

Chapter 175

ZONING

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[HISTORY: Adopted by the Town Commissioners of the Town of Charlestown 9-9-1980, effective 9-29-1980, by Ord. No. 80-1. Replaces Chapter 200. Amendments noted where applicable.]

Amendment	Adopted	Effective	Section	Amendment Type
84-2	11-20-1984	12-10-1984	(Historic District)	(Multi-Family Grandfathering)
86-1	10-14-1986	12-3-1986	(Article 4, Sub A. 7(d))	(Satellite Dishes)
87-1	10-13-1987	12-2-1987	(Article 3, Section 2)	(Non-Conforming Lots)
88-1	2-9-1988	2-29-1988	(Article 7)	(Lot, Yard Coverage, Height)
1988	11-05-1987	10-24-1988	(Critical Area Program)	(Critical Area Program)
89-1	5-9-1989	5-29-1989	(Article 7)	(Lot, Yard Coverage, Height)
89-2	7-3-1989	7-23-1989	(Article 1, 4, 14)	(Residential Districts, Lot Coverage)

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90-1	1-3-1991	1-23-1991	(1,10,12,13,20, 33,35,38)	(Historic District, Fees, et al)
90-3	NA	NA	(200: 2-11,18-19)	(Critical Area)
91-1	1991	1991	(200: 2, 2-11)	(Critical Area)
91-2	2-26-1991	2-26-1991	(200: 2-1)	(Critical Area Impervious Surface)
91-7	10-22-1991	11-11-1991	(Floodplain)	(Repealed 91-7A)
91-7A	12-30-1991	12-30-1991	(Floodplain)	(Replaced 2015-01)
92-1	4-14-1992	5-4-1992	(Floodplain)	(Manufactured Homes)
93-6	12-14-1993	1-3-1994	(Forest Conservation)	(Forest Conservation)
95-1	6-27-1995	6-27-1995	(200: 1,15,29,30,37)	(Yards,Signs,Pools,Fences,Appeals)
95-3	12-21-1995	1-10-1996	(Table Lot Coverage)	(Lot Coverage)
99-2	2-9-1999	3-1-1999	(200: 33)	(Appeals)
2001-05	11-27-2001	12-17-2001	(175: 1)	(Recreational Vehicles)
2003-02	8-12-2003	9-1-2003	(175: 23)	(Critical Area Special Buffer Area)
2005-01	12-27-2005	1-16-2006	(175: 23)	(Critical Area Map Corrections)
2006-02	6-13-2006	7-3-2006	(175: 23)	(Critical Area Program)
2009-01	2-10-2009	3-2-2009	(175:16)	(Poultry and Livestock)
2011-05	11-8-2011	11-28-2011	(175: Multiple)	(Definitions,Standards,Lot Coverage)
2015-01	4-14-2015	5-4-2015	(Floodplain)	(Floodplain Ordinance)
2019-02	00-00-2019	00-00-2019	(175: Multiple)	(Update)

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GENERAL REFERENCES

Planning Commission – See Ch. 34.	Forest conservation – See Ch. 102	Preservation of historic areas – See Ch. 113.
Building construction – See Ch. 61.	Subdivision of land – See Ch. 150.	
Fences – See Ch. 91.	Trailers – See Ch. 159.	
Floodplain management – See Ch. 98.	Land annexations and boundaries – See Ch. A179.	
Critical Area – See Ch. 99		

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ARTICLE I
General Provisions

§ 175-1. Word usage and definitions.

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A. Word usage.

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- (3) The word "shall" is mandatory. The word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended," "designed" or "arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."

B. For the purpose of this chapter, certain terms or words used shall be interpreted as follows:

ACCESSORY APARTMENT – (See definition – Dwelling) [Added 00-00-2019 by Ord. No. 2019-02]

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ACCESSORY USE OR STRUCTURE - A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

AGRICULTURE – Including horticultural or general farming, the cultivation of crops or sale of products raised on the premises.

Deleted: AFFORESTATION - The establishment of a tree crop on an area from which it has always or very long been absent or the planting of open areas that are not presently in forest cover. [Added 5-24-1988]

AIR BED & BREAKFAST HOME – [A short term rental property (120 nights or less) that maintains the residential character of a neighborhood. Requires an approved minor permit prior to operation.

Commented [BL1]: From Beste = The rental of an entire or partial dwelling, for a short term....

ALLEY- A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

AMENDMENT - Any repeal modification or addition to a regulation; any new regulation; any change in in the number, shape, boundary, or area of a zone; or any repeal or abolition of a map, part thereof or addition thereto.

Deleted: ANADROMOUS FISH - Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn. [Added 5-24-1988]

Deleted: BEST MANAGEMENT PRACTICES (BMP's) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic, toxic substances and sediment. Agricultural BMP's include but are not limited to strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal, minimal tillage, grass and naturally vegetated filter strips and proper nutrient application measures. [Added 5-24-1988]

BED AND BREAKFAST HOME - A building that contains a dwelling unit and guest rooms where the guests receive a room and one meal per day. Bed and breakfast home means a single-family dwelling with an owner and or manager on site that may provide food beverage service (both alcoholic and non-alcoholic) for the guests and their guests only. Bed and breakfast homes may host events such as weddings, small business meetings, and conferences.

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BOARDING HOUSE - A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented, but, individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a bed and breakfast home in that the former is designed to be occupied by longer term residents (at least month to month tenants) as opposed to overnight or weekly guests.

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BOAT, abandoned – Any vessel that does not have a valid Maryland use sticker displayed on or about the forward half of the vessel and does not have a valid Maryland certificate number displayed that has remained without permission for more than thirty (30) days on public property, or any vessel that has remained outside a building for more than one hundred eighty (180) days on private property, regardless of who owns the boat and the land it is located on. Boats displaying a value number issued by the federal government or another state shall not be considered abandoned. Boats being actively restored, rehabilitated, and/or built shall not be considered abandoned.

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BUFFER (spelled with a capital "B") - A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline and terrestrial environments from man-made disturbances. In the Critical Area Overlay District (CA), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high-water line), tributary streams in the Critical Area and tidal wetlands and has a minimum width of 100 feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in this chapter. [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 201902]

BUFFER EXEMPTION AREAS - Those areas of the town otherwise within the designated Buffer that are largely or totally developed or that include undeveloped lots of record 200 feet or less in depth, excluding tidal wetlands, the development of which is grandfathered under the provisions of the Charlestown Critical Area Program and this chapter. [Added 5-24-1988]

BUILDING - Any structure, temporary or permanent, having a roof and designed for shelter or enclosure of any person, animal or property of any kind. Excluded are storage tanks, outdoor processing or testing equipment, and other structures as determined by the Zoning Administrator.

BUILDING ENVELOPE - The area formed by the building setback lines of a lot within which any buildings must be located unless otherwise permitted by this chapter. [Added 6-27-1995 by Ord. No. 95-1]

BUILDING, Principal - The primary building on a lot or a building that houses a principal use.

CAMPGROUND - Any area of land owned by a single entity, or any area of land subdivided as a campground prior to 1980 whereby units could be transferred to various owners to be used as a campground, on which

Commented [BL6]: No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp permitted under this Ordinance for a period longer than one hundred (100) days in succession or for a total of more than 150 days within any one (1) calendar year.

h accommodations for temporary and not year-round occupancy are located or may be placed, including cabins, tents, recreational vehicles, and campers which are primarily used for recreational purposes and retains an open air or natural character.

CARETAKER RESIDENCE – (See definition - Dwelling) [Added 00-00-2019 by Ord. No. 2019-02]

COMMUNITY PIERS - Boat-docking facilities associated with subdivisions and similar residential areas and with condominium, apartment and other multiple-family dwelling units. Private piers are excluded from this definition. [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 2019-02]

CRITICAL AREA [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 2019-02] - All lands and waters defined in § 8-1807 of the Natural Resources Article of the Annotated Code of Maryland. They include:

- (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private wetlands designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland. Maryland.
- (2) All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.

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- (3) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in § 8-1807 of the Natural Resources Article of the Annotated Code of Maryland.

(4) Land and development activities subject to the provisions of Chapter 99, Critical Area Program. [Added 00-00-2019 by Ord. No. 2019-02]

CRITICAL AREA COMMISSION - The Maryland Chesapeake Bay Critical Area Commission. [Added 5-24-1988]

DAY CARE CENTER, FAMILY. A home or facility where care is given, for part of a twenty-four (24) hour period, from one (1) to not more than eight (8) children, elderly, or handicapped persons, located out of the home of the legal guardian and where compensation is paid for the care.

DENSITY -The number of dwelling units per acre of gross area of a development tract. [Added 5-24-1988]

DEVELOPMENT or DEVELOPMENT ACTIVITIES - Any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land. [Added 5-24-1988]

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DWELLING - A building, or portion thereof, designed or used exclusively for residential occupancy, including attached, semi-attached, or detached single ~~-family~~ dwellings, duplex or two-family dwellings, townhouses, air bed and breakfast home, bed and breakfast home, boarding house, and multi-family dwellings (not including hotels and motels). A dwelling means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for water and sewer connection, cooking, eating, sleeping, and other activities routinely associated with everyday life. Dwelling units include living quarters for domestic or other employee or tenant, an in law or accessory apartment, guest house, or caretaker residence. [Amended 00-00-2019 by Ord. No. 2019-02]

DWELLING, Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, Detached - A building containing one (1) single-family dwelling unit on one (1) lot and detached from any other dwelling. [Amended 00-00-2019 by Ord. No 2019-02]

DWELLING, Two-Family or Duplex, A building containing two (2) attached dwelling units which share a common wall and which are on one (1) lot. [Amended 00-00-2019 by Ord. No. 2019-02]

DWELLING, Multi-family - A building containing three (3) or more attached dwelling units having common walls and/or roof and a separate entry for each unit. This definition includes townhouses and apartments.

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DWELLING, Semidetached - A building containing two attached dwelling units which share a common wall at the lot line and which are on separate lots.

DWELLING, Townhouse - A building containing three (3) or more attached dwelling units in a row having access from the front and rear of the dwelling in which the interior units share a common wall and the dwelling units may be on separate lots.

DWELLING Unit - A group of rooms located within a building, not including manufactured homes or travel trailers, designed for a single-family unit containing living, sleeping, cooking, washing, and toilet facilities.

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EXPANDED BUFFER – an area up to 200' beyond the 100' Critical Area Buffer –see definition for LOT COVERAGE [Added 00-00-2019 by Ord. No. 2019-02]

Deleted: ENVIRONMENTAL ASSESSMENT - A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development and mitigation measures to be taken to minimize undesirable impacts to the environment. [Added 5-24-1988]¶

FAMILY - One or more persons living together as a single housekeeping unit.

FARM - Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.

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FENCE - A barrier or wall of appropriate construction materials, other than natural vegetation, intended to prevent intrusion or escape, to mark a boundary, or to enclose an area to provide screening or privacy.

FENCE HEIGHT - The distance measured from the existing grade to the top of the fence.

FLOOR AREA - The number of square feet of total floor area bounded by the exterior faces of the building and excluding cellar space.

GARAGE - A fully enclosed building accessory to a residence, for the storage of one or more motor vehicles not including buildings in which fuel is sold or commercial repair or other services are performed.

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GRANDFATHERED - Describes the status accorded certain properties and development activities or uses that are of record prior to the date of adoption of this chapter or as provided under Chapter 99, Critical Area Program. [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 2019-02]

GRANDFATHERED LOTS - Any lot or parcel of record approved prior to the date of adoption of this chapter and does not meet established minimum lot area established for the zoning district. Any lot or parcel of record approved prior to the date of adoption of the Critical Area Program, December 1, 1985, as applicable.

Guest House - (See definition - Dwelling) [Added 00-00-2019 by Ord. No. 2019-02]

HISTORIC STRUCTURE - A structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, or a local inventory of historic places.

HOME OCCUPATION - A business conducted by the resident, which is incidental and secondary to residential occupancy, and does not change the residential character of the property.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils. [Added 5-24-1988]

IMMEDIATE FAMILY MEMBER - Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, step children, or step parents.

INSTITUTIONS - Any building or open area used only by an educational, religious, medical, charitable, philanthropic, or other essentially nonprofit organization, either public or private.

INTENSELY DEVELOPED AREA (IDA) - means lands classified as IDA in the Critical Area Overlay District, see Critical Area Map (date) and Chapter 00 Critical Area Program. [Added 00-00-2019 by Ord. No. 2019-02]

Deleted: FISHERIES ACTIVITIES - Commercial water-dependent fisheries facilities, including structures for the packing, processing, canning or freezing of finfish, crustaceans, mollusks and amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, offloading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations. [Added 5-24-1988]

Deleted: FOREST - A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut but not cleared. [Added 5-24-1988]

Deleted: FOREST MANAGEMENT -The protection, manipulation and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc. [Added 5-24-1988]

Deleted: FOREST PRACTICE - The alteration of the forest, either through tree removal or replacement, in order to improve the timber, wildlife, recreational or water quality values. [Added 5-24-1988]

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LAND CLEARING - Any activity that removes the vegetative ground cover. [Added 5-24-1988]

LIMITED DEVELOPMENT AREA (LDA) – means lands classified as LDA in the Critical Area Overlay District, see Critical Area Map (date) and Chapter 00 Critical Area Program. [Added 00-00-2019 by Ord. No. 2019-02]

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LOT - For zoning purposes, as covered by this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required. Such lot shall have frontage on an improved public street, and may consist of:

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- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of a lot of record.
- (4) A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT COVERAGE – means the percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any other manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fenced or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier, a wood mulch pathway; or a deck with gaps to allow water to pass freely. [Added 00-00-2019 by Ord. No. 2019-02]

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LOT FRONTAGE -The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "yards" in this section.

LOT MEASUREMENTS:

- (1) DEPTH OF A LOT - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) WIDTH OF A LOT - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80% requirement shall not apply.

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LOT, PANHANDLE - A polygonal shaped lot with the appearance of a “frying pan” or “flag and staff” in which the handle is most often used as the point of access to a street or road. The “handle”, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope. The width of the panhandle at any point must not be less than the minimum required frontage.

LOT OF RECORD – A parcel of land which has been legally recorded in the Land Records of Cecil County, Maryland.

MAJOR DEVELOPMENT – means development of a scale that may cause State-wide, regional or inter-jurisdictional, environmental or economic effects in the Critical Area Overlay District, or which may cause substantial impact to the Critical Area. This development includes, but is not limited to, airports, powerplants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities. [Added 00-00-2019 by Ord. No. 2019-02]

MARINA - Any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial oar docking and storage facilities. [Added 5-24-1988]

MEAN HIGH-WATER LINE - The average level of high tides at a given location. [Added 5-24-1988]

MINING, QUARRYING or EARTH-REMOVING - The excavation of any natural mineral deposit for commercial sale.

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MINOR OR INSIGNIFICANT IMPACTS [Added 5-24-1988]:

- (1) Any land disturbance that will affect less than 5,000 square feet of land area not located in a habitat protection area identified in the Charlestown Critical Area Program; or
- (2) Any land disturbance within the Buffer that will affect less than 500 square feet of land area, provided that such disturbance does not occur in a nontidal wetland, a plant and wildlife habitat or a threatened or endangered species or species in need of conservation habitat, as identified in the Charlestown Critical Area Program.

MOBILE HOME [Amended 1-3-1991 by Ord. No.90-1]:

- (1) A trailer or semitrailer that is designed, constructed and equipped as a permanent or temporary living or sleeping place and for use as a conveyance on highways, but that does not qualify as a recreational vehicle, as these terms are defined in this chapter.
- (2) A trailer or a semitrailer that has a chassis and exterior shell designed and constructed as described in Subsection (1) of this definition, but that is used instead, either permanently or temporarily, for the advertising, sale, display or promotion of merchandise or services, as

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an office or for any other similar purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.

MOBILE HOME PARK - Any plot of ground of at least ~~ten~~ acres upon which a minimum of five mobile home spaces are located.

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~~MOBILE HOME SUBDIVISION - A mobile home park, except that lots and streets must conform to subdivision regulations for single-family dwellings.~~

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MODIFIED BUFFER AREA – see Chapter 99, Critical Area Program. [Added 00-00-2019 by Ord. No. 2019-02]

NATURAL FEATURES - Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife. [Added 5-24-1988]

NATURAL VEGETATION - Plant communities that develop in the absence of human activities. [Added 5-24-1988]

NEW DEVELOPMENT – see Chapter 99, Critical Area Program. [Added 00-00-2019 by Ord. No. 2019-02]

NONCONFORMING BUILDING OR STRUCTURE - A building or portion thereof lawfully existing at the time this chapter became effective and that conflicts with provisions of this chapter.

NONCONFORMING USE - Any use of land or buildings or structures which does not comply with the regulations of this chapter.

NONTIDAL WETLANDS [Added 5-24-1988] - Those lands (excluding tidal wetlands) where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season and that are usually characterized by one or both of the following:

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Commented [BL14]: A question was raised about the possibility of a property owner being grandfathered or exempt from following some or all of provision # 3 below.

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Deleted: regulated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland, farm ponds and other man-made bodies of water whose purpose is to impound water for agriculture, water supply, recreation or waterfowl habitat...

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(1) At least periodically, the lands support predominantly hydrophytic vegetation; and/or

(2) The substrate is predominantly undrained hydric soils.

(3) ~~Nontidal wetlands shall not be disturbed by development. A buffer consisting of natural vegetation of at least 25 feet shall be maintained in areas adjacent to nontidal wetlands. The 25-foot buffer shall be retained in its existing topographic condition and undisturbed by excavation or fill. In the event that the provision of a 25-foot buffer is not feasible, the applicant shall provide for alternative means of buffering with natural vegetation in concert with a Site Development Plan. All Federal and State wetland permits must be obtained. If the Town determines buffer establishment with natural vegetation is not feasible, and all reasonable measures have been exhausted, the Town shall require a fee-in-lieu of \$1.50 per square foot of disturbance, which the Town will keep in a separate account, for reforestation activities.~~

OFFSETS - Structures or actions that compensate for undesirable impacts. [Added 5-24-1988]

OPEN SPACE - Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state. [Amended 5-24-1988]

OPEN WATER - Tidal waters of the state that do not contain tidal wetlands and/or submerged aquatic vegetation. [Added 5-24-1988]

ORDINARY REPAIR AND MAINTENANCE - ~~Does~~ not include any work where there is alteration to, or the replacement of, structural members or components of the structure.

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OUTDOOR ADVERTISING BUSINESS - Provision of outdoor displays or display space on a lease or rental basis only.

PAD, DEVELOPMENT - The area of a lot within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation. [Added 5-24-1988]

PARKING SPACE, OFF-STREET - An off-street parking space shall comprise not less than 200 square feet for a parking stall, plus necessary maneuvering space. Space for maneuvering incidental to parking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

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PHYSIOGRAPHIC FEATURES - The soils, topography, topography, land slope and aspect and local climate that influence the form and species composition of plant communities. [Added 5-24-1988]

POLLUTION - When processes and equipment employed and goods processed or sold are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse, water-carried material or any other aspect of pollution.

PRIVATE CLUB or LODGE - Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the general public.

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RECREATIONAL CAMP or RESORT - Any area of land or water on which accommodations for temporary occupancy are located or may be placed, including hotels, cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open-air or natural character.

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RECREATIONAL VEHICLE - A vehicular, portable structure built on a chassis, the same to be used as a temporary dwelling for travel, recreation and vacation uses where factory equipped for the road, being any length, provided that its maximum width does not exceed eight feet.

RECREATIONAL VEHICLE CAMP - Any plot of ground on which 12 or more recreational vehicles may be placed temporarily for not more than six months of any year.

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REDEVELOPMENT - The process of developing land that is or has been developed. [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 2019-02] See Chapter 99 Critical Area Program.

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REFORESTATION - The establishment of a forest through artificial reproduction or natural regeneration. [Added 5-24-1988]

~~ROADSIDE STAND - An area or vehicle used for display and sale of agricultural produce.~~

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SALVAGE YARD – Any area not within a building where waste, discarded or salvaged materials are bought or sold, exchanged, baled, packed, stored, disassembled, handled, abandoned, including the salvaging, storing, wrecking of automobiles and other vehicles, including watercraft or aircraft, and machinery or parts thereof, house wrecking yards, used lumber yards and places for storage of salvaged building or structural steel materials and equipment. Any property occupied by an unlicensed vehicle shall constitute a salvage yard unless the vehicle is stored within a building or if the vehicle is stored within fifty (50) feet of a dwelling on the property and it falls into one of the following categories:

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- A. One genuine antique or classic vehicle (but not to be used for parts) which is actively being restored;
- B. Vehicles which must be held pending settlement of insurance and similar claims;
- C. A vehicle recently purchased, pending inspection, for a period not to exceed sixty (60) days; and
- D. A vehicle being advertised for sale, for a period not to exceed sixty (60) consecutive days.

~~SHORE EROSION CONTROL MEASURES [Added 5-24-1988] - Any of a number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically, the term refers to:~~

Deleted: SCRAP YARD - An area used for the temporary storage of scrap metals or other scrap materials for the dismantling of machinery for gain.¶

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- (1) Nonstructural. Creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods:
 - (a) Vegetation. Planting an existing shore with a wide band of vegetation;
 - (b) Bank sloping/vegetation. Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
 - (c) Contained beach. Filling alongshore with sandy materials, grading and containing the new beach to eliminate tidal water contact with the bank.
- (2) Structural.
 - (a) Revetment. Facing laid on a sloping shore to reduce wave energy and contain shore materials;
 - (b) Bulkhead. Excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:

[1] Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver, and

[2] In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

SIGN - Any permanent or temporary structure or part thereof or any device attached, attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as or which is the nature of an advertisement, announcement, visual communication or direction or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property and cornerstones built into or attached to a wall or a building are excluded.

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- (1) ON-PREMISES SIGN – A sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.
- (2) OFF-PREMISES SIGN – A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

SOIL CONSERVATION AND WATER QUALITY PLANS [Added 5-24-1988] - Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

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- (1) How the landowner plans to treat a farm unit;
- (2) Which best management practices the landowner plans to install to treat undesirable conditions; and
- (3) The schedule for applying best management practices.

SPECIAL EXCEPTION - A use that would not be appropriate generally or without restriction throughout the zone but which, if controlled as to number, area, location, or relation to the neighborhood, would not affect the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zone as special exceptions, if specific provision for such special exceptions is made in in this chapter.

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STEEP SLOPES - Slopes of 15% or greater incline. [Added 5-24-1988]

STREET LINE - The right-of-way line of a street.

STRUCTURE – A construction extending above, below or at grade with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, dwellings walls, carports, lean-to's, towers, tanks, billboards, patios/decks/porches, garages, sheds, shelters, gazebos, greenhouses, stadiums, reviewing stands, platforms, stages, observation towers, trestles, temporary or permanent fixed or floating piers, piling, wharves, bulkheads, boathouses, or shelter for the purpose of marine access, navigation, working eating, sleeping, or recreating, kennels, swimming pools, fences, paving, grading, walkways, driveways,

Commented [BL19]: Carports and Lean-to's are considered structures

parking areas, graveled areas and land formations. A manufactured home, even though it may be moved from time to time, is considered to be a structure. [Amended 00-00-2019 by Ord. No. 2019-02]

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TIDAL WETLANDS - State wetlands, that are defined as any land under the navigable waters of the state below the mean high-water line, affected by the regular rise and fall of tide; and private wetlands, that are defined as any land not considered state wetlands bordering or lying beneath tidal water that is subject to regular or periodic tidal action and supports aquatic growth. "Private wetlands" includes wetlands transferred by the state by a valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance. [Added 5-24-1988]

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TOPOGRAPHY - The existing configuration of the earth's surface, including the relative relief, elevations and position of land features. [Added 5-24-1988]

TRIBUTARY STREAMS - Perennial and intermittent streams in the Critical Area that are so noted on the most recent United States Geological Survey seven-and-one-half-minute topographic quadrangle maps or on more detailed maps or studies at the discretion of the Town of Charlestown. [Added 5-24-1988]

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VARIANCE - A relaxation of the terms of the Zoning Ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zones or adjoining zones.

WATER-DEPENDENT FACILITIES - Structures or works associated with industrial, maritime, recreational, educational or fisheries activities which has determined require location at or near the shoreline within the Buffer. An activity s water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to ports, the intake and outfall structures of power plants, water-use industries, marina and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities. [Added 5-24-1988] [Amended 00-00-2019 by Ord. No. 2019-02]

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WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and a safe passageway for wildlife. [Added 5-24-1988]

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YARD - The required open space of a lot outside the building envelope. See Figure 1 for reference of terms. (Accessory structures are permitted in yards subject to setback requirement or accessory structures and subject to the Table of Lot, Yard, Lot Coverage and Height Requirements.)¹ [Amended 6-27-1995 by Ord.No.95-1]

YARD, FRONT - A yard extending between side lot lines across the front of a lot.

¹ Editor's Note: The Table of Lot, Yard, Lot Coverage and Height Requirements is included at the end of this chapter.

- (1) In the case of comer lots with two or more frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations:
 - (a) At least one front yard shall be provided having the full depth required generally in the zone.
 - (b) No other front yard on such lot shall have less than half the full depth required generally.

§ 175-1.
175-2.

ZONING

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- (2) The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property comers at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

YARD, REAR - A yard extending across the rear of the lot between inner side yard lines.

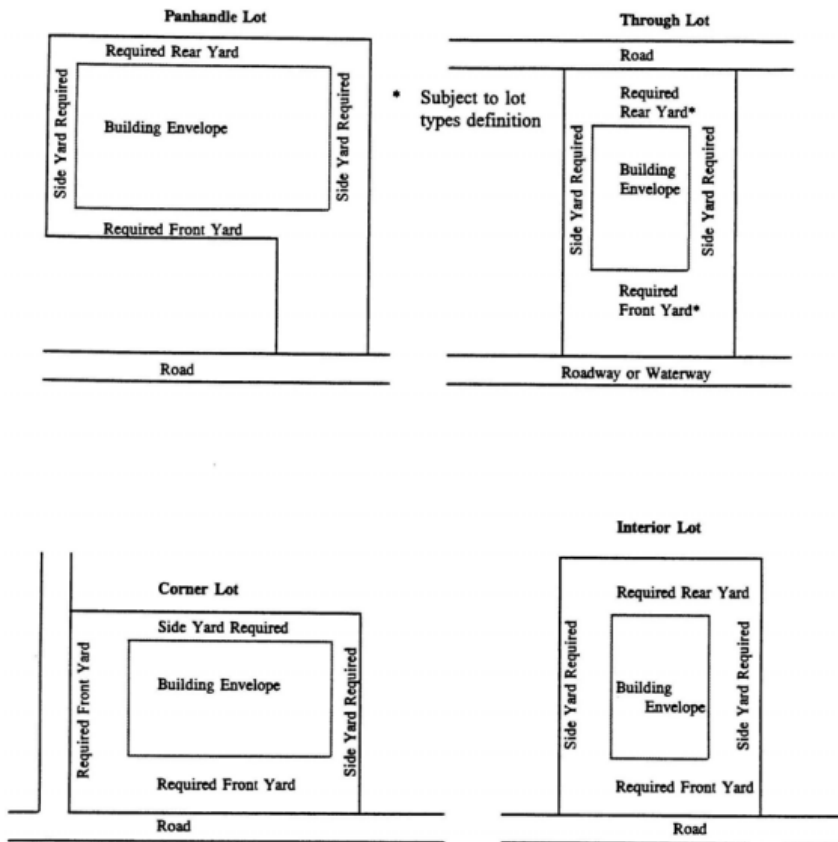
- (1) In the case of through lot and reversed frontage comer lots, there will be no rear yard.
- (2) In the case of comer lots with nominal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.
- (3) Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

YARD, SIDE - A yard extending from the rear line of the required front yard to the rear lot line.

- (1) In the case of through lots, side yards shall extend from the rear lines of the front yards required.
- (2) In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot.
- (3) In the case of comer lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

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Figure 1



§ 175-2. Zoning Map.

- A. The incorporated areas of the town are hereby divided into zones, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.²
- B. The Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the seal of the town under the following words: "This is

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² Editor's Note: The Zoning Map is on file in the town offices.

to certify that this is the Official Zoning Map referred to in § 175-2 of the Zoning Ordinance of the Town of Charlestown," together with the date of the adoption of this chapter.

- C. If, in accordance with the provisions of this chapter and the Land Use Article of Maryland, as amended, changes are made in in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Town Commissioners, the following changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Town Commissioners and attested by the Town Clerk. The amending

§ 175-2. CHARLESTOWN CODE §
175-3.

ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map. [Amended 0-0-2019 by Ord. No. 2019-02]

- D. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under § 175-51 of this chapter.

- E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the town. A copy of the map shall be located in the offices of the Planning Commission.

- F. In the event that the Official Zoning Map becomes damaged, destroyed lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

- G. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners. The new Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the seal of the town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Charlestown."

§ 175-3. Critical Area Overlay District Map. [Added 5-24-1988] [Amended 0-0-2019 by Ord. No. 2019-02]

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A. The Official Critical Area Overlay District Map shall be prepared and maintained in force as part of the Official Zoning Map for the town. It shall delineate the extent of the Critical Area Overlay District land use management classifications (IDA, LDA, RCA) that shall correspond to the Chesapeake Bay Critical Area. Within the designated Critical Area, all land shall be assigned one of the following land use management classifications:

- (1) Intensely Developed Area (IDA).
- (2) Limited Development Area (LDA).
- (3) Resource Conservation Area (RCA).

B. The land use management classification shall be as designated in the Charlestown Chesapeake Bay Critical Area Program. As amended. The Critical Area Overlay District Map may be amended by the Town Commissioners in compliance with amendment provisions in this chapter, the Maryland Critical Area Law and Critical Area Criteria. [Amended 0-0-2019 by Ord. No. 2019-02]

C. Lands located within the Critical Area Overlay District (CA) shall be subject to the Charlestown Chesapeake Bay Critical Area Program, Chapter 99. [Added 0-0-2019 by Ord. No. 2019-02]

§ 175-4. ZONING §
175-5.

§ 175-4. Establishment of districts. [Amended 5-24-1988]

The land area of Charlestown is hereby divided into districts as follows:

- R-1 Residential, Low-Density
- R-2 Residential, Medium Density
- R-3 Residential, High-Density
- R-R Residential, Shoreline Recreational

C-1 Local Commercial [Amended 0-0-2019 by Ord. No. 2019-02]

H Historic District

FP Floodplain

CA Critical Area Overlay [Amended 0-0-2019 by Ord. No. 2019-02]

§ 175-5. Interpretation of boundaries.

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A. Rules for interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following town or county limits shall be construed as following town or county limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be in in the center of the railroad right-of-way.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections A(1) through (5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

§ 175-5. CHARLESTOWN CODE §
175-6.

B. Rules for interpretation of the Critical Area Overlay District (CA) [Added 5-24-1988]

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- (1) The Critical Area District (CA) shall include all lands and waters defined in § 8-1807 of the Natural Resources Article of the Annotated Code of Maryland. It includes:
 - (a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.
 - (b) All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.
 - (c) Modification to these areas through inclusions or exclusions proposed by Charlestown and approved by the Critical Area Commission as specified in § 8-1807 of the Natural Resources Article of the Annotated Code of Maryland.
- (2) The Town Commissioners may elect to adjust the Critical Area boundary to delete areas of the town from the Critical Area District only at such time as new Official Wetland Maps are adopted by the State of Maryland or an area of the Critical Area has been approved for exclusion. The Town Commissioners may also elect to add areas to the Critical Area at any time. Such changes shall be treated as amendments to the Critical Area Overlay District on

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the Official Critical Area Overlay District Map for Charlestown and shall require approval by the Critical Area Commission.

C. Interpretation of boundaries by Board of Appeals. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or the Official Critical Area Overlay Map, (Effective 10-6-2021) or in other circumstances not covered by Subsections A and B above, the Board of Appeals shall interpret the district boundaries. [Amended 5-24-1988]

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D. Lands located within the Critical Area Overlay District shall be subject to the Charlestown Chesapeake Bay Critical Area Program, Chapter 99. [Amended 0-0-2019 by Ord. No. 2019-02]

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§ 175-6. Applicability.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure or land shall hereinafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered externally unless in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

§ 175-6. ZONING §
175-8.

- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards of lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- E. In case any territory has not been specifically included within a district, such territory shall automatically be classified to conform with the highest classified contiguous property.

§ 175-7. Reserved.

ARTICLE II
Nonconformities

§ 175-8. Intent.

- A. Within the zones established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.
- C. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited in the zone involved.
- D. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- E. Any non-conformance situation involving the Critical Area shall be considered in accordance with Section 175-23 and Chapter 99, [Added 11-28-2011 by Ord. No. 2011-05] [Amended 0-0-2019 by Ord. No. 2019-02]

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§ 175-9. CHARLESTOWN CODE §
175-11.

§ 175-9. Nonconforming lots of record. [Amended 10-13-1987 by Ord. No. 87-1] [Amended 11-28-2011 by Ord. No. 2011-05].

Notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory structures may be erected on any single lot of record in existence on the effective date of adoption or amendment of this chapter.

- A. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone, provided that:
 - (1) The applicant makes all reasonable efforts to comply with the yard requirements as indicated in the Table of Lot, Yard, Lot Coverage and Height Requirements. Where these requirements cannot be met, the minimum yards shall be as follows:

- (a) The minimum rear yard setback shall equal 20% of the depth of the lot but in no case shall be less than 10 feet.
- (b) The minimum front yard setback shall be established by the Planning Commission based on the prevailing front yard characteristics on both sides of the lot in question or by the majority of the lots in the block in which the nonconforming lot is located.
- (c) The minimum side yard setbacks shall be three feet.

§ 175-10. Nonconforming use of land.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use ~~may be~~ continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged, ~~increased, nor extended, to occupy a greater area~~ of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the zone in which such land is located.
- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

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§ 175-11. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

§ 175-11. ZONING §
175-12.

- A. No such structure may be enlarged or altered in a way which increases its nonconformity. Improvements to structures which do not increase the nonconformity of the structure shall be permitted.
- B. In cases where structures are damaged or destroyed by accident/design or natural causes, regardless of the extent of the damage, said structure may be reconstructed provided there is no increase in the non-conformity and provided that said reconstruction is started within (1) year of the date of the damage/destruction and completed within (3) years of the start of the reconstruction.

- C. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

§ 175-12. Nonconforming use of structures.

If a lawful use of a structure or of a structure and premises in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the zone under the term of this chapter the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located, except dwellings, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter.
- D. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three- year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the zone in which it is located unless the discontinuance was the result of government action.

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§ 175-13. CHARLESTOWN CODE §
175-16.

§ 175-13. Repairs and maintenance.

- A. On any building devoted in whole or in part to any non-conforming use, work may be done for ordinary repairs or maintenance, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased.

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B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 175-14. Effect on special exceptions. [Amended 1-3-1991 by Ord. No. 90-1]

Any use for which a special exception is granted as provided in this chapter shall, without further action, be deemed a conforming use for the lot for which the special exception has been granted.

ARTICLE III
District Regulations

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§ 175-15. General provisions. [Amended 10-13-1987 by Ord. No. 87-1]

Zone regulations shall be as set forth in this article, in Article IV of this chapter, entitled "Supplementary Zone Regulations," and in the Table of Lot, Yard, Lot Coverage and Height Requirements at the end of this chapter.

§ 175-16. Low-Density Residential District R-1.

The purpose of the R-1 District is to encourage low-density single-family detached residences and supporting uses in an environment of semirural character. This zone is designed to secure for residents a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts.

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A. The following uses are permitted:

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- (1) Single-family detached dwellings and Air Bed and Breakfast Homes. [Amended 0-0-2019 by Ord. No. 2019-02]

- (2) Accessory uses or structures customarily incidental to any permitted use. [Added 0-0-2019 by Ord. No. 2019-]

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- (3) Private clubs, lodges and recreational buildings, public buildings and community firehouses, excepting those which the chief activity is a service customarily used as a business. [Amended 0-0-2019 by Ord. No. 2019-02]

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- (4) Public and private parks, playgrounds, cemeteries, private boat landings, wharves and bathing beaches. [Amended 0-0-2019 by Ord. No. 2019-02]

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- (5) Institutions of an educational, religious, medical, charitable or philanthropic nature, such as:

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- (a) Public schools and private schools having curricula similar to those of public schools but not including correctional institutions.
- (b) Churches, temples and related facilities, such as seminaries and convents.
- (6) Electric substations, not to include storage of materials or trucks, repair facilities or housing of repair crews, provided that any building is designed to be in keeping with other structures within the district and with suitable landscaping.
- (7) Accessory uses or structures customarily incidental to any permitted use, including:

(a) Home occupations, after a review and approval by the Planning and Zoning Commission, provided:

- 1) Home occupations are conducted on the same property as the residence and do not change the residential character of the property.
- 2) No more than two assistants are employed.
- 3) No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size.
- 4) No goods for sale, rent, or repair, shall be stored on the property in a manner as to be seen from off the premises.
- 5) Parking is provided in accordance with Section 175-26.
- 6) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

(b) Professional offices, or services, which employ no more than two assistants on the premises and which do not change the residential character and appearance of such dwelling. [Amended 0-0-2019 by Ord. No. 2019-02]

(c) Roadside stands, after review by the Planning and Zoning Commission, provided:

- 1) Roadside stands are limited to 500 square feet.
- 2) Off street parking is provided at the ratio of one (1) space per 200 square feet of roadside stand, with a minimum of two (2) parking spaces.
- 3) A minor permit for the roadside stand is approved.
- 4) Roadside stands shall be located at least twenty five (25) feet from the edge of the roadway.

B. The above uses shall be subject to the regulations in the Table of Lot, Yard, Lot Coverage and Height Requirements and the Supplementary Zone Regulations, including historical conformity.

C. The following use(s) is permitted by Special Exception:

- (1) Family Day Care Center
- (2) Hospitals, sanatoriums, clinics, nursing homes, and other institutions providing medical care. [Amended 0-0-2019 by Ord. No. 2019-02]

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¶ (c) The renting of rooms to not more than two persons by a resident family. Meals may or may not be provided for persons residing on the premises.¶

¶ (d) Satellite dish antennas.

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(3) Boarding Home, provided:

[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. Further, parking areas shall be 50 feet from any adjacent residentially zoned property and shall be adequately screened.

[2] The establishment shall be owner or manager occupied and managed

[3] Facilities for dining shall be in the location customarily used by a single family in the structure.

[4] No separate kitchen shall be provided.

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(4) Bed and Breakfast Home, provided:

[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.

[2] Parking areas shall be adequately screened from adjacent properties.

[3] The establishment shall be owner or manager occupied and managed.

[4] The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings, and conferences.

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§ 175-17. Medium-Density Residential District R-2.

The purpose of the R-2 District is to create pedestrian friendly areas that are suburban in character and are limited to single-family detached residences and other uses related to them. This zone is located in areas of the Town where medium-density residential development patterns are generally established.

A. The following uses are permitted:

(1) Single-family detached dwellings and Air Bed and Breakfast Homes. [Amended 0-0-2019 by Ord. No. 2019-02].

(2) Accessory uses or structures customarily incidental to any permitted use.

(3) Home occupations, after a review and approval by the Planning and Zoning Commission, provided that:

a) Home occupations are conducted on the same property as the residence and do not change the residential character of the property.

b) No more than two assistants are employed.

c) No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size.

d) No goods for sale, rent, or repair, shall be stored on the property in a manner as to be seen from off the premises.

e) Parking is provided in accordance with Section 175-26.

f) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable from adjoining properties.

B. The above uses shall be subject to the regulations in the Table of Lot, Yard, Lot Coverage and Height Requirements, and the Supplementary Zone Regulations, including historical conformity.

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C. The following use(s) is permitted by Special Exception:

- (1) Family Day Care Center
- (2) Boarding Home, provided:

[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. Further, parking areas shall be 50 feet from any adjacent residentially zoned property and shall be adequately screened.

[2] The establishment shall be owner or manager occupied and managed

[3] Facilities for dining shall be in the location customarily used by a single family in the structure.

[4] No separate kitchen shall be provided.

- (3) Bed and Breakfast Home, provided:

[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.

[2] Parking areas shall be adequately screened from adjacent properties.

[3] The establishment shall be owner or manager occupied and managed.

[4] The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings, and conferences.

§ 175-18. High-Density Residential District R-3.

The purpose of the R-3 District is to create pedestrian friendly areas that are residential in character, and permits a wide range of dwelling types, such as single-family, two-family, duplexes, townhouses, and apartments. A variety of housing types are encouraged in order to provide for a mix in housing prices, household size, age groups, and lifestyles.

A. The following uses are permitted:

- (1) Single-family detached dwellings and Air Bed and Breakfast Homes. [Amended 0-0-2019 by Ord. No. 2019-02]

- (2) Accessory uses or structures customarily incidental to any permitted use.

- (3) Private clubs, lodges and recreational buildings, public buildings and community firehouses, excepting those which the chief activity is a service customarily used as a business. [Added 0-0-2019 by Ord. No. 2019-02]

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[1] The minimum tract area for a duplex is 6,000 square feet.

[2] No more than one duplex unit per tract area permitted.

(b) Semi-Detached

[1] The minimum tract area for a semi-detached unit is 6,000 square feet.

[2] No more than two semi-detached dwelling units per tract area permitted.

(2) Multi-Family dwellings except in the Historic District per §175-21.

(a) Townhouses

[1] The minimum tract area for a townhouse development is 10,000 square feet.

[2] No more than six (6) attached dwelling units in a row are permitted.

[3] The density shall not exceed eight (8) dwelling units per acre.

(b) Apartments

[1] The minimum tract area for an apartment building development is 20,000 square feet.

[2] No more than twelve (12) dwelling units in one building are permitted.

[3] The density shall not exceed twelve (12) dwelling units per acre.

(c) All new multi-family developments are subject to the following design standards:

[1] The front façade and entrance of all buildings shall face onto a street or square, and shall not be oriented to face directly toward a parking lot.

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[2] Common entries to apartment buildings shall be clearly identifiable and visible from the street or square with well-defined walkways to building entries.

[3] The front facade of townhouses shall alternate siding styles and patterns to provide visual distinction to each unit. Alternation between siding and brick is encouraged.

[4] The facades of individual townhouse units shall be offset by at least three (3) feet per unit in order to provide architectural relief.

[5] All off-street parking shall be provided in the rear of the townhouse units or apartments. Parking may be accessed from rear alleys.

[6] Dormers shall be used at a minimum of 40 feet to break up long lengths of roof.

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- [7] All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites.
- [8] Service areas, including dumpster, trash handling and recycling, outdoor storage, vehicle storage, and wall or ground mounted equipment, shall be located on the side or rear of the building and shall be visually screened from the street, square and pedestrian ways.
- [9] Landscaping may be considered by the Planning Commission as part of the overall architectural treatment of the development.

3. ~~Family Day Care Center~~

4. ~~Boarding Home, provided:~~

- ~~[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. Further, parking areas shall be 50 feet from any adjacent residentially zoned property and shall be adequately screened.~~
- ~~[2] The establishment shall be owner or manager occupied and managed~~
- ~~[3] Facilities for dining shall be in the location customarily used by a single family in the structure.~~
- ~~[4] No separate kitchen shall be provided.~~

5. ~~Bed and Breakfast Home, provided:~~

- ~~[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.~~
- ~~[2] Parking areas shall be adequately screened from adjacent properties.~~
- ~~[3] The establishment shall be owner or manager occupied and managed.~~
- ~~[4] The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings, and conferences.~~

§ 175-19. ~~Shoreline Recreational Residential District R-R.~~

The ~~purpose of the R-R District is to provide for recreational uses, such as commercial recreation and seasonal dwellings, as well, as waterfront residential uses. Limited commercial marina activities and office uses can be co-located with residential uses, without having an adverse impact on residents in the vicinity.~~

A. The following uses are permitted:

- (1) All uses permitted in the Low-Density Residential District R-1 except:
 - (a) Farms.
 - (b) Institutions of an educational, religious, medical, charitable or philanthropic nature.
 - (c) Electric substations.

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~~(2) Multi-family structures as described in the High-Density District R-3 section C. in its entirety; including lot specifications.~~

~~(3) Public and private recreational camps and resorts, including new or expanded facilities, provided;~~

- ~~(a) The maximum density does not exceed twenty (20) campsites per acre.~~
- ~~(b) Each camp shall make available an adequate potable water supply and a sewage disposal system at such locations and of such construction as may be required.~~
- ~~(c) Each camp shall provide facilities for sanitary and health purposes in accordance with Health Department requirements.~~
- ~~(d) A minimum of thirty (30) percent of the total camp area shall be reserved for open space. For campgrounds in the Critical Area, a minimum of sixty (60) percent open space shall be provided. Open space areas shall not include areas required for individual campsites, roads, or service areas.~~
- ~~(e) Garbage and trash collection stations shall be provided in such numbers and at such locations so as to provide for the convenient and sanitary storage and collection of garbage and trash.~~
- ~~(f) Each campground shall provide such fire protection equipment as may be required by the County or State Fire Marshall.~~
- ~~(g) Interior roadways serving individual campsites in campgrounds shall be a maximum of ten (10) feet in width. All roads shall be constructed of a durable surface to adequately serve all campsites.~~
- ~~(h) All sites shall be setback a minimum of ten (10) feet from adjacent property lines.~~
- ~~(i) All campgrounds shall be surrounded by a landscape buffer yard at least ten (10) feet wide, consisting of existing natural vegetation, where appropriate, or an evergreen screen.~~
- ~~(j) Each site shall contain a stabilized parking pad of shell, gravel, paving, or other suitable material. Exposed ground surfaces in all parts of the campground shall be paved, or covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.~~
- ~~(k) There shall be at least two (2) off-street parking spaces designated for each campground site, including a trailer towing vehicle. Such parking may be provided in common areas or on individual sites.~~
- ~~(l) All campgrounds, including all facilities, roadways, and landscaping thereon shall be maintained in a neat, orderly and attractive appearance.~~
- ~~(m) Commercial uses are permitted, but shall be limited to grocery stores and laundry establishments to serve the users of the campground. No such commercial establishment shall be larger than five (5) square feet for each campsite and such establishments shall be shown on the approved site plan.~~
- ~~(n) A site plan shall be submitted to and approved by the Zoning Administrator, pending satisfactory review of the Planning and Zoning Commission.~~
- ~~(o) No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp permitted under this Ordinance for a period longer than one hundred (100) days in succession or for a total of more than 150 days within any one (1) calendar year.~~

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(4) Public, private and commercial bathing beaches, bathhouses, boat landings and wharves, marinas, community piers, fishing equipment and bait stores and similar uses offering only goods and services commonly used for water-recreational purposes, except such structures and uses shall not be located nearer than 100 feet to an existing summer home, cabin or residence. [Amended 0-0-2019 by Ord No 2019-02]

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(5) Accessory uses or structures customarily incidental to any permitted use.

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B. The following uses are permitted as special exceptions:

(1) The sale of food and refreshments as an accessory use to a permitted use, provided that:

- (a) Such commercial uses are grouped as much as possible in definite centers of the permitted use.
- (b) Existing development is protected from undue encroachment and harmful effects from such uses by such safeguards as the Board of Appeals may provide, provided that in no case shall a commercial structure be located nearer than 100 feet to any existing residence or summer home, except that of the owner or operator, for a permitted use.

(c) A definite need for such uses in the location proposed is shown to exist.

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(4) Bed and Breakfast Home, provided:

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[1] One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.

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[2] Parking areas shall be adequately screened from adjacent properties.

[3] The establishment shall be owner or manager occupied and managed.

[4] The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings, and conferences.

[5] New bed and breakfast facilities are located outside of the 100-foot Buffer.

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C. The above uses shall be subject to the regulations in the Table of Lot, Yard, Lot Coverage and Height Requirements and the Supplementary Zone Regulations.

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§ 175-20. Local Commercial District C-1.

The purpose of the C-1 District is to provide for the daily shopping and business needs of nearby residences. It may contain retail and personal services, as well as, office uses, to serve the needs of the local population.

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A. The following are permitted:

- (1) All uses permitted in the High-Density Residential District R-3.
- (2) Retail stores and shops such as grocery stores, drugstores, variety stores and bakeries.
- (3) Personal service businesses such as shoe repair shops, beauty parlors and barber shops and laundries and dry-cleaning establishments which are self-service or pickup stations only.

- (4) Banks, businesses and professional offices, restaurants, bars and similar services.
- (5) Apartments in multistory buildings, provided that the portion of the ground floor fronting the street remains commercial, and the property will be subject to site plan review by the Planning Commission when converted to such use.
- (6) Accessory uses or structures customarily incidental to any permitted use.
- (7) Other uses which are determined by the Board of Appeals to be of the same general character as those listed above and which will not be detrimental to permitted uses in the district.

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- B. The above uses shall be subject to the regulations in the Table of Lot, Yard, Lot Coverage and Height Requirements and the Supplementary Zoning Regulations, including Historical District conformity.

§ 175-21. Historic District H.

- A. Declaration of purpose and power to regulate historic structures:
 - (1) The preservation of structures of historic and architectural value, together with their appurtenances and environmental settings, is a public purpose in this state. The General Assembly of the State of Maryland finds and declares that such preservation may be accomplished by the establishment of Historic Districts and properties. The regulation of construction, alteration, reconstruction, moving and demolition therein and thereof and such establishment and regulations are appropriate and necessary to:
 - (a) Safeguard the heritage of Maryland by preserving districts and properties which reflect elements of cultural, social, economic, political, technological or architectural history.
 - (b) Foster civic beauty.
 - (c) Stabilize and improve property values in such districts and strengthen the local economy.
 - (d) Promote the use and preservation of historic districts for the education, welfare and pleasure of residents and visitors.
 - (2) To further the preservation of structures and sites of historic and architectural value, Charlestown herein enacts and establishes an Historic District
- B. Establishment of Historic Districts. The Historic District of Charlestown shall be that area bounded on the west by Tasker Lane, on the north by Ogle Street and on the east by Louisa Lane. The fourth boundary line shall be the mean low tide line of the Northeast River.

C. Historic District Commission. The Historic District Commission consists of seven members appointed by the Town Commissioners as set forth in §8-202 of the Land Use Article, Annotated Code of Maryland, as amended. The Commission shall have the right to accept and use gifts for the exercise of its functions. [Amended 0-0-2019 by Ord No 2019-02]

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D. Architectural aspects.

(1) No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement or other appurtenant features, nor aboveground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to the Historic District Commission. A certificate of appropriateness may be required whether or not a building permit is required. For purposes of this article, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs. The

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Commission shall not consider interior arrangement nor exterior features which are not visible or intended to be visible from a public way or waterway; within or adjoining the Historic District and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or natural features in the Historic District which would be incongruous with the historical, architectural, archaeological or cultural aspects of the district. [Amended 1-3-1991 by Ord. No.90-1]

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(2) The Historic District Commission shall consider in issuing or denying a certificate of appropriateness:

- (a) The degree of historic or architectural value of the structure and its relationship to the historic value of the surrounding area.
- (b) The relationship of the exterior architectural features of the structure to the surrounding area.
- (c) The general compatibility of exterior design, arrangement, texture and materials proposed to be used.
- (d) Any other factor, including aesthetic factors, which the Commission deems pertinent
- (e) New construction or alteration need not be limited to the architectural style of any one period except as necessary to avoid incongruity.

(3) In order to more fully preserve, protect and perpetuate the flavor and quality of Charlestown's Historic District, all residential construction and development within its established boundaries shall be limited to single-family detached structures conforming with applicable zoning regulations, including bed and breakfast homes. Commercial (C-1) or recreational (R-R) construction and development is permitted within their appropriate zones. [Added 10-13-1987 by Ord. No.87-1] [Amended 1-3-1991 by Ord. No. 90-1]

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E. Application of permission to build, alter, etc.

(1) No change in the use of any structure or property within a designated Historic District shall be permitted until after an application for a certificate of appropriateness has been submitted to the Historic District Commission. The municipality shall require the Commission to review each application to determine if a certificate of appropriateness is required, prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures and/or prior to the approval of any change of zoning classification within the Historic District. ~~[Amended 1-3-1991 by Ord. No. 90-1]~~

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(2) Prior to issuance of a certificate of appropriateness, the Historic District Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application. All meetings of the Historic District Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Historic District Commission before it makes a recommendation on any matter. The Historic District Commission shall keep an open record of its resolutions, proceedings and actions which shall be kept available for public inspection during reasonable business hours. If the Historic District Commission recommends that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall within three business days recommend

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approval of such application and shall forward to the Zoning Commission a certificate of appropriateness. If the Historic District Commission denies a certificate of appropriateness, it shall place upon its record the reasons for such determination and shall within three business days notify the applicant of such determination, furnishing him an attested copy of its reasons therefore and its recommendations, if any, as appearing in the records of said Historic District Commission. The Historic District Commission may approve such application in any case where the owner would suffer extra hardship, not including loss of profit, unless the certificate of appropriateness was approved.

F. Maintenance or repair. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an Historic District which does not involve a change in design, material - or outer appearance thereof nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition.

G. Limits on architectural style. The Historic District Commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The Historic District Commission shall be lenient in its judgment of plans for structures of little historic value or for plans involving new construction unless such plans would seriously impair the historic or architectural value of surrounding structures or area. The Historic District Commission will not limit new construction, alteration or repairs to the architectural style of any one period.

H. It shall be unlawful to allow deterioration by willful neglect of any property within an established Historic District. Any property owner violating this shall be guilty of a misdemeanor

and subject to the penalties provided by § 175-51 of this chapter. [Amended 10-13-1987 by Ord. No. 87-1]

- I. The provisions of this article may be enforced by injunction in the Circuit Court of the county, upon application of the Zoning Commission.
- J. Upon recommendation of the Historic District Commission, the governing body of this municipality, in order to promote the preservation and restoration of historic properties within its jurisdiction, may exempt an historic property from the application of such standards contained in the County or Municipal Health or Building Codes, or both, if such application prevents or seriously hinders the preservation or restoration of said historic property.
- K. Architectural easements. The Town of Charlestown may acquire by purchase or donation, historic easements in any area within its jurisdiction wherever and to the extent that the governing body of the municipality determines that the acquisition will be in the public interest. For the purpose of this section, "historic easement" means any easement, restriction, covenant or condition running with the land designated to preserve, maintain or enhance all or part of the existing state of places of historical, architectural, archaeological or cultural significance for the benefit of the acquiring body and the general public. It guarantees maintaining the exterior appearance of any structure in substantially the same character as when the easement took effect.
- L. Construction of multifamily structures such as townhouses, apartments, rowhouses, condominiums and the like shall be prohibited within the boundaries of Charlestown's Historic District. [Added 10-13-1987 by Ord.No.87-1]

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M. In the event that an existing multifamily structure within the Historic District is damaged, by any cause, in excess of 50% of the full market value based on current tax rolls, as determined by the Zoning Administrator, it shall not be reconstructed or replaced with a multifamily structure. [Added 10-13-1987 by Ord. No.87-1] [Amended 1-3-1991 by Ord. No. 90-1]

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§ 175-22. Floodplain District FP. [Amended 00-00-2019 by Ord No 2019-02]

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- A. Statement of intent. It is the intent hereof that the FP District shall protect the health, safety and general welfare of the Town of Charlestown residents and value of property by preventing excessive damage to buildings, structures and land due to conditions of flooding.
- B. Provisions are in addition to other district provisions. The provisions of this section are in addition to the provisions of other districts of this chapter. In all cases of conflicting requirements, the provision which represents the greater restriction or higher standard shall govern.
- C. Delineation. The FP District shall include all areas subject to inundation by floodwaters of the one-hundred-year frequency, as defined by the United States Department of Housing and Urban Development, Federal Insurance Administration.
- D. Regulations. The following restrictions shall apply to all new construction occurring in the town's designated FP District:

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- (1) No modification, alteration, repair or new construction of buildings, structures, fill or any combination of these shall be permitted in the floodway which would impair its ability to carry and discharge floodwaters or increase the water surface elevation of the one-hundred-year flood by more than one foot except where the effect on flood heights is fully offset by stream improvements.
- (2) Basements or first-floor levels in buildings not containing dwelling units may be constructed below the level of the one-hundred-year flood, provided that they are designed to withstand the hydrostatic load of the one-hundred-year floodwaters.
- (3) Buildings containing dwelling units or intended to be used for dwelling purposes shall not hereafter be located, erected, constructed, extended, enlarged, converted or altered unless the lowest habitable floor level shall be above the elevation of the one-hundred-year flood.
- (4) Water supply systems and sanitary sewage systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (5) Development in the Floodplain must comply with the provisions of the Charlestown Floodplain Management Ordinance, Chapter 98. [Added 0-0-2019 by Ord No 2019-02]

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§ 175-23. Critical Area Overlay District (CA). [Added 5-24-1988][Amended 00-00-2019 by Ord No. 2019-1]

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A. The purpose of the Critical Area Overlay District (CA) is to implement zoning regulations and measures designed to protect and enhance water quality and habitat resources located within the town's Critical Area. The geographic area for which the following district regulations apply shall be those lands and waters located within 1,000 feet of the landward boundaries of all tidal waters, tidal wetlands and tributary streams in the Critical Area as designated on the Charlestown Critical Area Overlay District Maps.

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B. The intent of this district is to provide special regulatory protection for the resources located within the Town Critical Area and to foster more sensitive development activity for shoreline areas. Another objective is to minimize adverse impacts to water quality and natural habitats.

C. Land use management district classifications.

(1) Within the Charlestown Critical Area Overlay District (CA), there are two land use management area classifications: Intensely Developed Areas (IDA's) and Limited Development Areas (LDA's), which are shown on the Official Critical Area Maps. The IDA and LDA districts are generally shown on the Official Zoning Map. There are no Resource Conservation Areas (RCA's) designated within Charlestown. [Amended 00-00-2019 by Ord No 2019-02]

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(2) These land use management areas correspond to the definitions established in the Chesapeake Bay Critical Area criteria, as amended, for each area and specifically as identified on the Charlestown Critical Area Maps, adopted as part of the town's Critical Area Program. The IDA and LDA districts are generally shown of the Official Zoning

Map. Mapped land use management area classifications are based on land uses established on or before December 1, 1985, except for areas where the land classification may be changed by granting the Growth Allocation Floating Zone District GA classification. The following regulations shall be applied based on the specific land management classification. [Amended 0-0-2019 by Ord No 2019-02]

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D. Applicability and findings requirements. No person shall develop, alter or use any land for residential, commercial, industrial or institutional uses nor conduct agricultural, fishery or forestry activities in the Charlestown Critical Area except in compliance with the applicable provisions contained herein and the Charlestown Critical Area Program, Chapter 99. To ensure this end, no development or resource utilization activity shall be permitted until the applicable approving authority shall make specific findings that the proposed development or activity is consistent with the goals and objectives of the Charlestown Critical Area Program, Chapter 99. [Amended 0-0-2019 by Ord No 2019-02]

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E. Density provisions.

(1) Density in the Intensely Developed Areas (IDA's) shall be as established in the underlying base zone.

(2) The density of development and minimum lot sizes permitted within a Limited Development Area (LDA) shall be governed by prescriptive densities within the applicable underlying base zoning districts. However, in underlying base zoning districts that permit residential use, density may not exceed 3.99 units per acre. Determination of density shall be based on the gross site area of the parcel prior to development.

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(3) Minimum lot sizes shall be governed by standards applicable to the underlying base zoning districts.

ARTICLE IV
Supplementary Zone Regulations

§ 175-25. Off-street loading.

A. Every building or structure used for other than residential uses and constructed after the adoption of this chapter shall provide space on the property to be used exclusively for loading and unloading of vehicles.

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B. Such space shall be in accordance with the following schedule: [Amended 9-1-2022 by Ord. No. 2022-02]

Deleted: (3) Residential densities in Resource Conservation Areas (RCA's) shall not exceed one unit per 20 acres regardless of densities permitted in applicable underlying base zones, except as provided below. Determination of density shall be based on the gross site area of the parcel, excluding tidal wetlands, except that in determining residential densities for a site, private wetlands may be included in the calculation of one dwelling unit per twenty-acre density, provided that the development density on the upland portion of the site does not exceed one dwelling unit per eight acres.¶

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Required Spaces	Building Floor Area (square feet)
1	0 to 8,000

2	8,001 to 25,000
3	25,001 to 40,000
4	40,001 to 100,000

C. For the purpose of determining adequacy of loading area, each space shall be not less than 10 feet in width, 45 feet in length and 14 feet in height

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 6 250,001 to 400,000
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 6, plus 1 additional space for each Over 400,000
 additional 100,000 square feet

§ 175-26. Off-street parking.

A. Each parking space shall not be less than ten feet wide and 20 feet long, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area, including passageways and driveways, must average 300 square feet per required parking space. [Amended 9-1-2022 by Ord. No. 2022-02]

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B. Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule: [Amended 9-1-2022 by Ord. No. 2022-02]

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Type of Use	Minimum of 1 Parking Space for Each
Residential dwelling	½ dwelling unit (i.e., 2 spaces per dwelling unit)
Boarding home	Boarder, plus 1 for each employee
Hotel, motels	Guest sleeping room, plus 1 for each employee
Office building	200 square feet of gross floor area
Retail store or shop	100 square feet of gross floor area
Eating establishments	90 square feet of gross floor area, plus 1 space for each full-time employee

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Other recreational establishments	100 square feet of gross floor area
Automobile repair, gasoline	300 square feet of gross floor area and ground area devoted to repair and service facilities
Other commercial buildings	300 square feet of gross floor area
Hospitals, sanitarium	½ bed (i.e., 2 spaces per bed)
Auditorium, church, theater and other such places of	4 seats

public assembly

Industrial and heavy commercial establishments 2 employees on the major shift but at least 1 space for each 1,000 square feet of gross floor area

Funeral homes 100 square feet of gross floor area

Home occupations Residential equivalent, plus 1 space per employee

Clubs, lodges and other similar places 100 square feet of gross floor area

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C. The parking area must be on the same or nearby premises. If on nearby premises, the nearest point of the parking lot shall be no further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use and 300 feet in the case of industrial use. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

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D. Parking areas must be arranged so there will be no need for motorists to back over local streets, [Amended 9-1-2022 by Ord. No. 2022-02]

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E. For multifamily and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the town must line the public right-of-way, except at access points, so that parked vehicles will not extend into the street right-of-way.

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F. Within 10 feet of a street right-of-way line, access driveways for parking areas may not exceed 35 feet in width. Such driveways may not enter a public street within 40 feet of the street right-of-way line of an intersecting street and within 25 feet of another access drive on the same property.

G. The design standards specified below shall be required for all off-street parking facilities with a capacity of four or more vehicles:

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(1) Parking lot dimensions shall be no less than those listed in the following table: [Amended 9-1-2022 by Ord. No. 2022-02]

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Angle of Parking (degrees)	Parking Width (feet)	Stall Depth (feet)	Aisle Width	
			1-Way (feet)	2-Way (feet)
90°	10	20	22	24
60°	10	21	18	21
45°	10	20	15	18
30°	10	18	12	15

Parallel	9	22	12	18
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- (2) Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- (3) The width of entrance and exit drives shall be:
 - (a) A minimum of 12 feet for one-way use only.
 - (b) A minimum of 20 feet for two-way use.
 - (c) A maximum of 35 feet at the street line.
- (4) In no case shall parking areas for four or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.
- (5) For parking areas of four or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
- (6) All lighting used to illuminate any public parking areas or public spaces shall be arranged so as not to cause a glare into abutting lots.

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H. Parking facilities with more than 10 parking spaces and existing parking lots which expand to over 10 spaces shall comply with the requirements below:

- (1) Interior landscaping. For surface parking facilities, at least 10% of the parking facility shall be permanently landscaped.
- (2) Computation of interior landscaping requirement. The interior landscaping requirement shall be computed on the basis of the net parking facility. For the purposes of this section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.
- (3) Planting beds. All landscaping shall be contained in planting beds. Each planting bed shall have a minimum area of 180 square feet and shall be enclosed by appropriate curbing or similar device at least six inches wide and six inches in height above the paving surface. The planting beds shall

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be dispersed throughout the site so as to break up the expanse of pavement at least one shade tree shall be provided for each 300 square feet of internal landscape area.

- (4) Plant materials. Surface parking facilities shall contain at least one tree for each 1,500 square feet of required parking area. In addition to required trees, each planting bed shall contain appropriate ground cover or shrubbery. Non-plant material such as statuary or fountains may be used in landscaped areas, provided that it does not dominate the planting bed.

- (5) Perimeter landscape screen. A perimeter landscape screen should be required between a parking lot and any road, right-of-way, public walkway or other public place. Landscape walls or fences shall be located so as not to prelude future site-to-site connection.
- (6) Installation/maintenance. Landscaping shall be installed and continuously maintained by the owner.
- (7) Site plan requirements.
 - (a) All required site plans for parking facilities shall contain detailed landscaping plans. The landscaping plan shall be drawn to an accurate scale and shall include:
 - [1] The location and size of planting beds.
 - [2] The location and variety of all plant materials to be used.
 - (b) Failure to meet all of the landscaping requirements shall be cause for rejection of the site plan.

§ 175-27. Utilities.

Water, sewer, electricity, gas and communication lines and necessary incidental equipment such as repeaters, transformers, switches, pumps and regulators, when such equipment is located on the ~~lines,~~ but not administration, construction, maintenance, storage or sewage disposal facilities, are permitted in all districts and shall not require zoning permits nor be subject to lot, area and height requirements.

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§ 175-28. Visibility at intersections. [Amended 0-0-2019 by Ord. No. 2019-02]

On a corner lot in any residential zone, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines ~~40~~ feet from the point of the intersection.

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§ 175-29. Temporary buildings and uses.

Temporary structures and uses, ~~including storage containers,~~ are permitted in any zone when approved by the Planning Commission, provided that:

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- A. ~~The structure or container is placed on the property due to new construction, remodeling, or emergencies such as fire, flood, or other natural disasters;~~
- B. ~~Temporary structures or containers shall be permitted for an initial six-month period, renewable for additional six-month periods, provided the construction or remodeling is continuing, or the natural disaster repairs are still occurring;~~

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- C. The Town shall issue a minor permit to an applicant prior to the placement of a temporary structure or container on their property;
- D. Temporary structures or containers shall be in good repair and shall not be a hazard to the community;
- E. The maximum number of temporary structures or containers on a property shall be the minimum necessary to accommodate the immediate need for temporary storage identified on the minor permit;
- F. Temporary structures or containers shall not be placed closer than five (5) feet to a side or rear property line.

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¶ B. Provision is made to assure adequate light and air to adjacent properties and to prevent undue harm to adjacent properties in the form of noise, smoke, odors, dust or safety hazards.¶

¶ C. The purpose of the structure or use shall be to assist or take part in construction activities.¶

§ 175-30. Principal buildings on lots.

In any residential district not more than one structure housing a permitted principal use may be erected on a single lot unless yard and other requirements of this chapter are met for each structure as though it were an individual lot.

§ 175-31. Mobile homes. [Amended 1-3-1991 by Ord. No. 90-1]

Mobile homes will not be permitted on individual lots except in cases where dwellings are destroyed by fire or other cause and reconstruction is necessary. The Zoning Administrator may issue temporary permits to allow the placement of a mobile home in any zone for the occupancy of the dispossessed family, the term of such permit to be six months, renewable for another six months at the discretion of the Zoning Administrator.

§ 175-32. Signs.

No sign, sign structure or part thereof shall be erected, enlarged or altered unless such sign shall be in compliance with the provisions of this section.

- A. No sign, sign structure or part thereof shall be located so as to obstruct or conflict with traffic sight lines or traffic control signs or signals.
- B. No lighting of signs shall be permitted which are of a flashing, intermittent, rotating, or other animated type or which would tend to blind or distract motorists or which would shine directly onto any lot in the R-1 or R-3 District
- C. For the purpose of this section, the area of signs made up of individual letters, figures or designs shall include the space between such letters, figures or design and all backgrounds, edging and framing.
- D. For the various types of signs listed, the following specific provisions shall apply:
 - (1) On-premises signs.
 - (a) Signs advertising home occupations or for professional offices. One permanent non-illuminated sign, not exceeding six square feet in area, shall be permitted.

- (b) Temporary real estate and construction site signs. One temporary non-illuminated sign, not to exceed six square feet in area, may be erected in any district on the premises affected to advertise the sale, renting, leasing, etc., of real estate or to identify a construction site. Such signs shall be removed not later than two years after their erection or within 14 days of sale, rental or leasing, etc., of property or completion of the work, whichever shall come first.
- (c) Signs on premises advertising commercial enterprises or public use. Signs shall be permitted on the premises of lawfully conducted businesses to advertise only the business conducted and/or the products produced or sold on the premises and in accordance with the district regulations herein. Signs shall also be permitted for public or quasi-public uses of an educational, recreational, cultural, conservation, religious or public service nature. Such signs may be illuminated in accordance with the provisions of this section. Such signs shall be located entirely upon the property where such business or use is located, and no part thereof shall occur within the right-of-way of any public way. The permissible area of such signs shall be determined according to the following:
 - [1] Flat wall signs. In the aggregate, flat wall signs contain up to one square foot of area for each linear foot of building frontage on a public road or private road up to a maximum area of 50 square feet. Such signs may be located on any wall of a building and shall not extend above the roofline.
 - [2] Freestanding signs.
 - [a] Such signs shall not exceed 50 square feet in total ~~area per business or use, provided that~~ the lot has 100 or more linear feet of road frontage. For lots having less than 100 linear feet of road frontage, the total area of freestanding signs shall not exceed 20 square feet per business or use. All such signs shall not extend more than 20 feet above the surface of the center line of the right-of-way which is adjacent to the property. Every face of a freestanding sign shall be included in the area of the signs.
 - [b] However, the Board of Appeals may approve the erection, enlargement or alteration of a freestanding sign in excess of 50 square feet as variance.
 - [3] Roof signs shall not be permitted. Roof signs, including signs which are painted on the roof, lie flat against the roof or signs which project from the roof, shall not be permitted.
- (d) Farm signs. Farm signs, identifying the name of the farm or estate, displaying the name of the owner and the nature of the farm and its products shall be permitted in any district. Such signs shall be limited to one per farm or estate entrance, shall not exceed six square feet in area, shall not be illuminated and shall be located entirely upon the property where the farm is located, and no part thereof shall be within the right-of-way of any public road or private road.

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- (e) Historic markers. Historic markers erected by a state or county agency or quasi-public organization, not exceeding 10 square feet in area, shall be permitted in every district.

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- (f) Conservation signs. Signs indicating the presence of a wildlife sanctuary or conservation area and signs displaying "no hunting," "no trespassing" or similar information, not exceeding two square feet in area, shall be permitted in every district.

(2) Off-premises signs.

- (a) Temporary public information or event signs. Directional or informational signs advertising places or events of a public or quasi-public nature shall be permitted in any district.

[1] For each place or event, the following signs shall be permitted:

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[a] Ten non-illuminated directional signs not to exceed four square feet in area.

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[b] Four non-illuminated informational signs not to exceed 15 square feet in area.

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[2] Political campaign signs shall be permitted in all districts and shall not be restricted to numbers.

[3] All such temporary signs shall be removed within 14 days after the event or election.

- (b) Official traffic signs and other federal, state or local government signs shall be permitted in any district.

- (c) Signs used for directing patrons, members or an audience to service clubs, churches or other nonprofit organizations shall be permitted, provided that the signs shall indicate only the name, emblem, meeting hours, address and direction of the facility and shall not exceed four feet in area.

E. All signs, except temporary real estate signs, political and construction signs and signs announcing a public or quasi-public event, shall be deemed permanent signs. No permanent sign shall be erected, enlarged or altered without a permit from the Zoning Administrator. Applications for permits shall be submitted on forms obtainable at the Town Hall. Each application shall be accompanied by drawings and written material showing the illumination, the exact location of the proposed sign and the method of construction and/or attachment of such sign to the building or structure. [Amended 6-27-1995 by Ord. No. 95-1]

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§ 175-33. **Salvage Yards.**

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No salvage yards will be permitted in any district, except in the C-1 zone, with conditions, or by Special Exception approved by the Board of Appeals.

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§ 175-34. Swimming pools, spas and hot tubs. [Added 6-27-1995 by Ord. No. 95-1]

All swimming pools, spas and hot tubs must comply with the BOCA requirements for a barrier.

§ 175-35. CHARLESTOWN CODE §
175-38.

§ 175-35. Fences. [Added 6-27-1995 by Ord.No.95-1] [Amended 0-0-2019 by Ord. No. 2019-02]

A. Fence Height Limitations. Front, Rear, and side yards.

- (1) Front Yard: No fence shall be more than three (3) feet in height
- (2) Rear Yard: No fence shall be more than six (6) feet in height
- (3) Side Yard: No fence shall be more than three (3) feet in height in the portion of the side yard between the front of the building and the street, or minimum front setback, whichever is greater. No fence shall be more than six (6) feet in height between the rear lot line and the front of the building.

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B. Fence Location Restrictions. Any fence permitted under this Ordinance may be located at least six (6) inches away from a property line. Fences may be located on the property line of an adjacent property with written permission of the adjacent landowner.

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Commented [BL34]: Can we change this? Can fences be permitted on property lines without permission from adjacent landowners? The six-inch gap could create a one-foot zone that could potentially become contentious to maintain.
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ARTICLE V
Board of Appeals

§ 175-36. Establishment; membership; terms; removal; vacancies.

A Board of Appeals is hereby established which shall consist of three members to be appointed by the Town Commissioners. The term of each member shall be three years or until his successor takes office, except that the respective terms of the three members first appointed shall be on a staggered basis. Members of the Board of Appeals may be removed from office by the Town Commissioners for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Town Commissioners for the unexpired term of the member affected.

§ 175-37. Proceedings; organization.

A. The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

B. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Board.

§ 175-38. Hearings; appeals; notices. [Amended 1-3-1991 by Ord.No.90-1]

A. Appeals to the Board of Appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the town affected by any decision of the Zoning Administrator. Such appeals shall be taken within 30 calendar days of receipt of notification of the action by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all paper constituting the record upon which the action was taken. [Amended 2-9-1999 by Ord.No.99-2]

B. For subdivision appeals, the burden of proof shall be upon the appellant or appellants, and said appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

§ 175-38. ZONING §
175-40.

C. The Board of Appeals shall fix a reasonable time for the hearing of appeals; give public notice ~~hereto, as~~ well as due notice to the parties in interest; and hold the public hearing within 45 days from the date of the decision of the Zoning Administrator. At least 15 days' notice of ~~the time and place of such hearing shall be published in a~~ paper of general circulation in the county. At the hearing any party may appear in person or by agent or attorney. The Board shall then decide the appeal within 15 days from the time of the hearing.

§ 175-39. Effect of appeal. [Amended 1-3-1991 by Ord. No.90-1]

An appeal stays all proceedings in furtherance ~~of the~~ action appealed from, unless the ~~administrative official~~ from whom the appeal is taken certifies to the ~~Board of Appeals~~, after the notice of appeal is filed with him, that, by reason of facts stated ~~in the~~ certificate, a stay would, in his opinion, cause ~~imminent peril~~ to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on ~~application, on~~ notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

§ 175-40. Powers and duties.

The Board of Appeals shall have the following powers and duties:

A. Administrative review: to hear and decide appeals:

- (1) Where it is ~~alleged~~, there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
- (2) Involving interpretation.

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(3) Subdivision Regulations.³ [Added 1-3-1991 by Ord. No.90-1]

- (a) Where it is ~~alleged~~, there is error in any order, requirement, decision or determination made by the Zoning Administrator or the Planning Commission in the enforcement of the Town Subdivision Regulations.
- (b) Involving interpretation of the Town Subdivision Regulations.

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B. Special exceptions (conditions governing applications and procedures): to hear and decide only such special exceptions as the Board of Appeals is specifically authorized to pass on by the terms of this chapter, to decide such questions as are involved in determining whether special exceptions should be granted and to grant special exceptions with such conditions and safeguards as are appropriate under the chapter or to deny special exceptions when not in harmony with the purpose and intent of this chapter.

- (1) A special exception shall not be granted by the Board of Appeals unless and until:

§ 175-40. CHARLESTOWN CODE §
175-40.

- (a) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
 - (b) The Planning Commission or Zoning Administrator has reviewed the application and has stated its or his recommendations to the Board.
 - (c) A public hearing shall be held at which any part may appear in person or by agent or attorney. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought and at the Town Hall, and notice shall be published in a newspaper of general circulation in the county at least 15 days prior to the public hearing.
 - (d) The Board of Appeals shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception and that the granting of the special exception will not adversely affect the public interest.
 - (e) The Board of Appeals shall grant a special exception only if it finds adequate evidence that any proposed use submitted will meet all of the following general requirements as well as the listed specific requirements.
- (2) The Board of Appeals shall, among other things, require that any proposed use and location be:
 - (a) In accord with the town's Comprehensive Plan and consistent with the spirit, purposes and intent of this chapter.

³ Editor's Note: See Ch. 160, Subdivision of Land.

- (b) Suitable for the property in question and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 - (c) Suitable in terms of effect on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- (3) In granting any special exception, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under § 175-51 of this chapter. The Board of Appeals shall prescribe a time limit within which the action for the special exception shall be started, completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

C. Variances (conditions governing applications and procedures): to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

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- (1) A variance from the terms of this chapter shall not be granted by the Board of Appeals unless and until:

§ 175-40. ZONING §
175-40.

(a) Application:

[1] A written application for a variance is submitted demonstrating:

[a] ~~That social conditions and circumstances exist which~~ are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district

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[b] That literal interpretation of the provision of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

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[c] ~~That the special conditions and circumstances do not result from the~~ actions of the applicant.

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[d] That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same zone.

[2] No nonconforming use of neighboring lands, structures or buildings in the same zone and no permitted use of lands, structures or buildings in other zones shall be considered grounds for the issuance of a variance.

(b) A public hearing shall be given as in Subsection B(l)(c) above.

- (c) The Board of Appeals shall make findings that the requirements of Subsection B have been met by the applicant for a variance.
- (d) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, a building or structure.
- (e) The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (f) The Board of Appeals shall further make a finding that the granting of the variance is consistent with the provisions relating to the Critical Area Overlay District (CA), Chapter 99, [Amended 0-0-2019 by Ord. No. 2019-02]

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- (2) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved or any use expressly or by implication prohibited by the terms of this chapter in said zone.

§ 175-41. Decisions.

In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken.

§ 175-42. Resubmission of appeal. [Amended 6-27 1995 by Ord. No.95-1]

If an application is disapproved, thereafter the Board of Appeals shall take no action on another application for substantially the same proposal on the same premises until after 12 months from the date of said decision has elapsed.

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§ 175-43. Appeals from Board. [Amended 1 3 1991by Ord. No.90-1]

- A. Any person or persons or any board, taxpayer, department or bureau of the town aggrieved by any decision of the Board of Appeals may seek review by the Circuit Court. Said appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.
- B. Any person aggrieved or any officer, department, board or bureau of the town affected by any subdivision decision of the Board of Appeals may file notice of appeal with the Circuit Court.

Deleted: [Added 5-24-1988] In addition, due to special features of a site or other circumstances where a literal enforcement of

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Deleted: [1] That special conditions or circumstances exist that are unique to the subject property or structure and that strict enforcement of the provisions within the Critical Area Overlay District (CA) would result in unwarranted hardship which is not generally shared by owners of property in the same management areas (i.e., IDA, LDA or RCA) of the Critical Area.¶

[2] That strict enforcement of the provisions within the Critical Area District would deprive the property owner of rights commonly shared by other owners of property in the same management area within the Critical Area District.

Deleted: [3] That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District.¶

[4] That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming which are related to adjacent parcels.¶

[5] That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical District, and that the granting of the variance will be consistent with the spirit and intent of the town's Critical Area Program and associated ordinances as well as state law and regulations adopted under Subtitle 18 of the Natural Resources Article and COMAR 14.15.¶

[6] That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.¶

(g) [Added 5-24-1988] A variance will not be granted by the Board of Appeals unless and until.¶

[1] A completed application form for a variance is submitted which demonstrates the applicability of the above criteria. In addition, requests for variance in the Critical Area Overlay District (CA) shall not be heard unless the state's Critical Area Commission has received a copy of the variance request at least two weeks prior to the scheduled public hearing.[Amended 0-0-2019 by Ord No 2019-]¶

[2] The Board of Appeals shall find that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building or structures. In making this determination for variance requests in the Critical Area Overlay District(CA), the Board of Appeals shall consider the following as tantamount to a minimum variance:[Amended 0-0-2019 by Ord No 2019-]¶

[a] That the granting of a variance to the yard and/or Buffer requirements results in new structures or impervious surfaces being located as far back from mean high water, tidal wetlands or tributary streams in the Critical Area as is feasible; and¶

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Upon the hearing of such appeal, the decision of the Planning Commission shall be presumed by the Court to be proper and to best serve the public interest. The burden of proof shall be upon the appellant or appellants, and said appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B. The Court shall have the power to affirm, modify or reverse, in whole or in part, any decision appealed from and may remand any case for the entering of a proper order or for further proceedings, as the Court shall determine.

**ARTICLE VI
Administration and Enforcement**

§ 175-44. Zoning Administrator.

- A. A Zoning Administrator, appointed by the Town Commissioners, shall administer and enforce this chapter.
- B. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land or buildings or structure removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

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Deleted: The assistance of such other persons as the Town Commissioners may direct may be provided.

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§ 175-45. Zoning permits.

- A. Zoning permit required. No building or other structure shall be erected, moved, added to or structurally altered or use of land be changed, including the removal of a tree or trees, without a permit. No zoning permit shall be issued except in conformity with the provisions of this chapter except after written order from the Board of Appeals.
- B. Application for zoning permit
 - (1) All applications for zoning/building permit shall be accompanied by site plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or

§ 175-45. ZONING § 175-46.

proposed buildings or alterations, existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designated to accommodate, conditions existing on the lot and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter.

- (2) One copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to the same

by his signature on such copy. The second copy of the plans, similarly marked, shall be retained in the town files.

C. Zoning Permits for new or altered uses.

- (1) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a zoning permit is issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.
- (2) The Zoning Administrator shall maintain a record of all zoning permits, and copies shall be furnished upon request to any person.
- (3) Failure to obtain a zoning permit shall be a violation of this chapter and punishable under § 175-51 of this chapter.

D. Expiration of zoning permit.

- (1) If the work described in any zoning permit has not begun within one year from the date of issue, said permit shall expire. It shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected.
- (2) If the work described in any zoning permit has not been completed within two years of the date of issue, unless work is satisfactorily proceeding, said permit shall expire and be canceled by the Zoning Administrator and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

§ 175-46. Interpretation and enforcement.

A. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and through him to the Planning Commission and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by the Land Use Article of Maryland, as amended. [Amended 0-0-2019 by Ord 2019-02]

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B. It is further the intent of this chapter that the duties of the Town Commissioners, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter the Town Commissioners shall have only the duties of considering

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§ 175-46. CHARLESTOWN CODE §
175-49.

and adopting or rejecting proposed amendments or the repeal of this chapter as provided by law and of establishing a schedule of fees and charges as stated in § 175-47 below.

§ 175-47. Fees.

- A. The Town Commissioners shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning certificates, appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator and Building Inspector and may be altered or amended only by the Town Commissioners, upon recommendation of the Planning Commission. [Amended 1-3-1991 by Ord. No.90-1]
- B. No certificate, permit, special exception or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

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§ 175-48. Amendments.

- A. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.
- B. Any proposed amendment shall be submitted to the Planning Commission for report and recommendation prior to any action by the Town Commissioners. The Planning Commission, the Town Commissioners or any resident may originate proposed amendments.
- C. Information on amending the Critical Area Overlay District is located [in Part 11, Chapter 99](#). [Amended 0-0-2019 by Ord 2019-02]

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§ 175-49. Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

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ARTICLE VII
Enforcement and Review

Building permits or zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

§ 175-50. Complaints Regarding Violations

Whenever the Zoning Administrator receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

§ 175-51. Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person(s) who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

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§ 175-52. Procedures Upon Discovery of Violations

A. Upon the finding by a zoning official that any provision of this Ordinance is being violated, the zoning official shall immediately send written notice to the person responsible for such violation, including the property owner(s), advising them of the nature of the violation and the action necessary to correct such violation. Such notice shall also advise that the decision of the zoning official may be appealed to the Board of Appeals in accordance with Section 175-40.A.

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B. The zoning official may deliver a citation to a person believed to be committing a civil zoning violation. A copy of the citation shall be retained by the zoning official and shall bear certification attesting to the truth of the matters set forth. The citation shall contain:

- (1) The name and address of the person charged;
- (2) The nature of the violation;
- (3) The place and time where the violation occurred;
- (4) The amount of the fine assessed;
- (5) The manner, location, and time in which the fine may be paid; and
- (6) The person's right to elect to stand trial for the violation.

§ 175-52. CHARLESTOWN CODE §
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C. A pre-set fine, not exceeding \$500.00 may be imposed for each violation. Each day on which the violation continues shall constitute a separate offense.

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D. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine equal to twice the amount of the original preset fine. If, after 35 days, the citation is not satisfied, the zoning official may request adjudication of the case through the District Court.

E. Enumeration of violations and pre-set fines - an act or conduct referred to in this subsection is a civil zoning violation:

- (1) An act which violates any covenant or condition of any approval given by the Planning Commission or Board of Appeals under this section or any prior Ordinance. Fine \$500.00.
- (2) An act which constitutes the continuance of a nonconforming use or structure after the time when this Ordinance requires that such use be terminated or discontinued. Fine \$500.00.
- (3) An act which constitutes the enlarging, extending or expanding of a nonconforming use or structure in a manner not authorized by this Ordinance. Fine \$500.00.
- (4) An act for which rezoning, special exception or variance is required, which is done without making application for and obtaining such permission as required by this Ordinance. Fine \$500.00.
- (5) Making a materially false writing on any application required by this Ordinance, knowingly making false or incomplete representations to the Zoning Administrator, Planning Commission or Board of Appeals, misrepresenting actions by other government entities. Fine \$250.00.
- (6) Willfully using a property for any purpose or in any manner which could not be authorized by a Zoning Certificate. Fine \$500.00.
- (7) Willfully providing false or incorrect information to zoning authority in connection with a determination of whether a use is legally non-conforming. Fine \$250.00.
- (8) Any act not referred to in the preceding paragraphs of this subsection which involves the use of property in any manner which is prohibited by this Ordinance. Fine \$500.00.

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§175-53. Penalties and Remedies for Violations

A. Violation of the provisions of this Ordinance, failure to comply with any of its requirements, or a person who commits or assists in the commission of any unlawful act is guilty of a criminal misdemeanor and subject to a fine of not less than one hundred dollars (\$500.00) or more than five hundred dollars (\$1,000.00) or to imprisonment for not more than 90 days, or both fine and imprisonment. In addition, the person or persons shall pay all costs and expenses as well as any fair and reasonable legal fees incurred as a result of said action being brought.

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§ 175-53.
175-58.

ZONING

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B. The procedure for the issuance of citations, collection of fines and trial with respect to disputed or unsatisfied citations shall be as prescribed in §11-202 of the Land Use Article, Annotated Code of Maryland, as amended from time to time.

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C. Nothing herein contained shall prevent the Town from taking such other lawful actions as is necessary to prevent or remedy any violation. The persons liable, as defined by Section 338 herein, shall be required to pay any and all fair and reasonable costs and expenses incurred by the Town in its enforcement of this Ordinance, including but not limited to, attorneys' fees incurred by the Town.

§175-54. Permit Revocation

A. A zoning certificate or site plan may be revoked by the Zoning Administrator (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed.

B. Before a zoning certificate or site plan may be revoked, the Zoning Administrator shall give the recipient 10 day's notice of intent to revoke the certificate or site plan and shall inform the recipient of the alleged reasons for the revocation. If the certificate is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

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C. No persons may continue to make use of land or buildings in the manner previously authorized by any zoning, or special exception after such permit has been revoked. Doing so would constitute a zoning violation. Once revoked, a new permit may not be approved, unless a finding of substantial change is determined by the Planning and Zoning Commission.

Commented [BL36]: Beste thinks it should be the Planning & Zoning Commission?

§175-55. Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

§175-56. Judicial Review

A. A decision of the Board of Appeals, and a decision of the Town Commissioners in the granting or denial of a zoning amendment may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.

§175-57. Reserved

§175-58. Reserved

Town of Charlestown

Table of Lot, Yard, Lot Coverage and Height Requirements
 [Amended 10-13-1987 by Ord. No. 87-1; 2-9-1988 by Ord. No. 88-1;

5-9-1989 by Ord. No. 89-1; 12-21-1995 by Ord. No. 95-3; ~~10-0-2019~~ by Ord. No. 2019-02]

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Zone	Minimum Lot Requirements		Lot Width (feet)	Minimum Yard Requirements ⁷			Maximum Lot Coverage (percent)	Maximum Height ²
	Lot Area (square feet)	Lot Area, Per Family (square feet)		Front Setback (feet)	Rear ¹ (feet)	Side (feet)		
Residential R-1 ³	20,000	20,000	100	50	50, 10	10	30%	2 ½ stories or 35 feet, except Institutional may be 3 stories or 45 feet
Residential R-2	10,000	10,000	70	30	30, 5	5	50%	2 ½ stories or 35 feet, except Institutional may be 3 stories or 45 feet
Residential R-3 ⁸	10,000	10,000	70	30	30, 5	5	50%	2 ½ stories or 35 feet
Single-Family Detached	10,000	10,000	70	30	30, 5	5	50%	2 ½ stories or 35 feet
Duplex/Two-Family⁸	6,000 duplex;	3,000 du	30/du;	20	30, 5	10	50%	2 ½ stories or 35 feet
	two-family		60/duplex					
Duplex/Semi-detached	6,000 duplex;	3,000 du	30/du;	20	30, 5	10	50%	2 ½ stories or 35 feet
	semi-attached		60/duplex					
Townhouse ⁸	10,000	2,000	20 interior; 30 end	20	30, 5	10	50%	2 ½ stories or 35 feet
Apartments ⁸	20,000		100	20	40	20	60%	2 ½ stories or 35 feet
Shoreline	10,000	10,000	50	30	50	5	50%	2 ½ stories or 35 feet
Recreational				30	50	5	50%	2 ½ stories or 35 feet
Residential R-R				30	50	5	50%	2 ½ stories or 35 feet
Local Commercial C-1	None ⁵			15	20	None ⁶	80%	3 stories or 45 feet

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NOTES:

- 1 Minimum primary structure setback, minimum yard requirement for accessory structures.
- 2 Incidental structures necessary for operation of permitted uses may not exceed maximum height, ~~unless 40' to meet a floodplain requirement.~~
- 3 Alternate lot size and yard regulations established in Subdivision Ordinance.
- 4 In the Historic District, ~~duplex, two-family, semi-detached, townhouse, and apartment~~ multifamily dwellings are not permitted.
- 5 None, except where dwellings are provided lots shall conform to Residential R-3.
- 6 Side setbacks, if provided, shall be at least three feet or, if adjoining residential area, at least five feet.
- 7 Although defined as structures, fences, walkways, ~~and driveways~~, not subject to setback requirements.
- 8 See Section 175-18.

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