

Customer Assistance Guide

Planning Frequently Asked Questions

SUBDIVIDING

1. **What is my legal description?**

The legal description is a written description of the location of a piece of property. The recorded deed for a piece of land contains the legal description, or, a reference may be made in that deed to a full legal description in a former deed. The “legal description” on the State Department of Assessment and Taxation’s (SDAT) web page is not the full description.

The Liber and Folio for the deed to a piece of land can be found by looking up the property on SDAT at <http://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx>, looking up the property account using either the street name, tax map and parcel number, or tax account/property ID number, and referring to the Deed Reference under Owner Information.

A copy of a recorded deed may be obtained from Land Records at the Court House or via the internet at <https://mdlandrec.net>.

2. **Can I subdivide my property?**

You can find the minimum lot size criteria (density chart & minimum lot size charts) within the site’s zoning district. It can be accessed through the Charles County Zoning Ordinance on the County’s web page at <http://www.charlescountymd.gov/pgm/planning/planning>. Look at the bottom of the page for the subdivision code under the “regulatory documents” section for the Zoning Ordinance.

Helpful Hint: Tier Maps. Tier IV areas can only have 7 lots regardless of parcel size. If the site was previously subdivided, it may take further investigation.

Guideline:

- a. Check how many times already subdivided.
- b. Is a preliminary plan needed?
- c. Does the site have road access?
- d. Are there critical area restrictions?
- e. Does the site have Public water/sewer or well/septic issues? If potential applicant is unclear about these issues, draw a sketch and make an appointment with Site Plan/Subdivision staff, to examine issues in more detail. The application can be found at <http://www.charlescountymd.gov/pgm/general/pgm-publications> .

3. What do I have to do to subdivide my property?

An application for Preliminary Plan or Final Plat is needed. You will need to hire an engineering/ surveyor firm and pay the County application fees.

The Subdivision Regulations are available on PGM/Planning's web page at <http://www.charlescountymd.gov/pgm/planning/planning>. Look at the bottom of the page for the subdivision code under the "regulatory documents" section for the Subdivision Regulations.

a). How much will the firm charge me and who does the county recommend?

The County has no knowledge of fees charged. We can provide a list of those firms who generally work with the county without any recommendation so the customer can call to get a proposal for the project with fees.

b). How long will the process take?

The process can take as little as a few months for small projects, to a few years for large complicated projects. It depends upon issues such as availability of school seats, infrastructure needs, and environmental impacts. Look at the bottom of the page for the subdivision code under the "regulatory documents" section for the Subdivision Regulations at <http://www.charlescountymd.gov/pgm/planning/planning>.

ZONING

4. What is the zoning of my property?

The zoning can be found on the official zoning maps.

<https://www.charlescountymd.gov/pgm/planning/zoning-maps>

It corresponds with the permitted uses in the Zoning Ordinance. Article IV, Section 297-63, Figure IV-1 lists what uses are permitted, permitted with conditions, or not permitted.

http://www.charlescountymd.gov/sites/default/files/pgm/planning/zoning_ord_7-30-15.pdf

5. How do I change the zoning of my property?

If you want to change the zoning of your property and would like to discuss it with a Planner, please call 301-645-0540 to make an appointment.

Typically, an Engineering Firm, Land Use Consultant, or Attorney is retained to prepare a request to change the zoning. The process requires a staff review, a Public Meeting and Work Session with the Planning Commission, and a Public Hearing and Work Session with the Charles County Commissioners. The applicant is required to post the property and notify adjacent property owners per guidance provided by the Planning Division. There is no guarantee of approval. Absolute minimum processing time is six to eight months, but

typically extends longer. A Comprehensive Plan Amendment may also be required which the applicant must submit an inquiry to the Planning Director to confirm.

The Local Map Amendment fees are found in the tables of Fees and Charges for the applicable Fiscal Year under Rezoning - Base Zones (minimum fee, and, additional “per acre” fee).

The Base Zone Application is located in the Planning Division and also found at http://www.charlescountymd.gov/sites/default/files/pgm/planning/localmap_amendment_base_11-18.pdf.

It includes requirements for the request which must either propose that a change in the character of the neighborhood has occurred that warrants a change in the base zone, or, that a mistake was made at the last comprehensive rezoning that warrants a change in the base zone.

The references for changing your zoning are:

- Charles County Zoning Ordinance, § 297-448.
- Local map amendments (requesting rezoning of land to a different base zone) and Zoning Map Amendments – Base Zone SOP #: PGM 4.016, Effective Date 4/15/02
Revision Date: 3/17/15.

6. How many livestock animals can I have on my property?

The keeping of livestock animals on a property is broken down into five (5) specific categories in the Zoning Ordinance:

- **Use 1.01.200 – Livestock on a parcel greater than five (5) acres, dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry, or aquaculture.**

This use is permitted with conditions in the AC, RC, RC(D), RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PEP, and PMH zones, provided that any areas of animal confinement less than one acre, manure storage or feed storage shall be a minimum distance of 75 feet from any public street or highway and in no case closer than 250 feet from any existing residential dwelling on an adjoining parcel.

- **Use 1.1.310 – Horses, livestock maintained as pets and 4-H or school projects on less than or equal to five (5) acres.**

This use is permitted with conditions in the AC, RC, RC(D), RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PRD, PEP, and PMH zones, provided that the following requirements are met:

- A. The keeping of horses and other large livestock such as cattle, swine, goats, and sheep in any residential zone shall be permitted on lots or parcels of two (2) acres or more with a minimum of one (1) acre per animal.
- B. Small livestock, such as poultry and rabbits, shall be permitted, provided that the ratio of animals to acreage set forth in the following schedule is met and the animals must be maintained in a humane, secure, and sanitary fashion so as not to create a detriment or nuisance to the public.

Acreage	Number of Animals (per acre)
Less than 2 acres	2 adult animals
Greater than 2 acres	4 adult animals

- **Use 1.01.320 Cattle, swine, goats and sheep, rabbits and poultry or fowl raised for sale on less than or equal to five (5) acres.**

This use is permitted by special exception in the AC, RC, and RR zones provided that the minimum standards for land area set by the United States Department of Agriculture and Article IV of the Zoning Ordinance are met.

- **Use 1.01.450 Poultry houses, hog operations with six (6) or more hogs.**

This use is permitted by special exception in the RC zone and permitted with conditions in the AC zone, subject to the following:

- A. The use is located greater than 200 feet from the nearest boundary line or the land on which it is located.
- B. Obtain a soil conservation water quality plan and/or nutrient management plan prepared with the assistance of the Charles County Soil Conservation District or the Charles County Cooperative Extension Service.

- **Use 1.01.500 Commercial stables.**

This use is permitted in the AC, RC, CN, and CB zones and by special exception in the RC(D), RR, RL, RM, CV, PRD, and MX zones, provided that the following standards are met:

- A. The stable shall be located on a tract of not less than five (5) acres.
- B. No building shall be located less than 100 feet from the nearest property line.

BUILDING REQUIREMENTS – Commercial & Residential

7. What can I do with my property?

Residential

An approved building permit is required for construction. Only one single-family detached dwelling per lot is permitted. In zones where single-family detached dwellings are permitted, a single-family detached dwelling is permitted on a legal lot of record that may not meet current lot size requirements, pending its compliance with the Charles County Zoning Ordinance § 297-464, *Undeveloped nonconforming lots*. The lot also requires approved percolation tests (Charles Health Department) or approved access to public water & sewer facilities (Resource and Infrastructure Management (RIM)).

Commercial

An approved Site Development Plan, Building Permit and/or Development Services Permit are required for construction.

All fees are found in the tables of Fees and Charges for the applicable Fiscal Year at https://www.charlescountymd.gov/sites/default/files/pgm/files/FY17_PGM_FeesandCharges.pdf

Be sure to confirm the zoning of your property on the official zoning maps. It corresponds with the permitted uses in the Zoning Ordinance. Article IV, Section 297-63, Figure IV-1 lists what uses are permitted (P), permitted with conditions (PC), permitted with an approved Special Exception (SE) or not permitted (blank). This is found at <http://www.charlescountymd.gov/pgm/planning/planning> .

Permit Information is found in the Single Family Dwelling Customer Assistance Guide at: <https://www.charlescountymd.gov/pgm/general/pgm-publications>

Site Plan Application at:

<http://www.charlescountymd.gov/sites/default/files/pgm/planning/siteplanapp.pdf>

Board of Appeals - Refer to Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions. Extension/Expansion of Non-Conforming Situations Application:

<http://www.charlescountymd.gov/sites/default/files/pgm/planning/extension%20-%20expansion%20non-conforming%20situations%20application%20form.pdf>

- Board of Appeals - Special Exception Application:

http://www.charlescountymd.gov/sites/default/files/pgm/planning/special_exception_application%20_form.pdf

- Board of Appeals - Variance Application:
http://www.charlescountymd.gov/sites/default/files/pgm/planning/variance_application_form.pdf

8. What are the required building setbacks for an addition?

The required building setbacks for an *addition* to a single-family dwelling or other principal structure are the same as the required setbacks for the single-family dwelling or other principal structure itself. Various exceptions and clarifications to the required building setbacks are found in the Charles County Zoning Ordinance, §297-26, General Yard Requirements. The setbacks in any one zone vary with the type of use on the property per the Base or Planned Development Zones Schedules of Zone Regulations charts.

- *Reference:* Refer to recorded plat for required setback information, or, confirm zoning as described in #3 above and refer to applicable Figure in the Zoning Ordinance for required setback information.
- *Reference:* Charles County Zoning Ordinance Article VI: Base Zone Regulations or Article VII: Planned Development Zone Regulations
- *Reference:* Charles County Zoning Ordinance, §297-26. General yard requirements.
- *Reference:* Residential Addition (Including Attached Garage) Customer Assistance Guide at: <https://www.charlescountymd.gov/pgm/general/pgm-publications>
- *Reference:* Commercial Additions Customer Assistance Guide at: <https://www.charlescountymd.gov/pgm/general/pgm-publications>

9. What are the requirements for an accessory structure?

Decks – Accessory use. Permitted to encroach into a building restriction line (BRL) by 3 feet in accordance with Zoning Ordinance Chapter §297-26 General Yard Requirements C. Exceptions and modifications to minimum yard requirements (1) (b).

Per Article XIV, Figure XIV-2, Schedule of Dimensional Requirements: Cluster Development: An attached balcony, deck, porch, and patio may project into the minimum rear yards of townhouse units by up to 10 feet where the rear yards are adjacent to the Resource Protection Zone or Forest Conservation Easement areas.

Deck design / materials / color must abide by community Home Owners Association (HOA) requirements (St. Charles, etc.). If the property is located in the PUD zone an approval letter from the HOA / (Plan Design Review Board (PDRB) is required to be provided in the permit file prior to zoning approval.

Pools – Accessory use. Must be located at least 10 feet off of the property line. Shall not be located in an easement area. Reference Zoning Ordinance Chapter § 297-29 Accessory uses and structures.

If the property is located in the PUD zone an approval letter from the HOA / PDRB is required to be provided in the permit file prior to zoning approval.

Detached garages – Accessory use. Must be located behind the front building restriction line, at least six (6) feet from the side or rear property lines and at least six (6) feet from any other buildings on the same lot. Shall not be located in an easement area. Reference Chapter §297-29 Accessory uses and structures.

In the residential zones and on lots less than 3 acres in agricultural and rural zones, the area of single accessory use or structure shall not exceed 50% of the gross floor area of the principal use or structure or 1,000 square feet, whichever is greater. If the lot is greater than 3 acres the accessory use has no size limitation.

If the property is located in the PUD zone an approval letter from the HOA / PDRB is required to be provided in the permit file prior to zoning approval.

Sheds – Accessory use. Must be located behind the front building restriction line, at least 6 feet off of the property line and at least 6 feet from any other structure on the lot. Shall not be located in an easement area. Reference Chapter §297-29 Accessory uses and structures.

In the residential zones and on lots less than 3 acres in agricultural and rural zones, the area of single accessory use or structure shall not exceed 50% of the gross floor area of the principal use or structure or 1,000 square feet, whichever is greater. If the lot is greater than 3 acres the accessory use has no size limitation.

If the property is located in the PUD zone an approval letter from the HOA / PDRB is required to be provided in the permit file prior to zoning approval.

Fences – Under 7' feet no building permit required (Zoning Permit required in Critical Area).

Over 7' feet building permit required. Fences are permitted to be constructed on the property line. Refer to Chapter §297-27 B. (1) through (3).

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation.
- (2) Rear and side yards. Walls and fences shall not exceed eight feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.

(3) Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with screening requirements.

Fencing design / materials / color must abide by community HOA requirements (St. Charles, etc.).

If the property is located in the PUD zone an approval letter from the HOA / PDRB is required to be provided in the permit file prior to zoning approval.

10. Manufactured homes

A Manufactured Home is defined as a dwelling unit that is not constructed in accordance with the standards set forth in the county's building code applicable to site-built homes; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and exceeds 40 feet in length and eight feet in width.

- References: Article IV, Figure IV-1, use codes 3.01.400 and 3.01.500 of the Charles County Zoning Ordinance to see what Zones a manufactured home is permitted in. It can be accessed through the County's web page:
 - <http://www.charlescountymd.gov/pgm/planning/planning>
 - <http://www.ecode360.com/27245703>

The Zoning Ordinance has two categories of manufactured homes, **Class A** and **Class B**.

Class A is a manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies each of the following additional criteria:

- (1) The home has a length not exceeding four times its width, which may be calculated using the measurements of a carport or an enclosed porch;
- (2) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (3) The exterior siding consists of wood, hardboard or aluminum (vinyl-covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (4) A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and

(5) The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.

Class A manufactured homes are permitted by right in the following zones: AC, RC, RC(D), RR, RV, RL, RM, RH, and PMH.

Class B is a manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

Class B manufactured homes are permitted by right in the AC, RC, and PMH zones, and via special exception in the RC(D), RR, and RL zones.

11. What are the requirements for an accessory apartment/mother-in-law suite?

Definition “ A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent facility with provision within the accessory apartment for cooking, eating, personal sanitation and sleeping. Such a dwelling unit is subordinate to the main dwelling.”

Regulations

1. There shall be no more than one accessory apartment permitted per existing single family dwelling.
2. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall, to the degree reasonably feasible, reflect the appearance of the single family residential structure. No external entrance that faces a road or street shall be added to either the principal dwelling or an accessory building.
3. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
4. Within the principal dwelling unit, the minimum floor area shall be 300 square feet but in no case shall it exceed 50% of the gross floor area of the dwelling in which it is located.
5. Within an accessory building, the minimum floor area shall be 300 square feet, there shall be no more than two (2) bedrooms in the apartment, and the apartment shall not occupy more than 50 percent of the accessory structure.

6. Prior to the issuance of a building permit, approval of the proposed method of water supply and sewage disposal shall be obtained from the Health Department.
7. Contact the Department of Planning and Growth Management at 301-645-0540 regarding the permitting process. Also see attached garages for lots over 3 acres.

Site Development Plans

12. **Determinations of change in use for commercial projects.**

What is required for Site Development Plan (SDP) if a change in use?

A Commercial Site Development Plan is required for a change in use. This is considered a “Minor Site Plan” as defined in Article III, Definitions & Interpretations in the Charles County Zoning Ordinance at <http://www.charlescountymd.gov/pgm/planning/planning>. Please be aware that:

- Processing and review time is needed for approval.
- Discussion that SDP needs to be approved before any building permit or use and occupancy can be approved.
- Site improvement requires Site Development Plan.

13. **What are the requirements for a SDP?**

All new construction, additions and change in uses must obtain Site Development Plan approval to demonstrate compliance with the Charles County Zoning Ordinance. The Plan must include:

- Preliminary Adequate public facilities form & fee
- Stormwater management process

Reference: Appendix A of the Charles County Zoning Ordinance:

<http://www.charlescountymd.gov/pgm/planning/planning>

ENVIRONMENTAL (Forest Conservation, Critical Area, Land Agriculture)

14. **Forest Conservation Requirements**

a. What is Forest Conservation?

Forest Conservation is the preservation of existing forest resources or the creation and protection of new forest areas. Forest resources are preserved within forest conservation easements granted to Charles County.

The Charles County Forest Conservation Ordinance is located at

<http://www.charlescountymd.gov/sites/default/files/pgm/planning/fcordinance.pdf>

b. When do forest conservation requirements apply?

Forest Conservation requirements apply to applications for a subdivision, site plan, grading, or sediment control approval on a tract of land greater than 40,000 square feet. See above link, Charles County Forest Conservation Ordinance.

c. How do I find out if a forest conservation easement is located on my property?

A title report will reveal whether any easements are located on your property. Additionally, documents recorded at land records are available to the public at the Charles County Courthouse, Land Records, 200 Baltimore Street, La Plata, MD 20646, or, on the Maryland Land Records website at

- Maryland State Archives <http://query.mdsa.net/texis/search/main.html?pr=All>
- Maryland Land Records <https://mdlandrec.net/main/>
- Plats are located at Plats.net

d. What are the restrictions on tree removal? What if the tree is within a forest conservation easement?

Individual tree removal outside of the Critical Area is generally permitted provided the tree is on the property of the person initiating the removal; the tree is not within a protective buffer; and, the tree is not a roadside tree. If the tree is within a forest conservation easement, removal is required to be manual, without the use of heavy machinery. For more information please contact Environmental Planning at 301-645-0540. Please note, Environmental Planning does not remove trees.

Up to 20,000 square feet of forest may be removed on a residential property under an approved Single Lot Exemption, in certain circumstances. However, clearing of more than 5,000 square feet may require a Development Services permit. For more information please contact Environmental Planning at 301-645-0540.

Within the development district, forest conservation easements are generally located on property owned by a HOA. To request removal of a tree on HOA property, please contact the HOA directly.

If the tree in question is in the County right-of-way, please contact the Roads Division for inspection and possible removal at (301) 932-3450.

15. Chesapeake Bay Critical Area Requirements

a. What is the “Critical Area?”

The Critical Area is all lands and waters within 1,000 feet of mean high tide and/or tidal waters and wetlands. It includes the waters of and lands under the Chesapeake Bay and its tributaries. You can review Article IX, Charles County Zoning Ordinance at <http://www.charlescountymd.gov/pgm/planning/planning>, and also the Maryland State Critical Area Commission website at <http://www.dnr.state.md.us/criticalarea/>.

b. How do I know if my property is located within the Critical Area?

You can review the Charles County Critical Area Maps at <https://www.charlescountymd.gov/pgm/planning/chesapeake-bay-critical-area-maps>. If you have further questions, contact Environmental Planning at 301-645-0540.

c. What can I do with my land in the Critical Area?

Lands within the Critical Area fall into one of three overlay zoning designations, 1. Resource Conservation Zone, 2. Limited Development Zone, and 3. Intense Development Zone. Each overlay includes a set of development restrictions.

To identify the overlay designation, see the link to Critical Area Maps at <https://www.charlescountymd.gov/pgm/planning/chesapeake-bay-critical-area-maps>.

You can also see Article IX of the Zoning Ordinance and the Critical Area Commission website.

1. Development in the Resource Conservation Zone is limited to resource based uses, with little, if any, commercial or industrial potential. Density is limited to one dwelling unit per 20 acres. In general, lot coverage is limited to 15% of the parcel.
2. The Limited Development Zone allows for more moderate land usage. Density is limited to up to four dwelling units per acre. In general, lot coverage is limited to 15% or 25% depending upon the size of the lot or parcel.
3. The Intense Development Zone is the area within the Critical Area which allows for the most development potential. There is no limit on density allowed, with the exception of the base zone allowance. There is also no limit on lot coverage, provide a 10% reduction in pre-development stormwater pollutant loadings is accomplished through best management practices.

All development activities within the Critical Area require approval by Charles County prior to the commencement of work. For more information, please contact Environmental Planning at 301-645-0540.

d. What are the restrictions on tree removal?

Removal of trees and shrubs from the Critical Area generally requires County approval before the commencement of work. All trees and shrubs removed from the Critical Area require native plant replacement, with minor exceptions. For more information, please contact Environmental Planning at 301-645-0540.

To request a free tree removal authorization, please forward the following information to the attention of Aimee Dailey at daileya@charlescountymd.gov :

- Name of property owner.
- Address of tree removal.
- Sketch of property showing location of trees to be removed and trees to be planted as mitigation.
- Photos of the trees to be removed.
- Estimated date of tree removal and planting.
- Name and size of plant materials to be planted.

e. How do I obtain a pier permit?

The Maryland Department of the Environment (MDE) issues permits for activities within Maryland's tidal waters, including, but not limited to, piers, boat lifts, osprey poles, mooring piles, etc. Please contact the Tidal Wetlands Division of MDE for more information at 410-537-3837.

The Maryland Department of the Environment Tidal Wetlands Permit Application:

http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/PermitsandApplications/Pages/Programs/WaterPrograms/Wetlands_Waterways/permits_applications/nontidal_permits.aspx.

Once the permit has been obtained from the Maryland Department of the Environment, the landowner must submit a copy of this approval to the County along with an application for a Zoning Permit. For more information, please contact Environmental Planning at 301-645-0540.

Zoning Permit Application:

<http://www.charlescountymd.gov/sites/default/files/pgm/cpis/bldgpermitapp.pdf>

16. Septic Pump-Out Program

To obtain reimbursement residents will fill out the application; attach the contractor's receipt and send to the County. Residents need to include their property location, to verify which reimbursement rate the system qualifies for. The reimbursement rates are below:

- 50% of the pump-out cost for septic systems located outside of the Chesapeake Bay Critical Area of Charles County.

- 75% of the pump-out cost for septic systems located within the Chesapeake Bay Critical Area of Charles County.

Once the pump-out receipt, proof of payment, and property location are verified, a check will be mailed out to the resident. Properties with a septic system are eligible once every 3 years for reimbursement of system pump-outs. The start date is January 1, 2014.

The on-line and paper form can be found at this link:

<https://www.charlescountymd.gov/pgm/planning/watershed/septic-system-pump-out-reimbursement-program>

17. Watershed Protection & Restoration Fee (a.k.a. Rain Tax)

The Fiscal Year 2016 rate is \$35 per improved property. The fee is listed as “WPRF” on the Property Tax Bills for County and Indian Head properties. Credits to the fee are shown as “WPRF CR” on the Property Tax Bills.

A 50% reduction or credit to the fee can be obtained for a three year period, for properties built after July 1, 2001, have a Forest Management Plan or an Agricultural Plan, or installed two rain barrels totaling 110 gallons, a rain garden, pervious paving, or other on-site infiltration.

The link to program description and paper forms is:

<http://www.charlescountymd.gov/pgm/planning/stormwater-remediation-fee-credit-appeal-and-hardship-applications>

The link to the on-line credit form is: <https://www.charlescountymd.gov/webform/watershed-protection-restoration-program-stormwater-remediation-fee-credit-application>

18. Drainage Issues or Illicit Discharge is Suspected

If someone reports their property being eroded or flooded by drainage from a neighboring property, they may be referred to Andrea Weightman in Codes Permits and Inspection Services (CPIS), so she can enter an RFA (Request for Assistance) into our database, which will trigger a site inspection to determine if a violation of the *Drainage Ordinance* is occurring.

If someone reports the dumping of something other than stormwater into a stormdrain, drainage channel, or stream, this could be an illicit discharge, and they may be referred to Karen Wiggen to enter an RFA (Request for Assistance) into our database, which will trigger a site inspection to determine if a violation of the *Drainage Ordinance* is occurring.

PERMITTING

19. Sign requirements

A sign is defined as any structure, part thereof or device, attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numerical, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement or direction or to attract attention to any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land, vehicle, building, on or upon a window or indoors and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable, religious or similar group, campaign, drive or event shall not be included within the meaning of this definition. Customary displays of merchandise or objects and material without lettering placed behind a store window are not “signs” or parts of “signs”.

An application for signs is required. Along with the application, a sketch will be needed of the sign with dimensions and a site plan. If the sign is a freestanding sign, a site plan showing the sign location will be required. If the sign is located on the building, color elevations are required showing the location of the sign on the building.

The maximum sign area shall be determined by road classification.

See the sign regulations located in Article XIX of the Charles County Zoning Ordinance, Figure XIX-1, accessible through Charles County Government’s web pages:

- http://www.charlescountymd.gov/sites/default/files/pgm/planning/zoning_ord_7-30-15.pdf ; or <http://www.ecode360.com/27248259>.

Real Estate Sign regulations can be found in Article XIX, §297-325, accessible through the link above.

20. Home occupation requirements

A Home Occupation is defined as an activity carried out for financial gain within a dwelling by the resident(s), which is subordinate to the residential use of the property. An application for a Home Occupation Permit is required. A 4 foot square sign must be attached to the house.

Article II, §297-29 B (18) of the Charles County Zoning Ordinance: It can be accessed through the County’s web page:

- <http://www.charlescountymd.gov/pgm/planning/planning>
- <http://www.ecode360.com/27245289>

21. Special events permits

A Public event is a group of persons gathering in open spaces and not in a permanent enclosed structure that has an approved use, and not on publicly owned property. Publicly owned property is land owned by the County, State or Federal Governments. (Board of Education owned land shall be considered publicly owned land, if their event(s) are completely contained - including parking- on their grounds.) Article II, §297-30 A of the Charles County Zoning Ordinance can be accessed through the Charles County Government's web page:

- <http://www.charlescountymd.gov/pgm/planning/planning> or
- <http://www.ecode360.com/27245377>.

Fill out the application, either in the office at the Charles County Government Building, Codes Permits and Inspections Services, or on-line at:

- <http://www.charlescounty.org/pgm/apps/publicevents/applicationmain.jsp>

The application must be received no less than thirty-five (35) days prior to the first day of the event. Once received, the application is forwarded to the appropriate agencies for review to determine if there will be any additional permits required. If any additional permits are required (such as a building permit for any proposed structures), the applicant will be notified.

22. Temporary Trailers

When a **fire or natural disaster** has rendered a single-family detached unit unfit for human habitation, the temporary use of a manufactured home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted. Any temporary manufactured home located during the rehabilitation or construction period must meet the following conditions. The temporary manufactured home shall:

- (a) Be removed within 12 months of the date of the fire or natural disaster unless an extension is granted as specified below;
- (b) Be served by water and sanitary facilities approved by the Charles County Health Department;
- (c) Meet all yard and setback requirements for a single-family detached dwelling; and,
- (d) Be subject to a building permit approved by the Zoning Officer for the temporary location of a manufactured home.

The Zoning Officer may approve the location of the temporary manufactured home for a period not to exceed 60 days beyond the time specified in Subsection F(l)(a) above if a building permit for the new or renovated residence has been issued and construction has commenced. Any extension beyond 60 days shall require approval by the Planning Commission. The temporary manufactured home shall be removed from the property upon completion of the new or rehabilitated residence and issuance of a use and occupancy permit or upon the expiration of the temporary building permit, with extensions, if any, whichever shall first occur. The property owner shall agree, in writing, to remove the temporary manufactured home, in accordance with the provisions of this subsection, prior to the issuance of any building permit authorizing the

location of such a temporary manufactured home. Failure to remove a manufactured home in compliance with these provisions constitutes a violation of this chapter.

The Zoning Ordinance Article II §297-30 F can be reviewed at <http://www.charlescountymd.gov/pgm/planning/planning> .

23. Temporary uses - ORD Permit

Temporary uses shall be permitted upon issuance of a temporary use permit. Examples of a temporary use is a public event, Christmas tree displays and sales, contractor's offices and construction equipment sheds or accommodations for security, a real estate sales office, wayside stand, and temporary manufactured homes. Please review Article II §297-30 at <http://www.charlescountymd.gov/pgm/planning/planning> .

24. Wayside stands

Wayside stands are allowed seasonally, written permission from property owner is required. A site plan or other illustrative plan is needed with each Wayside stand permit to ensure the minimum setbacks are being met.

Wayside stands for the sale of farm products which are grown or produced on-site, provided that such uses are set back a minimum of 20 feet from the public right-of-way, and in no case shall be less than 30 feet from the edge of pavement, and provide at least three off-street parking spaces. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

References: Article II §297-29 B <http://www.charlescountymd.gov/pgm/planning/planning>

Wayside stands for the sale of agricultural produces, Christmas trees, shellfish, and fish in their unpreserved and natural condition shall be permitted on a seasonal basis, provided that the parcel used has sufficient road frontage to ensure safe ingress and egress. The sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way and in no case shall be less than 30 feet from the edge of pavement. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

Reference: Article II §297-30 E <http://www.charlescountymd.gov/pgm/planning/planning>

ARCHAEOLOGY & HISTORICAL PRESERVATION

25. Do I need to do archaeology research on my property?

Preliminary Plans, Final Plats, and Site Development Plans are subject to archaeology requirements. Minor subdivisions need to be assessed by Community Planning and the County's contract archaeologist to determine if archaeology is warranted. In some cases, archaeology is not warranted on smaller subdivisions, but this is only determined on a case by case basis upon review. There is a Cultural Resource Fee for site development plan review.

- *Reference:* Section 55 of the Sub Regulations: https://www.charlescountymd.gov/sites/default/files/pgm/planning/Master_SubRegs_6-8-2015.pdf; and
- Article XXXI of the Zoning Ordinance – Historic Preservation Commission <http://www.charlescountymd.gov/pgm/planning/planning>

26. Is my property historic?

There are many factors to determine if a property is historic. In general, if a property is over 50 years old, it may be considered historic, but this is not the only criteria. Community Planning Staff should review the property to determine the following:

- If it is on the Maryland Inventory of Historic Properties
- If it is on the National Register of Historic Places
- If it is locally designated
- If it has a preservation easement
- If there has been a State or Federal Section 106 Cultural regulatory process review done on the property
- If it is a part of the Historic Districts
 - Bryantown
 - Port Tobacco
- If it is registered on the Maryland Inventory Form

If you would like to search a property address to determine if there is an Inventory form and if it is on the National Register Maryland Historical Trust Maryland Inventory, go to their website http://mht.maryland.gov/research_medusa2.shtml. Locally designated properties and preservation easements should be determined by Community Planning.

27. How do I have my property designated as Historical?

There is an application process for Local Historic Landmark Designation. Forms can be found at <http://www.charlescountymd.gov/pgm/planning/historic-preservation>.

- *Reference:* Article XXXI of the Zoning Ordinance – Historic Preservation Commission <http://www.charlescountymd.gov/pgm/planning/planning>

SITE DESIGN & ARCHITECTRUAL REVIEW (SDAR) APPLICABILITY

28. What is it?

The purpose of SDAR is to maintain and enhance the architectural design and integrity of each community in Charles County, especially within the Development District. The design intent of all new residential and commercial construction is to conform to an approved minimum level of quality.

29. When is it applicable?

Residential – Review authority is applied to single-family dwelling developments in the Development District as follows: All single family subdivisions in the RL, RM, RH, RO, RR, PRD, MX, WPC, TOD, PMH, CER, CMR, and CRR zones that are greater than 10 lots. This includes the review of preliminary plans, site plans, and building permits. Review of single family attached developments (townhouses) and apartment buildings are also required to be approved by SDAR in accordance with established requirements of Use 3.02.200 and Use 3.03.100 in Chapter §297-212 of the Charles County Zoning Ordinance and any Design Code criteria established for the specific development.

In the PUD zone of St. Charles SDAR is not applicable. The St. Charles Planning & Design Review Board (PDRB) has jurisdiction. Additionally in the AUC and WC zones of Waldorf SDAR is not applicable. Residential development is guided by the Downtown Waldorf Vision Plan and Design Guidelines.

Commercial – Review authority is applied to all new construction, renovation and expansion projects that add more than 2,000 square feet of gross floor area or alter more than 25% of the building façade or site area. Applicable zones include the CV, CN, CC, CB, BP, IG (In high visibility situations), IH (In high visibility situations). CER, CMR, and CRR. This includes the review of preliminary plans, site plans, and building permits.

In the PUD zone of St. Charles SDAR is not applicable. The St. Charles Planning & Design Review Board (PDRB) has jurisdiction. Additionally in the AUC and WC zones of Waldorf SDAR is not applicable. Commercial development is guided by the Downtown Waldorf Vision Plan and Design Guidelines.

30. Application / Approval Process

The Site Design & Architectural Review (SDAR) application can be accessed via the link provided below. SDAR review and approval of residential or commercial architecture / site design must be completed prior to issuance of building permits for a given development. Any questions about applicability of a given subdivision or commercial project should be forwarded to Kirby R. Blass for a determination. For the application, please use the link:

<http://www.charlescountymd.gov/pgm/general/pgm-publications>

Applied SDAR conditions of approval regarding architecture and/or landscaping aesthetics are stipulated within the conditions of use and occupancy section of the corresponding commercial or residential building permits. Call Subdivision and Current Planning at 301-645-0540 for information of SDAR applicable developments.

31. Incidental Storage

Parking and loading requirements based upon floor area shall be determined by the total gross floor area of the use, excluding incidental storage and mechanical areas. “Incidental storage” is storage that is subordinate and non-essential to the main use.

Incidental storage therefore can be subtracted from the total gross floor area calculation for a specific use in order to slightly reduce the parking facilities requirement.

Examples of incidental storage include closets, stairwells, mechanical areas, kitchens in restaurants, etc. Reference Article XX, Parking Facilities, Figure XX-1, Table of Off-Street Parking Requirements.