROAD.** A public or private thoroughfare that provides the principal means of access to 3 or more lots, or that is an expressway, but not including an alley or a driveway.
- (57) **ROAD CARTWAY.** The portion of a road designed for vehicle traffic and any areas intended for on-road parking.
- (58) **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.
- (59) **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.
- (60) **SECTIONAL DWELLING.** See under **DWELLINGS**.
- (61) **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.”
- (62) **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 that directs attention to a person, business, profession, home occupation or activity conducted on the same lot.
- b. OFF-PREMISES SIGN.** A sign that 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.
- (63) **SOLAR ENERGY DEVICE; Agricultural or Domestic.** A device (usually a solar panel or solar cell) that uses radiation energy received from the sun to produce electricity primarily for the use of the individual landowner upon whose property the device is situated.
- (64) **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.
- (65) **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.
- (66) **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.
- (67) **SUBDIVISION PLAT.** A map of a subdivision and accompanying notations. This term includes sketch plats, preliminary plats, final plats and record plats.
- (68) **SWIMMING POOL.** A structure that contains water over 24 inches in depth and used or intended to be used for swimming or recreational bathing. This includes in-ground, above-ground, and on-ground swimming pools.
- (69) **SWIMMING POOL, COMMERCIAL.** A swimming pool operated for profit and open to members of the general public.
- (70) **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.

- (71) **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.
- (72) **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 exceeds the average daily receipts from the sale of food.
- (73) **TOWNHOUSE.** See under **DWELLING.**
- (74) **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 that are designed for human occupancy and defined or regulated elsewhere in this chapter.
- (75) **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.
- (76) **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.
- (77) **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.
- (78) **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.
- (79) **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.”
- (80) **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.
- (81) **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.
- (82) **WIND TURBINE** – See **WIND ENERGY DEVICE.**
- (83) **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.
- (84) **ZONING ADMINISTRATOR.** The person(s) appointed by the Board of County Commissioners to administer and enforce this chapter and their designees.
- (85) **ZONING ORDINANCE** or **THIS CHAPTER.** The Garrett County Land Management Ordinance, as amended.

- (86) **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.

§ 164.008 - 164.019 RESERVED.

ARTICLE 3. LAND CLASSIFICATION AND USE REGULATIONS

§ 164.020 LAND CLASSIFICATION MAP.

- A. For the purposes of this chapter, the Land Classifications are hereby established as follows:
- (1) RR – Rural Resource;
 - (2) AR – Agricultural Resource;
 - (3) SR – Suburban Residential;
 - (4) R - Rural;
 - (5) TR - Town Residential District;
 - (6) TC - Town Center District;
 - (7) C - General Commercial District;
 - (8) EC – Employment Center
- B. For the purposes of this chapter, the land classifications established by division (A) above shall be of the number, size, shape and location shown on the “Garrett County Land Classification Map” adopted and included in its entirety as a part of this chapter.
- C. Regardless of the existence of copies of the land classification map that may from time to time be made or published, the official land classification map 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.

§ 164.021 INTERPRETATION OF LAND CLASSIFICATION BOUNDARIES.

- A. The following rules shall apply for interpreting the location of the Land Classification boundary lines:
- (1) Boundaries drawn approximately along the centerlines of streams, drainageways, 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 Land Classification 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.
- B. Where a Land Classification boundary line divides a lot or property which was in single ownership and of record at the effective date of this chapter, the 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.

§ 164.022 USES PERMITTED IN LAND CLASSIFICATIONS.

- 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 Land Classification 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 § 164.024 is permitted by right in any Land Classification under which it is denoted by the letter “P” provided that the use shall be subject to the conditions and requirements specified in § 164.024 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 § 164.024 of this chapter is permitted by right as an accessory use, as defined in § 164.007, 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 § 164.024 and elsewhere in this chapter.
- E. Special exception uses.
 - (1) A use listed in § 164.024 B. may be permitted as a special exception in any Land Classification 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 §§ 164.160 et seq., and further provided that the use shall be subject to the conditions and requirements specified in § 164.024 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 Land Classification 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 §§ 164.160 et seq.

§ 164.023 PURPOSES OF LAND CLASSIFICATIONS.

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

- A. It is the expressed intent of this Chapter that the type of uses of land will not be segregated or regulated by or between geographic Land Classifications as shown on the Land Classification Map. Uses of land that are permitted in one land classification will be permitted in all land classifications and uses of land requiring special exceptions in one land classification will require special exceptions in all land classifications. The Land Classifications are, however, intended to establish different dimensional standards and density standards for development between the geographic Land Classifications to support the existing distinctions between the rural and more densely developed communities in Garrett County.

§ 164.024 TABLE OF USE REGULATIONS.

A. The following table sets forth uses permitted by right P in all land classifications including the RR, AR, R, SR,TR, TC, C, and EC

Legend
A - Permitted Accessory Use
RR – Rural Resource
AR – Agricultural Resource
R - Rural
SR – Suburban Residential
TR – Town Residential
TC – Town Center
C - Commercial
EC – Employment Center
SE –Special Exception
P – Permitted by Right

(I) Natural resources and agricultural uses.

1. Forest conservation practices and the harvesting of forest products, excluding saw milling
2. Sawmills as a principal use provided that all sawmills should be subject to the setback requirements specified in § 164.062

3. Fish and wildlife preserves and propagation areas, except commercial or membership wildlife hunting preserves
4. Commercial or membership preserves for wildlife hunting.
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 § 164.064.
6. Drilling for, or removal or underground storage of natural gas, subject to the regulations of the Maryland Department Of Environment and, if applicable, Maryland Public Service Commission and Federal Energy Regulatory Commission. The wellhead, wellhead pad and all areas used for storage of chemicals or wastewater and areas used for storage or operation of equipment shall comply with the following minimum setbacks: <ul style="list-style-type: none"> a. 1,000 feet from any potable water source, perennial stream or source water protection area and 1000 feet from any residence, church, school or other occupied structure. 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. <ul style="list-style-type: none"> c. All local permits must also be secured including the posting of a bond or other financial instrument to cover costs associated with potential damage to any County Roads used in hauling equipment, supplies and materials used in the process. d. Deep Hole Injection for the disposal of wastewater fluids produced in connection with drilling or hydro fracturing process is not permitted in Garrett County.
7. Agriculture, as defined in §164.007, provided that all buildings or enclosures used commercially for feed lots, hog raising or poultry raising shall be subject to the setback requirements specified in § 164.062
8. Commercial stockyards and similar livestock sales establishments, provided that such uses shall be subject to the setback requirements specified in § 164.062
9. Commercial slaughtering of livestock or poultry, provided that such uses shall be subject to the setback requirements specified in § 164.062

(II) Residential uses.

1. Single-family detached dwellings

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2. "Single-wide" Mobile/manufactured Homes
3. "Sectional" or "double-wide" or other prefabricated single-family dwellings
4. Travel trailer provided that the Health Department approves sewage disposal plan.
5. Twin dwellings
6. Townhouse dwellings
7. Multi-family ("apartment") or 2-family dwellings
8. Mobile/manufactured home parks, subject to the provisions of Article 11 of the Garrett County Subdivision Ordinance.
9. Dwelling unit in conjunction with and incorporated into the structure of a permitted principal non-residential use. The use is considered A - Accessory
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 land classifications.
11. Conversion of a dwelling or other building into 3 or more dwelling units
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 §§ 164.090 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
13. Planned Residential Development, subject to the provisions of Article 12 of the Garrett County Subdivision Ordinance.

<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 4 nonresident employees; and</p> <p>b. Off-street parking for the home occupation shall be provided.</p>
<p>15. Noncommercial parking garage or parking area intended to fulfill the off-road parking requirements specified in § 164.090.</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. The use shall be subject to appropriate State Fire regulations, Health Department and/or Sanitary District requirements</p> <p>c. Off-road parking shall conform to all applicable requirements in § 164.090 et seq. and be provided as follows: 2 spaces for residents and 1 additional space for each guest room</p>
<p>17. Group Home within an existing lawful dwelling unit</p>
<p>18. Treatment Center</p>
<p>19. Single Family Cluster Development, meeting the requirements of § 159.030 of the Garrett County Subdivision Ordinance</p>
<p>20. Garage or Storage Structure as a principal use</p>

(III) Public or private recreational uses.

<p>1. Parks designed or intended for passive recreation</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>3. Commercial swimming pool or commercial beach conducted as a principal use</p>
<p>4. Community swimming pool located on common open space</p>
<p>5. Boat launching ramps conducted as a principal use, including accessory vehicle parking areas as required by §§ 164.090 et seq.</p>

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6. Indoor boat storage conducted as a principal use.
7. Marinas, as defined in § 164.007
8. Commercial campgrounds, camping spaces or travel trailer camps, subject to the provisions of § 164.068 .
9. Vacation farms
10. Riding stables.
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 § 164.062
12. Private or membership clubs or lodges not operated commercially or conducted primarily as a business enterprise
13. Commercial resorts, as defined in § 164.007, subject to the provisions of § 164.069
14. Ski resorts
15. Golf courses
16. Golf driving or practice ranges or miniature golf courses or the like, conducted as a principal use
17. Commercial outdoor recreation or amusement areas not otherwise described or identified above other than those recreation or amusement areas found in Section 164.024.B below
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
19. Commercial indoor recreational facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts and the like
20. Non-commercial indoor recreational facilities. Such uses would be accessory uses when planned as part of PRD or Subdivision
21. Sale and rental of recreational vehicles including but not limited to motorcycles, boats, personal watercraft and snowmobiles and all accessory equipment including incidental repairs to such vehicles and equipment

22. Public golf course clubhouse associated with a public golf course having 18 holes or more of play
23. Outdoor Special Events and Festivals not conducted accessory to an existing permitted use subject to the provisions of § 164.062, and also provided that the activity has secured a permit from the County and has been approved by all other relevant agencies including, but not limited to, Health Department, Liquor Control Board and Emergency Management.

(IV) Institutional, educational and utility uses.

1. Churches and other places of worship
2. Cemeteries
3. Licensed hospitals
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
5. Medical or dental offices or clinics for out-patient treatment, including accessory laboratory facilities
6. Meeting or assembly halls for philanthropic, religious, fraternal or civic organizations.
7. Essential utility equipment, (not including compressor stations which are used in the transmission of gas and identified in Section 164.024 B below) as defined in § 164.007, 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.
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.

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9. Other types of towers that may not be associated with communications, provided that no tower shall be located closer to any lot line than a distance equal to the height of the tower plus 50 feet.
10. Sewage treatment plants, lagoons, settling basins, holding facilities and the like, constructed as a principal use subject to the setback requirements specified in subsection 164.062.
11. Electric power generating plants or substations, yards or areas for transforming or switching electricity.
<p>a. Industrial Wind Energy Conversion Systems (wind turbines) provided that a Decommissioning Agreement is executed with the County and appropriate decommissioning bond or other financial instrument is posted to cover the costs associated with removal of the system once it has ceased operations for a period of one year and provided further that the industrial wind energy conversion structure shall comply with the following minimum setbacks:</p> <ol style="list-style-type: none"> 1) No industrial wind energy conversion system shall be located closer than a distance of five (5) times the height of the tower from any residence, church, school or other occupied structure not located on property owned or leased by the entity responsible for installing the wind energy conversion structure; 2) No industrial wind energy conversion system shall be located closer than a distance of three (3) times the height of the tower from any property line of any lot not owned or leased by the entity responsible for installing the wind energy conversion structure.
12. 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
13. Governmental buildings or uses, except uses described in division 11 above and except educational buildings and uses.
14. Child care centers
15. Public or private elementary or middle schools
16. Public or private high schools or colleges
17. Public or private trade or professional schools, institutes or the like
18. Sewage holding tanks as a primary use

(V) Retail and commercial services uses.

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1. Car washes
2. Motor vehicle repair garages
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
4. Automobile service stations, filling stations and associated convenience stores.
5. Highway service plazas, subject to the setback requirements specified in § 164.062
6. Building materials, supplies and sales
7. Animal hospitals, kennels or veterinarians' offices, subject to the setback requirements in § 164.062
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
9. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage
10. Funeral homes
11. Greenhouses and nurseries, including sales facilities
12. Hotels and motels
13. Printing, photographic processing, blueprinting and similar reproduction services except publishing as specified in division (F) below
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
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
16. Restaurants, standard and carryout, as defined in § 164.007
17. Restaurants, fast food, without drive-thru facilities.
18. Restaurants, drive-thru.

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19. Commercial catering facility or banquet hall provided a minimum lot size of two acres is available and provided further that parking is available at the same standard as required for restaurants
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
21. General retail businesses 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
22. Signs subject to the provisions of §§ 164.105 et seq. including:
a. On-premises identification signs (see § 164.112(B))
b. On-premises advertising signs (see § 164.112(C))
c. Off-premises directional signs (see § 164.113(B))
d. Off-premises advertising signs (see § 164.113(C)(1))
e. Temporary signs (see §§ 164.112(D) and 164.113(D))
23. Warehousing and similar storage completely within enclosed buildings, including wholesale sales, truck terminals and accessory servicing but excluding motor vehicle repair garages
24. Tattoo parlor
25. Drive-Thru Use (other than restaurant)

<p>26. 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:</p> <ul style="list-style-type: none"> 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.

(VI) Manufacturing and industrial uses.

<p>1. Commercial processing including baking, canning, cleaning, cooking, curing, drying, freezing, mixing, packaging and preserving of food and food products, including:</p>
<ul style="list-style-type: none"> a. Animals and poultry processing, provided that such processing shall be subject to the setback requirements specified in § 164.062
<ul style="list-style-type: none"> b. Bakeries and the manufacture of other foodstuffs from flour or grains excluding milling
<ul style="list-style-type: none"> c. Bottling of soft drinks or water
<ul style="list-style-type: none"> d. Bottling of milk, processing of other dairy products and eggs
<ul style="list-style-type: none"> e. Fruit and vegetable processing
<ul style="list-style-type: none"> f. Milling or grinding of wheat or other grains including storage.
<ul style="list-style-type: none"> g. Maple syrup and related products
<ul style="list-style-type: none"> h. Processing of other food and foodstuffs, except the manufacture of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils
<p>2. Miscellaneous services and activities, including:</p>
<ul style="list-style-type: none"> a. Research, design and development laboratories

b. Laundry, carpet and rug cleaners and dry cleaning
c. Propane storage tanks
d. Petroleum products storage
e. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops
f. Contractor's equipment and other outdoor storage yards

(VII) Miscellaneous and accessory uses. Permitted as A - Accessory

1. Accessory
a. Accessory uses as defined in § 164.007
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
c. Temporary buildings accessory to an active construction project including storage trailers and office trailers
d. Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in § 164.065
e. Off-road parking subject to the provisions of §§ 164.090 et seq.
f. Lagoons, treatment plants and related facilities subject to approval by the Garrett County Health Department
g. Temporary buildings, trailers or office trailers used as a temporary real estate office accessory to the development and sale of a property.
h. Family day care home
i. Agricultural Wind Energy Device
j. Domestic Wind Energy Device
k. Agricultural or Domestic Solar Energy Devices

2. Dormitory facilities only as incidental to institutional uses subject to the following provisions:
- a. Such dormitory must be located on the same property or property contiguous or opposite the property occupied by the principal use
 - b. Establishment shall be subject to appropriate State Fire Regulations, Health Department and Sanitary District requirements
 - c. All utilization of a dormitory must be conducted in conjunction with a function of the primary institutional use
 - d. Off-road parking shall conform to all applicable requirements in §§ 164.090 et seq. and be provided as follows:
 - i) A minimum of 1 space for each dormitory room used for living quarters
3. Conversion of a detached building that is accessory to a dwelling into a new dwelling unit, provided the land area requirements per dwelling unit are complied with.

B. The following table sets forth the uses permitted by special exception SE in all land classifications including the RR, AR, R, SR, TR, TC, C and EC classification:

(I) Recreational Uses

1. Commercial Race Track subject to three times the setback requirements specified in section 164.062.

(II) Utility Uses

1. Compressor stations associated with transmission lines used to collect or convey natural gas subject to three times the setback requirements specified in section 164.062.

(III) Retail and commercial services uses

1. Taverns and the like, subject to the requirements of Article 2B of the Annotated Code of Maryland subject to three times the set back requirements specified in section 164.062
2. Adult use as defined and subject to three times the set back requirements specified in section 164.062.
3. Commercial Advertising sign provided the use is within 670 feet of an existing commercial use.

(IV) Manufacturing and industrial uses.

(Manufacturing and Industrial Uses Located in designated Industrial

Parks or the EC Districts are P - Permitted by Right)

1. 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
b. Charcoal, creosoted poles, ties and other wood products
c. Coal gasification, liquefaction or related processing
d. Clay pulverizing for ceramics or other kiln products
e. Limestone, sandstone or other stone drying, crushing or grinding
2. 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
b. Cosmetics, toiletries, drugs or pharmaceutical products
c. Clothing, fabrics, hosiery, mattresses, pillows, quilts, rugs and the printing or finishing of textiles and fabrics
d. Handicrafts and hand-crafted items
e. Boats, bicycles, campers, mobile homes, modular housing units, travel trailers and similar assemblies.
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
g. Tire recapping and retreading
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
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
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
k. Musical instruments; communications, drafting, electrical, electronic, medical, optical and similar precision instruments; jewelry, watches and clocks; toys, games and novelties

(V) Miscellaneous uses

1. Junkyards; provided a license is obtained from the County pursuant to the rules and regulations governing junkyards under the authority in Article 25 of the Annotated Code of Maryland.
2. Sanitary landfills
3. Other uses substantially similar in character and impact to uses ordinarily permitted by this chapter by right or by special exception.

SS 164.037 – 164.039 RESERVE

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ARTICLE 4. LOT AREA AND YARD REGULATIONS

§ 164.040 GENERAL DIMENSIONAL REQUIREMENTS.

A. The regulations for each land classification pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width and minimum required yards shall be as specified in § 164.041, subject to any further applicable dimensional requirements for exemptions specified elsewhere in this chapter.

B.

(1) The minimum lot areas specified in § 164.041 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 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 § 164.041:

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 § 164.041 shall not include any land within the right-of-way of any existing or proposed road.

D. The uses listed in § 164.041 shall only be permitted in any land classification in accordance with the provisions of § 164.024, as indicated by the following Land Classification abbreviations:

- (1) AR – Agricultural Resource;
- (2) RR – Rural Resource;
- (3) R – Rural
- (4) SR – Suburban Residential
- (5) TR - Town Residential District;
- (6) TC - Town Center District;
- (7) C - General Commercial District;
- (8) EC – Employment Center

§ 164.041 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
- (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.

(I) Natural Resources and Agricultural Uses

All Natural Resources and Agricultural Uses identified in Subsection 164.024.A (I), Table of Use Regulations:

No minimum lot area, lot width or yard width are required for these uses other than may be specifically prescribed within the Table of Use Regulations for the individual use.

(II) Residential Uses

	Land Classification	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 164.053	See 164.053	See 164.053	20	5	20
	R	1 Acre	1 Acre	100	20	5	20
	SR	30,000	30,000	100	20	10	10
	TR	10,000	10,000	75	15	10	10
	TC	10,000	10,000	75	10	5	10
	C &EC	10,000	10,000	75	10	5	10
2. Two-family or Twin Dwelling	AR and RR	See 164.053	See 164.053	See 164.053	20	5	20
	R	2 Acres	1 Acre	100	20	5	20
	SR	60,000	30,000	100	20	10	10
	TR	18,000	9,000	100	15	10	10
	TC	18,000	9,000	75	10	5	15
	C &EC	20,000	10,000	75	10	5	10
3. Townhouse & Multi-family (apartment) dwellings	AR or RR	9 Acres	3 Acres	200	20	5	20
	R	3 Acres	1 Acre	200	20	5	20
	SR	2 Acres	30,000	150	20	15	15
	TR	2 acres	5,400	150	20	15	15

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	Land Classification	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
	TC	2 acres	4,800	150	20	15	15
	C & EC	2 acres	4,800	150	20	15	15
5. Mobile Home Park	See Article 11 of the Garrett County Subdivision Ordinance, Chapter 159 of the Code of Local Ordinances						
6. Dwelling units in conjunction with and incorporated into the structure of a permitted principal nonresidential use.	All land classifications The minimum land area required is applicable to the principal non-residential use		Plus 5,000	Same as principal use requirement			
7. Conversion of a building into 2 dwelling units, pursuant to § 164.024.	AR, RR,	87150 - 2 acres	43560 1 acre	150	20	5	5
	R	2 Acres	1 Acre	100	20	5	5
	SR	60,000	30,000	100	20	5	5
	TR	18,000	9,000	75	20	5	5
	TC	18,000	9,000	75	20	5	5
	C & EC	20,000	10,000	75	20	5	5
8. Conversion of a building into 3 or more dwelling units, pursuant to § 164.024.	AR, RR,	217800 - 5 acres	1 acre 43,560	150	20	5	5
	R	3 acres	1 acre - 43560	150	20	5	5
	SR	2 acres	30,000	150	20	5	5
	TR	87150 - 2 acres	5,400	150	20	15	15
	TC	87150 - 2 acres	4,800	150	20	15	15
	C & EC	87150 - 2 acres	4,800	150	20	15	15
9. Planned Residential Development	See § 164.067						
10. Single Family Cluster	See § 164.073						

(III). Recreational uses.

	Land Classification	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,	15 acres	200 feet from any property line.				
	Any other district	10 acres 435,600	See § 164.068				
2. Other commercial outdoor recreation uses pursuant to § 164.024	AR, RR,	3 acres 130,680	---	200	50	10	10
	Any other district	2 acres 87,120	---	200	50	10	10
3. Private clubs or meeting halls (see § 164.024)	Anywhere permitted	1 acre 43,560	---	150	20	10	10
4. Nature preserve or similar passive recreation	Anywhere permitted	10,000	---	100	0	0	0
5. Active recreation, other than listed separately	Anywhere permitted	20,000	---	100	0	0	0
6. Miniature golf	AR, RR,	3 acres	---	200	20	10	10
	Any other district	1 acre 43,560	---	150	20	10	10
7. Indoor boat storage	Anywhere permitted	1 acre 43,560	---	150	20	20	20
8. Commercial indoor recreational facilities	AR, RR	3 Acres	---	200	20	10	10
	Any other district	20,000	---	150	20	10	10
9. Noncommercial indoor recreational facilities	AR, RR	3 acres	---	200	20	10	10
	Any other district	20,000	---	100	20	10	10
10. Sale or rental of recreational vehicles	AR, RR	3 acres	---	200	20	10	10
	Any other district	20,000	---	100	20	15	10
11. Private or membership gun club	AR, RR	25 acres	---	---	3 times § 164.062		
	All other districts	50 acres	---	---			
	AR, RR,	10 acres 435,600	---	---	50	50	10

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Article 4. Lot Area and Yard Regulations

	Land Classification	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
12. Golf driving or practice range	All other districts	2 acres	---	---	50	50	10
13. Marinas and boat launching ramps	Anywhere permitted	2 acres 87,120	---	200	20	10	10
14. Public golf course clubhouse	Anywhere permitted	1 acre 43,560	---	150	20	10	10

IV. Institutional and educational uses.

	Land Classification	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 ss 164.024) and/or child care centers	AR, RR,	3 acres 130,680	—	200	30	15	15
	R, SR	1 acre 43,560	—	100	20	15	15
	Any other district	20,000	—	100	20	15	15
2. Utility substations	Anywhere permitted	20,000		100	20	15	15
3. Other institutional, educational or utility uses pursuant to § 164.024, provided that uses listed in subsection 164.024 with prescribed minimum set-back lines must comply with those minimum setbacks in addition to the minimum yards listed in this section	Anywhere permitted	20,000 or the minimum total lot area required for a single-family detached dwelling, whichever is greater.	—	100	20	15	15

V. Retail and commercial services uses.

	Land Classification	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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Article 4. Lot Area and Yard Regulations

	Land Classification	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-in or drive-thru restaurants or warehouses (See § 164.024))	AR, RR	3 acres	—	200	40	30	20
	Any other district	1 acre	--	100	20	15	15
2. Other commercial uses pursuant to § 164.024	TC, C, EC	10,000	—	75	10	10	35
	Any other district	20,000	—	100	20	15	15
3. Retail and service businesses situated in shopping centers or neighborhood convenience centers having a minimum land area of 1 acre	AR, RR	3 acres	6,000 sq. ft of land area per separate use or business	—	40	15	20
	Any other district	1 acre 43,560	6,000 sq. ft. of land area per separate use or business	---	20	15	20

VI. Manufacturing and other uses.

	Land Classification	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 § 164.024	Anywhere permitted	20,000	—	100	20	15	15

VII. Miscellaneous and accessory uses.

	Land Classification	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 § 164.024	Where permitted	1 acre 43,560	—	100	20	5	5

Chapter 164. Zoning Ordinance
Article 4. Lot Area and Yard Regulations

	Land Classification	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. Accessory buildings	Except as provided otherwise by Section 164.046, 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	20	10	10

§ 164.042 EXCEPTIONS TO MINIMUM LOT SIZES.

Any lot which was lawful when created but which does not conform to the land area requirements of § 164.041 may be used as permitted in § 164.024, provided that the use complies with Health Department regulations and with the yard requirements specified in § 164.041, 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 _____ (date) or before the effective date of amendments to this ordinance or the land classification map that made the lot nonconforming.

§ 164.043 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.

§ 164.044 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.

§ 164.045 PERMITTED PROJECTIONS INTO REQUIRED YARDS.

- A. The minimum setbacks and other provisions of § 164.041 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 § 164.041 shall not apply to off-road parking areas or to accessory signs, except as expressly provided in Article V, Off-Road Parking and Loading and Article VII, Sign Regulations, and except as provided in § 164.065, Traffic Visibility at Corners. Provided, however, that parking areas for uses other than single-family dwellings 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

§ 164.046 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.

§ 164.047 YARDS ON CORNER LOTS.

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

§ 164.048 HEIGHT REGULATIONS.

- A. No principal building or structure shall exceed 50 feet or 4 stories in height; provided, however, that the Board of Appeals may authorize, as a special exception, the construction and use of structures taller 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 30 feet in height, provided, however, the highest point of the roof shall not exceed 50 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 or industrial wind energy conversion systems, whether mounted on the ground or on a building. For purposes of this ordinance, no height limit shall be applied to these types of wind energy devices or systems, however, the height of the wind energy device or system shall be a function of the required setback from other structures and

property lines. The height for wind energy devices and systems shall be determined as the tower height and shall be measured from the mean level of the ground abutting the base or footer of the tower to the center of the rotor hub of the wind energy device or system.

- (1) See § 164.049 for setbacks related to the height of domestic and agricultural wind energy devices and section 164.024A(IV). 10 for industrial wind energy conversion systems.

§ 164.049 SETBACKS FOR DOMESTIC AND AGRICULTURAL WIND ENERGY DEVICES AS ACCESSORY USES

A. Minimum Setback Distances for Domestic and Agricultural Wind energy devices shall be at least:

- (1) A distance of five (5) times the height of the tower from any residence, church, school or other occupied structure not located on the same property owned by the applicant; and
- (2) A distance of three (3) times the height of the tower from any property line of any lot not owned by the applicant.

§ 164.050 STANDARDS FOR AR AND RR DISTRICTS

- (1) See subsection 159.027 of the Garrett County Subdivision Ordinance in Chapter 159 of the Code of Local Ordinances.

§ 164.051 – 164.060 RESERVED.

ARTICLE 5. GENERAL REGULATIONS
§ 164.061 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 land management 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.

§ 164.062 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.

§ 164.063 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.

§ 164.064 STANDARDS FOR EXTRACTIVE INDUSTRIES.

- (1) State mining regulations applicable. Where extractive uses and activities as identified in § 164.024 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.

§ 164.065 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. The Zoning Administrator may modify the dimensions of the area that must be free of visual obstruction if necessary to provide adequate sight distance.

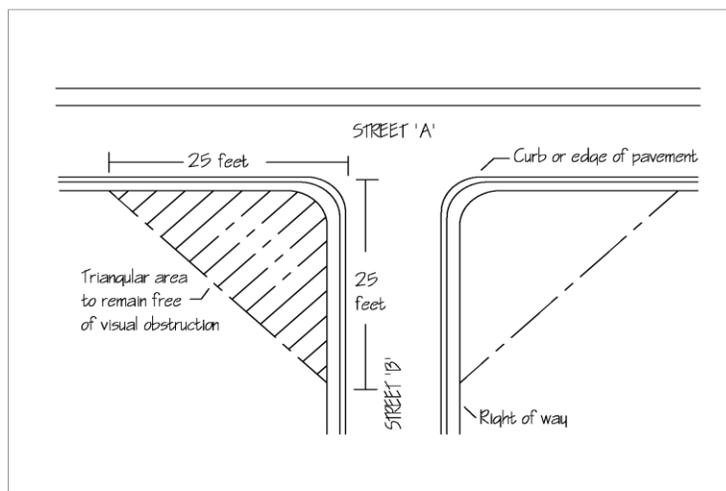


Figure 4. Traffic visibility at corners

§ 164.066 STANDARDS FOR MANUFACTURED/MOBILE HOME PARKS.

See Article 11 of the Garrett County Subdivision Ordinance

§ 164.067 PLANNED RESIDENTIAL DEVELOPMENT (PRD).

See Article 12 of the Garrett County Subdivision Ordinance

§ 164.068 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 that 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.

§ 164.069 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.

§ 164.070 STEEP SLOPES - SEE SENSITIVE AREAS ORDINANCE.

The Garrett County Sensitive Areas Ordinance shall apply.

§ 164.071 STREAM BUFFERS - SEE SENSITIVE AREAS ORDINANCE.

The Garrett County Sensitive Areas Ordinance shall apply.

§ 164.072 SINGLE FAMILY CLUSTER OPTION.

A. The provisions for single family cluster development are found in § 159.030 of the County Subdivision Ordinance. Please refer to Chapter 159 in the Code of Local Ordinances.

§ 164.073 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.

§ 164.074– 164.089 RESERVED.

ARTICLE 6. OFF-ROAD PARKING AND LOADING

§ 164.090 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 § 164.024(A)	Full-time non-resident employee	—

(B) Residential uses.

Use	Off-Road Parking Space Required	Plus One Off-Road Parking Space Required for Each
1. Single family detached or multi-family dwellings or other dwellings not listed separately	2 per dwelling unit	—
2. Manufactured/Mobile home parks	2 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	A minimum of 10 Spaces with the dimensions of 9' x 46' to accommodate trailers	

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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 § 164.024(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
6. Funeral homes	4 seats for patron use or 50 sq. ft. of gross floor area	Full-time, non-resident employee

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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 § 164.069	

(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

§ 164.091 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 § 164.090, 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 § 164.090, 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.

§ 164.092 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°	9'	46' (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.

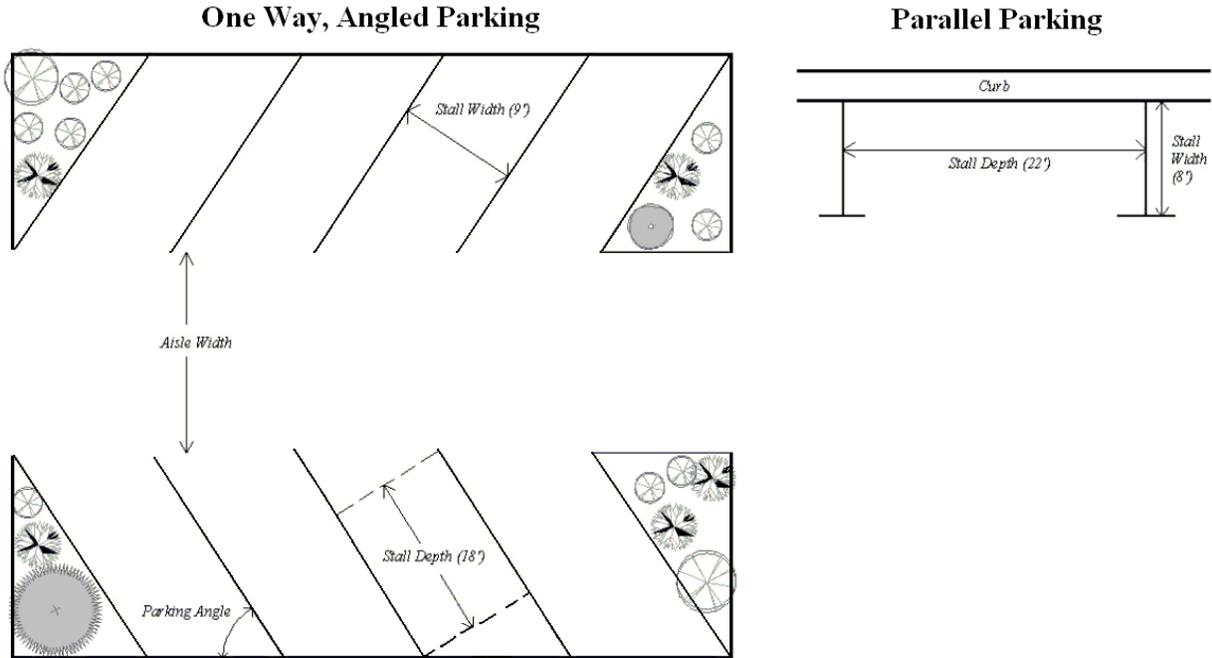


Figure 6. Parking Area Dimensions

- 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 10 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.

§ 164.093 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.

§ 164.094– 164.104 RESERVED.

ARTICLE 7. SIGN REGULATIONS

§ 164.105 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 that form an essential basis for part of the county's economic well being.

§ 164.106 APPLICABILITY AND EXEMPTIONS.

- A. No sign shall be erected, hung, placed or painted in any Land Classification 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.

§ 164.107 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 §164.112.B below, that is no larger than two square feet in area.

- (2) An on-premises temporary sign, as listed in §164.112.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 that 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.

§ 164.108 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.

§ 164.109 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 30 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 § 164.113(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 164.024 Table of Use Regulations and Section 164.112.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 164.109.F.1.a through 164.109.F.1.e above and Section 164.113, Signs Relating to Off-Premises Uses and messages on such off-premise signs shall not change more frequently than one-hour intervals.

§ 164.110 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.

§ 164.111 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 _____ 1, _____ 2012 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.

§ 164.112 SIGNS ACCESSORY TO ON-PREMISES USES.

- A. Signs, as specified in divisions (B), (C) and (D) below shall be permitted as authorized in §§ 164.020 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.

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 § 164.007, 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
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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.

§ 164.113 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 § 164.024, 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 § 164.007, 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 § 164.109(B)(6).
 - f. A maximum of 1 such sign shall be permitted per lot.
- (2) Commercial advertising signs, as defined in § 164.007, subject to the restrictions contained above in divisions (C)(1)(a) through (C)(1)(f) inclusive, and the restrictions contained in §§ 164.020 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.

§ 164.114 – 164.124 RESERVED.

ARTICLE 8. NONCONFORMITIES

§ 164.125 CONTINUATION OF NONCONFORMITIES.

Except as otherwise provided in this subchapter and in § 164.111, 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.

§ 164.126 ENLARGEMENT OR EXTENSION OF NONCONFORMITIES.

- A. A nonconforming structure, as defined in §164.007, may be altered, reconstructed or enlarged, subject to the following:
- (1) 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.
 - (2) A structure which does not conform to the regulations of this Ordinance may be altered, reconstructed or enlarged, provided that no such nonconformity is increased beyond its extent on the date it became nonconforming.

§ 164.127 NONCONFORMING LOTS

- A. See § 164.042, 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.

§ 164.128 DETERMINATION OF NONCONFORMING LOT OR STRUCTURE

- A. Application by owner
- (1) A property owner may request a determination from the Zoning Administrator that a lot or structure 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 use.
 - (2) Burden of proof
 - a. The burden of establishing the legal nonconforming status shall be upon the owner of the land.

B. Certificate of nonconformity

Upon finding that a legal nonconforming lot or structure exists, the Zoning Administrator shall issue a certificate of nonconformity. The certificate shall specify the nature and extent of the legal nonconformity.

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.

§ 164.128– 164.144 RESERVED.

ARTICLE 9. ADMINISTRATION

§ 164.145 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 land classification map showing the current zoning classification of all land zoned under this chapter.
- J. Maintain a map of known 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.

§ 164.146 PERMITS.

- A. Hereafter, no structure (except certain signs as provided in §§ 164.105 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 land management 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.

§ 164.147 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, 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 land management permit is approved, the Zoning Administrator shall sign the 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 location plan for all new permanent structures or building additions.

§ 164.148 FEES.

All applicants for land management 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.

§ 164.149 LIFE OF A PERMIT.

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a land management permit, shall be commenced and any change in use of a building or land authorized by a land management 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.

§ 164.150– 164.159 RESERVED.

ARTICLE 10. BOARD OF APPEALS

§ 164.160 ESTABLISHMENT OF BOARD.

To provide for the competent interpretation and the full and equitable achievement of the purposes of this chapter, the Garrett County Board of Appeals is hereby established.

§ 164.161 MEMBERSHIP, TERMS OF OFFICE.

The Board of 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.

§ 164.162 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.

§ 164.163 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.

§ 164.164 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.

§ 164.165 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.

- 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.

§ 164.166 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. 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.

§ 164.167 RULES FOR FILING APPEALS AND APPLICATIONS TO THE BOARD OF 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 § 164.165.
- 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.

§ 164.168 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.

§ 164.169 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.

§ 164.170 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.

§ 164.171 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 land management 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.

§ 164.172 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.

§ 164.173 APPEALS.

See § 164.193.

§ 164.174 – 184 RESERVED.

ARTICLE 11. AMENDMENTS, APPEALS, REMEDIES AND PENALTIES

§ 164.185 POWER OF AMENDMENT.

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

§ 164.186 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 § 164.188.

§ 164.187 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.

§ 164.188 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 land classification 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 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.

§ 164.189 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.

§ 164.190 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.

§ 164.191 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 amendment.
 - (4) If conditions are established under this division (A), then a requested land classification 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.*”

§ 164.192 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 or land 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.

§ 164.193 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.

§ 164.194 INDEX.

§ 164.195 – 164.999 RESERVED.