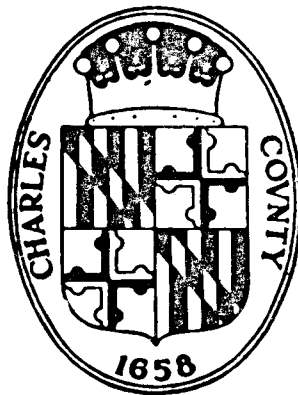


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Zoning Ordinance for Charles County, Maryland



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RESOLUTION NO. 71-4

WHEREAS, the Charles County Planning Commission has considered the uses permitted in the "C" Zone under Article VI of the Charles County Zoning Ordinance, adopted April 28, 1971, and

WHEREAS, the Commissioners are of the opinion that certain of the permitted uses should be changed so as to be permitted uses only after the granting of a Special Exception by the Board of Appeals.

3rd day of Nov. by D.C.
NOW, THEREFORE, it is this 6th day of October, 1971, resolved by the Charles County Planning Commission that the Commission recommends the amendment of the Charles County Zoning Ordinance as follows:

Article III

1. That a Special Exception be granted before property zoned "C" can be put to the following uses:

- B11 A. Automobile filling station.
- B10 B. Automobile sales lot.
- B13 C. Farm implement sales, service and storage.
- B14 D. Hotel and apartment hotel.
- B15 E. Motel.
- B16 F. Mobile Home or Trailer sales lot.
- B17 G. Restaurant, Drive-in or Carry-out.

2. That the following definition be added to the Charles County Zoning Ordinance.

A. Restaurant, Drive-in or Carry-out: An establishment designed in whole or in part to cater to or accomodate the consumption of food and beverages in automobiles on the premises of such establishment, or which dispenses all food packaged in to be eaten on or off the premises. *i.e. 711 & Nights*

3. That the following sentence be added to Article I, Sec-

600

tion C, subsection 6 a:

Provided, however, that no mobile home shall be moved from the property on which it is located at the time of the adoption of this Ordinance except for movement to an authorized mobile home park and also except for use as a temporary office as provided in subsection c.

Further, it is resolved that the Planning Commission recommends that necessary action be taken by the Planning Commission and the County Commissioners to amend said Zoning Ordinance to effect said changes.

CHARLES COUNTY PLANNING COMMISSION



Ophus L. Robertson, Jr.
Chairman

ARTICLE I

A. GENERAL PROVISIONS

In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety or welfare. This Ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements, the provision of this Ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

1. Prior to the consideration of a building permit application under this Zoning Ordinance the applicant must first secure approval of his plans in writing as to health and sanitary suitability by the Charles County Health Department or Charles County Sanitary Commission where such construction is located within a Sanitary District.
2. No building shall hereafter be erected and no existing building shall be moved, altered, added to or enlarged; nor shall any land or building be used, or arranged to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the Zone in which such building or land is located.
3. Every building hereafter erected shall be located on a lot as herein defined and there shall be not more than one single-family dwelling on one lot. Excepting, however, from this paragraph additional dwellings on a bona fide farm for members of the resident's family and tenants.
4. No building shall be erected; nor shall any existing building be altered, enlarged, moved, or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area, and building location regulations hereinafter designated for the Zone in which such building or open space is located.
5. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations, shall be considered as a yard or open space for any other building.

B MASTER HIGHWAY PLAN

1. In areas where a Master Highway Plan has been duly adopted by the Commission showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, no building or part of a building shall be permitted to be erected within the lines of such proposed highway or street.
2. The owner of the property so affected, however, shall have the right to appeal the refusal of a building permit to the Board of Zoning Appeals, and the Board may grant a permit to build if it should find, upon the evidence and arguments presented to it upon such appeal, (a) that the entire property of the appellant of which the area affected by the Master Plan forms a part, cannot yield a reasonable return to the owner unless such appeal be granted, and (b) that balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required consideration of reasonable justice and equity.

Before taking any action the Board of Zoning Appeals shall hold a public hearing at which the parties in interest shall have an opportunity to be heard. In the event the Board grants a building permit in any such appeal, it shall have the power to specify the exact location, extent, area, height, duration and other details and conditions to govern the building, structure or part thereof for which the permit is granted.

C MISCELLANEOUS PROVISIONS

1. Any lot as defined herein, legally recorded at the time of adoption or amendment of this Ordinance, shall be deemed a buildable lot even though it may have less than the minimum area requirements for any Zone, subject, however, to approval by the appropriate sanitary facility authority.
2. The building height limits set forth in this Ordinance shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, television antennae or serials, spires, tanks, water towers, air-conditioning units, or similar roof structures and mechanical appurtenances.
3. A garage attached to a main building is not considered an accessory building.
4. Steps and open uncovered stoops, terraces and porches may extend into any minimum front or rear yard not more than nine (9) feet.
5. In any Commercial or Industrial Zone, no show window, or other projection except signs shall extend

beyond the building set back line.

6. Mobile homes shall comply with the following requirements:

- a. No mobile home shall be used as a dwelling if located outside an authorized mobile park, except that mobile homes in use as dwellings at the time of adoption of this Ordinance, may be continued to be used as dwellings.
- b. Wheels shall not be removed from a mobile home, except for repairs, and then only long enough for such repairs.
- c. A trailer may be used as a temporary office in any district when used as an office associated with a residential subdivision, a commercial enterprise, or road or other construction, subject to approval by the Board of Appeals.

ARTICLE II

A. ZONES

For the purpose of this Ordinance, Charles County is hereby divided into classes of Zones, which are established as follows:

1. R-1 Zone- Residential and Agricultural
2. R-2 Zone- Residential, Multiple-Family
3. C Zone- Commercial
4. I Zone- Industrial
5. PUD Zone- Planned Unit Development

B. MAPS

The location and boundaries of the aforesaid Zones shall be as shown on a set of maps, entitled "Zoning Map of Charles County, Maryland", as the same may be amended subsequent to the adoption hereof. Said maps, sections, or portions thereof together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on said maps were fully described and incorporated herein; and are currently located in the office of the Charles County Planning Commission.

C. BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of any of the Zones as shown on the Zoning Map, the following rules shall apply:

1. Zone boundary lines are intended to follow street, alley, or lot lines, or lines parallel or perpendicular thereto, unless such zone boundary lines are fixed by dimensions on said Zoning Map.
2. Where Zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
3. Where Zone boundaries are so indicated that they approximately follow lot lines and are not more than ten (10) feet distant therefrom, such lot lines shall be such boundaries.
4. Where a Zone boundary divides a parcel of property, the location of any such boundary, unless the same is indicated by dimension shown on said Maps, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
5. If all or any portion of a public street, alley, right-of-way, easement, or land which is not included in any zone shall ever revert to or come into private ownership, the land shall be subject to all of the regulations within the most restrictive of the immediately adjacent Zones.

ARTICLE III

The following regulations shall apply in the R-1 Zone:

A. USES PERMITTED

No building, structure, or land shall hereafter be used, and no building or structure shall be hereafter erected,

structurally altered, enlarged, or maintained, except for one or more of the following uses:

1. All agricultural uses such as floriculture, horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, and the operation of any machinery or vehicles and other uses customarily, incidental thereto, excluding slaughterhouses, fertilizer works, bone yards, plants for the reduction of animal matter, or any other use which, by reason of the emission of odor, dust, smoke, gas or noise would be noxious or offensive.

2. Accessory Buildings, including barns, and other bona fide farm buildings, private and farm garages, and greenhouses.

3. Accessory uses in a single-family dwelling, professional office, provided that such use is limited to the persons actually residing in the dwelling.

4. Boarding and Rooming houses.

5. Churches, convents, monasteries, and other places of worship.

6. Dwelling, one-family detached.

7. Home occupations.

8. Libraries, museums and similar institutions of a noncommercial nature.

9. Parking or storing of motor vehicles and of farm vehicles and farm machinery used on the premises, including one (1) habitable travel trailer, as defined in Article XIV.

10. Public buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas, public utility transmission and distribution lines and minor structures.

11. Signs, permanent and temporary, in accordance with the provisions of Article IX.

12. Saw mill, temporary, not over six (6) months, when located not less than five hundred (500) feet from any public roadway or property line.

13. Water front property owners not exceeding two (2) to a property, may pack and ice their own catch of seafood on the premises.

14. The keeping of not more than five (5) hogs, provided, that a minimum of five (5) acres shall be required for such use.

B. USES PERMITTED AS SPECIAL EXCEPTION BY BOARD OF APPEALS

1. Airports, airparks, and airfields.

2. Animal hospitals, veterinary clinics and animal boarding places.

3. Antique shops.

4. Baseball parks.

5. Cemeteries and other places for the burial of the human dead.

6. Cemeteries, animals.

7. Poultry houses and hatcheries for more than twenty-five (25) birds when located less than three hundred (300) feet from a street, road, or property line.

8. Dwelling, two-family, when designated and built to look like a one-family house and not having an outside stairway.

9. Educational institutions, private.

10. Eleemosynary and philanthropic institutions.

11. Golf Courses, country clubs, private clubs, including community buildings and similar recreational uses privately owned and/or privately operated.

12. Green houses, commercial.

13. Hog Farms; Six (6) or more hogs.

14. Hospitals, nursing and care homes.

15. Medical and Dental Clinics, for out-patient care only.

16. Professional offices for use by other than residents of the main building.

17. Public utility buildings and major structures, including radio broadcasting stations.

18. Riding Stables.

19. Rifle and skeet shooting ranges.

20. Sand, gravel, or clay pits; rock or stone quarries; or other removal or extraction of natural material deposits.

21. Sanitary Landfill.

22. Temporary structures, including wayside stands for display or sale of farm products produced on the premises, for a period not to exceed one year.

23. Tourist homes.

24. Trailer as a temporary office for construction.

25. Mobile home parks and cabin camps subject to the following requirements:

- a. Subdivision plan for the mobile home park showing streets and lots as approved by the Planning Commission, shall be staked out and recorded in accordance with the Subdivision Regulations of Charles County.
- b. Street improvements shall be made in accordance with the Subdivision Regulations and Road Ordinance of Charles County.
- c. A screen planting of trees and shrubs one hundred (100) feet wide shall be made along all boundaries, in accordance with a plan prepared by the applicant and approved by the Planning Commission.
- d. Services provided shall include water and sewer systems, electricity, bath houses and toilets. No trailers, cars or commodities of any kind shall be offered for sale nor repair service provided.
- e. The Board of Appeals may stipulate additional requirements which it considers appropriate.
- f. In ruling on a mobile home park application, the Board of Appeals shall consider the needs of the immediate community. The Board of Appeals shall also give particular consideration to the impact of such proposed park or park addition on the surrounding property, and to the water, sanitary, and school facilities and to the general welfare of the community.
- g. The R-1 Zone, Residential-Agricultural, is the only Zone in which mobile home parks and cabin camps may locate after the adoption of this Ordinance.

C. AREA REQUIREMENTS

1. Net lot area where public water and sewerage facilities are available:

Each one-family detached dwelling hereafter erected, together with its accessory buildings, shall be located on a lot having a net area of at least fifteen thousand (15,000) square feet with a minimum width of ninety (90) feet; except that, in the case of a record lot having a net area of less than eight thousand (8,000) square feet and corresponding in location and dimensions to a record lot shown on a plat or deed recorded prior to the adoption of this Ordinance, the net lot area may be reduced to not less than five thousand (5,000) square feet and with a minimum width of fifty (50) feet.

2. Net lot area where public water and sewerage facilities are not available:

The minimum size of lots shall be governed by the suitability of soil conditions and underground geological formation with respect to private water supply and sewerage disposal installations, and by the availability or absence of public water supply and public sewerage facilities or both. In absence of both community water and community sewerage facilities and with favorable soil conditions, lot areas shall not be less than one (1) acre with a minimum width of one-hundred twenty-five (125) feet. Where community water supply is available and with favorable soil conditions but in the absence of community sewerage, lot areas shall be not less than thirty thousand (30,000) square feet with a minimum width of one hundred (100) feet. This latter requirement shall apply in the event that public sewerage is available in the absence of public water supply. However, in case the Zoning Ordinance requires greater lot area or width than the health regulations, the Zoning Ordinance shall apply.

D. YARDS

1. Each lot shall have a front building set back line at least thirty (30) feet from and parallel to the front street line or a proposed front street line, if such has been established within the lot, to provide a front yard. In cases where the majority of lots on one side of a street between two intersecting streets have been occupied by buildings having a front building line different from the one above stated, any building hereafter erected shall consider the line previously established by these buildings as the minimum building line.

2. Each lot shall have two (2) side yards totaling at least twenty-five (25) feet in width. The minimum width of either side yard shall be ten (10) feet. In the case of a record lot having a width of at least eighty (80) feet but less than ninety (90) feet at the front building line and corresponding in location and dimensions to a record lot shown on a plat or deed recorded prior to the adoption or amendment of this Ordinance, each side yard may be reduced to a minimum of eight (8) feet in width, provided however, that the total width of two (2) side yards shall not be less than eighteen (18) feet. Each corner lot shall have a side building line at least twenty (20) feet from and parallel to the side street line or a proposed side street line, if such has been established within the lot to provide a side yard along the street side. When the lot adjoining said corner lot along the rear line thereof does not front on the side street of the corner lot, the side building line and the side yard may be reduced to a minimum of fifteen (15) feet.

3. Each lot shall have a rear yard of at least twenty (20) feet in depth. An accessory building shall be located only in a rear yard and shall occupy not over twenty-five (25) percent thereof, and shall be located not less than sixty (60) feet from the front street line or proposed front street line, nor less than two (2) feet from a rear or side lot line, nor less than five (5) feet from an alley line, except that in the case of a corner lot, the rear line of which

abuts a lot in a Residential Zone having frontage on the street which abuts the side street line of the corner lot, an accessory building shall be located at least thirty (30) feet from the side street line and shall be at least ten (10) feet from such rear lot line.

E. LOT FRONTAGE, MINIMUM AT BUILDING LINE

Where community water and sewer service is available each lot shall have a minimum width at the front building line of ninety (90) feet except that a record lot having an area of at least five thousand (5,000) square feet and corresponding in location and dimensions to a record lot shown on a plat or deed recorded prior to the adoption of this Ordinance, may have a minimum width at the front building line of not less than fifty (50) feet.

F. BUILDING HEIGHT LIMIT

The height limit for a main building shall be three (3) stories, but not forty (40) feet. The height limit for accessory buildings shall be two (2) stories but not over twenty-five (25) feet; excepting however, the barns, silos and farm accessory buildings shall be excluded from this limitation.

ARTICLE IV R-2

The following regulations shall apply in the R-2 Zone:

A. USES PERMITTED

No building, structure, or land shall hereafter be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

All uses permitted by Article III of this Ordinance in the R-1 Zone, with the following additions:
Dwellings, multiple-family.

B. USES PERMITTED AS SPECIAL EXCEPTIONS BY THE BOARD OF APPEALS

All Special Exceptions permitted by Article III of this Ordinance in the R-1 Zone, excepting mobile home parks and cabin camps and sanitary landfills.

C. AREA REQUIREMENTS

In the R-2 Zone there shall be at least thirty-two hundred (3200) square feet of lot area per dwelling unit.

D. YARDS

1. Each lot shall have a front building line at least thirty (30) feet from, and parallel to the front street line or a proposed front street line. In cases where the majority of lots located on one side of a street between two intersecting streets have been occupied by buildings having a front building line different from the one above stated, any building hereafter erected shall consider the line previously established by these buildings as the minimum building line.

2. Each lot shall have two (2) side yards totaling at least twenty-five (25) feet in width. The minimum width of either side yard shall be ten (10) feet. Each corner lot shall have a side building line at least thirty (30) feet from and parallel to the side street line.

E. LOT FRONTAGE, MINIMUM AT BUILDING LINE

Each interior lot shall have a minimum width of eighty (80) feet, and each corner lot a minimum width of at least ninety (90) feet, both measured at the front building line.

F. BUILDING HEIGHT LIMIT

1. The height limit for a main building shall be six (6) stories, but not over seventy (70) feet, provided that for

each additional foot of building height in excess of forty (40) feet, the minimum depth of each front, side and rear yard shall be increased by one (1) foot.

2. The height limit for an accessory building shall be two (2) stories, but not over twenty-five (25) feet.

G. AUTOMOBILE OFF-STREET PARKING

Automobile off-street parking shall be provided one and one-half (1.5) parking spaces for each family unit in connection with any use permitted in the R-2 Zone.

ARTICLE V

The following regulations shall apply in the PUD zone.

A. PURPOSE

Within the limit of these requirements, it is the purpose of the Planned Unit Development (PUD) to provide suitable sites for relatively higher density types of residential structures and to permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures including one and two-family units, town houses, and apartments within the areas designated.

The following objectives are sought in providing for the planned unit development:

1. To provide a more attractive and varied living environment than would be possible through the strict application of "R" District requirements.
2. To encourage developers to use more creative approach in the development of land.
3. To encourage a more intimate, efficient, and aesthetic use of open space.
4. To encourage variety in the physical development patterns of residential areas.

B. AREA REQUIREMENTS

Each PUD shall contain a minimum of 200 contiguous acres. Lands which are divided by streets, roads, highways, transmission lines, or rights-of-way owned by third parties shall be deemed to be contiguous for the purpose of calculation of the total acreage. No District shall be established except upon land, the beneficial title to which is in the person, firm, or corporation executing the petition for the application of this District.

C. STANDARDS

Each PUD community shall meet the following requirements:

1. It shall be designed and planned as an economically self-sufficient community, and to this end shall have not less than ten percent or more than twenty-five percent of its total area developed as commercial and industrial use.
2. It shall be designed and planned as an independent area for community services, and to this end shall have approved public water and sewer systems and not less than eighteen percent of its total area reserved for recreation, open space and community facilities.
3. It shall be designed and planned to be consistent with the purpose of this Ordinance to protect and promote the health, safety, and welfare of present and future inhabitants of the County.

D. PROCEDURE

1. Any land holder meeting the requirements of this Article may petition the County Commissioners for classification as a PUD District. The petition for the classification as a PUD District shall be accompanied by a Master Plan, which shall mean a generalized drawing or series of drawings of the proposed PUD District, in addition to any other requirements of law.

2. The Planning Commission shall review the Petition and Master Plan and shall prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this Ordinance, and upon compliance with these conditions and the acceptance of the Master Plan by the Planning Commission the Master Plan shall be recorded in the Land Records of Charles County.

3. At any time before the County Commissioners have acted pursuant to the approval of the Master Plan, the

original petitioner may amend the petition for a PUD District so as to include additional land owned by him and adjacent to the land described in the original petition. If the County Commissioners have approved the petition and Master Plan, at any time thereafter the original petitioner may file a new petition to annex additional land to the PUD District so as to include additional land owned by him and adjacent to the existing district. Such new petition shall be subject to all the provisions of this Article of the ordinance except the requirement of 200 acres shall not apply.

4. The maximum number of dwelling units permitted for the entire PUD District shall be calculated by multiplying the total number of acres within the entire district (without excluding any area regardless of its use) by 3.6

E. PERMITS

1. Following the approval of the Master Plan for the entire District, Preliminary Plans, Improvement Plans and Final Record Plats shall be prepared in accordance with the subdivision regulations of Charles County for approval by the Planning Commission for each stage of development. Building permits and certificates of occupancy may be issued even though the use of land, the location and height of buildings to be erected in the area, minimum lot sizes, yards, and open space contemplated by the plans do not conform in all respects to specific uses as set forth in other zoning classifications. Nothing herein shall render inapplicable any regulations of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this Article.

ARTICLE VI

The following regulations shall apply in the C Zone:

A. USES PERMITTED

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

1. Retail business, trades, services and professions.
2. Automobile service station, subject to the following requirements:
Gasoline pumps or other service appliances shall be located on the lot at least twelve (12) feet behind the established road or street right-of-way line; and all service, storage or activities in connection with such use shall be conducted entirely within the premises.
3. Automobile sales room and sales lot.
4. Bakery, provided that goods baked on the premises shall be offered for sale primarily on the premises and at retail.
5. Bank or trust company.
6. Barber shop.
7. Beauty shop.
8. Boat rental and Sales.
9. Building supply store, retail, including millwork when only incidental.
10. Business office.
11. Carnival, fair, and circus.
12. Dry cleaning pick-up station for work to be done elsewhere.
13. Farm implement sales, service and storage.
14. Feed and grain sales and storage.
15. Frozen food lockers.
16. Funeral parlor.
17. Garden industry, as provided in this Article.
18. Golf course, miniature.
19. Hotel and apartment hotel.
20. Household appliance store.
21. Ice, retail.
22. Laboratories, physical, chemical, mechanical, and research.
23. Laundromat or launderette.
24. Market (food, except live poultry and live stock).

25. Motel.
26. Newspaper publishing establishment and printing shop.
27. Pet shop, veterinarian's clinic and animal hospital.
28. Radio and TV broadcasting studios, stations and towers.
29. Professional offices.
30. Restaurant.
31. Retail businesses.
32. School, business, dancing, music, trade or other of a commercial nature.
33. Signs, business and others, in accordance with Article IX.
34. Sign Painting shop.
35. Swimming pool, Public non-commercial.
36. Tractor, pressing shop, including valet services, having not more than three (3) pressing machines.
37. Taxicab stand.
38. Telegraph or messenger service.
39. Theaters, indoor.
40. Trailer sales yard.

B. USES PERMITTED AS SPECIAL EXCEPTION BY BOARD OF APPEALS

1. Amusement Park.
2. Automobile parking lot, commercial.
3. Dry cleaning plant, limited to one cleaning unit.
4. Laundry.
5. Public utility buildings and major structures.
6. Recreational or entertainment establishment of a commercial nature such as baseball, football, or boxing stadium or arena, swimming pool, trailer camps, etc.
7. Rifle range, indoor.
8. Theater, outdoor.
9. Trailer as temporary office for construction.
10. Warehouse.

C. NUISANCES

Any use that may be considered by the Planning Commission to be a public nuisance, by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance is prohibited in the C Zone. No such finding shall be made by the Planning Commission except after a hearing upon reasonable notice. Any interested person may file a petition with the Planning Commission requesting such hearing.

D. YARDS

1. Each lot shall have a front building setback line at least thirty (30) feet from and parallel to the front street line. Where the average setback line of at least two existing buildings on lots which are on the same side of the street or rural road and within two hundred (200) feet of the lot in question, is less than the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building excepting that in areas where a Master Plan of Highways has been duly adopted by the Commission showing a proposed widening of an existing highway or street, or showing a proposed new street no building or part of a building shall be permitted to be erected within the lines of the proposed widening or proposed new highway or street.

2. No side or rear yards are required.

E. BUILDING HEIGHT LIMIT

The height limit for a building shall be six (6) stories but not over seventy (70) feet.

F. AUTOMOBILE OFF-STREET PARKING

Automobile off-street parking and loading space shall be provided in connection with any use permitted in the

F. GARDEN INDUSTRY

Garden Industry may be permitted in any Commercial Zone by the Planning Commission, if, after public notice and hearing, it is the opinion of the Planning Commission that the following standards and requirements are satisfied:

1. Performance Standards.

No land or building shall be used or occupied in any manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or elements (all referred to herein as "Dangerous or Objectionable Elements") in a manner or amount as to adversely affect the surrounding area. Specifically, all uses shall operate in conformity with the following limitations:

a. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or any point beyond the lot line.

b. All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency or shrillness.

c. There shall not be discharged or permitted to escape into the atmosphere, odors or smoke which shall be offensive to the public or which endanger comfort, repose, health or safety.

d. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials violating the requirements of the Charles County Health Department or Charles County Sanitary Commission.

2. Area Requirements

The minimum lot area per establishment shall be two (2) acres.

3. Yards

1. Each lot shall have a front building line at least fifty (50) feet from and parallel to the front lot line or a proposed front street line if such has been established within the lot, to provide a front yard.

2. Each lot shall have two side yards each with a minimum width of fifty (50) feet in depth.

3. Each lot shall have a rear yard at least fifty (50) feet in depth.

4. Lot Width

Each lot shall have a minimum width of two hundred (200) feet at the building line.

5. Building Height Limit

No building shall exceed a height of thirty five (35) feet at the front, side or rear building lines. Within the building lines the height of buildings may exceed thirty-five (35) feet, but shall at no point exceed a total height greater than one-third the horizontal distance of said point from the nearest lot line. Towers, antennae, etc., may be built to their required height.

6. Lot Coverage

Not more than twenty-five (25%) percent of the net area of the lot may be covered by buildings, including accessory buildings.

7. Off-Street Parking Requirements

Off-street parking shall be provided at the rear of the main building and the minimum requirement shall be one parking space for each two employees. Parking spaces may be located within required yards. However, no parking spaces shall be located less than twenty-five (25) feet from any R-1 or R-2 Zone boundary, and shall be effectively screened therefrom by a fence of acceptable design, wall or compact evergreen hedge not less than four (4) feet in height and maintained in good condition at all times.

8. Enclosed Buildings, Outdoor Storage, Screening

All permitted uses and accessory activities shall be confined within completely enclosed buildings excepting off-street parking spaces and off-street loading berths. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than required front, rear or side yards, provided such outdoor storage is effectively screened from any adjacent R-1 or R-2 Zone boundary.

9. Application, Building Permit, Site Plan

1. In submitting plans and other data required, an applicant for a building permit or certificate of occupancy shall submit a plat of development: and a description of the proposed operation including all machinery, processes, and products; and techniques to be used in restricting the emission of dangerous and objectionable elements.

2. No building permit or certificate of occupancy shall be issued for any industrial use except in accordance with the plan of development approved by the Planning Commission for the lot on which such building is located.

Such plan of development shall show the location and height of all buildings or structures; the area devoted to parking facilities and loading berths; all access road, landscaping and screening plans; areas designated for outdoor storage; proposed signs, and other features required by this Ordinance. The Planning Commission shall consider the location of buildings, parking, and loading areas and other features with respect to the topography of the lot and existing natural features, with the objective of achieving a maximum harmony, between such buildings and uses and the surrounding landscape and existing uses.

ARTICLE VII

The Following regulations shall apply in the I Zone:

A. USES PERMITTED

No building structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for one or more of the following uses:

1. All uses permitted under Article VI, the C Zone.
2. Assembly of electrical appliances, electronic instruments and devices, radio and phonographs, including electroplating and manufacturing of parts.
3. Blacksmith shop and machine shop, excluding drop hammers and punch presses over twenty (20) tons rated capacity.
4. Bottling plant.
5. Cannery.
6. Cooperage.
7. Dairy.
8. Frozen Food processing.
9. Fuel storage yard.
10. Grist mill.
11. Ice manufacturing plant.
12. Lumber yard and mill work.
13. Manufacturing or processing that is not deemed objectionable by the Planning Commission by reason of emission of dust, fumes, gas, smoke, odor, noise, or vibration.
14. Paving and excavating contractor's yard.
15. Public utility buildings and structures.
16. Recreational or entertainment establishment of a commercial nature, such as baseball, football or boxing stadium, or arenas, swimming pools, carnivals.
17. Sanitary landfill.
18. Sawmill.
19. Stone Cutting.
20. Tinsmith and roofing service.
21. Trucking yard.
22. Wholesale storage warehouse.
23. Any other use which is determined by the Zoning Administrator after referral to the Planning Commission, to be of an industrial nature similar to those listed above.

B. USES PERMITTED AS SPECIAL EXCEPTIONS BY BOARD OF APPEALS

1. Airfield.
2. Automobile dismantling.
3. Boat yard, marine railway.
4. Bone yard or animal reduction.
5. Fertilizer plant.
6. Fish or sea food packing plant.
7. Junk yard.
8. Petroleum products, refining or storage, in excess of forty thousand (40,000) gallons.
9. Any other use or process considered noxious or offensive by the Commission by reason of odor, dust, smoke, gas or noise.

10. Trailer as temporary office for construction.

C. YARD AND HEIGHT REQUIREMENTS

Same as for C Zone (Article VI, Section F).

D. AUTOMOBILE OFF-STREET PARKING

Automobile off-street parking shall be provided, in connection with any use permitted in the Industrial Zone, in accordance with the provisions of Article VIII.

ARTICLE VIII

A. Except as otherwise provided in this ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50 per cent or more, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this Article.

Column 1 Use or Category	Column 2 Space required per basic Measuring Unit	Column 3 Additional Requirements
One, two family dwelling	1 per dwelling unit	
Church or temple, auditorium or place or assembly	1 per 5 seats or bench seating spaces	(Seats in main auditorium only)
College or High School	1 per 5 seats in main auditorium	or 8 per classroom whichever is greater
Elementary or nursery school	1 per 10 seats in main assembly room	or 1 per classroom whichever is greater
Country Club or golf club	1 per 5 members	
Public Library, museum, art gallery, or community center	10 per use	Plus 1 additional space for 300 sq. ft. of floor area in excess of 1,000 sq. ft.
Multiple Family Dwelling	1.5 per dwelling unit	
Apartment, Hotel	2 per 3 sleeping rooms or suites	
Private Clubs, fraternities, sororities and lodges with sleeping rooms	2 per 3 sleeping rooms or suites	Or 1 per 5 active members whichever is greater
Private Clubs, fraternities, sororities and lodges with no sleeping rooms	1 per 10 active members	
Sanitarium, convalescent home, home for the aged or similar institution	1 per 5 patient beds	
Tourist court, motel, motor lodge, motor hotels or hotel	1 per sleeping room or suite	
Rooming, boarding or loding house	1 per 2 sleeping rooms	
Hospital	1 per 3 patient beds	
Office or office building, studio or clinic	1 per 400 square feet of floor area	3 spaces minimum
Funeral Home	1 per 5 seats or seating capacity	
Restaurant or other establishment for consumption of food or beverage on the premises	1 per 100 sq. ft. of floor area	
Retail store or personal service establishment, banks, and shopping centers	1 per 100 sq. ft. of retail floor area	Retail food stores over 4,000 sq. ft. 1 per 100 sq. ft. of retail floor area
Furniture or appliance store, machinery, equipment and automobile and boat sales service	1 per 300 sq. ft. of retail floor area	2 spaces minimum, Automobile sales and service 10 minimum
Auditorium, theater, gymnasium stadium, arena or convention hall	1 per 5 seats or seating spaces	
Bowling alley	10 per alley	
Food storage locker	1 per 200 sq. ft. of customer service area	
Amusement place, dance hall, skating rink, swimming pool, natatorium or exhibition hall without fixed seats	1 per 100 sq. ft. of floor area	Does not apply to accessory uses
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting	1 per 3 employees on premises	Auditorium for broadcasting station requires space as above
Animal hospital	1 per 400 sq. ft. of floor area	4 spaces minimum
Manufacturing or industrial establishment research or testing laboratory, creamery bottling plant, wholesale warehouse, or similar establishments	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with the business or industry

B. The Planning Commission may set up special requirements as to parking arrangement, fencing, landscaping, etc., that it feels are appropriate and in the public interest.

C. INTERPRETATION OF THE CHART IN SECTION A

1. The parking requirements in this Article do not limit other requirements in this Ordinance for parking.
2. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Special Exceptions.
3. Floor area as used in the chart shall be as defined in Section E of this Article.
4. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
5. The parking space requirements for a use not specifically listed in the chart shall be the same for listed use of a similar characteristics of parking demand generation.
6. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
7. Whenever a building or use, constructed or established after the effective date of this Ordinance, is changed or enlarged in floor area, number of employees, number of dwellings; seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

D. JOINT USE AND OFF SITE-FACILITIES

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from the building served.
2. Up to 50 percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, nightclubs or cafes, and up to 100 percent of the parking spaces required for a church auditorium may be provided 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 written agreement thereto is properly executed and filed as specified below.
3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the County Attorney and shall be filed with the application for a building permit.

E. DESIGN STANDARDS

1. An off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.
2. Entrances or exits for all parking facilities shall comply with existing ordinances.

ARTICLE IX

The following regulations shall apply to signs:

A. GENERAL PROVISIONS

1. For the purpose of this Article and any other relating to signs in this Ordinance, any of the following words are intended to include any tense or with the prefix "re": affix, alter, attach, display, erect, hang, move, paint, paste, place, repair.

2. Applications for permits shall be submitted on forms available at the office of the Building Inspector. Each application shall be accompanied by plans showing size, design, proposed location and method of illumination if

any.

3. Outdoor advertising and theatre signs, for which permits have been issued, may be renewed without additional permits being required.

4. A temporary sign is one which may remain for a period not to exceed six (6) months unless the permit has been renewed.

5. Failure to remove a temporary sign within five (5) days after permit expiration date shall subject the owner of the sign to the penalties provided in this Ordinance.

6. Moving and blinking signs shall not be erected.

7. Abandoned, neglected, obsolete, or unsafe, signs shall be removed by the owner upon the order of the Zoning Administrator.

8. A sign placed on a building front in the Commercial or Industrial Zone may not project over the street line.

B. SIGNS WHICH MAY BE ERECTED WITHOUT A PERMIT

1. A sign not exceeding two (2) square feet in area may be attached flat to a building to advertise home occupations and commercial enterprises. Illumination may be non-flashing, uncolored light.

2. A temporary real estate sign not exceeding sixteen (16) square feet in area and without illumination.

3. A sign advertising the sale of farm products produced on the premises, not exceeding eight (8) square feet in area and without illumination.

4. Directional or information signs of a public or quasi-public nature in any Zone, not exceeding eight (8) square feet in area. Such signs, without illumination or advertising, may be used for the purpose of stating:

a. The name or location of a town, village, hospital, community center, private school, college, YMCA, YWCA, Church or other place of worship; or the name or place of meeting of an official or civic body such as a Chamber of Commerce Rotary or Kiwanis Club.

b. Temporary signs indicating an event of public interest such as a fair, election, horse show, etc.

5. Signs identifying the name of property and residents thereon.

6. Signs giving notice of Zoning and Appeal hearings.

C. SIGNS FOR WHICH A PERMIT IS REQUIRED

1. One (1) free standing and other business signs may be erected in the Commercial and Industrial Zones which advertise commodities sold and services provided on the premises. The total area of all signs displayed on any one property shall not exceed two (2) square feet of sign area for each foot of building front; or one (1) square foot of sign area for each foot of lot frontage up to one hundred (100) feet, then one-half ($\frac{1}{2}$) square foot of additional sign area for each foot of lot frontage that exceeds one hundred (100) feet. However, on a corner lot additional sign area not exceeding fifty (50) square feet may be displayed on the side street, provided that any such sign shall be not less than one hundred (100) feet distant from a Residential Zone. The area of a billboard or outdoor advertising type sign, located on premises, shall be computed as part of the total allowable sign area permitted on any lot or tract of land under this paragraph. Signs or other advertising structures on premises shall not exceed eight (8) feet in height above the height of the roof line, height of sign supporting structure to be included in this limitation. Chimneys, pylons, etc. shall not be construed to mean a portion of the roof line.

2. Billboards and outdoor advertising type signs shall be permitted off premises in Commercial and Industrial Zones. The total area of any such sign shall not exceed eight hundred twenty-five (825) square feet. Only one (1) such sign shall be placed at one location, excepting that two (2) signs may be placed back to back or V-type provided that the interior angle does not exceed forty-five (45) degrees. Billboards or outdoor advertising structures permitted by this paragraph shall be limited in number to one (1) structure for each property under single ownership, even though subdivided, having a combined frontage of one thousand (1,000) feet or less. For each additional one thousand (1,000) feet of frontage under single ownership the property owner shall be permitted one (1) additional billboard or outdoor advertising structure.

3. Real estate directional signs, temporary and off premises, not exceeding fifty (50) square feet in area, which direct attention to the opening of a new subdivision, development or store center, may be erected in any Zone. Such signs shall be located not less than fifty (50) feet from the edge of the highway pavement and shall not be illuminated.

4. Real estate directional arrows, temporary and off premises and not exceeding three (3) square feet in area may be placed in any Zone.

5. Tourist home signs not exceeding six (6) square feet in area and located not less than ten (10) feet from any property line. Any illumination shall be by shielded, steady, uncolored light.

D. NON-CONFORMING SIGNS

1. Any sign not conforming to these regulations, erected prior to the adoption of this Ordinance, shall not be altered or changed in overall dimensions. If damaged to the extent of one-half (1/2) of its replacement value, it shall be removed.

2. Signs not conforming with the requirements of this section shall be removed by the owner within one (1) year after the adoption of this Ordinance, excepting, however, those signs located on the premises to which they pertain.

ARTICLE X

A. AUTHORITY OF BOARD OF APPEALS

1. The Board of Appeals is authorized to grant variances from the strict application of these regulations when by reason of exceptional narrowness, shallowness, or shape of specific parcels of property at the time of the enactment of this Ordinance or amendments thereto, or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, where the strict application of these regulations or, amendments hereto would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Board of Appeals shall not grant variances which will substantially impair the intent, purpose, and integrity of this Ordinance. This provision shall not be construed to permit the Board of Appeals, under the guise of a variance, to change the use of land.

2. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by any officer or body in the administration of This Ordinance.

3. To hear and decide petitions for special exceptions.

4. To hear and decide appeals in regard to property affected by the Master Highway Plan.

B. PROCEDURE

1. The Board of Appeals shall promulgate rules establishing procedure for the conduct of its proceedings.

C. GENERAL PROVISIONS

A special exception may be granted when the Board of Appeals finds that:

1. The proposed use does not affect adversely the General Plan for the physical development of the locality, as embodied in this Ordinance.

2. The proposed use will not be detrimental to the use of adjacent properties or the general neighborhood, and

3. The standards set forth in each particular use for which a special exception may be granted have been met.

ARTICLE XI

A. ZONING AMENDMENT PROCEDURE

1. The County Commissioners shall promulgate rules establishing rules for proposed amendment of this Ordinance.

2. Said rules shall stipulate the information required on the zoning amendment petition, provision for recommendation by the Planning Commission, published notice, public hearings, posting of notice on the property for which rezoning is requested, and state the timing and frequency that amendment applications shall be received.

ARTICLE XII

A. NON-CONFORMING USES

Any building, structure, or use, lawfully existing at the time of adoption of this Ordinance, may be continued, even though such building, structure or use does not conform to the regulations of the Zone in which it is located, except as otherwise provided in this Ordinance.

B. GENERAL PROVISIONS

1. A non-conforming use may be extended, not to exceed fifty (50) percent of its area, on land owned or within a building existing at the time of adoption of this Ordinance, by resolution of the Planning Commission.

2. No building in which a non-conforming use has been changed to a more restricted use shall again be devoted to a less restricted use. No non-conforming use, once abandoned, shall thereafter be re-established. Abandonment is defined as the cessation of a non-conforming use for a period of one (1) year or more.

3. A non-conforming use destroyed by fire or other disaster may be rebuilt within one (1) year of its destruction.

C. EXCEPTIONS

The following non-conforming uses shall terminate one (1) year after the adoption of this Ordinance:

1. Automobile grave yards or the storage of cars not in running condition.
2. Junk yards.
3. Outdoor advertising signs.
4. Dumps.

ARTICLE XIII

A. ADMINISTRATION AND ENFORCEMENT, GENERAL REQUIREMENTS

1. No building or other structure shall be erected, nor shall any existing building or other structure be moved, added to, enlarged or structurally altered, and no excavation for any building or other structure shall begin, without the issuance of a permit therefor by the Building Inspector.
2. No building, or other structure, or land shall be used, nor shall any building, structure of land be converted, wholly or in part, to any other use, except for a single family dwelling, agricultural purposes, accessory uses, or home occupations permitted under the provisions of this Ordinance, until an Occupancy Permit, certifying compliance with these regulations, has been issued by the Building Inspector.

B. APPLICATION FOR BUILDING AND OCCUPANCY PERMITS

Applications for Building and Occupancy Permits shall be filed in duplicate on forms obtainable at the Office of the Building Inspector. Applications for a Building and Occupancy Permit shall be accompanied by duplicate copies of a plat, drawn to scale, showing:

1. The lot or lots upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision name, if any.
2. Name and width of abutting street or streets;
3. Location, dimensions, and use of existing buildings and other structures on the lot or lots;
4. The location, dimensions, and proposed use of buildings and other structures for which a permit is requested;
5. Front, side and rear yard width; and
6. North point, date, and scale of plan

No application for Building and Occupancy Permit shall be accepted by the Building Inspector, unless all of the information required on the application and accompanying plans has been furnished by the applicant.

No Building or Occupancy Permit shall be issued by the Building Inspector until the application therefor has been approved by the Planning Commission, or its authorized representative. Any such permit, issued without Planning Commission approval, shall be invalid.

C. INSPECTION AND ISSUANCE OF OCCUPANCY PERMIT

The Building Inspector shall make an inspection of the property and shall issue an Occupancy Permit, if the building, structure, alterations, enlargement, conversion, change, and use of the land conform with the approved plans for which a Building and Occupancy Permit has been issued, the provision of this Ordinance, and the Charles County Building Code.

D. VIOLATIONS - PENALTIES

Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Ordinance, or violates or fails to comply with any order or regulation made hereunder, or who interferes in any manner with any person in the performance of a duty required by the terms of this Ordinance shall be guilty of a misdemeanor, and punished by a fine of not more than Three Hundred (\$300) Dollars or by imprisonment in the County Jail not to exceed ninety (90) days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense.

ARTICLE XIV

For the purposes of these regulations, certain words and terms used herein are defined as follows:

1. **ACCESSORY USE OR BUILDING:** A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building, provided that such accessory building shall not be used for housekeeping purposes.
2. **ADVERTISING STRUCTURES:** See "Sign"
3. **ALLEY:** A public way less than thirty (30) feet in width.
4. **ANIMAL BOARDING PLACE:** Any building or buildings designed or arranged for the boarding, breeding or care of dogs, cats and other animals, but not including stables.
5. **APARTMENT HOUSE:** "Dwelling, Multiple Family" - A building containing three or more dwelling units.
6. **AREA OF BUILDING:** "Floor area of Building" - The total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches; but including the total floor area of accessory buildings on the same lot.
7. **AUTOMOBILE FILLING STATION:** A building or lot having pumps and storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for sale at retail, and where repair service is incidental.
8. **AUTOMOBILE GARAGE, PRIVATE:** An accessory building or portion of a main building designed, arranged, or used for the housing of private motor vehicles, only one (1) of which may be a commercial vehicle, provided, however, that this limitation does not apply to commercial vehicles garaged and used on a bona fide farm.
9. **AUTOMOBILE GARAGE, PUBLIC:** Building or portion thereof, other than an automobile sales room, held out or used for the housing of six (6) or more motor vehicles, where service or repair facilities, if any, are incidental to the principal use for storage.
10. **AUTOMOBILE OFF-STREET PARKING AREA:** A parcel of land, lot, lots, or portions thereof required, in accordance with these regulations, to provide off-street automobile parking.
11. **AUTOMOBILE LOT, COMMERCIAL:** A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more vehicles, where service or repair facilities are not permitted. Such parking lot shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.
12. **AUTOMOBILE REPAIR AND SERVICE STATION:** Building, lot - or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or auto wrecking business.
13. **AUTOMOBILE SALES LOT:** A lot arranged, designed, or used for the storage and display for sale of any motor vehicle or any type of trailer provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.
14. **AUTOMOBILE WRECKING:** See "Junk Yard".
15. **BILLBOARD:** See "Sign, Outdoor Advertising".
16. **BOARD:** The Board of Zoning Appeals.
17. **BOARDING HOUSE:** A dwelling in which, for compensation, lodging or meals, or both are furnished to not more than nine (9) guests. A boarding house shall not be deemed a home occupation.
18. **BUILDING:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
19. **BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of finished ground surface along the front of building.
20. **BUILDING INSPECTOR:** The Building Inspector or his authorized representative.
21. **BUILDING LINE:** A line beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project (except as provided in Section II).
22. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same

is located.

23. **CARE HOME:** Includes rest and nursing homes, convalescent homes, and boarding homes for the aged established to render domiciliary care for chronic or convalescent patients, but excluding child care homes or facilities for care of feeble-minded or mental patients, epileptics, alcoholics, senile psychotics or drug addicts.
24. **CEMETERY:** A place used for the permanent interment of dead human bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.
25. **COMMISSION:** The Charles County Planning Commission.
26. **COURT:** An opened, unoccupied space other than a yard, on the same lot with a building or group of buildings which is bounded on two or three sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.
27. **DORMITORY:** A building or portion thereof used for sleeping purposes, in connection with a school, college, or other institution.
28. **DUMP:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, sewage, trash, refuse waste material, of any kind, junk, discarded machinery, vehicles or parts thereof, offal or dead animals.
29. **DWELLING, ONE-FAMILY:** A building containing not more than one dwelling unit.
30. **DWELLING UNIT:** A building or portion thereof arranged or designed for occupancy by not more than one (1) family for living purposes and having cooking facilities.
31. **EDUCATIONAL INSTITUTION; PRIVATE:** Every private school or educational or training institution, including day camp or day nursery, but such term does not include (a) any private educational institution which is under the supervisory jurisdiction of the County Board of Education or (b) any activity offering instruction which is carried on by a single teacher, tutor or instructor having a total enrollment of not more than five students at any one time. No private education institution shall be deemed a home occupation.
32. **ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION:** A private non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual.
33. **FAMILY:** An individual, or two or more persons related by blood or marriage, (excluding servants) living together as a single housekeeping group in a dwelling unit.
34. **FRONTAGE:** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or right-of-way.
35. **GARDEN INDUSTRY:** A non-nuisance industry with buildings of pleasing architectural design and with ample set back, which do not occupy over 25 percent of the site, with automobile parking for employees at rear of plant and with grounds attractively landscaped.
36. **GUEST ROOM:** A room which is intended, arranged, or designed for occupancy by one or more guests, having no provision for cooking; school and college dormitories and fraternity and sorority houses are excluded.
37. **HOG FARM:** Any land or building used for the purpose of keeping, feeding or raising, fifty (50) or more swine.
38. **HOME OCCUPATION:** An occupation carried on by the occupant of a dwelling in a residential zone as a secondary use in connection with which there is no exterior display; and not more than one person is employed other than members of the family residing on the premises; including, but not limited to, such occupations as beauty parlor, dressmaking and alteration, preparation of food stuffs and confectiionery, provision of tourist or boarding and rooming accommodations for not more than four persons. One sign may be displayed not exceeding two square feet in area, attached flat against the building and not lighted.
39. **HOSPITAL, SANITARIUM:** Any institution receiving in patients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for.
40. **HOTEL:** Any building containing ten or more guest rooms, where, for compensation, lodging, meals, or both are provided for ten or more guests, excluding a fraternity or sorority house, school or college dormitory, or tourist home as defined herein.
41. **HOTEL, APARTMENT:** Any building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

42. **JUNK YARD:** Any land or building used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.
43. **LOT:** A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as required by these regulations for a lot in the zone in which such a lot is situated and having its principal frontage on a public street or public way or on a private right-of-way or easement approved by the Planning Commission. The term "record lot" means the land designated as a separate distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed among the land records of Charles County.
44. **LOT AREA, NET:** The total horizontal area included within the rear, side and front street or proposed street lines.
45. **LOT, CORNER:** A lot abutting on two or more streets at their intersections, where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.
46. **LOT, DEPTH OF:** The average horizontal distance between the front street line and the rear lot line.
47. **LOT FRONT OF:** The side or sides of an interior lot which abut a street, in a corner lot, the shortest side that abuts a street.
48. **LOT FRONTAGE, MINIMUM, AT BUILDING LINE:** The least permissible width of lot, measured horizontally along the front building line.
49. **LOT FRONTAGE, MINIMUM AT FRONT STREET LINE:** The least permissible width of lot, measured horizontally along the front street line.
50. **LOT, INTERIOR:** Any lot other than corner lot.
51. **MOBILE HOME:** A detached single family residential dwelling unit, designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking assembling operations, located on wheels, jacks or other temporary or permanent foundations.
52. **MOBILE HOME PARK:** Any site, lot, parcel, or tract of land which is improved, used or intended to provide a location for the accommodation of two or more mobile homes or trailers which are used for living purposes, regardless of whether or not a charge is made for such accommodation.
53. **MOBILE HOME SPACE:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.
54. **MOTEL:** Any group of dwelling units used for the purpose of housing transient guests, each unit of which is equipped with its own toilet and washroom facilities.
55. **NON-CONFORMING USE:** A use of a building or of land lawfully existing at the time this ordinance became effective and which does not conform with the use regulations of the district in which it is located.
56. **PERCENTAGE OF LOT COVERAGE:** The percentage of "lot area" which may be covered by buildings, including covered porches and accessory buildings.
57. **PROFESSIONAL OFFICE:** Rooms and/or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, etc.
58. **ROOMING HOUSE:** A dwelling in which, for compensation, lodging is furnished to three or more, but not exceeding nine guests. A rooming house shall not be deemed a home occupation.
59. **SIGN:** Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, product, service business, profession, enterprise, or industry which is located upon any land, or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. The flag, emblem, insignia, poster, or other display of a nation, political unit, educational, charitable, religious, or similar group, campaign, drive, or event shall not be included within the meaning of this definition.
60. **SIGN, BUSINESS:** A sign which directs attention, to a business, commodity, service, or other activity conducted upon the premises upon which such sign is located.
61. **SIGN, DIRECTIONAL OR INFORMATION:** A sign designating the location of a community or an institution of public or quasi-public nature or the opening of an event of public interest but not including signs pertaining to real estate.

62. **SIGNS, INCIDENTAL:** Name plates or signs designating accessory uses, such as a doctor's office, home occupation, or similar use, or advertising exclusively the sale of farm products produced on the premises.
63. **SIGN, ON PREMISES:** A sign located on the premises to which it pertains.
64. **SIGN, OUTDOOR ADVERTISING:** A sign including a billboard which directs attention to a business, commodity service, entertainment or other activity, conducted, sold, or offered elsewhere than on the premises upon which such a sign is located.
65. **SIGN, REAL ESTATE:** A sign advertising the sale, lease, rental, or development of any particular premises or directing attention to the opening and location of a new subdivision, neighborhood, or community.
66. **STORY:** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there be no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story, if it is used for business or dwelling purposes.
67. **STREET:** A public or dedicated way thirty (30) feet or more in width; or a proposed right-of-way, widening, or extension of any existing street or public way shown on any plan approved by the Commission.
68. **STREET, CENTER LINE OF:** The center line of a street shall be a line lying midway between the street or right-of-way lines thereof. When the street lines are indeterminate and pavement or a well-defined, traveled way exists, the center line shall be assumed to be a line midway between the edges of such pavement or traveled way.
69. **STREET LINE:** A line defining the edge of a street from abutting property or lots. If, on a master plan of streets, and highways duly adopted by the Commission, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.
70. **STREET WIDTH:** The shortest distance between street lines, measured at right angle to the street right-of-way.
71. **SUBDIVISION:** A division of a tract of land into one (1) or more lots suitable for building development.
72. **THEATER, OUTDOOR:** An outdoor theater shall include only those areas, buildings, or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.
73. **TOURIST CABIN CAMP:** Any lot, parcel, or tract of land, together with such open spaces as are required under the provisions of these regulations, upon which there are located one (1) or more cottages or cabins used, designed, maintained, or held out for the accommodation of transient guests, whether or not a charge is made therefore.
74. **TOURIST HOME:** A dwelling in which for compensation, lodging and meals, or lodging only are provided or offered to not more than twelve (12) transient guests. A tourist home shall not be deemed a home occupation.
75. **HABITABLE TRAVEL TRAILER (TRAILER):** A vehicular, portable structure designed to be used as a temporary dwelling for travel, camping and recreational purposes. Such units shall not include mobile homes, nor exceed twenty-eight (28) feet in length or eight (8) feet in width.
76. **TRAILER CAMP:** Any site, lot, parcel or tract of land which is improved, used, or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping, or recreational purposes.
77. **USES:** The principal purpose for which a lot or the main building thereof is designed, arranged, or intended and for which it may be used, occupied or maintained.
78. **USE, ACCESSORY:** A use of a building lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
79. **WAYSIDE STAND:** A temporary structure designed, arranged or used for the display or sale of agricultural or other products grown or produced on the premises upon which such stand is located.
80. **YARD:** Open space on the same lot with a building or group of buildings lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except as provided in these regulations.
81. **YARD FRONT:** Open space extending across the full width of lot between the front street line or the proposed front street line and nearest line of the building or any enclosed portion thereof.
82. **YARD, REAR:** Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof.
83. **YARD, SIDE:** Open space between the side lot line and the nearest line of the building, porch or projection thereof.

84. **ZONE:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

85. **ZONING MAP:** "The Zoning Map" dated together with all amendments thereto subsequently adopted.

ARTICLE XV

A. VALIDITY

1. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the Ordinance, in its entirety or of any part thereof, other than that so declared to be invalid.

2. The County Commissioners of Charles County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.