

ARTICLE 4. USE REGULATIONS

400 Applicability of Regulations

- A. Unless otherwise provided by law or specifically by this Ordinance, no land, building or structure shall be used, or occupied for the purpose of a use, unless that use is specifically permitted in the zoning district in which the land, building or structure is located, under the provisions of this Article.

- B. No building or structure shall be located on any lot within the Town unless for a use permitted in the zoning district in which that lot is located by the provisions of his Article, nor shall any building or structure be used unless its location is in conformance with the provisions of this Article, and Articles 5 and 6 governing dimensional requirements and off-street parking and loading.

401 Uses by Right, Uses not Permitted and Uses by Special Exception

- A. A use listed in Section 405 of this Ordinance is permitted by right in any zoning district under which it is denoted by the letter "P", provided that such use shall be subject to the conditions and requirements specified in Section 405 and elsewhere in this Ordinance.

- B. A use listed in Section 405 of this Ordinance shall not be permitted in any zoning district under which it is denoted by the letter "N". Such uses lawfully existing at the effective date of this Ordinance shall be governed by the provisions of Article 8 of this Zoning Ordinance.

- C. A use listed in Section 405 may be permitted as a Special Exception in any zoning district under which it is denoted by the letters "SE" provided that approval for said use has been granted by the Board of Appeals pursuant to Article 10, and further provided that said use shall be subject to the conditions and requirements specified in Section 405 and elsewhere in this Ordinance and to such further requirements as the Board of Appeals may establish in granting the Special Exception.

402 Uses Subject to Other Regulations

- A. Uses permitted by right or by Special Exception shall be subject, in addition to the requirements of the Use Regulations set forth in this Article, to such other regulations governing yards, lot size, lot width, building coverage, height, off-street parking, and to such other provisions as are specified in the various articles hereof.

- 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. No zoning permit shall be issued until approval is obtained from the Garrett County Health Department for water supply and waste disposal.

403 Pre-existing Special Exception Uses

Any use lawfully existing on the effective date of this Ordinance, which is classified as requiring a Special Exception in the zoning district in which it is located, **and which has** not been granted a Special Exception by the Board of Appeals, shall be (deemed to have been granted a Special Exception) governed by the provisions of Article 8, Nonconforming Uses.

404 Temporary Accessory Uses

- A. 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, as provided in subsection 901-B hereof
- B. Such permit shall be granted an initial period of not more than six months and may be renewed for a period not exceeding an additional six months.

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Table of Use Regulations

<u>AGRICULTURAL USES</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(1) Agricultural		N	N	N	N	P	P	N
<u>RESIDENTIAL USES</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(2) Single-Family Dwelling. In PD subject to review		P	P	P	P	P	P	N
	and approval by the Historic Review Board.							
(2A) Single-Family Modular Dwelling. In PD subject to review		SE	P	P	P	P	P	N
	and approval by the Historic Review Board.							
(3) Single Family Dwelling -"Double Wide" Dwelling		N	SE	SE	SE	SE	P	N
(4) Two-Family Detached Dwelling --("Duplex") Dwelling		N	SE	SE	N	SE	P	N
(5) Single-Family Attached Dwelling --("Townhouse") Dwelling		N	SE	SE	N	SE	P	N
(6) Mobile Home		N	N	N	N	N	P	N
(7) Conversion of Home to Two Dwelling Unit -Conversion of a		N	N	N	N	N	P	N
	single-family dwelling or other building into not more than two							
	dwelling units, provided that the resulting dwelling complies with							
	the lot area per dwelling unit and the yard, building and other							
	requirements applicable to two-family detached dwellings, including							
	parking, as provided by this Ordinance, and further provided that the							
	conversion requires no structural alteration of the building's exterior,							
	or fundamental modification of its appearance, unless the same shall							
	be approved by the Zoning Administrator.							

<u>INSTITUTION, RECREATIONAL AND EDUCATIONAL USES</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(13) Commercial or Public Campground and/or camping		N	N	N	N	N	P	N
sites whether or not offered for rent.								
(14) Churches and other places of worship		SE	SE	SE	SE	SE	P	N
(15) Cemeteries		N	N	N	N	N	P	N
(16) Schools, including religious and non-sectarian, denominational,		N	SE	SE	P	SE	P	N
or private								
(a) A lot area of not less than one acre shall be required; and								
(b) No part of any building shall be located less than 50 feet								
from any adjoining lot line in separate ownership.								
(17) Day nursery, nursery school or other agency giving		N	N	N	SE	SE	P	N
day care to children, provided that:								
(a) The use shall be conducted in a building designed for								
day care occupancy; and								
(b) Any outdoor play areas shall be sufficiently screened								
and sound insulated so as to protect the neighborhood from								
noise and other disturbance. To fulfill this requirement, screening								
must be located in an area approved by the Zoning Administrator.								
(18) Trade, professional, music or dancing school		N	N	N	SE	N	P	N
(19) Library or museum		N	N	N	SE	N	P	N

<u>RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(29) Office or clinic for medical or dental examination or treatment of		N	N	N	P	N	P	N
a person as out-patients, including laboratories accessory thereto.								
(30) Physical therapy, tanning salons, beauty shops, and nail salons.		N	N	N	P	N	P	N
(30A) Tattoo parlors and licensed massage studios.		N	N	N	N	N	P	N
(31) Business, professional or governmental office		N	N	N	P	N	P	N
(32) Retail shop and store		N	N	N	P	N	P	N
(32A) Shops and stores specializing in electronic cigarettes and		N	N	N	N	N	P	N
vaping products.								
(32B) Medical marijuana (growing/processing/dispensing)		N	N	N	N	N	P	N
(33) Service business		N	N	N	P	N	P	N
(34) Bank, savings and loan association		N	N	N	P	N	P	N
(35) Eating place for food and beverages shall be located on and		N	N	N	P	N	P	N
have direct access to an arterial road as designated in the Mountain								
Lake Park Comprehensive Development Plan								
(36) Newspaper printing establishment		N	N	N	P	N	P	N
(37) Motel, hotel		N	N	N	P	N	P	N

<u>RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES (cont.)</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
	(g) Clothing and shoe manufacture;							
	(h) Truck terminals and/or truck service centers;							
	(i) Research and development facilities;							
	(j) Carpet and rug cleaning plants;							
	(k) Petroleum products storage underground;							
	(l) Blacksmith, welding machine and similar shops.							
	(56) Industrial uses, including, but not limited to, the following	N	N	N	N	N	P	N
	types:							
	(a) Concrete and ceramic products manufacture,							
	including ready-mixed concrete plants;							
	(b) Contractor's equipment and storage yards:							
	(c) Petroleum products storage tanks above ground, provided							
	all State and Federal laws, as well as National Fire							
	Underwriters Codes, are complied with; and							
	(d) Sawmills.							
<u>UTILITIES; COMMUNICATIONS; TRANSPORTATION USES</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
	(57) Transformer stations, structures housing switching	N	SE	SE	P	SE	P	N
	equipment and regulators, pumping stations, power transmission line							
	rights-of-way. In Residential Districts, the proposed use at the location							
	selected if necessary for public convenience and service, that no public							
	business office nor any storage yard or storage building is operated in							
	connection with it, and whenever practicable, buildings and structures							
	shall have the exterior appearance of residential buildings.							
	(58) Towers, radio and/or television transmitter towers or stations,	N	N	N	P	N	P	N
	excluding commercial studios, provided that any such tower shall be							
	located a distance equal to its height plus 50 feet from all lot lines.							

<u>ACCESSORY USES (Continued)</u>		<u>PD</u>	<u>TR</u>	<u>SR</u>	<u>C</u>	<u>AR</u>	<u>R</u>	<u>SW</u>
(67) Signs subject to the provisions and requirements		SE	SE	SE	P	P	P	N
	of Article 7. In PD subject to review and approval by the							
	Historic Review Board							
(68) Windmills, wind turbines, and other such devices		N	N	N	N	N	P	N
(69) Outdoor furnaces		N	SE	SE	SE	SE	P	N

407 Satellite TV Dishes TVRO Dishes or Stations Earth Stations and the Like

Satellite TV dishes, TVRO dishes or stations, and earth stations and the like, shall not be permitted in the front yard, as defined herein, of any lot located within a residential district within the Town of Mountain Lake Park. Satellite dishes shall be subject to the setback requirements as set forth in Article 5 hereof "Digital satellite system" dishes, of no more than twenty-six (26) inches in diameter are exempted from the operation of this Section. Also exempted are internet connectivity dishes if no more than twenty-four (24) to thirty-six (36) inches.

408 Vending Machines

Vending machines shall not be permitted on the sidewalks or the streets of Mountain Lake Park in any zoning district.