

- C. Yard, Rear: A yard adjoining and extending parallel to a rear lot line.

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

300 Zoning Districts and Map

- A. For the purpose of this Ordinance, zoning districts are hereby established as follows:

SR - Suburban Residential District
TR - Town Residential District
TC - Town Center District
GC - General Commercial District
NC - Neighborhood Commercial District
EC - Employment Center District
HR - Historic Recreation District

- B. For the purposes of this Ordinance, the zoning districts established by sub-section A. shall be of the number, size, shape and location shown on the Town "Zoning Map" adopted and included in its entirety as part of this Ordinance.

- C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map, which shall be maintained in the office of the Zoning Administrator, shall be the final authority as to the current zoning status of land, buildings, and other structures.

301 Interpretation of District Boundaries

- A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:

1. Boundaries drawn approximately along the center-lines of streams, drainageways, streets, roads, alleys, or railroads or other rights-of-way shall be construed to follow such center-lines.
2. Boundaries drawn approximately parallel to the center-lines of streams, drainageways, streets, roads, alleys, or railroad or other rights-of-way, or parallel to property lines shall be construed to lie parallel to such center-lines or property lines at the distance therefrom noted upon the zoning map.
3. Boundaries drawn approximately along platted lot lines or other property lines shall be construed to follow such lines.

4. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.

B. Where a zoning district boundary line as shown on the zoning map divides a lot or property which was in single ownership and of record at the effective date of this Ordinance, the uses permitted thereon and the other district requirements applying to the least restricted portion of such lot shall be considered as extending over the entire lot or for a distance of fifty (50) feet from the district boundary line into the more-restricted portion of the lot, whichever distance is less.

302 Uses Permitted in Zoning Districts

A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted, as specified in this Article, in the zoning district within which the land or building or structure is located.

B. No use shall be permitted except in compliance with the laws of the State and the regulations of the Washington County Health Department regarding water supply and waste disposal, as evidenced by the written approval of the Washington County Health Department.

C. A use listed in Section 305 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 305 and elsewhere in this Ordinance. Such uses permitted by right shall be principal uses within the meaning of this Ordinance, unless otherwise specified.

D. A use listed in Section 305 of this Ordinance is permitted as an accessory use, as defined in Article 2, in any zoning district under which it is denoted by the letter "A", provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance.

E. A use listed in Section 305 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 construed as nonconforming uses subject to the provisions of Article 8.

F. A use listed in Section 305 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 Article 305 and elsewhere in this Ordinance and to such further requirements as the Board of Appeals may establish in granting the special exception.

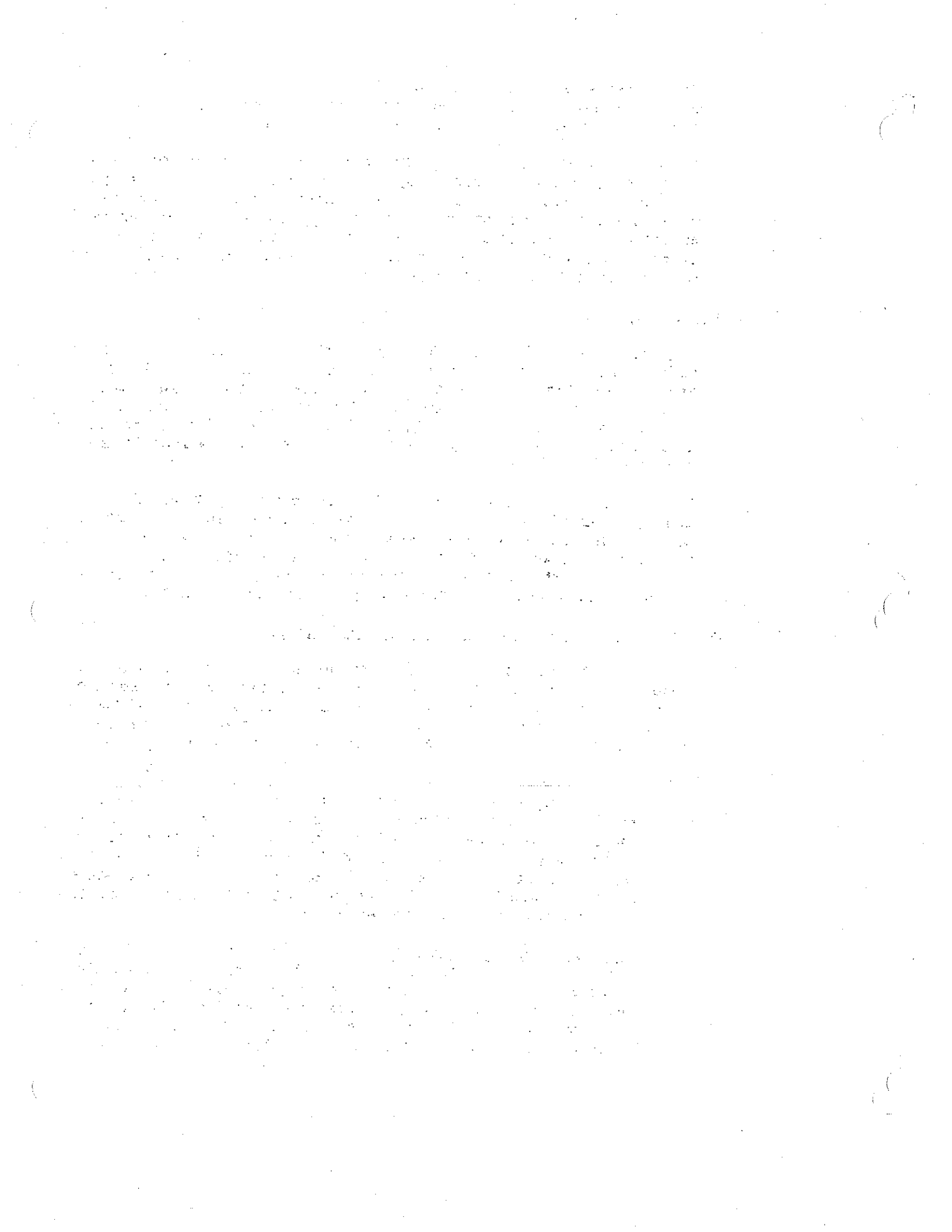
- G. Any use lawfully existing on the effective date of this Ordinance which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of operations or structure existing on the effective date of this Ordinance shall require a special exception granted by the Board of Appeals pursuant to Article 10.

303 Newly Annexed Areas

- A. All areas annexed to the Town after the effective date of this Ordinance shall automatically be classified in the SR-Suburban Residential District, provided that the Mayor and Town Council may, after public notice and hearing pursuant to Article 10, provide for the classification of such annexed areas or part thereof in another zoning district or districts, effective upon the date of such annexation.
- B. If the Mayor and Town Council do not provide in advance for the zoning classification of newly-annexed areas in the manner provided in sub-section A., above, the Planning Commission shall, within six (6) months of the date of such annexation, prepare and recommend to the Mayor and Town Council comprehensive development plans and recommendations for zoning of such annexed areas.

304 Legislative Intent and Purposes for Zoning Districts

- A. As an aid in interpreting the provisions of Section 305, the Mayor and Town Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Town Comprehensive Plan:
1. Suburban Residential District - This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require this type of development. Development is thus permitted at moderate density consistent with State health standards, and the residential areas are protected from the intrusion of incompatible non-residential uses.
 2. Town Residential District - This district provides for somewhat higher densities than the Suburban Residential District, where centralized sewerage facilities exist and where future development of this type can safely proceed. The Town Residential District is intended to recognize existing town development and its logical extension; it



accommodates a variety of residential uses, plus limited "convenience" retail commercial uses desirable to serve only residential areas.

3. Town Center District - This district provides for the continuation of the Town's core area which generally contains a mixture of residential, commercial and public service uses.
4. General Commercial District - This district provides for commercial uses mainly for retail sales and services, and related activities requiring good highway access.
5. Neighborhood Commercial District - This district provides for the establishment of uses intended primarily to serve the daily and convenience shopping and personal service needs of residents in sub-sections of the Town.
6. Employment Center District - This district provides for industries, and areas which are ideally suited for desirable types of light-industrial development because of their proximity to major highways, and utility services. Because of the urgent need to promote the public welfare by encouraging additional employment opportunities, such land should not be pre-empted by other permanent uses, and is therefore designated solely for manufacturing, office and related activities which would provide new jobs in the Town's economy.
7. Historic-Recreation District - This district provides for the preservation of the C & O Canal and for the continuation of the historic character associated with development along this waterway.

A. NATURAL RESOURCES AND AGRICULTURAL USES

1. Forests, forest conservation practices, and the harvesting of forest products, excluding sawmilling.	P	N	N	N	N	P	P
2. Fish and wildlife preserves and propagation areas, except commercial or membership wildlife hunting preserves.	SE	N	N	N	N	P	P
3. Mining, quarrying, or the removal of coal, clay, sand, gravel, peat, topsoil or any other natural resources, except natural gas, from on or beneath the land surface for commercial purposes.	N	N	N	N	N	N	N
4. Agriculture, as defined in Article 2.	P	P	P	P	P	P	P

B. RESIDENTIAL USES

5. Single-family detached dwellings, including pre-fabricated (sectional) dwellings.	P	P	P	N	N	N	P
6. Mobile Homes	N	N	N	N	N	N	N
7. Two-family detached ("duplex") dwellings.	SE	P	P	N	N	N	S
8. Single-family attached ("townhouse") dwellings.	N	SE	P	N	N	N	N
9. Multi-family ("apartment") dwellings.	N	SE	P	N	N	N	N
10. Mobile home parks, subject to the provisions of Section 504.	SE	N	N	N	N	N	N
11. Dwelling unit in conjunction with a principal non-residential use.	N	SE	P	A	P	A	N

	SR	TR	TC	GC	NC	EC	HR
12. Conversion of a single family dwelling or other building into not more than two dwelling units, provided that the lot area per dwelling unit and yard, building and other requirements for dwellings in the zoning district shall not be reduced thereby, and further provided that no structural alteration of the building's exterior shall be made except as necessary for safety.	SE	P	P	N	SE	N	SE
13. Conversion of a dwelling or other structure into an apartment containing more than two dwelling units.	N	SE	SE	N	N	N	SE
14. Rooming, boarding or lodging houses, and Bed and Breakfast Inns. (Amended 11/9/87).	SE	SE	P	N	N	N	N
15. Cluster Residential Development, subject to the provisions of Section 503.	P	P	P	N	N	N	P
16. Customary home occupations and home professional offices, provided, that:	SE	SE	P	P	P	N	SE
a. Such occupation or office shall be conducted only by members of the immediate family residing on the premises, plus not more than two (2) non-resident employees; and							
b. Such occupation or office shall not occupy an area greater than twenty-five (25%) percent of the ground flood area of the principal residential buildings; and							

c. No display of goods or storage of materials or advertising except identification signs as provided in sub-section 707.B, shall be visible from any street or adjoining property.

17. Non-commercial parking garage or parking area intended to fulfill the off-street parking requirements specified in Article 6, provided that such garage or area shall be exclusively for use by residents of nearby dwellings.

P P P P P P P

C. PUBLIC OR PRIVATE RECREATIONAL USE

18. Parks designed or intended for passive recreation or open space.

P P P P P P P

19. Areas designed, equipped or intended for non-commercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.

SE SE P N N A SE

20. Commercial swimming pool or beach conducted as a principal use.

SE SE N P N N SE

21. Riding stables, subject to the setback requirements specified in Section 501.

N N SE N SE N

22. Private or membership clubs or lodges not operated commercially, or conducted primarily as a business enterprise.

N N SE P SE SE

23. Golf courses.

SE N N N N N N

24.	Golf driving or practice ranges, or miniature golf courses or the like, conducted as a principal use.	N	N	N	P	N	SE	N
25.	Commercial outdoor recreation or amusement areas not otherwise described or identified above.	N	N	N	SE	N	SE	N
26.	Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts and the like.	N	N	SE	P	SE	N	N
27.	Sale or rental of recreational vehicles and accessory equipment, including repairs to such vehicles and equipment.	N	N	N	P	N	SE	N

D. INSTITUTIONAL, EDUCATIONAL AND UTILITY USES

28.	Churches and other places of worship.	SE	SE	P	P	P	N	SE
29.	Cemeteries.	SE	N	N	N	N	N	SE
30.	Licensed hospitals.	N	N	SE	SE	N	N	N
31.	Charitable or religious institutions, sanatoria, licensed nursing homes, or the like, institutions for human care and the treatment of noncontagious diseases, but excluding prisons and insane asylums.	SE	SE	SE	SE	N	N	N
32.	Medical or dental offices or clinics for out-patient treatment, including accessory laboratory facilities.	SE	SE	P	P	SE	N	N

Section 32 amended September 9, 1991
Recorded Liber 3, folio 902

	SR	TR	TC	GC	NC	EC	HR
33. Meeting or assembly halls for philanthropic, religious fraternal or civic organizations, subject to the setback provisions of Section 501.	N	N	P	P	SE	N	N
34. Essential utility equipment, as defined in Article 2, provided that before construction begins on any overhead electric power line of 34.5-KV or greater capacity, on any telephone trunk line including microwave facilities, or on any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.	SE	SE	SE	SE	SE	SE	SE
35. Radio or television broadcasting or relay towers and accessory equipment including community and cable television systems, provided that no tower shall be located closer to any lot line than a distance equal to its height plus 50 feet.	SE	N	N	N	N	SE	N
36. Sewage treatment plants, lagoons, settling basins and the like, conducted as a principal use.	SE	N	N	N	N	SE	N
37. Electric power generating plants or substations, yards or areas for transforming or switching electricity.	SE	SE	SE	SE	SE	SE	SE

38. Civic buildings, including community centers, museums, post offices, libraries, fire stations and public office buildings erected or used by Federal, State, County or municipal governments or agencies thereof.	SE	SE	P	P	SE	SE	SE
39. Governmental buildings or uses other than those described in sub-section 38 above, except educational buildings and uses.	SE	SE	SE	SE	SE	SE	SE
40. Day care centers or nursery schools.	SE	SE	P	P	P	A	N
41. Public or private elementary or middle schools.	SE	SE	P	N	N	N	N
42. Public or private high schools or colleges.	N	SE	N	SE	N	SE	N
43. Public or private trade or professional schools, institutes or the like.	N	N	SE	P	N	P	N

E. RETAIL AND COMMERCIAL SERVICES USES

44. Automobile carwashes; motor vehicle repair garages, provided that said repairs, storage, and maintenance of motor vehicles, shall be conducted only within enclosed buildings.	Amended November 14, 1983 Recorded Liber 2, folio 608						
	N	N	SE	P	N	SE	N
45. Automobile, truck, farm equipment, trailer, motorcycle, snowmobile or mobile home display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that:	N	N	N	P	N	SE	N

a. Repair and maintenance, except to farm equipment and mobile homes, shall be conducted only within enclosed buildings; and							
b. All outdoor storage areas and all outdoor repair and maintenance areas for farm equipment and mobile homes shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height.							
46. Automobile service stations, except highway service plazas as defined in Article 2.	N	N	N	P	SE	P	N
47. Highway service plazas, subject to the setback requirements specified in Section 501.	N	N	N	SE	N	SE	N
48. Building materials and supplies, sales, provided that outdoor storage areas shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height.	N	N	N	P	N	SE	N
49. Animal hospitals, kennels or veterinarians' offices, subject to the setback requirements in Section 501.	N	N	SE*	SE	N	N	N

Amended August 9, 1999
Recorded Liber 8, folio 597

***No outside Kennels or Runs shall be permitted**

	SR	TR	TC	GC	NC	EC	HR
50. Business services, including: banks, credit unions, savings and loan and similar financial institutions, business and professional offices, real estate and insurance agencies; telephone central offices and switchboards	SE	N	P	P	SE	P	N
	Amended September 10, 1991 Recorded Liber 3, folio 902						
51. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage	N	N	N	P	N	P	N
52. Funeral homes, mortuaries and the like.	N	SE	P	P	N	N	N
53. Greenhouses and nurseries, including sales facilities.	N	SE	P	P	SE	P	N
54. Hotels, motels and the like.	N	N	P	P	N	SE	N
55. Printing, photographic processing, blueprinting and similar reproduction services, except publishing.	N	N	P	P	N	P	N
56. Parking lot or garage operated as a commercial enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least three (3) feet high or by dense evergreen plantings of equal height.	N	N	SE	P	SE	P	N
57. Personal service businesses, including: barber shops, beauty salons, cold storage lockers, photography studios, repair shops for appliances, bicycles, electronic equipment, guns, locks, shoes, or watches, self-service dry cleaning or laundromats, tailoring or dressmaking.	N	N	P	P	P	P	N

305	Table of Use Regulations	ZONING DISTRICTS						
		SR	TR	TC	GC	NC	EC	HR
(A)	Tattoo and/or body piercing parlors, salons and establishments	(Amended 05/08/2000)						
		SE	SE	SE	SE	SE	SE	SE
58.	Restaurants, including restaurants with drive-thru facilities.	N	N	P	P	SE	P	N
59.	Repealed June 9, 1980 Recorded Liber 2, folio 323 to 327	N	N	N	SE	N	N	N
60.	Retail businesses intended primarily for neighborhood convenience shopping, including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands, meat markets, and pharmacies; provided, however, that the retailing floor area of any such business shall not exceed two thousand (2000) square feet (Amended 1/11/88. Recorded Liber 2, folio 873) Allowed in EC District by SE).	N	SE	P	P	P	SE	N
61.	General retail business, including the uses listed in sub-section 60 above, and also including shops for the sale of: antiques, appliances, automobile, truck and other vehicle parts and accessories, beverages and bottled goods, books, periodicals and stationery, clothing, drugs and sundries, including food service as an accessory use, flowers and garden supplies, including commercial greenhouses and nurseries, furniture and other home furnishings, general merchandise, gifts and jewelry, hardware, hobby and craft supplies, pets, shoes, specialty items, sporting goods,							

305	Table of Use Regulations	ZONING DISTRICTS						
		SR	TR	TC	GC	NC	EC	HR
	tobacco and accessory buildings, including enclosed warehouses. (Amended 1/11/88. Allowed in ED District by SE.) Amended December 11, 1995 Recorded Liber 2, folio 873.	SE	N	P	P	SE	SE	N
62.	Signs, subject to the Provisions of Article 7, Including							
	(a) On-premises identification signs subject to Section 707.B.	A	A	A	A	A	A	A
	(b) On-premises advertising signs subject to Section 707.C.	N	A	A	A	A	P	A
	(c) Off-premises directional signs subject to Section 708.B.	SE	P	P	P	P	P	SE
	(d) Off-premises business Advertising signs subject To Section 708.C.1.	N	N	N	P	SE	P	N
	(e) Off-premises commercial Advertising signs subject to Section 708.C.2.	N	N	N	SE	N	SE	N
	(f) Temporary signs subject to Sections 707.D and 708.D.	P	P	P	P	P	P	P
63.	Taverns and the like, subject to the requirements of the Board of License Commissioners of Washington County pursuant to Article 2B of the Annotated Code of Maryland.	N	N	P	P	SE	N	N
(A)	Nude, Semi-Nude, or Exotic Dancing and/or Nude, Semi-Nude or Exotic Dance Establishments (Amended 05/08/2000)	NP	NP	NP	NP	NP	NP	NP
64.	Warehousing and similar storage completely within enclosed buildings, including wholesale businesses, motor trucking terminals and accessory truck servicing but excluding motor vehicle repair garages.	N	N	N	SE	N	P	N



F. MANUFACTURING AND INDUSTRIAL USES

- | | | | | | | | |
|---|---|---|---|---|---|----|---|
| 65. Commercial processing, including baking, canning, cleaning, cooking, curing, drying, freezing, mixing, packaging and preserving of food and food products, such as: animals and poultry processing, except slaughtering, provided that such processing shall be subject to the setback requirements specified in Section 501; bakeries and the manufacture of other foodstuffs from flour or grains, excluding milling; bottling of milk, soft drinks or water; fruit, vegetable and dairy processing; and milling or grinding of wheat or other grains, including storage. | N | N | N | N | N | P | N |
| 66. Processing of other food and foodstuffs except the manufacture of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils. | N | N | N | N | N | SE | N |
| 67. Primary processing or manufacturing of finished or intermediate products from natural raw materials, such as: building materials, including brick, cinder block, concrete pipe, firebrick, stone, terra cotta, tile and similar clay, cement and refractory products; clay pulverizing for ceramics or other kiln products, and limestone, sandstone or other stone drying, crushing or grinding. | N | N | N | N | N | SE | N |

68. Secondary manufacturing, including assembly, altering, cleaning, finishing, maintenance packaging or other processing and incidental storage of previously-prepared materials, including bone, canvas, cellophane, cement, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paint, plastic, precious or semi-precious stone or metal, shell, stone, straw, textiles, wax, wood or yarn, to produce finished or intermediate products, such as: china, figurines, pottery and similar ceramic products, excluding pulverizing or grinding of clay; cosmetics, toiletries, drugs or pharmaceutical products; clothing, fabrics, hosiery, and the printing or finishing of textiles; handicrafts; boars, bicycles, mobile homes and similar assemblies; wooden baskets, boxes, crates, furniture, general carpentry items, veneer and similar wood products and assemblies, excluding pulping for paper manufacture; tire recapping and retreading; printing, publishing, binding and related processing and reproduction of paper and cardboard products; electrical or electronic appliance; light metal fabrication and products, including metal machining, finishing, grinding and polishing, stamping or extrusion of small products, including costume jewelry, kitchen utensils, hand tools,

	SR	TR	TC	GC	NC	EC	HR
(68. CONTINUED)							
nuts, bolts, rivets, screws, washers and the like; and musical instruments, communications, drafting, electrical, optical and similar precision instruments, jewelry, toys and novelties.	N	N	N	N	N	P	N
68.a Manufacturing and assembly of wood products, cabinetry and other type craft items, i.e. cottage industries, so long as same are wholly enclosed with no signage, or storage of vehicles, equipment or materials outside. Effective December 11, 1995	N	SE	SE	SE	SE	P	N
69. Research, design and development laboratories.	N	N	N	N	N	P	N
70. Laundry, carpet and rug cleaning and dry-cleaning.	N	N	N	N	N	P	N
71. Retail sale of petroleum products including accessory storage facilities.	N	N	N	P	N	N	N
72. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops.	N	N	N	N	N	SE	N
73. Contractor's equipment and other outdoor storage yards, provided that such yards shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height.	N	N	N	SE	N	P	N

G. MISCELLANEOUS AND ACCESSORY USES

74. Junkyards.	N	N	N	N	N	N	N
75. Sanitary landfills.	N	N	N	N	N	SE	N
76. Other uses substantially similar in character and impact to uses ordinarily permitted by this Ordinance by right or by special exception within the same Zoning District.	SE	SE	SE	SE	SE	SE	SE
77. Accessory uses, including:							
a. Accessory uses as defined in Article 2.	A	A	A	A	A	A	A
b. Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas required by this Ordinance.	A	A	A	A	A	A	A
c. Temporary buildings accessory to a construction project.	A	A	A	A	A	A	A
d. Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in Section 406.	A	A	A	A	A	A	A
e. Off-street parking, subject to the provisions of Article 6.	A	A	A	A	A	A	A