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 <u>Pre-existing Special Exception Uses</u>

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 <u>Temporary Accessory Uses</u>

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.

405	Table of Use Regulations							
AGRICULTURAL USES		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(1) Agricultural	N	N	N	N	P	P	N
RESIDENTIAL USES		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(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.							

RESIDENTIAL USES (continued)		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(8) Multi-Family ("Apartment") -Provided that:	N	SE	SE	N	SE	P	N
	(a) Building Orientation: Minimum horizontal distance between facing							
	walls of any two buildings on one lot shall be 50 feet; and							
	(b) Development Access: Multi-family dwellings shall be located on and							
	have direct access to a major collector or minor collector street as designed							
	in the Town's Comprehensive Development Plan; and							
	(c) Off Street Parking Design Requirements:							
	(i) All off street parking lots and their access drives shall be at least							
	ten (10) feet from any principal building; and							
	(ii) No one area for off-street parking of motor vehicles							
	shall exceed twenty (20) automobiles in capacity. Separate							
	parking areas on a lot shall be physically separated from							
	one another except for access drives or streets by eight-							
	foot (8') planting strips. This provision does not apply to							
	Senior Multi-Family Housing or Senior Center.							
	(9) Dwelling Unit in combination with commercial use	N	SE	SE	P	SE	P	N
	(10) Rooming, Boarding or Lodging House	N	SE	SE	P	SE	P	N
	(11) Bed and Breakfast Home. In PD subject to review	SE	SE	SE	P	SE	P	N
	and approval by the Historic Review Board							
	(12) Group Homes	P	P	P	P	P	P	N
	(a) A group home meeting the requirements of this Section shall							
	house a maximum of 8 unrelated persons, in addition to any staff-							
	persons necessary to assist and supervise such persons.							

RESIDENTIAL USES (continued)		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(b) A minimum of 1 off-street parking space shall be provided for							
	each employee on-site during peak periods. Plus 1 additional							
	space for each resident having a registered vehicle.							
	(c) A copy of any relevant Federal, State or County license or							
	certification shall be provided to the Zoning Administrator. The							
	Zoning Administrator shall be notified in writing within 7 days by							
	the operator if the use of such license or certification is suspended,							
	expired or withdrawn, or if there is a significant change in the type							
	of residents housed.							
	(d) The group home shall apply for and obtain a Zoning Permit. The							
	permit application shall state the maximum number of residents,							
	general type of treatment/care, level of staffing, any sponsoring agency							
	and a phone number and address of a responsible supervisor of the use.							
	(e) Any medical or counseling services on-site within a residential district							
	shall be limited to a maximum of 3 persons who do not live on-site.							
	(f) If a group home is within a residential district:							
	(i) it shall be maintained and/or constructed with a clearly							
	residential appearance; and							
	(ii) no exterior signs shall identify the use.							
	(g) If a group home is within PD it shall be constructed and manufactured so							
	as to be compatible with other dwellings in the area. This determination							
	shall be made by the Mountain Lake Park Historic Review Board.							
	(12A) Senior Multi-Family Housing	N	P	SE	P	SE	SE	N
	(12B) Senior Center	N	P	SE	P	SE	SE	N

INSTITUTION, RECREATIONAL AND EDUCATIONAL USES		PD	TR	SR	C	AR	R	SW
	(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

INSTITUTION, RECREATIONAL AND EDUCATIONAL USES (cont.)		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(20) Community center, adult education center, religious	N	N	N	SE	N	P	N
	camp meetings or other similar facility operated by an educational,							
	philanthropic or religious institution, provided no outdoor active recreation							
	shall be located nearer to any lot line than the required yard depth.							
	(21) Recreation facility, provided that:	N	N	SE	SE	N	P	N
	(a) If the facility includes a swimming pool, the pool,							
	including the apron, filtering and pumping equipment and any							
	related buildings, shall be at least 50 feet from any lot line: and							
	(b) Outdoor recreation areas, including pools, shall be sufficiently							
	screened and sound-insulated so as to protect the neighborhood							
	from glare, noise and other disturbances.							
	(c) Any non-commercial greenhouse, tool shed, private garage,							
	swimming pool or similar accessory structure and other structures							
	shall be permitted in a recreation area that existed prior to the							
	effective date of this ordinance.							
	(22) Private club or lodge	N	N	N	P	N	P	N
	(23) Golf course, provided all buildings and golf greens and tees	N	N	N	P	N	P	N
	shall be located not less than seventy-five feet from any lot line.							
	(24) Golf driving range, provided that:	N	N	N	P	N	P	N
	(a) A lot area of not less than fifteen acres shall be required; and							
	(b) All buildings and tees shall be located not less than 75 feet							
	from any lot line; and							
	(c) All lighting and activity areas shall be sufficiently screened so							
	as to protect the neighborhood from glare, noise and other							
	disturbance.							

INSTITUTION, RECREATIONAL AND EDUCATIONAL USES (cont.)		PD	TR	SR	C	AR	R	SW
	(25) Orphanage, licensed hospital, nursing home or other licensed	N	N	N	P	N	P	N
	establishment for the care of sick, aged, crippled or convalescent							
	persons; charitable organizations or philanthropic institutions,							
	provided that:							
	(a) Hospital:							
	(i) A lot area of not less than two acres shall be required; and							
	(ii) All buildings shall be located not less than 50 feet from any							
	lot line.							
	(b) Nursing home where not more than 10 persons are cared for:							
	(i) A lot area of not more than 1/2 acre shall be required; and							
	(ii) All buildings shall be located not less than 25 feet from any							
	lot line.							
	(c) Nursing home where (eleven) 11 or more persons are cared for:							
	(i) A lot area of not less than 1/2 acre plus 1,000 square feet for							
	each person above 11 persons shall be required; and							
	(ii) All buildings shall be located not less than 25 feet from any							
	lot line.							
	(26) Public building owned or operated by the Town of Mountain	SE	SE	SE	P	SE	P	N
	Lake Park. In PD subject to review and approval by the Historic							
	Review Board							
	(27) Fire station	N	N	N	P	N	P	N
	(28) Rescue Squad	N	N	N	P	N	P	N
	(28A) Senior Center	N	P	SE	P	SE	SE	N

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES		PD	TR	SR	C	AR	R	SW
	(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

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES (cont.)		PD	TR	SR	C	AR	R	SW
	(38) Entertainment and recreation facilities operated as a gainful	N	N	N	P	N	P	N
	business within a building							
	(39) Veterinary office or animal hospital, provided that:	N	N	N	P	N	P	N
	(a) A lot area of not less than two acres shall be required; and							
	(b) No building or structure used for boarding or exercising							
	animals shall be within 200 feet of any lot line; and							
	(c) The use shall be sufficiently screened so as to protect the							
	neighborhood from excessive noise and other disturbance.							
	(40) Funeral home or mortuary	N	N	N	P	N	P	N
	(41) Residential parking garage or parking area, provided that:	N	N	N	P	N	P	N
	(a) Such uses shall be permitted only when necessary to							
	provide off-street parking for the vehicles of residents in							
	nearby dwellings; and							
	(b) Such use shall meet all design standards of Article 6.							
	(42) Automotive service station, provided that:	N	N	N	P	N	P	N
	(a) All activities, except those to be performed at the fuel pumps,							
	shall be performed within a completely enclosed building; and							
	(b) Fuel pumps shall be at least 20 feet from any street rights-of-							
	way; and							
	(c) All automobile parts, dismantled vehicles and similar articles							
	shall be stored within a building: out of sight, and							
	(d) Full body paint spraying or body and fender work shall not be							
	permitted.							

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES (cont.)		PD	TR	SR	C	AR	R	SW
	(43) Automobile self-service or mini-service gas station-subject to the	N	N	N	P	N	P	N
	requirement that fuel pumps shall be at least 20 feet from any							
	street right-of-way							
	(44) Sale or rental of automobiles and other motor vehicles	N	N	N	P	N	P	N
	(45) Sale of automotive accessories, parts, tires, batteries and other	N	N	N	P	N	P	N
	supplies							
	(46) Repair garage, including paint spraying and body and fender	N	N	N	P	N	P	N
	work or car washing facilities, provided that all repair and paint							
	work is performed within an enclosed building							
	(47) Car washing facilities	N	N	N	P	N	P	N
	(48) Adult Uses	N	N	N	N	N	R	N
	(49) Racing or recreational facility for any type of motorized	N	N	N	N	N	N	N
	vehicle or watercraft							
	(50) Animal racing facility	N	N	N	N	N	N	N
	(51) Rifle, shotgun, pistol, archery, or paint gun, shooting facilities	N	N	N	N	N	P	N
	(52) Wholesale business and storage, provided that storage of all new	N	N	N	P	N	P	N
	or used items, including dismantled vehicles, parts, equipment and							
	what is generally referred to as "junk", shall be maintained in a							
	structure with roof or screened from view from the street and							
	adjoining property.							

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES (cont.)		PD	TR	SR	C	AR	R	SW
	(53) Contractor offices and shops such as building, cement,	N	N	N	P	N	P	N
	electrical, heating,masonry, painting and roofing							
	(54) Junkyards	N	N	N	N	N	N	N
	(55) Light industrial uses, including, but not limited to, the following,	N	N	N	N	N	P	N
	provided such uses shall be conducted in enclosed buildings that							
	outdoor storage areas shall be effectively screened by a solid wall,							
	fence or dense evergreen planting:							
	(a) Manufacture and assembly of electrical appliances, electronics							
	and communication equipment, professional, scientific and							
	controlling instruments and photographic or optical products;							
	(b) Manufacturing, compounding, assembling or treatment of							
	articles or merchandise from previously prepared materials							
	such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane,							
	paper, glass, plastic, horn, stone, shells, tobacco, wax, textiles,							
	yarns, wood and metals, including light steel or other light metals,							
	light metal mesh, pipe, rods, shapes, strips, wire or other similar							
	component parts.							
	(c) Manufacturing, compounding, processing, packing or							
	treatment of cosmetics, pharmaceuticals and food products,							
	except fish and meat products, sauerkraut, vinegar, yeast							
	and the rendering or refining of fats and oils;							
	(d) Manufacture of musical instruments, novelties and molded							
	rubber products, including tire manufacture, recapping and							
	treading;							
	(e) Manufacture of pottery or other similar ceramic products							
	using only previously pulverized clay; and kilns fired only							
	by electricity or gas. Laboratories, chemical, physical and biological;							

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES (cont.)	PD	TR	SR	C	AR	R	SW
(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.							
UTILITIES; COMMUNICATIONS; TRANSPORTATION USES	**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
(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.							

UTILITIES; COMMUNICATIONS; TRANSPORTATION USES (cont.)	PD	TR	SR	C	AR	R	SW
(59) Bus station	N	N	N	P	N	P	N
(60) Water storage or treatment facility	N	SE	SE	SE	SE	SE	SE
(61) Sewage treatment facilities, lagoons, settling basins,	N	N	N	N	SE	P	N
holding facility and the like							
ACCESSORY USES	**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
(62) Home professional office, provided that:	SE	SE	SE	SE	SE	P	N
(a) There shall be no use of show windows or display or							
advertising visible outside the premises other than							
announcement signs as permitted;							
(b) There shall be no exterior storage or materials unless							
completely screened from view from the street and adjoining							
property; and							
(c) The use shall be carried on only by members							
of the immediate family residing on the premises plus not more							
than one additional employee, and.							
(d) The floor area devoted to a home professional office shall not							
be more than 25% of the ground floor area of the principal							
residential structure; however, the use can be on any floor.							
(e) In PD home professional offices are subject to the review and							
approval of the Historic Review Board.							
(f) This use is limited to traditional, professional office use only.							
No retail or service businesses are permitted.							

ACCESSORY USES (Continued)		**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(63) Non-commercial greenhouse, tool shed, private garage,	SE	P	P	P	P	P	N
	swimming pool, or similar accessory structure and other							
	structures customarily incidental to a permitted use and not							
	conducted as an independent principal use.							
	(63A) Accessory building located on a lot which does not contain a	SE	SE	SE	SE	SE	SE	N
	principal building, but is compatible with the surrounding area and							
	such accessory building will not exceed 15 feet wide, 30 feet long,							
	and 12 feet high.							
	(64) Trailer and boat storage as accessory uses, provided that:	SE	P	P	P	P	P	N
	(a) The trailer or boat shall not be occupied or used for							
	dwelling purposes; and							
	(b) In a residential district, the use shall not be located							
	in the required front or side yard.							
	(c) No trailer or boat may be stored on a lot(s) which does not							
	contain an occupied residence.							
	(d) In PD trailer and boat storage are subject to the							
	review and approval of the Historic Review Board.							
	(65) Fences, walls, landscaping materials subject to the traffic	SE	SE	SE	P	P	P	N
	visibility requirements and provisions of Section 504. In PD							
	fences are subject to the review and approval of the Historic							
	Review Board.							
	(66) Off-street parking subject to the provisions	P	P	P	P	P	P	N
	and requirements of Article 6							

ACCESSORY USES (Continued)			**PD**	**TR**	**SR**	**C**	**AR**	**R**	**SW**
	(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.