COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2021 Legislative Session

Bill 2021-01
Zoning Text Amendment #20-156 Agricultural Related Uses

Introduced by Charles County Commissioners

REVISIONS TO THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND THAT
PRESERVE AND STRENGTHEN THE VIABILITY AND VITALITY OF THE RURAL AREAS
WITHIN THE COUNTY

Date introduced: 01 / 12 / 2021

Public Hearing: 02 / 02 / 2021 @ 6:00 p.m. Virtually

Commissioners Action: 04 / 13 / 2021


Pass/Fail: Pass

Effective Date: 05 / 27 / 2021

Remarks: ________________________________

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.
COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2020 Legislative Session

Bill No. 2020-01 (Zoning Text Amendment #20-156)

Chapter. No. 297

Introduced by Department of Planning & Growth Management

Date of Introduction January 12, 2021

BILL

AN ACT concerning

REVISIONS TO THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND

THAT PRESERVE AND STRENGTHEN THE VIABILITY AND VITALITY OF THE
RURAL AREAS WITHIN THE COUNTY

FOR the purpose of

Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to
preserve and strengthen the rural heritage and rural economy by modifying various restrictions
and broadening the scope of permissible agricultural-related uses within the County.

BY Amending:

CHAPTER 297 – ZONING ORDINANCE
ARTICLE II, General Provisions
§ 297-26.A.(2) and § 297-26.B., General Yard Requirements
Code of Charles County, Maryland

BY Amending:

CHAPTER 297 – ZONING ORDINANCE
ARTICLE II, General Provisions
§ 297-29.B.(1)-(5) and (9) and § 297-29.C., Accessory uses and structures.
Code of Charles County, Maryland
BY Repealing and Re-enacting with amendments:

CHAPTER 297 - ZONING ORDINANCE
ARTICLE II, General Provisions
§ 297-29.B.(18), Accessory uses and structures.
Code of Charles County, Maryland

BY Amending:

CHAPTER 297 - ZONING ORDINANCE
ARTICLE II, General Provisions
§ 297-30, Temporary uses.
Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING ORDINANCE
Article III, Definitions and Interpretations
§ 297-49, Word usage; definitions.
Code of Charles County, Maryland

By Amending:

Chapter 297 - ZONING ORDINANCE
Article IV, Permissible Uses
§ 297-63, Table of Permissible Uses
Figure IV-1
Code of Charles County, Maryland

By Amending:

Chapter 297 - ZONING ORDINANCE
Article VI, Base Zones
§ 297-99, Hughesville Village Zone (HV)
Figure VI, Table of Permitted Uses
Code of Charles County, Maryland

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law
By Amending:

CHAPTER 297 - ZONING ORDINANCE
ARTICLE XIII, Minimum Standards for Special Exception and Uses Permitted with Conditions
§ 297-212. USES CORRESPONDING WITH TABLE OF PERMISSIBLE USES
Code of Charles County, Maryland

By Amending:

CHAPTER 297 - ZONING ORDINANCE
ARTICLE XX, Parking Facilities
§ 297-335. Number of Parking Spaces Required
Figure XX-I, Table of Off-Street Parking Spaces
Code of Charles County, Maryland

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

* * * * *

Chapter 297. ZONING ORDINANCE
ARTICLE II. General Provisions

§ 297-26. General yard requirements.

A. Front yard depth. The minimum front yard depth, as specified in this chapter, shall be measured in the following manner: [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

(1) From the proposed or established public road right-of-way line.

[(2) From any private road or access driveway on a line 10 feet from and parallel to the edge of the traveled roadway or 10 feet from and parallel to a line established as a private road right-of-way, whichever is greater.]

Asterisks *** mean intervening code language remaining unchanged.
CAPITALS mean language added to the law.
[Brackets] mean language deleted from the law.
B. Side and rear yard depth. The minimum side and rear yard depths, as specified in this chapter, shall be measured in the following manner:

   (1) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.

   (2) When measured from an alley, 1/2 of the alley width may be included as a portion of the rear or side yard.

   (3) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.

   (4) Average side yard. The side yard width may be varied where the side wall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than 1/2 the otherwise required minimum width or narrower than three feet in all cases, except lot line dwellings. Any minor offset, broken or irregular part of a structure which is not the same vertical plane as the portion of the side wall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.

   (5) AVERAGE REAR YARD. WHERE A STRUCTURE IS NOT PARALLEL TO THE REAR PROPERTY LINE, THE MINIMUM YARD REQUIREMENT MAY BE MET BY AVERAGING THE YARD WIDTH FROM ONE END OF THE STRUCTURE TO THE OTHER END, PROVIDED THAT THE YARD AT THE NARROWEST POINT IS NOT LESS THAN 80% OF THE MINIMUM YARD REQUIRED BY THE CHAPTER, NOT INCLUDING THE REDUCTIONS PERMITTED BY THIS SECTION.
§ 297-29. Accessory uses and structures.

A. Except as otherwise restricted by this chapter, customary accessory structures and uses shall be permitted in any zone in connection with the principal permitted use within such zone.

B. PRIOR TO THE COMMENCEMENT OF ANY ACCESSORY USE OR THE CONSTRUCTION OF ANY ACCESSORY STRUCTURE WITH AN AGRICULTURAL, RURAL, OR RESIDENTIAL ZONE, A ZONING PERMIT MUST BE OBTAINED. The STANDARDS BELOW SHALL APPLY TO accessory uses AND STRUCTURES [shall be permitted and the following restrictions shall apply] in agricultural, RURAL, and residential zones. [upon issuance of a zoning permit in accordance with the following:]

(1) In the residential zones and on lots less than three acres in agricultural and rural zones, the area of a 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.

[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

(2) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structures. HOWEVER, ANY PRE-EXISTING ACCESSORY STRUCTURE (E.G. SHED, GARAGE, ETC.) MAY BE PERMITTED TO REMAIN ON A PARCEL OF LAND THAT IS SUBSEQUENTLY SUBDIVIDED.

(3) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.

(4) No NEW accessory use or structure shall be established within the required front yard. WITH THE EXCEPTION OF [except agriculture, not including structures.] signs, fences, walls, [or] parking areas, OR AGRICULTURAL USES PROVIDED THAT SUCH STRUCTURES AND USES COMPLY WITH THE OTHER PROVISIONS IN THIS CHAPTER.

(5) No agricultural or residential accessory use or structure shall be established within six feet of any side or rear lot line. [Business, industrial and institutional accessory structures shall be subject to the same front, side and rear yards as required for the principal structure.]

* * * * * * * * * * * * * * * * *
(9) Wayside stands for the YEAR-ROUND sale of farm AND OTHER agricultural products, which are grown or produced on-site[,] ARE PERMITTED provided that:

(a) [such uses] THE WAYSIDE STANDS are set back a minimum of 30 feet from the nearest pavement on a public right-of-way[,] [and]

(b) [provide] A PARKING AREA THAT IS LARGE ENOUGH TO ACCOMMODATE THREE VEHICLES IS PROVIDED [at least three off-street parking spaces]; AND

(c) 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.

* * * * * " * * *

[(18) Home occupations may be permitted in accordance with the following criteria:

(a) Delivery of inventory or materials is permitted only by the postal service, a private delivery service such as UPS or by the occupant.

(b) Traffic shall not exceed three customers or deliveries per day and will not create an increase in traffic patterns normally associated with a residential community. Any parking required is to be limited to off-street gravel or paved parking, on the permit holder's property.

(c) Employees are limited to members of the immediate family who reside in the dwelling.

(d) Applications for home occupation permits will be approved or disapproved by the Zoning Officer based on the criteria of this subsection.

(e) All business activities associated with the conduct of a home occupation shall be conducted entirely within those portions of the principal dwelling that are approved for the home occupation use. All materials, equipment, supplies, and inventory associated with the home occupation shall be stored within the principal dwelling. A home occupation shall not involve the production or improper disposal of any hazardous, toxic, or carcinogenic materials or waste. [Added 12-4-2006 by Bill No. 2006-13[\[\]]]

[Editor's Note: This bill also redesignated former Subsection B(18)(e) and (f) as...]

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law
Subsection B(18)(g) and (h).

(f) The home occupation shall not operate between the hours of 8:00 p.m. and 7:00 a.m. Business activities associated with a home occupation shall not be conducted on Sundays or federal holidays. [Added 12-4-2006 by Bill No. 2006-13]

(g) The types of businesses considered suitable as home occupations include but are not limited to:

1. Tailoring or dressmaking.
2. Catalog or mail-order sales.
3. Typing or word processing services.
4. Answering services.
5. Bookkeeping or accounting services.
6. Office space for off-site service businesses.
7. Woodcrafting or other home crafts.

(h) The types of businesses considered unsuitable as home occupations include but are not limited to:

1. Automobile sales, repair, dismantling, storage or body shops.
2. Engine or machine repair.
3. Lawn equipment repair.
4. Retail sales.
5. Barber- or beauty shops.
6. Medical or dental offices.
7. Dance studios.
8. Restaurants.

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law
(18) HOME OCCUPATIONS MAY BE [PERMITTED] CONDUCTED UPON THE
ISSUANCE OF A HOME OCCUPATION (HO) PERMIT IN ACCORDANCE
WITH THE FOLLOWING CRITERIA:

(A) ALL BUSINESS ACTIVITIES ASSOCIATED WITH THE CONDUCT OF A
HOME OCCUPATION SHALL BE CONDUCTED ENTIRELY WITHIN
THOSE PORTIONS OF THE PRINCIPAL DWELLING THAT ARE
APPROVED FOR THE HOME OCCUPATION USE.

(B) THE BUSINESS ACTIVITIES, INCLUDING BUT NOT LIMITED TO THE
VEHICULAR TRAFFIC GENERATED BY CUSTOMERS OR THIRD-PARTY
DELIVERY SERVICES SHALL NEITHER CHANGE THE RESIDENTIAL
CHARACTER OF THE DWELLING NOR THE CHARACTER OF THE
RESIDENTIAL SUBDIVISION.

(C) A HOME OCCUPATION SHALL NOT EXCEED 200 SQUARE FEET WITHIN
A PRINCIPAL DWELLING IN ALL ZONES EXCEPT THAT IN THE AC, RC,
AND WCD ZONES, A HOME OCCUPATION SHALL NOT EXCEED 500
SQUARE FEET WITHIN A PRINCIPAL DWELLING.

(D) ALL MATERIALS, EQUIPMENT, SUPPLIES, AND INVENTORY
ASSOCIATED WITH THE HOME OCCUPATION SHALL BE STORED
WITHIN THE PRINCIPAL DWELLING.

(E) A HOME OCCUPATION SHALL NOT INVOLVE THE PRODUCTION OR
IMPROPER DISPOSAL OF ANY HAZARDOUS, TOXIC, OR
CARCINOGENIC MATERIALS OR WASTE.

(F) ANY PARKING REQUIRED IS TO BE LIMITED TO OFF-STREET GRAVEL
OR PAVED PARKING, ON THE PERMIT HOLDER'S PROPERTY.

(G) EMPLOYEES ARE LIMITED TO MEMBERS OF THE IMMEDIATE FAMILY
WHO RESIDE IN THE DWELLING.

(H) DELIVERY OF INVENTORY OR MATERIALS IS PERMITTED ONLY BY
THE POSTAL SERVICE, A PRIVATE DELIVERY SERVICE SUCH AS UPS OR
BY THE OCCUPANT.
(I) THE HOME OCCUPATION SHALL NOT OPERATE BETWEEN THE HOURS
OF 8:00 P.M. AND 7:00 A.M. BUSINESS ACTIVITIES ASSOCIATED WITH A
HOME OCCUPATION SHALL NOT BE CONDUCTED ON SUNDAYS OR
FEDERAL HOLIDAYS.

(J) THE TYPES OF BUSINESSES CONSIDERED SUITABLE AS HOME
OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO: TAILORING OR
DRESSMAKING, CATALOG OR MAIL-ORDER SALES, TYPING OR WORD
PROCESSING SERVICES, ANSWERING SERVICES, BOOKKEEPING OR
ACCOUNTING SERVICES, OFFICE SPACE FOR OFF-SITE SERVICE
BUSINESSES, WOODCRAFTING OR OTHER HOME CRAFTS, AND
PERSONAL SERVICES PROVIDED THAT IF STATE LICENSURE IS
REQUIRED TO PROVIDE SUCH SERVICES, SAID LICENSURE SHALL BE
MAINTAINED.

(K) THE TYPES OF BUSINESSES CONSIDERED UNSUITABLE AS HOME
OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO: AUTOMOBILE
SALES, REPAIR, DISMANTLING, STORAGE OR BODY SHOPS; ENGINE
OR MACHINE REPAIR, LAWN EQUIPMENT REPAIR, FUNERAL HOMES,
MEDICAL OR DENTAL OFFICES, DANCE STUDIOS, AND
RESTAURANTS.

* * * * * * * * * * *

C. PRIOR TO THE COMMENCEMENT OF ANY ACCESSORY USE OR THE
CONSTRUCTION OF ANY ACCESSORY STRUCTURE IN A COMMERCIAL OR
INDUSTRIAL ZONE, A ZONING PERMIT MUST BE OBTAINED. The STANDARDS
INCLUDED BELOW SHALL APPLY TO [The following] accessory uses AND
STRUCTURES [shall be permitted upon issuance of a zoning permit] in commercial and
industrial zones:

(1) [Business] COMMERCIAL, industrial and institutional accessory USES AND
structures shall be subject to the same front, side and rear yards as required for the
principal USE AND/OR structure.
[1] (2) Incidental repair facilities and outside storage of goods normally carried in stock, used in or produced by the [business] COMMERCIAL, [or] industrial OR INDUSTRIAL use[,] SHALL BE PERMITTED provided that no storage is within 10 feet of any side or rear lot line[,] all storage is effectively screened from any adjacent residential use or zone[,] and[,] such use is not prohibited under the applicable zone regulations of this chapter.

[2] (3) Retail sales in industrial zones shall be permitted, provided that the goods sold are manufactured or produced on the site.

[3] (4) The use of any tractor-trailer or portion of any tractor-trailer, tagged or untagged, as a storage facility for whatever purpose is permitted, provided that such storage shall not interfere with parking or rear delivery areas or impede the flow of traffic or emergency vehicles in any way. Such storage shall be adequately screened from all rights-of-way and residential properties by fencing or landscaping and shall meet the minimum setback requirements of the zone and any applicable provisions of the Charles County BOCA Code. Nothing in this section shall prohibit the use of temporary construction trailers as storage.

[4] (5) Storage of petroleum products for on-site consumption IS PERMITTED, provided that the storage vessel is not more than 20,000 gallons for commercial zones. There is no limit for accessory storage of petroleum in the industrial zones.

* * * * * * * *

Chapter 297. ZONING ORDINANCE
ARTICLE III. General Provisions

§ 297-30. TEMPORARY USES.

Temporary uses shall be permitted upon issuance of a [temporary use] ZONING permit, subject to the [following. The specific temporary uses described below shall be subject to the following] PROVISIONS BELOW.

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law
A. Public events, such as carnivals, circuses, decorator's showcases or theme festivals, shall be allowed for a maximum period of 30 days, provided that no structure or equipment shall be located within 200 feet of any residential lot less than five acres. When a public event accommodates more than 300 people, it shall be subject to the following additional requirements: [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

1. The temporary use permit shall specify the use, dates and hours of operation of the event.

2. Adequate arrangements for temporary sanitary facilities must be approved by the County Department of Health.

3. No permanent or temporary electrical power for lighting or other uses shall be installed without an electrical permit demonstrating compliance with the County's electrical code. [Amended 1-28-2002 by Ord. No. 02-06]

4. The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three days thereafter. A bond or guarantee in a sufficient amount as determined by the Zoning Officer shall be provided to [i]Ensure that the premises shall be cleared of all debris. For an event of 1,000 or more attendees per day, the bond or guarantee in a sufficient amount as determined by the Zoning Officer shall be provided to [i]Ensure that all public emergency service agencies will be paid for the provision of agreed upon services. [Amended 1-28-2002 by Ord. No. 02-06]

5. Adequate off-street parking shall be provided and a stabilized drive to the parking area shall be maintained.

6. It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.

B. Christmas tree displays and sales shall be permitted in any zone for a maximum period of 45 days [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

C. Contractor's offices and construction equipment sheds or accommodations for security shall be permitted in any zone if the use is incidental to a construction project. The office or shed shall be removed upon completion of the project.
D. A real estate sales office shall be permitted in any zone for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.

E. Wayside stands for the sale of agricultural products, 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] 30 feet from the nearest PAVEMENT ON A public [road] right-of-way and [in no case shall be less than 30 feet from the edge of pavement] SHALL INCLUDE A PARKING AREA THAT IS LARGE ENOUGH TO ACCOMMODATE THREE VEHICLES. 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.

F. Temporary manufactured homes.

(1) 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.

(2) 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(1)(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] ZONING OFFICER. 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.

G. Any sales or trade of goods, wares or merchandise, including but not limited to
furniture, clothing, tools, implements, works of art and any tangible personal property
of whatever kind, from a motor vehicle or temporary stand, is prohibited, except as
provided in this section, or sales in conjunction with a permanent business when such
vehicles or stand is located on the premises or adjacent to the premises used by said
permanent business, or as otherwise allowed by this chapter.

Chapter 297. ZONING ORDINANCE

ARTICLE III. Definitions and Interpretations

Add definitions for new uses to § 297-49. Word usage; definitions.

§ 297-49. Word usage; definitions.

E. Definitions.

[AGRICULTURE: The use of land for agricultural purposes, including dairying, pasturage,
agriculture, apiaries, horticulture, floriculture, orchards, agricultural nurseries, viticulture and
animal and poultry husbandry and the necessary accessory uses for packing, processing, treating
or storing the produce; provided, however, that the operation of any such accessory uses shall be
secondary to that of normal agricultural activities; and provided further, that the above uses shall
not include the acceptance or disposal of land clearing debris or rubble which originates off-site]
or the commercial feeding of garbage or offal to swine or other animals. The breeding, raising, training and general care of livestock for uses other than food, such as sport or show purposes, as pets or for family recreations, shall be considered a normal farming function, but kennels are excluded from this definition.

AGRICULTURAL OPERATIONS SHALL MEAN AND INCLUDE BUT IS NOT LIMITED TO, THE CULTIVATION, MANAGEMENT AND TILLAGE OF SOIL FOR COMPOSTING, PRODUCTION, HARVESTING AND PROCESSING OF AGRICULTURAL CROPS (INCLUDING PICK-YOUR-OWN); BREEDING AND CARING FOR LIVESTOCK AND POULTRY, PRODUCTION OF EGGS; DAIRYING, APICULTURE; AQUACULTURE, PRODUCTION OF FRUIT, VEGETABLES AND OTHER HORTICULTURAL CROPS, INCLUDING VITICULTURE, PRODUCTION OF AQUATIC PLANTS; AQUICULTURE; ACTIVITIES CONDUCTED WITHIN A FARM ALCOHOL PRODUCTION FACILITY AND ASSOCIATED LANDS; FORESTRY OPERATIONS; OTHER AGRICULTURAL PROCESSES PERFORMED INCIDENT TO OR IN CONJUNCTION WITH SUCH OPERATIONS INCLUDING PREPARATION FOR MARKET, DELIVERY TO STORAGE OR TO MARKET OR TO CARRIERS FOR TRANSPORTATION TO MARKET; AND USAGE OF AGRICULTURAL OR RURAL LAND IN FURTHERANCE OF EDUCATIONAL AND SOCIAL GOALS (SUCH AS BUT NOT LIMITED TO 4-H CLUBS AND FUTURE FARMERS OF AMERICA). AN AGRICULTURAL OPERATION MAY INCLUDE BUT IS NOT LIMITED TO VALUE-ADDED ON OR OFF-SITE PROCESSING OF AGRICULTURAL PRODUCTS IN ORDER TO INCREASE ITS MARKET VALUE, INCLUDING CANNING, MILLING, GRINDING, FREEZING, HEATING, FERMENTING AND DISTILLING AND THE SALE OF ORIGINAL OR VALUE-ADDED PRODUCTS.

[AGRICULTURAL TOURISM (AG TOURISM) – An ag tourism facility is an agricultural-related business located on a farm that is open for customers and tourists for at least six months of the year, for at least four days a week, and which provides tours and on-site sales or samples of primarily Charles County agricultural products.]
AGRITOURISM SHALL MEAN ANY ACTIVITY CONDUCTED IN CONJUNCTION WITH "AGRICULTURAL OPERATIONS" (LOCATED ON THE SAME PARCEL OR PARCEL THAT IS CONTIGUOUS TO A PARCEL UPON WHICH AN AGRICULTURAL OPERATION IS CONDUCTED) THAT IS INTENDED TO ATTRACT MEMBERS OF THE PUBLIC FOR RECREATIONAL, ENTERTAINMENT, HISTORICAL, OR EDUCATIONAL PURPOSES TO VIEW AND/OR PARTICIPATE IN ONE OR MORE FUNCTIONS OF THE AGRICULTURAL OPERATION, INCLUDING BUT NOT LIMITED TO, HAY RIDES, PICNICS, LECTURES AND PRESENTATIONS, CAMPING, FARM OR CABIN STAYS, OR OTHER ACTIVITIES AND ATTRACTIONS. AN ECOTOURISM ACTIVITY MAY BE AGRITOURISM IF IT IS CONDUCTED IN CONJUNCTION WITH AN AGRICULTURAL Operation. AN Activity MAY BE CONSIDERED AGRITOURISM REGARDLESS OF WHETHER THE PARTICIPANT PAID TO PARTICIPATE.

AQUACULTURAL OPERATIONS SHALL MEAN ANY ACTIVITY CONDUCTED UPON LAND OR IN/OVER THE WATER EITHER WITHIN OR OUTSIDE OF COMMERCIAL WATER-DEPENDENT FACILITIES, INCLUDING BUT NOT LIMITED TO, PACKING, PROCESSING, CANNING OR FREEZING OF FINFISH, SHELLFISH, AND AMPHIBIANS AND REPTILES, WHOLESALE AND RETAIL SALES, SAMPLING AND TASTING, TOURS, PRODUCT STORAGE, CRAB SHEDDING, DOCKS, AND SHELLFISH CULTURE OPERATIONS.

ECOTOURISM SHALL MEAN ANY RECREATIONAL, ENTERTAINMENT, HISTORICAL OR EDUCATIONAL ACTIVITY FEATURING NATURAL RESOURCES THAT IS CONDUCTED ON PUBLIC OR PRIVATE PROPERTY THAT IS HELD OPEN TO THE MEMBERS OF THE PUBLIC. ECOTOURISM INCLUDES BUT IS NOT LIMITED TO NON-MOTORIZED BOATING, BIRDWATCHING, CAMPING, HUNTING, FISHING, HIKING, BICYCLING, STARGAZING, AND BEACHCOMBING.
FORESTRY OPERATIONS SHALL MEAN ANY ACTIVITY RELATED TO THE CARE, USE, AND CONSERVATION OF FORESTS INCLUDING BUT NOT LIMITED TO, SUSTAINABLE HARVEST OF TIMBER, THE USE OF FOREST PRODUCTS SUCH AS FRUITS OR NUTS, MANAGEMENT OF FORESTS FOR RECREATION, WILDLIFE MANAGEMENT, STABILIZATION OF WATER, CLEAN AIR AND OTHER HUMAN USES.

SHELLFISH SHALL MEAN ANY SHELLED MOLLUSK OR CRUSTACEAN.

§ 297-63. Table of Permissible Uses.

Figure IV-1, the Table of Permissible Uses, is included as an attachment to this chapter.
<table>
<thead>
<tr>
<th>Section</th>
<th>Agriculture Operations</th>
<th>PC</th>
<th>Permitted; PC = Permitted with Conditions; SE = Special Exception; Blank = Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.01.000</td>
<td>AGRICULTURAL OPERATIONS AS DEFINED IN § 297-49, Excluding livestock, farm alcohol production, forestry operations, aquaculture operations, agrotourism, and ecotourism [horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs]</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>1.01.200</td>
<td>Livestock on a parcel greater than five acres [dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry, or aquaculture]</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>1.01.300</td>
<td>Keeping of livestock on less than or equal to 5 acres</td>
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<tr>
<td>1.01.300</td>
<td>Keeping of livestock</td>
<td>PC</td>
<td>PC</td>
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<tr>
<td>1.01.310</td>
<td>Cattle, goats and sheep</td>
<td>SE</td>
<td>SE</td>
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<tr>
<td>1.01.400</td>
<td>Uses located greater than 200 feet from the nearest boundary line of the land on which located</td>
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<tr>
<td>1.01.410</td>
<td>Grain dryers and related structures</td>
<td>P</td>
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<tr>
<td>1.01.420</td>
<td>Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building</td>
<td>P</td>
<td></td>
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<tr>
<td>1.01.430</td>
<td>Commercial assembly and repair of all equipment normally used in agriculture</td>
<td>P</td>
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<tr>
<td>Use Description</td>
<td>Zones</td>
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<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>1.01.440 Accessory petroleum storage, not to exceed 20,000 gallons and subject to applicable safety codes, ordinances, and statutes</td>
<td>P</td>
<td></td>
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<tr>
<td>1.01.450 Poultry houses, hog operations with 6 or more hogs</td>
<td>PC</td>
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<tr>
<td>1.01.460 Slaughterhouses</td>
<td>SE</td>
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<tr>
<td>1.01.470 Processing and selling products raised on-site</td>
<td>P</td>
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<tr>
<td>1.01.500 Commercial Stables</td>
<td>P</td>
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<td>1.01.600 Farmer services</td>
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<td>1.01.700 Use of heavy cultivating machinery, spray planes, or irrigating machinery</td>
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<tr>
<td>1.02.000 Forestry OPERATIONS</td>
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<tr>
<td>1.03.000 Open-air markets and horticultural sales</td>
<td>P</td>
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<tr>
<td>1.03.100 Open-air markets</td>
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<tr>
<td>1.03.110 Farm and craft markets, fowl markets</td>
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<tr>
<td>1.03.120 Open-air produce markets</td>
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<tr>
<td>1.03.200 Horticultural sales with outdoor display</td>
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<tr>
<td>1.03.300 Livestock markets</td>
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<tr>
<td>1.04.000 Hunting and fishing cabins</td>
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<tr>
<td>1.05.000 Commercial green house operation</td>
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<td>1.07.000 Cat boarding facility</td>
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<td>1.08.000 AGRITOURISM/ECOTOURISM</td>
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<td>Asterisks *** mean intervening code language remaining unchanged</td>
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<td>CAPITALS mean language added to the law</td>
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<td>[Brackets] mean language deleted from the law</td>
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<td>User Description</td>
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<tr>
<td>2.00.000 MARINE</td>
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</tr>
<tr>
<td>2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis</td>
<td>PC PC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.02.000 [Seafood processing] AQUACULTURAL OPERATIONS</td>
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<tr>
<td>2.02.010 Seafood processing and seafood operations with products raised on the premises</td>
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<tr>
<td>2.02.020 Seafood processing and seafood operations with products raised at the premises</td>
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<td></td>
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<tr>
<td>2.02.300 SHELLFISH OPERATIONS</td>
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<td></td>
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<tr>
<td>2.03.000 Marine terminal</td>
<td>SE P P P SE</td>
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<tr>
<td>2.04.000 Commercial fishing</td>
<td>P P P P</td>
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</tr>
</tbody>
</table>

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FIGURE IV-15:  TABLE OF PERMISSIBLE USES  
P = Permitted; PC = Permitted with Conditions; SE = Special Exception; Blank = Not Permitted  

(see pages that follow)
### 1.00 [AGRICULTURAL] AGRICULTURE

#### 1.01.000 Agricultural Operations; farming

<table>
<thead>
<tr>
<th></th>
<th>HVR Residential</th>
<th>HVC Core</th>
<th>HVG Gateway</th>
<th>HVE Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.01.100</td>
<td>AGRICULTURAL OPERATIONS AS DEFINED IN § 297-49, Excluding livestock, FARM ALCOHOL PRODUCTION, FORESTRY OPERATIONS, AQUACULTURE OPERATIONS, AGRITOURISM, AND ECOTOURISM [horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs]</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>1.01.200</td>
<td>[Including] Livestock on a parcel greater than five acres [-dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry, or aquaculture]</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>1.01.300</td>
<td>Keeping of livestock on less than or equal to 5 acres</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>1.01.310</td>
<td>Horses, livestock maintained as pets, and 4-h or school projects</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>1.01.320</td>
<td>Cattle, swine, goats and sheep, rabbits, poultry or fowl raised for sale</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>1.01.400</td>
<td>Uses located greater than 200 feet from the nearest boundary line of the land on which located</td>
<td></td>
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<tr>
<td>1.01.410</td>
<td>Grain dryers and related structures</td>
<td></td>
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<tr>
<td>1.01.420</td>
<td>Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building</td>
<td></td>
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</tr>
<tr>
<td>1.01.430</td>
<td>Commercial assembly and repair of all equipment normally used in agriculture</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
</tr>
<tr>
<td>1.01.440</td>
<td>Accessory petroleum storage, not to exceed 20,000 gallons and subject to applicable safety codes, ordinances, and statutes</td>
<td></td>
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</tr>
<tr>
<td>1.01.450</td>
<td>Poultry houses, hog operations with 6 or more hogs</td>
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<tr>
<td>1.01.460</td>
<td>Slaughterhouses</td>
<td></td>
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</tr>
<tr>
<td>1.01.470</td>
<td>Processing and selling products raised on-site</td>
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</table>

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<td>Commercial stables</td>
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<tr>
<td>1.01.600</td>
<td>Farrier services</td>
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<tr>
<td>1.01.700</td>
<td>Use of heavy cultivating machinery, spray planes, or irrigating machinery</td>
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<tr>
<td>1.01.800</td>
<td>Farm incubator</td>
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<tr>
<td>1.02.000</td>
<td>Forestry OPERATIONS</td>
</tr>
<tr>
<td>1.03.000</td>
<td>Open-air markets and horticultural sales</td>
</tr>
<tr>
<td>1.03.100</td>
<td>Open-air markets</td>
</tr>
<tr>
<td>1.03.110</td>
<td>Farm and craft markets, flea markets</td>
</tr>
<tr>
<td>1.03.120</td>
<td>Open-air produce markets</td>
</tr>
<tr>
<td>1.03.200</td>
<td>Horticultural sales with outdoor display</td>
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<td>1.05.000</td>
<td>Commercial greenhouse operation</td>
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<tr>
<td>1.05.100</td>
<td>No on-premise sale</td>
</tr>
<tr>
<td>1.05.200</td>
<td>On-premise sales permitted</td>
</tr>
<tr>
<td>1.06.000</td>
<td>Kennel, commercial</td>
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<tr>
<td>1.07.000</td>
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<td>1.08.000</td>
<td>AGRITOURISM/ECOTOURISM</td>
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<table>
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<th>Zone</th>
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<th>HVE Employment</th>
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<table>
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<tr>
<th>HV ZONE</th>
<th>HVR Residential</th>
<th>HVC Core</th>
<th>HVG Gateway</th>
<th>HVE Employment</th>
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</thead>
<tbody>
<tr>
<td>2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis</td>
<td>PC</td>
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<td>PC</td>
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<td></td>
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<tr>
<td>2.02.100 Seafood processing and seafood operations with products raised or harvested off-site</td>
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<td>PC</td>
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<td>2.02.200 Seafood processing and seafood operations with products raised on the premises</td>
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<tr>
<td>2.02.300 SHELLFISH OPERATIONS</td>
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<tr>
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CHAPTER 297 - ZONING ORDINANCE
ARTICLE XIII, MINIMUM STANDARDS FOR SPECIAL EXCEPTIONS AND USES
PERMITTED WITH CONDITIONS

§ 297-212. Uses Corresponding With Table of Permissible Uses. The following uses are listed according to the numbering system on the Table of Permissible Uses and establish the specific minimum requirements for uses permitted with conditions or special exception uses.

(1) 1.01.200 Livestock on a parcel greater than five acres. This use is permitted [in all zones] WITH CONDITIONS in [all zones] the following zones: AC, RC, WCD, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PRD, PEP, and PMH zones. HOWEVER, [provided that] any AND ALL areas of animal confinement less than one acre, manure storage or feed storage shall be minimum distance of 75 feet from any public RIGHT OF WAY [street or highway] and in no case closer than 250 feet from any existing residential dwellings on an adjoining parcel.

(14.1) 1.00.800 AGRITOURISM/ECOTOURISM. THIS USE IS PERMITTED WITH CONDITIONS IN THE FOLLOWING ZONES: AC, RC, WCD, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PRD, PEP, AND PMH. UNLESS OTHER PROVISIONS OF THIS CHAPTER REQUIRE OTHERWISE, PRIOR TO THE COMMENCEMENT OF THIS USE, A SKETCH PLAN SHALL BE SUBMITTED DEMONSTRATING THAT ALL CONDITIONS HAVE BEEN SATISFIED. UNLESS DEFINED ELSEWHERE IN THIS CHAPTER, A SKETCH PLAN IS A DIAGRAM THAT RELIES UPON THE DEPARTMENT'S INTERACTIVE GIS MAP OR OTHER MAPPING TOOL AND SHOWS THE APPROXIMATE LOCATION OF ALL PROPERTY LINES, EXISTING STRUCTURES, LOCATION OF DRIVEWAY ACCESS (APPROXIMATE LENGTH AND WIDTH) AND ENVIRONMENTAL FEATURES SUCH AS STREAMS AND TREE LINES. THE CONDITIONS ARE AS FOLLOWS:

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A. ALL AGRITOURISM AND/OR ECOTOURISM ACTIVITIES MUST OCCUR ON
THE SAME PARCEL OF LAND AS AN AGRICULTURAL OPERATION, UNLESS
AN ADJACENT PARCEL OF LAND IS UNDER COMMON OWNERSHIP OR
CONTROL, IN WHICH CASE, AGRITOURISM ACTIVITIES MAY BE
CONDUCTED ON THE ADJACENT PARCEL OF LAND. HOWEVER, IF EITHER
PARCEL CEASES TO REMAIN UNDER COMMON OWNERSHIP OR CONTROL,
THE AGRITOURISM ACTIVITIES MUST BE CONFINED TO THE PARCEL OF
LAND UPON WHICH THE AGRICULTURAL OPERATION IS BEING
CONDUCTED.

B. THIS USE SHALL ONLY BE CONDUCTED ON PARCELS OF LAND THAT HAVE
APPROPRIATE VEHICULAR INGRESS AND EGRESS TO A PUBLIC ROAD,
WHICH REQUIRES:
(1) DIRECT ACCESS TO A PUBLIC ROAD; OR
(2) A PRIVATE ROADWAY OR DRIVEWAY THAT PROVIDES ACCESS TO A
PUBLIC ROAD, PROVIDED THAT ALL PROPERTY OWNERS WITH THE
RIGHT TO USE THE PRIVATE ROADWAY OR DRIVEWAY HAVE
CONSENTED TO THE USE, IN WRITING AND RECORDED IN THE LAND
RECORDS.

C. THIS USE SHALL CONFORM TO ALL CHAPTERS OF THE COUNTY CODE
INCLUDING, BUT NOT LIMITED TO RESTRICTIONS PLACED UPON
LIGHTING, NOISE, AND ANY OTHER FEATURE OR EFFECT OF THE USE THAT
WOULD CONSTITUTE A NUISANCE OR DISTURBANCE IN THE USE AND/OR
ENJOYMENT OF ADJACENT PROPERTY.

D. THIS USE SHALL COMPLY WITH ALL REQUIREMENTS OF FEDERAL, STATE
AND LOCAL REGULATIONS, INCLUDING BUT NOT LIMITED TO NUTRIENT
MANAGEMENT, SEDIMENT AND EROSION CONTROL.

E. IN THE EVENT THAT A PROPERTY OWNER DESIRES TO CONDUCT
ECOTOURISM ACTIVITIES THAT ARE NOT ASSOCIATED WITH AN
AGRICULTURAL OPERATION, THEN THE PROVISIONS OF § 297-30 SHALL
APPLY.
(17.1) 2.02.300. SHELLFISH OPERATIONS. THIS USE IS PERMITTED WITH CONDITIONS IN THE AC, RC, AND WCD ZONES SUBJECT TO THE FOLLOWING CONDITIONS:

A. ALL ACTIVITIES ASSOCIATED WITH THIS USE SHALL BE A MINIMUM OF 100 FEET FROM THE NEAREST BOUNDARY LINE.

B. THIS USE SHALL ONLY BE CONDUCTED ON PARCELS OF LAND THAT HAVE APPROPRIATE VEHICULAR INGRESS AND EGRESS TO A PUBLIC ROAD, WHICH REQUIRES:

(1) DIRECT ACCESS TO A PUBLIC ROAD; OR

(2) A PRIVATE ROADWAY OR DRIVEWAY THAT PROVIDES ACCESS TO A PUBLIC ROAD, PROVIDED THAT ALL PROPERTY OWNERS WITH THE RIGHT TO USE THE PRIVATE ROADWAY OR DRIVEWAY HAVE CONSENTED TO THE USE, IN WRITING AND RECORDED IN THE LAND RECORDS.

FIGURE XX-1

Table of Off-Street Parking Requirements

[Amended 10-31-1995 by Ord. No. 95-96; 5-7-2008 by Bill No. 2008-01; 10-16-2012 by Bill No. 2012-10]

<table>
<thead>
<tr>
<th>Uses Description</th>
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<tr>
<td>1.01.100 Agricultural operations[, farming]</td>
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</tbody>
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SECTION 2. BE IT FURTHER ENACTED, that this act shall take effect forty-five (45) calendar days after it becomes law.

ADOPTED this 13th day of April 2021.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Reuben B. Collins, II, Esq., President

Bobby Rucci, Vice President

Gilbert O. Bowling, III

Thomasina O. Coates, M.S.

Amanda M. Stewart, M.Ed.

ATTEST:

Carol A. DeSoto, CAP, OM, Clerk

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