

Ordinance No: 16-04
Zoning Text Amendment No: 07-02
Concerning: Buildable lots - Clarification
Draft No. & Date: 1 – 2/7/07
Introduced: February 13, 2007
Public Hearing: March 27, 2007; 1:30 p.m.
Adopted: April 17, 2007
Effective: April 17, 2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner and Councilmembers Berliner, Leventhal, Elrich, and Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying text of the 1928 Zoning Ordinance; and
- generally amending the special provisions for conditions predating 1958.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-B-5 “SPECIAL PROVISIONS FOR CONDITIONS PREDATING 1958”

Section 59-B-5.3 “One-Family Dwelling”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 07-02 was introduced on February 13, 2007 for the purpose of clarifying text of the 1928 Zoning Ordinance; and generally amending the special provisions for conditions predating 1958.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on March 27, 2007 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on April 9, 2007 to review the amendment. The Committee recommended approval of ZTA 07-02 as introduced. The Committee found ZTA 07-02 to be a needed clarification of the Zoning Ordinance.

The District Council reviewed Zoning Text Amendment No. 07-02 at a worksession held on April 17, 2007, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 07-02 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-B-5 is amended as follows:**

2 **DIVISION 59-B-5. SPECIAL PROVISIONS FOR CONDITIONS**
3 **PREDATING 1958.**

4 * * *

5 **59-B-5.3. One-family dwelling.**

6 Any one-family dwelling in a residential zone or agricultural zone that was built on
7 a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a
8 nonconforming building. The dwelling may be altered, renovated, or enlarged, or
9 replaced by a new dwelling, under the zoning development standards in effect
10 when the lot was recorded, except that:

11 (a) a lot recorded before March 16, 1928, in the original Maryland-
12 Washington Metropolitan District, must meet the development
13 standards in the 1928 Zoning Ordinance;*

14 (b) one-family dwellings and accessory structures on a lot legally
15 recorded by deed or
16 subdivision plat before June 1, 1958, in the Upper Montgomery
17 County Planning District must comply with the setback, yard, and
18 area coverage standards applicable to the lot in the 1956 Zoning
19 Ordinances for the Upper Montgomery Planning District;

* The 1928 Zoning Ordinance is attached to Section 59-B.

- 20 (c) the maximum building height and maximum building coverage in
21 effect when the building is altered, renovated, [or] enlarged, or
22 replaced by a new dwelling applies to the building; and
- 23 (d) an established building line setback must conform to the standards for
24 determining the established building line in effect for the lot when any
25 alteration, renovation, [or] enlargement, or replacement by a new
26 dwelling occurs. Any building permit issued before November 23,
27 1997 must conform to the development standards in effect when the
28 lot was recorded.

29 * * *

30

31 **Sec. 2. Attachment to Section 59-B:**

32 The 1928 Zoning Ordinance referred to in Section 59-B-5.3 (a)

33

34 Section 1 - DEFINITIONS

35 For the purpose of this ordinance certain terms and words are herewith defined as follows:-

36 Words used in the present tense include the future; words in the singular number include the plural number, and
37 words in the plural number include the singular number; the word "lot" includes the word "plot"; the word
38 "building" includes the word "structure"; the word "shall" is mandatory and not directory.

39 Any word not herein defined shall be construed as defined in the Building Code.

- 40 1. Accessory Building: A subordinate building located in and occupying not more than 30 per
41 cent of the rear yard of the main building, whose use is incidental to that of the main building.

- 42 and which does not exceed 15 feet in height above the ground level.
- 43 2. Alley: A public way designated as an alley on the subdivision record plat.
- 44 3. Apartment House: Dwelling occupied otherwise than as a single family or
- 45 semi-detached dwelling.
- 46 4. Boarding House: A building other than a hotel, where lodging and meals for five or
- 47 more persons are served for compensation.
- 48 5. Building: A structure having a roof supported by columns or walls for the shelter, support or
- 49 enclosure of persons, animals or chattels, and when separated by division walls from the
- 50 ground up each portion of such structure shall be deemed a separate building.
- 51 6. Building Line: A line beyond which property owners or others have no right to extend a
- 52 building or any part thereof.
- 53 7. Cellar: That portion of a building below the first floor joists, the floor of which is more than
- 54 one-half the clear ceiling height below the adjacent ground. Such a story may not be used for
- 55 habitation.
- 56 8. Commission: Maryland-National Capital Park and Planning Commission.
- 57 9. Court, Outer: An open, unoccupied space on the same lot with a building, opening upon a
- 58 street, alley, yard or set-back.
- 59 10. Curb Level: The mean level of the established curb in front of the building.
- 60 11. Depth of Rear Yard: The mean horizontal distance between the rear line of the building and
- 61 the center line of the alley, where an alley exists, otherwise the rear lot line.
- 62 12. Depth of Lot: The mean horizontal distance between the front lot line and the rear lot line.
- 63 13. District: That portion of the Maryland-Washington Metropolitan District located within
- 64 Montgomery County.
- 65 14. Dwelling, Single: A building constructed for occupancy by a single family.
- 66 15. Dwelling, Semi-detached: A building arranged and built to accommodate two families
- 67 separated by a common party wall between.

- 68 16. Family: Any number of individuals living and cooking together on the premises as a single
69 housekeeping unit.
- 70 17. Garage. Private: A garage with capacity for not more than three steam or motor driven
71 vehicles, for storage only.
- 72 18. Garage. Public: Any building or premises used for housing or care of more than three steam or
73 motor driven vehicles, or where any such vehicles are equipped for operation, repaired or kept
74 for remuneration, hire or sale.
- 75 19. Height of Building: The vertical distance measured from the mean curb level to the level of the
76 highest point of the building.
- 77 20. Home Occupation: An occupation in connection with which there is used no display that will
78 indicate from the exterior that the building is being utilized in whole or in part for any purpose
79 other than that of a dwelling; in connection with which there is kept no stock in trade nor
80 commodity sold upon the premises, no person employed other than a member of the
81 immediate family residing in the premises, and no mechanical equipment used except such as
82 is permissible for purely domestic or household purposes.
- 83 21. Lot: Land occupied or to be occupied by a building and its accessory buildings and including
84 such open spaces as are required under this ordinance, and having its frontage upon a public
85 street.
- 86 22. Lot. Corner: A lot fronting on two or more streets intersecting at an angle of not more than one
87 hundred thirty-five (135) degrees.
- 88 23. Lot. Interior: A lot with frontage on but one street.
- 89 24. Lot. Through: A parcel extending through a block from one street to another.
- 90 25. Lot Lines: Lines bounding a lot.
- 91 26. Non-Conforming Use: A building or premises occupied and used for a purpose that does not
92 conform with the use regulations in the district in which it is located.
- 93 27. Stable. Private: A stable with a capacity of not more than four horses.
- 94 28. Stable. Public: A stable in which horses are kept for remuneration, hire or sale.

- 95 29. Story: That portion of the building included between the surface or any floor and the surface of
- 96 the floor next above it, or if there be no floor above it then the space between such floor, and
- 97 the ceiling above it, provided, that a cellar shall not be considered a story.
- 98 30. Street: A public thoroughfare not designated on the record plat as an alley.
- 99 31. Structural Alterations: Any change in the supporting members of a building, such as a bearing
- 100 walls, columns, beams or girders, excepting such alterations as may be required for the safety
- 101 of the building.
- 102 32. Yard Depth of Rear: The minimum horizontal distance between the rear line of a building,
- 103 other than of a building for accessory use, and the rear lot line or center of alley in case an
- 104 alley exists.
- 105 33. Yard Side: An open unoccupied space on the same lot with the building, between the building
- 106 and the side lot line and extending from the street line to the rear yard.
- 107 34. Zone: Areas within the District for which the regulations governing the use of buildings and
- 108 premises are the same.

SECTION II – DISTRICT REGULATIONS

For the purpose of this ordinance the District is hereby divided into five zones as follows:-

- 113 “A” Residence Zone.
- 114 “B” Residence Zone.
- 115 “C” Residence Zone.
- 116 “D” Commercial Zone.
- 117 “E” Industrial Zone.

The boundaries of said zones shall be as shown upon the map attached hereto and made a part of this ordinance designated as “Zoning Map” and said map and all notations, references and other data shown thereon is by this reference made a part hereof to the same extent as if the information set forth on said map were fully described and incorporated herein.

SECTION III – “A” RESIDENCE ZONE

(A) Use Regulations: Unless hereinafter provided, no building or premises shall be used and no building shall be hereafter erected or altered, except for one or more of the following uses:

1. Single dwellings

2. Churches

3. Public Schools

4. Libraries

5. Farms, truck gardens or nurseries

6. Private clubs, hospitals, sanitariums and institutions of an educational, philanthropic, or eleemosynary nature, gravel pits and stone quarries, subject to the approval of the Commission, and with written consent of the owners of 75 per cent of the property within 200 feet of the propose establishment.

7. Accessory buildings (see Section VIII, 2) and uses incident to any of the above uses when located on the same lot and not involving the conduct of a retail business, and including:-

(a) One private garage or private stable when located not less than sixty (60) feet from the front lot line, not less than thirty (30) feet from the side street in the case of a corner lot or when built as a part of the main building.

(b) Home occupations engaged in by the occupants of a dwelling.

(c) Professional office of a physician, surgeon, dentist, musician, artist or similar vocation, when situated in the same building used by such practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding one square foot in area and containing the name and occupation of the resident of the premises.

(d) A sign not more than six (6) square feet in area appertaining to the lease, hire or sale of the building or premises on which such sign is displayed. A renewable permit for one year periods, for the erection and maintenance of a larger sign for real estate purposes, may be

148 issued with approval of the Commission.

149 (B) Height Regulations: In the "A" Residence Zone no building shall exceed a height of forty
150 (40) feet or three (3) stories, except as provided in Section VIII. 1 and 2.

151 (C) Area Regulations: In the "A" Residence Zone the minimum dimensions of yards and the
152 minimum lot area per family, except as provided in Section VIII shall be as follows:-

153 1. Lot area per family: Each dwelling hereafter erected or altered in this zone shall
154 occupy a lot with a minimum area of five thousand (5,000) square feet and a
155 minimum width of fifty (50) feet at the front building line. No lot area shall be so
156 reduced or diminished that the yards or open spaces shall be smaller than prescribed
157 by this ordinance.

158 2. Building Line: There shall be a setback line of not less than twenty-five (25) feet,
159 provided that, when the majority of buildings built on one side of a street between
160 two intersecting streets at the time of the passage of this ordinance have been built
161 with a minimum setback of more or less than twenty-five (25) feet from the street
162 property line, no building hereafter erected or altered shall project beyond the
163 minimum setback line so established; provided that no building shall be required by
164 this Ordinance to set back more than forty (40) feet in any case, and provided
165 further that this regulation shall not be interpreted as to reduce the buildable width
166 of a corner lot, facing an intersecting street and which is separate and distinct from
167 adjacent lots and is included in a plat of record at the time of passage of this
168 ordinance, to less than twenty four (24) feet.

169 3. Side Yard: There shall be a side yard of not less than seven (7) feet in width on
170 each side of a dwelling, except as provided in Section VIII.

171 4. Rear Yard: There shall be a rear yard, having a minimum depth of twenty (20)
172 feet except as provided in Section VIII. 4.

173 5. Accessory Building: An Accessory building not exceeding fifteen (15) feet in
174 height may occupy not more than thirty-five (35) per cent of the rear yard, except as
175 provided in Section VIII: 2.

SECTION IV – “B” RESIDENCE ZONE

(A) Use Regulations: Unless hereinafter provided, no building or premises shall be used and no building shall be hereafter erected or altered, except for one or more of the following uses:

(B) Any use permitted in the “A” Residence Zone.

1. Semi-detached dwellings.

(C) Height Regulations- Same as for “A” Residence Zone, Section III, (B).

(D) Area Regulations- Same as for “A” Residence Zone, Section III, (C), except that in the case of semi-detached dwellings the minimum lot area per family shall be two thousand five hundred (2,500) square feet, with one side yard eight (8) or more in width.

SECTION V - “C” RESIDENCE ZONE

(A) Use Regulations- Unless hereinafter provided no building or premises shall be used and no building shall be hereafter erected or altered, except for one or more of the following uses:

1. Any use permitted in the “B” Residence Zone.

2. Apartments and flats.

3. Boarding houses.

4. Public garages for storage purposes only, and where no repair facilities are maintained, when located not less than sixty (60) feet from the street line, thirty (30) feet from the side street line in the case of a corner lot and subject to Proviso 2 of Section VI.

(B) Height Regulations: No building shall exceed a height of seventy-two (72) feet and six (6) stories, except as provided in Section VIII, 2.

198 (C) Area Regulations: Same as for "A" Residence Zone, Section IV, (C) except that in the
199 case of apartments and flats the minimum lot area per family shall be six hundred twenty five (625)
200 square feet and each side yard shall be increased by two (2) inches for each foot of building height
201 above forty (40) feet.

202 SECTION VI – "D" COMMERCIAL ZONE

203 (A) Use Regulations: Unless otherwise provided in this ordinance all buildings and premises
204 may be used for any use permitted in the "C" Residence Zone, Section V, (A), or for any other use
205 except the following:

- 206 1. Bakery employing more than 5 persons (see proviso 2 below).
- 207 2. Blacksmith or horseshoeing establishment.
- 208 3. Bottling works.
- 209 4. Carting, express or hauling yard, storage or fuel yard (see proviso 2 below).
- 210 5. Contractor's plant or storage thereof.
- 211 6. Cooperage.
- 212 7. Ice Plant or storage house for more than ten (10) tons capacity.
- 213 8. Laundry employing more than 5 persons (see proviso 2 below).
- 214 9. Lumber yard.
- 215 10. Machine shop employing more than five (5) persons.
- 216 11. Public garage or public stable (see proviso 2 below).
- 217 12. Stone Yard.
- 218 13. Storage or baling of scrap, paper rags or junk.

219 14. Uses excluded from the "E" Industrial Zone.

220 15. Any kind of manufacture other than manufacture clearly incidental to a retail business
221 conducted on the premises, or any manufacturing or treatment which would constitute a nuisance.

222 16. Gasoline or oil filling stations (see proviso 2 below).

223 17. Undertaking establishments or funeral parlors (see proviso 2 below).

224 Proviso 1: Printing shops and the publishing of newspapers may be permitted in the "D"
225 Commercial Zone.

226 Proviso 2: A bakery or laundry employing more than 5 persons, a fuel yard, a gasoline
227 or oil filling; station, a milk distributing station, undertaking establishment or funeral parlor,
228 a public garage, machine shop, or a service station adjoining an establishment for the sale of
229 new automobiles and operated in connection therewith may be established or erected in the
230 "D" Commercial Zone with approval of the Commission and the written consents of the
231 owners of 75 per cent of the property within 200 feet of the proposed establishment.
232 Provided further, that if such establishment fronts on a public alley and no part of it is
233 located in a building any portion of which lies less than 50 feet back from any building line,
234 consents of the owners of two-thirds of the property within 90 feet of the proposed
235 establishment shall be required.

236 In computing the area of consents required under this regulation, so much of the area of
237 all property as is used as a bakery, gasoline filling station, laundry, milk distributing station,
238 public garage or stable, shall be counted as consenting.

239 With the approval of the Commission, car barns, electric sub-stations and other public
240 utility uses, not including steam power plants, may be erected established or extended in the
241 "D" Commercial Zone, when deemed necessary by the Commission to the public
242 convenience and welfare.

243 (B) Height Regulations: In the "D" Commercial Zone no building shall exceed a height
244 of seventy-two (72) feet or six (6) stories, except as provided in Section VIII, 2.

245 (C) Area Regulations: For property occupied for residential use in the "D" Commercial
246 Zone, the minimum dimensions of yards and the minimum lot area per family, except as
247 provided in Section VIII, 3, shall be as follows:

248 (1) Outer Courts: The least dimension of an outer court shall be not less than five (5)
249 feet, nor less than two (2) inches for each foot of height of such court.

250 (2) Nothing herein contained shall prevent the use of the entire lot between the front
251 building line and the rear lot line, for the uses, other than residential, that are permitted in the
252 zone.

253 SECTION VII – "E" INDUSTRIAL ZONE

254 (A) Use Regulations: In the "E" Industrial Zone buildings and premises may be used
255 for any purpose whatsoever; provided however, that no building shall be erected or premises
256 used for any of the following uses until and unless the location of such use shall have been
257 approved by the Commission after public notice and hearing.

- 258 1. Abattoirs.
- 259 2. Acetylene gas manufacture.
- 260 3. Ammonia bleaching powder or chlorine manufacture.
- 261 4. Arsenal.
- 262 5. Asphalt manufacture or refining.
- 263 6. Blast Furnace.
- 264 7. Boiler works.
- 265 8. Brick, tile, or terra cotta manufacture.
- 266 9. Candle manufacture.
- 267 10. Celluloid manufacture or treatment.

- 268 11. Coke ovens.
- 269 12. Creosote manufacture or treatment.
- 270 13. Disinfectants manufacture.
- 271 14. Distillation of bones, coal or wood.
- 272 15. Dyestuff manufacture.
- 273 16. Exterminators and insect poisons manufacture.
- 274 17. Emery cloth and sandpaper manufacture.
- 275 18. Fat rendering.
- 276 19. Fertilizer manufacture.
- 277 20. Forge Plant.
- 278 21. Gas (heating or illuminating) manufacture.
- 279 22. Glue, size or gelatin manufacture.
- 280 23. Gunpowder manufacture or storage.
- 281 24. Fireworks or explosives manufacture or storage.
- 282 25. Incineration or reduction of dead animals, offal or garbage.
- 283 26. Lamp black manufacture.
- 284 27. Lime, cement or plaster of Paris manufacture.
- 285 28. Match manufacture.
- 286 29. Oil cloth or linoleum manufacture.
- 287 30. Oiled, rubber or leather goods manufacture.
- 288 31. Ore reduction.
- 289 32. Paint, oil, shellac, turpentine or varnish manufacture.
- 290 33. Paper and pulp manufacture.
- 291 34. Petroleum refining or storage.
- 292 35. Potash refining.
- 293 36. Printing ink manufacture.
- 294 37. Pyroxylin manufacture.
- 295 38. Railroad yard or roundhouse.

- 296 39. Rock Crusher.
- 297 40. Rolling mill.
- 298 41. Rubber or gutta percha manufacture or treatment.
- 299 42. Salt works.
- 300 43. Sauerkraut manufacture.
- 301 44. Sausage manufacture.
- 302 45. Saw mill.
- 303 46. Ship yard.
- 304 47. Shoe blacking manufacture.
- 305 48. Smelting of iron.
- 306 49. Soap manufacture.
- 307 50. Soda and compound manufacture.
- 308 51. Stockyards.
- 309 52. Stone mill or quarry.
- 310 53. Stove polish manufacture.
- 311 54. Sulphuric, nitric, or hydrochloric acid manufacture.
- 312 55. Tallow, grease or lard manufacture or refining.
- 313 56. Tanning, curing or storage of leather, raw hides or skins.
- 314 57. Tar distillation or manufacture.
- 315 58. Tar roofing or tar waterproofing manufacture.
- 316 59. Tobacco (chewing) manufacture or treatment.
- 317 60. Vinegar manufacture.
- 318 61. Wood pulling and scouring.
- 319 62. Yeast plant.
- 320 63. Such uses as, in the opinion of the Commission may become so noxious or
- 321 offensive by reason of the emission of odor, dust, smoke, gas or noise as to justify exclusion
- 322 from the "B" Industrial Zone.
- 323 (B) Height Regulations: Same as for "D" Commercial Zone, Section VI (B).

324 (C) Area Regulations: Same as for "D" Commercial Zone, Section VI, (C).
325

326 SECTION VIII - HEIGHT AND AREA EXCEPTIONS AND GENERAL REGULATIONS
327

328 Height and area requirements shall be subject to the following exceptions and
329 regulations:

330 1. In any residential zone wherein are permitted public and semi-public buildings,
331 hospitals, sanitariums or schools, such buildings may be erected to a height not exceeding
332 seventy-two (72) feet, when set back from all lot lines not less than one foot for each foot
333 such building exceeds the height restriction for the zone in which it is located, this increased
334 set back to be in addition to the required side yard for such zone.

335 2. Chimneys, towers, tanks, penthouses or necessary mechanical appurtenances may
336 be erected to their required height. An accessory building may be built to a height of two
337 stories to provide quarters for servants employed on the premises.

338 3. In the case of a lot or parcel of land having a width of forty (40) feet or less, and
339 which is included in a plat of record at the time of the passage of this ordinance, there shall
340 be a side yard on each side of a dwelling of not less than five (5) feet in width.

341 4. Rear yard requirements are waived in respect to a building built on a lot running
342 through from street to street.

343 5. Every part of a required yard or court shall be open and unobstructed from its
344 lowest point to the sky, except that open porches, fire escapes, open stairways and chimneys
345 may be permitted by the Building Inspector where same are so placed as not to obstruct light
346 and ventilation.

347 6. Steps and uninclosed porches may encroach on the front building line not to exceed
348 nine (9) feet and shall not exceed one story in height.
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350
351

352 SECTION IX – CERTIFICATE OF OCCUPANCY AND COMPLIANCE

353
354 No premises shall be occupied or used and no building now or hereafter erected or altered
355 shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have
356 been issued by the Building Inspector, to the effect that the building or proposed use of a building, or
357 premises, complies with all building and health laws and ordinances applicable to the premises and
358 with the provisions of these regulations.

359 Certificates of occupancy and compliance shall be applied for coincident with the application
360 for a building permit and shall be issued within ten (10) days after the erection or alteration of such
361 buildings shall have been completed in conformity with the provisions of these regulations. A record
362 of all certificates shall be kept on file in the office of the Building Inspector and copies shall be
363 furnished, on request, to any person having a proprietary or tenancy interest in the building affected.
364 No fee shall be charged for original certificate applied for coincident with the application for a
365 building permit; for all other certificates or for copies of any original certificates there shall be a
366 charge of one dollar each.

367 No permit for excavation for any building shall be issued before application has been made
368 for a certificate of occupancy and compliance.

369
370 SECTION X – PLATS

371
372 All applications for building permits shall be accompanied by a plat drawn to scale showing
373 the actual dimension of the lot to be built upon, the size of the building to be erected, and such other
374 information as may be necessary to provide for the enforcement of these regulations. An accurate and
375 complete record of such applications and plats shall be kept in the office of the Building Inspector.

376 No yard, court or other open space provided about any building for the purpose of complying
377 with the provisions of these regulations shall again be used as a yard, court or other open space for
378 another building.

380 SECTION XI – INTERPRETATION, PURPOSE AND CONFLICT

381
382 In interpreting and applying this ordinance, the requirements contained herein are declared to
383 be the minimum requirements for the protection of the health, morals, safety or welfare. This
384 ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner
385 whatsoever, any easements, covenants, or other agreements between parties provided, however, that
386 where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the
387 height of buildings or required larger open spaces than are imposed or required by other ordinances,
388 rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this
389 ordinance shall control.

390
391 SECTION XII - BOUNDARIES OF ZONES

392
393 Where uncertainty exists with respect to the boundaries of the various zones shown on the
394 maps accompanying and made a part of this ordinance, the following rules shall apply:

395 (A) The zone boundaries are either streets or alleys, unless otherwise shown, and where the
396 designation on the maps accompanying and made a part of this ordinance, indicating the various zones
397 are approximately bounded by street or alley line, said street or alley shall be construed to be the
398 boundary of such zones.

399 (B) Where the zone boundaries are not otherwise indicated and where the property has been or
400 may hereafter be divided into blocks and lots, the zone boundaries shall be construed to be lot lines,
401 and where the designations on the maps accompanying and made a part of this ordinance indicating
402 the various zones are approximately bounded by lot lines, said lot lines shall be construed to be the
403 boundary of such zones unless said boundaries are otherwise indicated on the maps.

404 (C) Whenever a portion of any zone is indicated upon the zoning map as a strip paralleling an
405 opened or unopened street, the width of this strip, unless delimited on said map by lot lines or
406 otherwise, shall be assumed to be 120 feet measured at right angles from the line of the street to which
407 it is parallel and adjacent.

408
409 SECTION XIII – VIOLATIONS, MISDEMEANORS
410

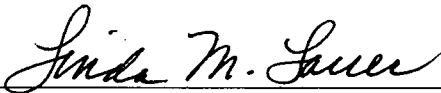
411 The violation of any section of this ordinance is hereby declared to be a misdemeanor
412 punishable as provided in Section 18 of Chapter 448 of the Laws of Maryland of 1927. In the case of
413 continuing acts each day's violation is hereby declared to be a separate offense hereunder.
414

415 SECTION 15 – CHANGES AND AMENDMENTS
416

417 The right to alter, amend or repeal this ordinance is hereby expressly reserved.
418

419 **Sec. 3. Effective date.** This ordinance takes effect immediately on the date
420 of Council adoption.
421

422 This is a correct copy of Council action.
423

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Linda M. Lauer, Clerk of the Council