

ARTICLE 5. GENERAL REGULATIONS

LOT AREA AND LOT WIDTH REGULATIONS

500 Dimensional Requirements

The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in the "Table of Dimensional Requirements for Principal and Accessory Uses" in Section 501, subject to any further applicable provisions of this Ordinance, including Section 513 governing development on "steep slopes".

501 Table of Dimensional Requirements for Principal And Accessory Uses

Maximum District Use		Minimum Land Area (sq. ft.)	Minimum Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Building Setback Lines Minimum Required Yard			
					Front	Side	Rear	Height
TR and PD	Duplex	15,000	7,500	100	15	10	20	35
	Townhouse	12,000	4,000	--	20	10*	20	35
	Apartment	20,000	4,000	200	20	25	25	35
	Senior Multi-Family Housing	20,000	2,800	100	15	10	20	40
	Senior Center	26,136	12,000	100	15	10	20	35
	Any other use	12,000	12,000	100	15	10	20	35
SR	Duplex	24,000	12,000	100	20	10	25	35
	Townhouse	12,000	5,000	--	20	15*	25	35
	Apartment	40,000	5,000	200	20	15	30	35
	Senior Multi-Family Housing	20,000	2,800	100	15	10	20	40
	Senior Center	26,136	12,000	100	15	10	20	35
	Any other use	12,000	12,000	100	15	10	20	35
C	Dwelling unit in combination with commercial use	7,500	7,500	75	15	8	20	35
	Any other structure	5,000	5,000	75	15	8	20	35
AR	Any use permitted	130,680	130,680	200	20	10	25	35
R and SW	Any use permitted	43,560	43,560	100	20	10	25	35

*Side yard requirement only for end units A Maximum density is six dwelling units per acre. Minimum Land Area excludes all existing public street rights-of-way. NOTE: The above Dimensional Requirements are based upon the availability of a centralized water supply system and a centralized sewage disposal system. If these systems are not available to a potential land development, the following and other application State Department of Health and Mental Hygiene Standards shall be used by the Garrett County Health Department in determining minimum lot size:

Percolation Rate Time Required For a 1" Drop	Using a Private Water Supply & Private Sewage Disposal System		Using a Centralized Water Supply & Private Sewage Disposal System		Using a Centralized Sewage Disposal System & Private Water Supply	
	Minimum Lot Width	Minimum Lot Area	Minimum Lot Width	Minimum Lot Area	Minimum Lot Width	Minimum Lot Area
	(feet)	(sq. ft.)	(feet)	(sq. ft.)	(feet)	(sq. ft.)
1 to 5	100	20,000	100	15,000	75	12,000
6 to 15	125	25,000	100	17,500	75	12,000
16 to 25	150	30,000	100	20,000	75	12,000
26 to 30	150	40,000	140	30,000	75	12,000

502 Lot Area or Yard Required

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

503 Exceptions to Minimum Lot Sizes and Lot Widths

A. A building may be constructed, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed.

B. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this Ordinance, in any case where a re-parceling or replotting could create one or more lots which would conform to the above provisions.

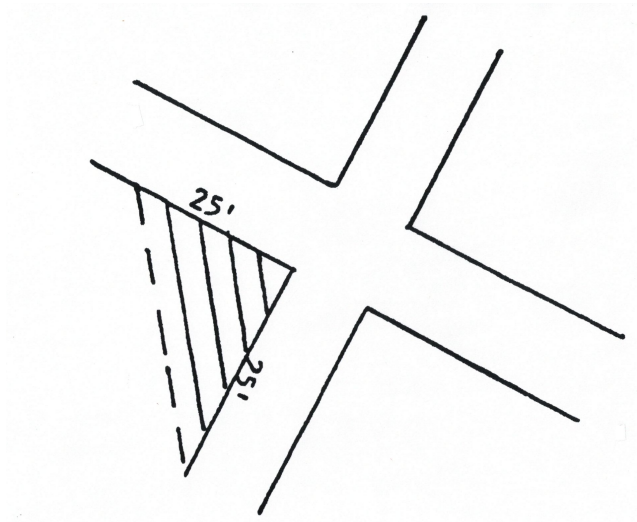
504 Front Yard Reduction

When there is an existing building on each of two lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when each such existing building is within one hundred feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard for the lot on which the proposed building is to be erected.

505 Traffic Visibility Across Corners (clear sight triangle)

On any corner lot, no wall, fence or other structure **shall be erected or altered and no** hedge, tree, shrub, or other growth shall be **maintained which causes danger to**

traffic on a street by obscuring the view. Visual obstructions shall be limited to a height of not more than two feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on each such street line twenty-five feet from the intersection of said street line.



506 **Permitted Projections into Required Yards**

Subject to Section 504 and 505, the provisions of Section 500 shall not apply to fences or walls which are less than six feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the floor level of the ground story except that in residential districts no fence, wall or shrubbery shall be more than three (3) feet in height in the area between the front lot line and the required setback line. Subject to Section 504, Article 6 and Article 7, the yard requirements of Section 500 shall not apply to accessory signs and off-street parking spaces.

507 **Accessory Buildings in Side and Rear Yards**

Completely detached accessory buildings may occupy required side and rear yards but shall not be located closer than five feet to any side or rear property line.

508 **Front and Side Yards of Corner Lots**

On a corner lot the street side yard shall equal the required front yard for lots facing that street.

509 **Height Exceptions of Maximum Regulations**

Maximum height regulations shall not apply to church spires, chimneys, aerials and other structures normally built or located above the roof and not devoted to human occupancy.

510 **Environmental Protection-Flood Plains**

- A. Purposes: This Section is intended to safeguard and promote the public health, safety and general welfare by:
1. Regulating development in areas known to possess characteristics indicative of flooding and/or chronic wetness.
 2. Maintaining adequate natural drainage-ways to carry abnormal water flows during periods of heavy precipitation and snow melt.
 3. Restricting the construction of improvements in locations where they would likely be damaged by floods or where they could be washed away and cause damage to downstream properties.
 4. Preventing encroachments on floodways which would cause damage to other properties along the watercourse by increasing the height and the velocity of floods.
 5. Preventing health and safety hazards along drainage ways during floods by preventing the placing or storing in the floodway of unsanitary or dangerous substances.
 6. Reducing the financial burden imposed on the Town and its residents by frequent and periodic floods, overflows on land and erosion.
 7. Assuring the eligibility of the Town so that residents in endangered areas may obtain reasonable surety for their homes through the National Flood Insurance Act of 1968 or any amendments or successor statutes thereto.
 8. Permitting and encouraging the retention of open land uses located and designed to constitute an appropriate part of the physical development of the Town as provided in the adopted Comprehensive Development Plan.
- B. Flood Plains Defined: The provisions of this Section shall apply to all flood plain areas which are hereby designated to include:

1. All areas delineated as "100-year flood plains" in studies published by the U.S. Army Corps of Engineers or by the Maryland Department of Natural Resources, except that:
2. In the absence of such delineation of the 100-year flood plain along any drainageway, stream or body of water, the provisions of this Section shall apply to all lands containing alluvial soils or high water table soils as identified in and delineated upon the maps of the Garrett County Soil Survey, and to all land lying within twenty-five feet measured horizontally from the center line of any stream, drainageway or body of water. Specifically, these provisions shall apply to the following named soil types:

An	Alluvial land
Ao	Alluvial land, very stony
Ar	Armagh silt loam
At	Atkins silt loam
BrA	Brinkerton and Andover silt barns, 0 to 3
BrB	Brinkerton and Andover silt barns, 3 to 8 percent slopes
BsC	Brinkerton and Andover, very stony silt barns 0 to 15 percent slopes
Ek	Elkins silt loam
Lc	Lickdale silt loam
Ls	Lickdale very stony silt loam
NoB	Nob silt loam, 0 to 8 percent slope
Pe	Peat
Ph	Phibo silt loam
Ps	Pope silt loam
PuC2	Purdy silt loam, 0 to 15 percent slope, moderately eroded

C. Review Procedure: All land lying in, or within a distance of one hundred feet from, areas of alluvial and high water table soils as shown, for reference only, on the Zoning Map shall be subject to the following procedure:

1. Where an application for use of such land involves or includes permanent structures or facilities, including but not limited to buildings, septic systems and wells, the Zoning Administrator shall transmit a copy of such application and supplementary information to the Garrett Soil Conservation District, the Garrett County Health Department, the Garrett County Stormwater Management Office, and a copy to the Maryland Water Resources Administration, requesting the written comments of each such reviewing agency regarding the proposed use. The Zoning Administrator may also request the written comments of all other County, State or Federal agencies with a relevant interest.

2. In addition to the information ordinarily required for a zoning permit, the Zoning Administrator shall require the applicant to supply any or all of the following supplementary information to assist in the thorough and equitable evaluation of the proposed use:
 - a. The existing and proposed contours at a contour interval of two feet;
 - b. The existing and proposed elevations of the levels of the land involved at the corners of the foundation of any buildings and utility facilities and at the intersection of any street;
 - c. The lowest elevation of the lowest proposed floor level and the main floor elevation within all proposed buildings and for all proposed utility facilities;
 - d. The layout of existing and proposed streets and the nature, extent and location of existing and proposed utilities; and
 - e. A detailed on-site soil survey prepared by a qualified soil scientist and/or a detailed engineering investigation by a registered professional engineer in accordance with survey techniques approved by the Garrett Soil Conservation District.
3. The Zoning Administrator shall delay action on such application for a period of sixty (60) days from the date of transmittal to the agencies listed above. If no written request is received, or if no request for a reasonable extension of the review time is received from said agencies within said thirty days, the presumption shall be that the agency has no objections to the proposed use.
4. If the application complies with all other relevant provisions of this Ordinance, the Zoning Administrator, after the expiration of said thirty (30) days or of such reasonable additional review time as may have been granted, shall either disapprove the application, or shall approve the application and issue a zoning permit or shall approve the application subject to such additional requirements as may seem necessary, reasonable and proper to protect the public interest in reducing flood hazards or to protect the public health, safety or welfare, based upon the written comments of the reviewing agencies. Such additional requirements may include, and the reviewing agencies may suggest that such additional requirements include, without being limited to, prohibiting or restricting one or more of the following uses and activities:

- a. All buildings, including residential, commercial, industrial and other buildings intended for human occupancy or employment.
- b. All refuse sites, excavation sites, dumps, junkyards, storage or animal waste materials, or the storage of inflammable liquids such as petroleum.
- c. The filling of wetlands, the removal of topsoil, the damming, changing, or relocation of any watercourse.
- d. The installation or use of any sewage disposal facilities or portable water supply facilities.

D. Minimum Construction Standards

The following minimum construction standards shall apply to all uses which may in the future be permitted in 100-year flood plains delineated pursuant to subsection B.1 above, and the standards may be specified by the Zoning Administrator as additional requirements in granting approval pursuant to subsection C-4 above.

1. No building shall be erected or located in any flood plain unless the main floor elevation of said building shall be not less than three feet above the design flood plain water elevation.
2. Any structure placed in the flood plain shall be firmly anchored to prevent flood waters from carrying it downstream. Such anchoring shall be sufficient to withstand a flood velocity of ten feet per second; this requirement shall apply to all portions of the structure up to an elevation of not less than three feet above the design flood elevation. The Zoning Administrator shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this standard.
3. All materials and equipment located or stored below the main floor elevation of any building located in a flood plain shall be protected from flood damage. The Zoning Administrator may require the applicant to install a water pump in any such building. No living accommodations shall be located below the main floor elevation of any such building.
4. No building within a flood plain shall be located less than fifty feet from the outer limits of encroachment lines of any river, stream, creek, watercourse or water body or drainageway.
5. Not with standing other provisions of this Ordinance, the total area of all buildings and impervious surfaces located in a flood plain shall not

cover more than thirty-five percent of the total lot or land area, in order that the remaining land will be open and allow for the unobstructed passage of water; the remaining open land, however, may be used for parking and loading areas, landscaping, required access drives, required yards, and similarly permitted open uses.

6. No building or improvement located in a flood plain shall be located or designed so as to impede unreasonably the movement or flow of surface water or debris.

E. Effect of Approval

The granting of approval of a site development plan or the issuance of a zoning permit for any building or use located in or within one hundred feet of a flood plain shall not constitute a representation, guarantee or warranty of any kind or nature by the Zoning Administrator or by any other public body or official, as to the practicability or safety of any structure or use proposed or erected and shall create no liability upon or cause action against such public body or official for any flood, chronic wetness, or pollution damage that may result pursuant thereto. Nothing herein shall be construed to relieve any person from full compliance with any County, State or Federal law or the requirements thereof.

511 Screening of Outdoor Storage Areas

Outdoor storage of materials equipment and supplies outside of completely enclosed buildings shall be permitted as a use accessory to commercial, industrial, and other nonresidential uses, excluding home occupation uses, provided all such outdoor storage areas shall be effectively screened from the view from adjoining properties and public streets by dense evergreen planting at least six feet high or by a solid wall, screen or fence of equal height.

512 Setbacks for Satellite Dishes, Antennae, Etc.

No satellite TV dish, TVRO dish, earth station, TV antenna, aerial, or the like, shall be located closer than fifteen feet to any property line, and any such dish shall be subject to the provisions of Section 407.

513 Steep Slopes (Over Thirty Percent)

- A. New Slopes If any new slope shall be proposed in any development of a ratio greater than 4:1, the application for said development shall provide a written description of the measures that will be used to stabilize such slope, together with a legally binding timetable for the implementation of such measures.

B. Over Thirty Percent Slope Any construction of a new principal building or a new parking lot on land that includes existing natural slopes of over thirty percent shall require Special Exception approval by the Board of Appeals. When Special Exception approval is required, the applicant shall:

1. Show that existing trees or other vegetation will be preserved to the maximum extent reasonable, or be immediately replaced by new trees and other vegetation;
2. Show that the percentage of the lot covered by buildings and paving will be reasonably minimized;
3. Submit a plan showing that stormwater runoff will be properly controlled;
4. Submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the Town or its designee; and
5. Submit a grading plan prepared by a qualified professional, which shall hold grading to a reasonable minimum.

C. Slopes on Proposed Lots

1. If natural slopes of over thirty percent (30%) are present on a proposed lot, then the applicant shall submit a site plan with any application for either a building permit or zoning permit that shows the locations of all buildings, paved areas, etc., and designates the maximum portions of the lot that will be used for construction of principal buildings. The applicant may be able to avoid some or all of the requirements of this subsection 513-C by restricting construction to the less steep portions of a lot.
2. If the site plan designates areas of over thirty percent (30%) slope for the construction of a principal building, the following additional requirements shall apply to such new lot:
 - a. The minimum lot area shall be 20,000 square feet, unless a larger lot area is required by another section of this Ordinance; and
 - b. A maximum of **fifty** (50%) percent of the lot area may be covered by all buildings, paving and stone or masonry surfaces.
 - c. The minimum lot area shall be three acres, unless a larger area is required by another Section of this Ordinance; and
 - d. A maximum of ten percent of the lot area may be covered by all buildings, paving and stone surfaces.

D. Slope Exceptions

If the building footprint of a new principal building and/or the area of a parking lot would affect less than two hundred square feet with a natural slope of more than thirty percent (30%), then the requirements of the above subsections **513B and 513C** shall not apply.

514 Stream Buffers

- A. Setback No new principal buildings, off-street parking, loading area or commercial or industrial outdoor storage area shall be located within twenty-five feet of the top of the primary bank of any perennial waterway.
- B. No new or expanded paving or stone surface shall be placed within the setbacks established by Mountain Lake Park's duly adopted Flood Plain Ordinance No. 2013-1, adopted on September 5, 2013, except for:
1. Trails that will not serve motor vehicles;
 2. Necessary road and driveway crossings that are approximately perpendicular to the stream; and
 3. Temporary waterway crossings related to construction, provided such crossings are approved by applicable State agencies.
- C. Property owners are strongly encouraged, but not required, to maintain the stream buffers in natural vegetation, and to plant new trees in areas without significant existing vegetation. Subdividers are encouraged to establish deed restrictions to limit tree cutting within this buffer.

515 Flood Prone Areas

- A. Flood-Prone Areas All construction, including any paving, shall be in accordance with Mountain Lake Park's duly adopted Flood Plain Ordinance No. 2013-1, adopted on September 5, 2013.
- B. Wetland In any area suspected of being a wetland, where development or other alterations are proposed, the applicant shall provide evidence that he/she is complying with the regulatory procedures of the State of Maryland.

Notification of Threatened and Endangered Species and Wetlands

Federal Habitat The Zoning Administrator shall notify an appropriate Federal agency in writing if an application for development is submitted that could affect a site known to the Zoning Administrator to have been identified by a Federal agency as a habitat for a Federally designed Rare, Threatened or Endangered Species.