ARTICLE 9. DEFINITIONS AND RULES OF MEASUREMENTS

CHAPTER 90  DEFINITIONS

Abandoned Vehicle. Any motor vehicle, trailer or semi-trailer, or watercraft that is inoperative and left unattended on public or private property; or that has remained illegally on public or private property; or that has remained on public or private property and (a) does not display valid registration plates or (b) displays registration plates of another vehicle.

Acceptable Outfall. The tidewater or that point where storm water can be released to a channel without causing scouring, erosion, or resulting sedimentation to the receiving channel or its floodplain.

Accessory Apartment. A secondary residential use incidental to the principal permitted or conditionally approved use on a site, whether comprising a portion of the principal structure on the site or located within an accessory structure or building.

Accessory Structure, Building or Use. A building or use that is all of the following: a) constructed or located on the same zoning lot as the allowable main building or use served, except as may be specifically provided elsewhere in this Ordinance (see Section 11.2.4.b); b) clearly incidental to, subordinate in purpose to, and serving the allowable use; and c) either in the same ownership as the allowable structure, building or use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the allowable use.

Accident Potential Zone (APZ). Areas created to protect persons living and working in or property in the vicinity of airports, landing strips.

Afforestation. Includes establishment of a forest on an area from which forest cover has been absent for a long period of time; planting of open areas which are not presently in forest cover; or establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.

Agricultural Activity. Farming activities, including but not limited to plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products, the grazing and raising of livestock, manure storage/composting of natural organic material, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise. The application of odor producing fertilizers must be in compliance with applicable state and county regulations.

Agricultural Land. Land carried on the tax rolls of the State Department of Assessments and Taxation as agricultural, or which is used for the purpose of conducting agriculture.

Agricultural Operation. Includes, but is not limited to, all matters set forth in the definition of "operation" of Md. Cts. & Jud. Proc. Code Ann., 5-403(a), as amended from time to time; the production of all matters encompassed within the definition of "Farm Product" at MD. Agriculture Code Ann., 10-601(c); as amended from time to time; the cultivation and tillage of the soil; composting, production, harvesting and processing of agricultural crops; raising poultry; production of egg, production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; production of fish; production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture; production of timber and commercial agricultural procedures performed as 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 land in furtherance of educational and social goals, (including, but not limited to 4-H clubs and Future Farmers of America), agro-tourism and alternative agricultural enterprises; and the like. The application of odor producing fertilizers must be in compliance with applicable state and county regulations.

Agricultural Tourism. Activities conducted on a working farm or vineyard and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation, and which are related to agriculture or natural resources and incidental to the primary operation on the site. Agricultural tourism activities include farm tours, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

Agriculture. The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities.
Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

**Amenity Space.** Useable open space that has been improved for the purpose of providing residents with an enhanced recreational, social, artistic or cultural experience, including outdoor seating areas, walking paths, public art, public gardens, plazas, water features or other improvements as approved by the Planning Director.

**Anadromous Fish.** Fish that travel upstream from their primary habitat in the ocean to freshwater in order to spawn.

**Apartment.** Multi-family dwelling units in a single structure that share common entrances and exits. Ownership is not a factor in this type of unit, and may be either a rental or a condominium.

**Animation.** Any change in physical position by any movement or rotation or which gives the visual impression of such movement or rotation in a sign. This includes the foreground and background of the sign.

**Aquaculture.** The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices. See also "Land Based Aquaculture," "Water Based Aquaculture," and "Fisheries Activities".

**Areas of Animal Confinement.** Structures, feeding or storage and sleeping areas, and fenced in areas over which animals are allowed to roam.

**Arms-Length Transfer.** A transaction between two related or affiliated parties that is conducted as if they were unrelated, so that there is no question of a conflict of interest; or a transaction between two unrelated parties.

**Basement.** That portion of a building having more than one-half (1/2) of its height below lot grade elevation.

**Barren Land.** Unmanaged land having sparse herbaceous vegetation. Land which has lain fallow and developed woody vegetation for 5 years by definition, shall be considered to be forest.

**Base Flood.** The 100-year frequency flood event as indicated in the (FEMA) Flood Insurance Study February 1987 as amended, the elevation of which is used for regulatory purposes in this Ordinance.

**Base Flood Elevation.** The flood elevation of the lowest habitable floor of any building. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or en-closure usable solely for parking of vehicles or building access considered habitable.

**Best Management Practices (BMPs).** Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxicants, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animals waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

**Blinking.** To illuminate intermittently at a rate of change that is less than the allowable frequency.

**Block.** An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

**Block face.** The properties abutting on one side of a street and lying between two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street, unsubdivided land, watercourse, or municipal boundary.
**Boarding and Rooming House.** A residential building or portion thereof, other than a motel, or hotel, which contains lodging rooms which accommodate not more than 20 persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

**Bona-Fide Agricultural Use or Activity.** In the Critical Area agriculture means all methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products. Outside the Critical Area agriculture means farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products, the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise. The application of odor producing fertilizers must be in compliance with applicable state and county regulations.

**Buffer, Critical Area.** A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

**Buffer.** A strip or area of land, identified on a site plan or in a zoning ordinance, established to separate one type of land use from another land use. Normally, the area is landscaped or kept in open space use.

**Buffer Management Plan.** A narrative, graphic description, or a plan of the buffer that is necessary when an applicant proposes a development activity that will affect a portion of the buffer, alter buffer vegetation, or require the establishment of a portion of the buffer in vegetation.

**Building, Detached.** A building surrounded by an open space on the same lot.

**Building Height.** The vertical distance measured finished grade elevation to the highest point of the underside of the building beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of rafters between the eaves and the rive of a gable, hip, or gambrel roof.

**Building, Principal.** Any building which houses a primary or principal use of the land on which it is located.

**Building Setback Line.** A line measured a distance specified by this ordinance from the front lot line which no building or structure may be erected.

**Caliper.** The diameter of a tree trunk measured at 2 inches above the root collar.

**Canopy.** A roof-like structure of a permanent nature which may be freestanding or projected from a wall of a building or its supports.

**Canopy Tree.** A tree that, when mature, reaches a height of at least 35 feet.

**Cemetery.** Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Occupancy.** The certificate issued by the Planning Director or designee which permits the use of a building or premises in accordance with the approved plans or permits and the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the zoning permit.

**Certificate of Title (Ownership).** An official document that contains the following language: A) I/we, owners of the property shown hereon, hereby adopt this site plan of [subdivision name] upon its approval by all required agencies. B) I/we hereby certify that this is a plan of a portion of the property conveyed unto [owner's name] by deed dated [date] from [seller’s name] as recorded in the land records of St. Mary's County, Maryland, in Liber [reference] at Folio [reference]. There are no suits or action at law, leases, liens, mortgages or trusts affecting this site plan of [subdivision name] except as noted or shown hereon. All parties in interest thereto have affixed their signatures indicating their assent to this plan. C) I/we further establish the minimum building restriction lines as required by the Zoning Ordinance of St. Mary's County and dedicate the streets, walkways, easements, rights of way, and other improvements, where applicable, to public use.

**Champion Tree.** The largest tree of its species within the United States, the state, county, or municipality.
"Channel" is established as the middle two quarters of the width of navigable bodies of water, OR all areas of these water bodies that are at least 200 feet from a shore.

Child Care Center (or Day Care Centers). Any place, home or institution which receives nine (9) or more children under the age of 14 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided that this definition shall not include public or private schools organized, operated, or approved under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending service, activities, or meetings.

Clearing. The removal of trees and brush from the land not including the ordinary mowing of grass.

Clinic - Medical or Dental. A common building in which an organization of specializing physicians and/or dentists have their offices. A clinic shall not include in-patient care (i.e., no overnight accommodation of patients).

Cluster Development. A residential cluster development encourages and permits variations in developments by allowing variation in lot size, lot dimensions, and lot coverage from that which is normally required in the applicable zoning district. Dwelling units are concentrated in a selected area or selected areas of the development tract in order to provide natural habitat or other open space uses (including agriculture) on the remainder.

Colonial Nesting Water Birds. Includes herons, egrets, terns, and glossy ibis. For purposes of nesting, these birds congregate or colonize in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

Color. A specific combination of hue, saturation, and lightness or brightness; a color other than and as contrasted with black, white or gray.

COMAR. The Code of Maryland regulations promulgated pursuant to various statutory authorities by agents of the State.

Communication Tower. Any radio, television or communication antenna or tower for uplink, downlink, relay, broadcast or reception of communication signals, but not including either mobile transmitters and receivers or any such facilities with a transmission power of less than 7 watts.

Community Noise Equivalent Level (CNE). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dB applied to the evening (7:00 to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours. (see also Day-Night Average Sound Level)

Community Piers. Boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Community Sewerage System. Any system, whether publicly or privately owned, serving multiple lots, dwelling units, businesses, commercial or industrial establishments for the collection, transportation and disposal of sewage or industrial wastes of liquid nature, including various devices for the treatment of such sewage and industrial wastes, as defined by the Comprehensive Water and Sewerage Plan.

Community Water Supply. A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, multiple lots, dwelling units, businesses or commercial or industrial developments, as defined by the Comprehensive Water and Sewerage Plan.

Comprehensive Plan. The Comprehensive Plan for St. Mary's County (Quality of Life in St. Mary's County - A Strategy for the 21st Century), as approved by the Board of County Commissioners, including any amendments or extensions.

Comprehensive Water and Sewerage Plan. The adopted St. Mary's County Water and Sewerage Plan.

Conditional Use. A specific use that would not be appropriate generally or without restriction, the granting of which shall be based upon a finding by the Board of Appeals that certain conditions governing the proposed conditional use as detailed in this Ordinance exist, that the use conforms to the comprehensive plan and that it is compatible with the existing neighborhood.
County Commissioners. The Board of County Commissioners for St. Mary’s County Maryland.

County Road. A public road or street which is part of the Highway Maintenance System of St. Mary’s County.

County. The County of St. Mary’s, Maryland.

Critical Area. All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland and modification(s), if any, to these areas through inclusions or exclusions proposed by the County Commissioners and approved by the Maryland Chesapeake Bay Critical Area Commission as specified in said Section 8-1807.

Critical Habitat Area. A habitat occupied by a rare, threatened or endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland, and its surrounding protection area. A critical habitat area shall: A) be likely to contribute to the long-term survival of the species; B) be likely to be occupied by the species for the foreseeable future; and C) constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.

Culvert. A drainage structure placed beneath an embankment typically with a span of less than twenty (20) feet.

Day. Calendar day, unless otherwise specified.

Day-Night Average Sound Level (Ldn). The A-weighted average sound level in decibels during a 24-hour period with a 10 dB weighting applied to nighttime sound levels (10 p.m. to 7 a.m.). This exposure method is similar to the CNEL, but deletes the evening time period (7 p.m. to 10 p.m.) as a separate factor.

Diameter at Breast height DBH Standard measure of tree size measured at 4’-6” above grade.

Declaration of Intent (DOI). A signed and notarized statement by a landowner or the landowner’s legally authorized agent certifying that the activity on the landowner’s property is:

1. exempted under this Ordinance or Natural Resources Article, §§5-103 and 5-1601--5-1612, Annotated Code of Maryland,

2. does not circumvent the requirements of this Ordinance or Natural Resources Article, §§5-103 and 5-1601--5-1612, Annotated Code of Maryland, and

3. does not conflict with the purposes of any other declaration of intent. A DOI is required under the Code of Maryland Regulation (COMAR).

Demolition by Neglect. A condition where the principal structure of a historic resource has become unsafe as a result of 1) the deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist, or 2) the deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

Density. The allowable, proposed or existing number of dwelling units per acre within a defined and measurable area.

Department. St Mary’s County Department of Land Use and Growth Management.

Develop Land. To change the runoff characteristics of a parcel of land in conjunction with residential, industrial, commercial, or institutional construction or alteration.

Developable Land. Land that is unconstrained by such conditions as steep slopes, floodplains, or adverse soil or water conditions that preclude development, and that does not have a significant environmental resource identified such as wetland or critical riparian habitats.

Developed Woodland. Those area of 1 acre or more in size that predominately contain trees and natural vegetation and which also include residential, commercial or industrial structures or uses. On individual lots or parcels of less than 1 acre, individual trees, woody vegetation, as well as natural vegetation and forests contribute to the developed woodland coverage for the larger vicinity and shall be subject to the provisions of this Ordinance.
Developer. A person with freehold, possessory or contractual interest in land proposed for development. See also “Subdivider.”

Development. The construction or substantial alteration of open lands, or agricultural, residential, commercial, industrial, institutional, or transportation facilities or structures including any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials. Development includes the process of subdivision.

Development Envelope. The onsite area used, reserved or dedicated for any and all of the following: development lots; zoning setbacks, zoning buffers; rights-of-way or easements established for roads, utilities, stormwater management and on-site sewage disposal; areas of lot coverage associated with structures, roads, streets, parking, sidewalks; outdoor areas within yards, parks, or landscaped green areas; recreational areas; areas cleared or graded, and any additional acreage necessary to meet the development requirements of this Ordinance. To the extent practicable, sensitive areas and their environmental buffers, green infrastructure and forest conservation easements should be excluded from the development envelope.

Development Project Completion. Means, for the purposes of afforestation, reforestation, or payment of “fees-in-lieu” into a fund: A) the release of the development bond, if required; B) acceptance of the project’s streets, utilities, and public services by the responsible Department(s); or C) designation by the Department of Land Use and Growth Management or the state that a development project has been completed, or a particular stage of a staged development project, including a planned unit development, has been completed.

Display Area. That part of the sign background actively involved with changeable text.

Distillery. A facility operated under a Class 1 Manufacturer’s license pursuant to §2-202 of Article 2B of the Annotated Code of Maryland.

District. Any section of the unincorporated territory of St. Mary’s County within which the zoning regulations are uniform.

Drive through (also Drive-up Access) A place of business operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their motor vehicles or allows the consumption of any food or beverages obtained from a carry-out window in motor vehicles or elsewhere on the premises.

Driveway. A private access road, drive or lane to an individual residence which is contained within the lot or parcel and is not intended to serve any other lot or parcel of land.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, (not including hotels and motels).

Dwelling, Attached. A dwelling that is joined to another dwelling at one or more sides by a wall or part walls.

Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Multiple-family (also “multi-family”.) A building, or portion thereof, containing three (3) or more dwelling units.

Dwelling, Single-family. A building containing one (1) dwelling unit as a principal use.

Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement. A right to land generally established in a real estate instrument or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Ecosystem. A more or less self-contained biological community together with the physical environment in which the community’s organisms occur.

Electronic Changeable Copy Sign. An on-premise sign displaying a message, which may be changed every ten seconds by electronic controls.
Enclosed Storage. A building with walls on all sides, where items are stored for a fee.

Equestrian Activity. The care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills.

Equestrian Event. A competition, exhibition, or other display of equestrian skills.

Equestrian Facility. Any building, structure, or land area that is used for an equestrian activity or event.

Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated including the conditions resulting therefrom.

Exterior Features. The architectural style, design, and general arrangement of the exterior of a historic resource, including the color, nature, and texture of building materials, and the type and style of all windows, doors, light fixtures, signs, or other similar items found on, or related to, the exterior of a historic resource.

Family Day Care. A private residence where a maximum of twelve (12) children receive care and supervision for periods of less than 24 hours per day.

Family. One or more persons occupying a dwelling unit and using common cooking facilities, provided that unless all members are related by blood or marriage, or legal adoption, no such shall contain more than four (4) non-related persons. Family members related by blood or marriage shall be a father, mother, son, daughter, grandfather, grandmother, grandson and granddaughter.

Farm Brewery. A facility operated under a Class 8 Farm Brewery License pursuant to §2-209 of Article 2B of the Annotated Code of Maryland.

Farm Plan. A "Soil Conservation and Water Quality Plan" prepared by the Soil Conservation District.

Farmstead. An area of 15 acres or more in single ownership which is a lot of record.

Fence. A barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard or open space. It includes a wall, gate, or structure which functions to enclose an open space or yard; however, a retaining wall, freestanding sign, or landscape structure is not considered a fence except for that portion which functions as a fence.

Fill. A deposit of materials or any kind placed by artificial means.

Fishing Vessels. Watercraft used for the commercial harvesting of finfish or shellfish.

Flood-Plain Related Terms.

Base Flood (Elevation)(BFE). The (flood) elevation of the lowest habitable floor of any building as established in a flood elevation certificate executed by a Maryland licensed property line or land surveyor. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or enclosure usable solely for parking of vehicles or building access considered habitable. Where the boundaries of the flood and mudflow related erosion areas having special hazards have been designated as Zone A, M and/or E.

Flood Insurance Rate Map (FIRM). - Map which depicts the minimum special flood hazard area to be regulated by this Ordinance (unless a Floodway Map is available).

Floodplain. Land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structure and their contents.

Floodproofing Certificate. Form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the Flood Protection Elevation.

Flood Protection Elevation (FPE). The base flood elevation plus one foot.

Floodway. The channel of a river of other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
Floodway Map. Map depicting floodways and special flood hazard areas which are regulated by this Ordinance.

Floodway Fringe. That portion of the floodplain outside the floodway.

100-Year Floodplain. An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.

Floor Area Ratio, (FAR) See “Rules of Measurement”, Chapter 91

Flow Attenuation. Prolonging the flow time of runoff to reduce the peak discharge.

Forest. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes: A) areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and B) areas that have been cut but not cleared. “Forest” does not include orchards. “Successional forest areas” are once forested areas that have been subjected to a timber harvest, remained as fallow agricultural land, or that were cleared in any other way and now have vegetative growth dominated (at least 50%) by species of woody vegetation (trees and shrubs) and where man-made disturbance has been absent for 5 years or more as determined by the Planning Director.

Forest Conservation and Management Agreement. An agreement as stated in the Tax-Property Article, §8-211, Annotated Code of Maryland.

Forest Conservation Plan. A plan prepared pursuant to Natural Resources Article, §§5-1606 and 5-1607, Annotated Code of Maryland.

Forest Conservation Technical Manual. The technical manual for forest conservation adopted by the Maryland Department of Natural Resources and incorporated by reference herein.

Forest Conservation. The retention of existing forest or the creation of new forest at the levels set by the state or county.

Forest Cover. The area of a site meeting the definition of forest.

Forest Interior Dwelling Species (FIDS). Species of birds, animals and plants that require relatively large forested tracts in order to breed, reproduce or live successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest Interior Dwelling Species (FIDS) Habitat. Relatively large, undisturbed forested tracts required for FIDS species to breed or live successfully. Criteria for determining potential FIDS habitat are: A) any riparian forest of at least 300 feet in width, B) upland and riparian forest areas of approximately 100 acres or more (calculation of forest tract size includes adjacent off-site areas and areas harvested for timber); C) any forested tract regardless of size or location identified by the Department of Natural Resources as "potential" or "probable" FIDS habitat; or D) any forested area, regardless of size or location, where the presence of at least 4 of the kinds of sensitive species is found to be "probable" or "confirmed" by approved survey criteria, or where at least one species is found to be "present" by the same criteria.


Forest Management. The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

Forest Related Terms

Approved Forest Management Plan. A document approved by the State of Maryland Department of Natural Resources forester that operates as a protective agreement for forest conservation.

Commercial Harvesting. A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

Commercial Logging or Timber Harvesting Operations. The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.
Forest Harvesting. A method of removing woodland vegetation without disturbing the soil surface by grubbing or digging. Except for travel over top of them, existing ground covers, stumps and root mats are left intact.

Forest Interior Dwelling Species. Species of birds which require relatively large forested tracts in order to breed successfully and as listed by the Maryland Department of Natural Resources.

Forest Management. The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.


Forest Stand Delineation. The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the St. Mary’s County Forest Conservation Technical Manual.

Forestry Operation. Includes, but is not limited to, the propagation, raising, cultivation, and production of all products derived from the practice of forestry on site, as encompassed within the definition of practice forestry set forth in Md. Bus. Occ. & Prof. Code Ann. 67-101(e), as amended from time to time.

Natural Forest Vegetation. A biological community composed of species predominately native to Maryland with at least 50% of the plants comprised of canopy and understory trees, shrubs and other woody plants and the remainder in herbaceous plants.

Reforestation or Reforested. Includes the:

1. Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years; or

2. Establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual; or

3. Landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2500 square feet or more of area.

Timber Harvesting. A tree cutting operation affecting 1 or more acres of forest or developed woodland within a 1-year interval that disturbs 5,000 square feet or more of forest floor. Timber harvesting does not include grubbing and clearing of root mass.

Tree. A large, branched woody plant having one or several self-supporting stems or trunks that reaches a height of at least 20 feet at maturity.

Forest Stand Delineation. The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the St. Mary’s County Forest Conservation Technical Manual.

Freeboard. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

Frequency. The number of oscillations per second in a sound wave or an index of pitch of the resulting sound.

Frontage Zoning Lot. The length of all the property of such zoning lot fronting on a street measured between side lot lines.

Frontage. The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street; or if dead-ended, then all of the property abutting on one side between an intersection street and dead end of the same.

Fueling Position. A location at which a single vehicle may be fueled from a product dispenser. The number and precise location of “fueling positions” presented on any site shall be determined by Chapter 51.

Garage Sale. See Yard Sale.

Garden Apartments. See Apartments.
**Grade Elevation.** A measurement determined by averaging the elevations of the finished ground at all corners and/or other principal points in the perimeter wall of the building.

**Grade-Related Terms.**

- **Existing Grade.** The vertical location of the existing ground surface prior to excavating or filling.
- **Finished Grade.** The final grade or elevation of the ground surface conforming to the proposed design.
- **Grading.** Any stripping, excavating, filling, including hydraulic fill, stockpiling or any combination thereof. Grading does not include plowing, disk ing and cultivating for lawn establishment or renovation.

**Gross Developable Area.** Total site acreage less tidal wetland acreage.

**Gross Residential Density.** The number of dwelling units allowed, proposed or existing divided by the total site acreage, excluding areas designated as tidal wetlands.

**Growing Season.** The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a)-(f).

**Guest Quarters.** One room or rooms connected together, constituting a separate, independent living space for guests of the property owner, and not in the same structure as the property owner’s dwelling unit. The Guest Quarters shall not contain independent cooking facilities.

**Health Officer.** Deputy State Health Officer of the Maryland Department of Health and Mental Hygiene and Health Officer for St. Mary’s County.

**Height.** The vertical dimension measured from finished grade to the highest point of the thing being measured.

**Highly Erodible Soils.** Those soils with a slope greater than 15 percent; or those soils with a K (erosivity) value greater than 0.35 and on slopes greater than 5 percent.

**Historic Resources.**

- **Certificate of Appropriateness.** A certificate issued by the Historic Preservation Commission upon review and determination that the proposed alterations are compatible with existing historic resources.
- **Historic Area Work Permit.** A permit issued, or to be issued, by the Planning Director, authorizing work on a historic resource within a designated historic district or landmark.
- **Historic District.** A historic resource comprised of 2 or more properties which are significant as a cohesive unit and contribute to historical, architectural, archeological, or cultural values, which has been identified by the Historic Preservation Commission and duly classified pursuant to the procedures of Chapter 42. A historic district includes all property within its boundaries, and may overlay any zoning district, imposing regulations and restrictions in addition to the underlying zoning.
- **Historic Landmark.** Any individual historic resource that is significant and contributes to historical, architectural, archeological, or cultural values, which has been identified by the Historic Preservation Commission and duly classified pursuant to the procedures of Chapter 42.
- **Historic Resource.** An area of land, building, structure, or object, or a group or combination thereof, including appurtenances and environmental setting which may be significant in national, state, or local history, architecture, archeology, or culture.
- **Historic Resources Conservation Plan.** A plan containing architectural and design guidelines for a specific historic district. A historic resources conservation plan is required for all historic districts containing 10 or more historic resources.

**Historic Waterfowl Staging And Concentration Area.** An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.
**Home Occupation.** An accessory use as a personal service or profession or use customarily conducted within a dwelling carried on by a member of those residing in the dwelling, which does not change the residential character of the dwelling, provided that the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants.

**House Number.** The five digit coordinate number and street name assigned to any structure or parcel of land.

**Hydric Soils.** Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, on those soils.

**Immediate family.** A person who is either the applicant’s father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

**Impervious Material.** A material, such as clay, which does not allow the passage of water through it.

**Impervious Surfaces.** All buildings, road, parking and driveways, paving, patios, decks, sidewalks, stoops, porches, steps, walkways, piers, swimming pools constructed on a lot which reduce the infiltration capacity of the land or result in increased storm water runoff. Wooden decks and walkways (or portions thereof) elevated above finished grade by minimum of the width of the deck and having shrub or ground cover plantings beneath are considered pervious.

**In-Structure Parking.** Any parking facilities located within a building to serve other uses in that building or on an elevated deck.

**Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

**Infiltration.** The passage or movement of water into the soil surface.

**In-Kind Replacement.** The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, and length.

**Intensely Developed Area (IDA).** An overlay classification mapped in accordance with Critical Area Law. Originally, these are areas of generally 20 or more contiguous acres, or the entire upland portion of a municipality within the Chesapeake Bay Critical Area (whichever is less) where residential, commercial or institutional land uses predominate and where very little natural habitat occurs.

**Intermittent Stream.** A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle map published by the United States Geologic Survey or as modified by presentation of site survey or engineering data that delineates stream presence and location.

**Intrafamily transfer.** A "bona fide intrafamily transfer" means a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

**Invasive Species.** A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

**Joint Use Facilities.** Any facilities owned and maintained in common by the inhabitants of the development, including, but not limited to, drives, water systems, sewer systems, parking areas, open space, and developed recreation areas.

**Junk (or Salvage) Yard.** An open area where waste or scrap materials (including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

**K Value.** The soil erodability factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

**Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.
Land Clearing. Any activity that removes the vegetative ground cover.

Land-Based Aquaculture. The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

Landfills, Sanitary. Any one of the types of landfills regulated by the Maryland Department of Environment, including but not limited to municipal solid waste, industrial rubble, and land clearing debris landfills.

Landscape. Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground or in ground level-containers.

Landscaping Plan. A plan, showing dimensions and details for planting in or reforesting an area. A Landscaping Plan may be part of a forest conservation plan.

Landscaping, Interior. A landscaped area or areas within the shortest line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Landscaping, Perimeter. A landscaped area adjoining and outside the shortest line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Level Of Service (LOS). A measurement of roadway use based upon a specified design capacity. Level of service including the following:

- **LOS A** represents free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is extremely high. The general level of comfort and convenience provided to the motorist, passenger, or pedestrian is excellent.

- **LOS B** is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream from LOS A. The level of comfort and convenience provided is somewhat less than LOS A, because the presence of others in the traffic stream begins to affect individual behavior.

- **LOS C** is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is now affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level.

- **LOS D** represents high density, but stable flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level.

- **LOS E** represents operating conditions at or near capacity level. All speeds are reduced to a low but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable because small increases in flow or minor perturbations within the traffic stream will cause breakdowns.

- **LOS F** is used to define forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount, which can traverse the point. Queues from behind such locations. Operations within the queue are characterized by stop-and-go waves and are extremely unstable. Vehicles may progress at reasonable speeds several hundred feet or more, then be required to stop in cyclic fashion. **LOS-F** describes the operating conditions within the queue, as well as the point of the breakdown. It should be noted, however, in many cases operating conditions of vehicles or pedestrians discharged from the queue may be quite good. Nevertheless, it is the point at which arrival flow exceeds discharge flow and causes a queue to form and **LOS F** is an appropriate designation for such points.
Limited Access Highway. A trafficway including toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Limited Development Area (LDA). An overlay classification mapped in accordance with Chesapeake Bay Critical Area Law. Generally, these areas are currently developed at a moderate or low intensity. They contain areas of natural plant and animal habitats, and the quality of run-off from these areas has not been substantially altered or polluted.

Loading Space or Loading Berth. A space within the main building or on the same lot which provides for the standing, loading or unloading of trucks or other vehicles.

Logo. A trademark or company name symbol.

Lot. A portion of a subdivision or tract of land having frontage on a street or road which is intended for development and which meets the requirements as a legal building site per this Ordinance.

Lot Area, Gross. The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river, or State tidal wetlands.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

Lot Line Rear. Any boundary of a lot that is not a front lot line or a side lot line but generally running parallel to opposite of a front lot line.

Lot Line, Front. That boundary of a lot that is along an existing or dedicated public street, or, where no public street exists, is along a public way.

Lot Line, Side. Any boundary of a lot that is not a front lot line or a rear lot line but generally running perpendicular to the front or rear lot lines.

Lot Of Record. A parcel of land which has been legally subdivided and recorded in the Land Records of St. Mary’s County, Maryland. A parcel is considered to be legally subdivided if it was created using the following criteria: A) it was created prior to March 15, 1978; B) it was created by subdivision plat approved by the Planning Commission or its administrative personnel; or C) it was an approved deeded division as authorized by the subdivision regulations and approved by the Department of Land Use and Growth Management.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

Lot, Corner. A lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line is defined as that lot line which contains the narrowest of all public street frontages or where no public street exists, along a private right-of-way. However, for lots abutting any street designated as minor collector or higher in classification, all lot lines abutting such higher order streets shall be deemed front lot lines.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.

Lot, Zoning. A single tract of land located within a single block under contiguous ownership that meets the minimum requirements for a permitted use as set forth in ARTICLE 3.

Lowest Floor. The lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.

Maintenance Agreement (Forest) The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland and this Ordinance.
Manufactured Home. See Mobile Home.

Marina. A facility for the mooring, docking, or storing of 10 or more vessels on tidal navigable waters, including a commercial, noncommercial, or community facility.

Mean High Water Line. The average level of high tides at a given location.

Metropolitan Commission. The St. Mary's County Metropolitan Commission (METCOM).

Micro-brewery. A facility located in or attached to a restaurant and operated under a Class 7 Micro-brewery License pursuant to Section 2-208 of Article 2B of the Annotated Code of Maryland.

Mining. The act of exploring for or recovering stone, soil, peat, sand, gravel, limestone, coal, granite or other mineral resources from the ground for sale or for use off the property where it is recovered; does not include removal of loose, surface stone, excavation related solely to farm practices or preparation of individual building sites.

Mixed Use Development. A development project, that includes two or more types of uses.

Mobile Home Park. Any site, lot, parcel, or tract of land that is improved, used, or intended for the accommodation of mobile homes that are used for living purposes.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Mobile Home. A manufactured structure certified by the US Department of Housing and Urban Development and bearing a HUD label (or if built prior to June 15, 1976, that complies with the Standard for Mobile Homes, NFPA 501, ANSI 119.1).

Motel, Motor Court, Motor Hotel, Lodge, or Inn. The same as hotel, except it is designed to accommodate any number of guests, the building or buildings are designed primarily to serve tourists traveling by automobile, and ingress and egress to rooms need not be through a lobby or office.

Motor Vehicle. Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

Natural Features. Components and processes present in or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

Natural Ground Surface. The ground surface in its original state before grading, stripping, excavation or filling.

Natural Heritage Area. Any communities of plants or animals which are considered to be among the best statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

Natural Regeneration. The natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

Natural Vegetation. Those plant communities that develop in the absence of human activities.

Nature-Dominated. A condition where landforms or biological communities, or both, have developed by natural process in the absence of human intervention.

Net Tract Area. Except in agriculture and resource areas, the net tract area is the total area of a site, including both forested and non-forested areas, to the nearest 1/10 acre, reduced by the area found to be within the boundaries of the 100-year floodplain. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by the area found to be within the boundaries of the 100-year floodplain.

NGVD. National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level. Surveys submitted for review and Flood Elevation Certificates are required to be referenced to NGVD.
Noise-Related Terms

Sound Level. The weighted sound pressure level obtained by the use of the sound level meter and frequency weighting network, as specified in the American National Standards Institute specifications.

Sound Pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

Nonconforming Structure. A structure that was lawfully erected but which does not conform with the currently applicable requirements and standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Ordinance.

Nonconforming Use. Any use of land, buildings, or structures, lawfully existing at the time of the enactment of this Ordinance, or of any amendment hereto governing use for the zoning district in which such use is located, which does not comply with all regulations of this Ordinance or amendments.

Nonpoint Source Pollution. Pollution generated by diffuse land use activities rather than from an identifiable or discrete source or facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by “end-of-pipe treatment,” but rather, by changes in land management practices.

Non-Renewable Resources. Resources that are not naturally regenerated.

Nontidal Wetlands. Those lands in the Critical Area, excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland, where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season. These regulations apply to nontidal wetlands of 1 acre or larger classified Palustrine Aquatic Bed, Palustrine Emergent, Palustrine Forested and Palustrine Scrub-shrub as defined in "Classification of Wetlands and Deepwater Habitats of the United States" (Publication FWS/OBS - 79 / 31, December 1979) and as identified on the National Wetlands Inventory maps, or which may be identified by site survey at the time of application for a development activity to be hydrologically connected, through surface or subsurface flow, to streams, tidal wetlands, or tidal waters, or are determined to be of special importance to fish, wildlife, or plant habitat by the Maryland Natural Heritage Program, the Coastal Resources Division of the Maryland Department of Natural Resources, the Maryland Forest, Park and Wildlife Service, the county, or other appropriate agencies. These lands are usually characterized by one or both of the following: A) at least periodically, the lands support predominantly hydrophytic vegetation; B) the substrate is predominantly undrained hydric soils.

Noxious Matter. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Noxious Plants. For the purposes of this Ordinance, noxious plants include: poison ivy, poison oak, greenbrier, multiflora rose, kudzu and other plants that cause harm either because they are capable of causing harm to humans and animals by chemical reaction or are non-native invasive species which overwhelm native species and determined undesirable by the county or the state.

Nursery, Commercial and/or Gardening Supplies Sales. 1) any land used to raise or store trees, shrubs, flowers, and other plants for sale, 2) facilities for the display and sale of those items and/or of gardening supplies, and 3) accessory greenhouses, storage buildings, or customer parking areas.

Occupied. The word "occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

Odorous Matter. Any matter or material that yields an odor which most persons find to be offensive.

Offsets. Structures or actions that compensate for undesirable impacts.

Off-street Loading Facilities. A site or portion of a site located off of a public road devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Space. The space located off of a public road, designed, intended, used or required to park one passenger vehicle.
**Open Space Related Terms**

**One Hundred (100) Year Flood.** A flood which has a 1 percent chance of being equaled or exceeded in any given year.

**One Hundred Year Floodplain.** An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.

**One Hundred Year Frequency Flood.** The Base Flood, having a one chance in a hundred (one percent chance) of being equaled or exceeded in any year.

**Usable Open Space.** Outdoor areas within the development envelope open to the sky designed and accessible for outdoor living, pedestrian access, landscaping, or recreation and used by residents or tenants or the general public. Useable open space may include areas on the ground or on the tops of structures (roof, balcony, deck, patio, porch, or terrace) Useable open space does not include street rights-of-way, public or private surface easements, accessory buildings, open parking areas, driveways, access ways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, or required front or corner side yards. Also, does not include any space with a dimension of less than 10 feet in any direction or an area of less than 100 square feet. “Developed Recreational Open Space” including recreational structures designed to be consistent with the intent of this definition are included in the calculation of the area of required Useable Open Space.

**Developed Recreational Open Space.** Land or structures located within Useable Open Space and developed and dedicated for recreational activities and social or cultural activities/events, including formal or informal playing fields, paved recreational areas, miniparks, tot lots, play areas, and other areas designed and developed to accommodate a variety of recreational activities including but not limited to: fishing piers, waterfront parks, outdoor theatre/concert areas, gazebos, racquet courts, tennis courts, swimming pools, fitness trails, garden plots, playgrounds, and handball courts. The footprint of unpaved trails developed onsite within undeveloped open space may be credited toward the calculation of the area of required Developed Recreational Open Space.

**Outlot.** A piece or tract of land that remains within a subdivision but which does not meet the minimum requirements of the Ordinance for a lot and is therefore not useable as a building site.

**Outparcel.** A tract of land designated on a subdivision plat for future development, or not designated for any specific purpose, that has not been evaluated for compliance with the requirements of this Ordinance for adequate facilities or zoning requirements and is therefore not useable as a legal building site. Outparcels may be the subject of a record plat or resubdivided provided the lot(s) created meet all requirements of the Ordinance prior to plat approval.

**Palustrine.** Nontidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

**Parcel.** In the context of subdivision platting, a parcel is either a tract of land platted for a designated purpose other than as a legal building site (e.g. to meet the open space requirements of the Ordinance; to provide a well site, to provide a sewerage disposal parcel) or a tract of land that may meet zoning requirements for area, width, depth, etc., but is not intended for development due to environmental constraints, density restrictions or other legal encumbrances.

**Parcel of Land.** A contiguous legally-created lot, parcel, outlot, outparcel or residue owned and recorded as the property of the same persons, or controlled by a single entity.

**Parcel of Record.** An individual parcel of land outside the Chesapeake Bay Critical Area (CBCA) recorded separately in the land records of St. Mary’s County, Maryland as of March 15, 1978, or an individual parcel of land within the CBCA recorded separately in the land records of St. Mary’s County, Maryland as of
December 1, 1985. Only county or state road rights-of-way that existed on March 15, 1978, shall be considered parcels dividers which divide a parcel into two (2) or more parcels of record.

**Perennial Stream.** A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey or as modified by presentation of site survey or engineering data that delineates stream presence and location.

**Permit, Environmental.** A permit issued, or to be issued, by the County after approval by the Environmental Planner, authorizing work of any type in resource protection areas, sensitive areas, the Critical Area and tidal waters.

**Person.** The federal government, the State, a county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

**Phased Project.** A project developed pursuant to a subdivision or site plan, proposed to be developed in sections.

**Physiographic Features.** The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

**Pier.** Any fixed or floating pier, wharf, dock, walkway, or other similar water dependent structure constructed on or over State or private tidal wetlands for the purpose of gaining access to the navigable waters of the State.

**Planned Development or Planned Unit Development.** A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards, and may be awarded certain premiums in return for assurance of any overall quality of development, including any special feature which will be of exceptional benefit to the community as a whole and which would not otherwise be required by this Ordinance.

**Planning Director.** The Director of the St. Mary's County Department of Land Use and Growth Management or his designee.

**Plat.** As used in this Ordinance, plat shall be a map of a tract of land showing boundaries of individual properties and streets, easements and rights-of-way prepared in accordance with this Ordinance as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Port.** A facility or area established or designated by the state or local jurisdictions for purposes of water-borne commerce.

**Preexisting.** In existence prior to the effective date of a specific regulation or Ordinance.

**Premises.** A zoning lot, together with all buildings and structures thereon.

**Prime Agricultural Soils.** Soils in this category include the following: Caroline silt loam (CaB2), Chillum loam (ChA and ChBs), Faceville loam (FsB), Marr fine sandy loam (MaB2), Matapeake fine sandy loam (MmA, MmB2), Matapeake silt loam (MnA, MnB2), Sassafrass sandy loam (SaA, SaB2), Sassafrass loam (SfA, SfB2), Westphalia fine sandy loam (WeB2), and Woodstown sandy loam (WsA, WsB).

**Principal Use.** A main or primary use of land, as distinguished from an “accessory use”. More than one principal use may exist on a tract if done so completely in accordance with this Ordinance.

**Priority Funding Areas.** Areas mapped by the County based on land use, water and sewer service, and residential density in accordance with the “Smart Growth Areas” Act of 1997, Chapter 759 of the Laws of Maryland of 1997. The Smart Growth Areas are designated as “Priority Finding Areas” which are eligible areas for State funding for state programs and funding which encourages or support growth and development.

**Private Harvesting.** The cutting and removal of trees for personal use, generally restricted to clearing of fewer than 10 trees on a site.
**Private Pier.** A pier or dock that is associated with a single-family home, has berths for no more than 4 boats, and has no commercial activity occurring on site.

**Private Road.** A private access, drive or lane to more than one residence which is contained within the lot or parcel and which is not dedicated to the County.

**Project Approval.** The approval of development, other than development by a state or local government agency, in the Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, and conditional use permits; and issuance of zoning permits. The term does not include approval of building permits.

**Project.** Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this chapter.

**Property Lines.** The lines bounding a zoning lot, as defined herein.

**Pub-brewery.** A facility located in or attached to a restaurant and operated under a Class 6 Pub-brewery License pursuant to Section 2-207 or Article 2b of the Annotated Code of Maryland.

**Public right-of-way.** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

**Public Sewerage System.** Any system for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes as defined by the Comprehensive Water and Sewerage Plan that serves two or more individual lots, dwelling units, businesses, commercial or industrial establishments, and is owned or operated by an incorporated municipality, St. Mary’s County Metropolitan Commission, or an agency of St. Mary’s County, the State of Maryland, or the Federal Government.

**Public Utility.** Any transmission line or electric generating station; or water, sewer, electric, gas, telephone, and television or data cable service line.

**Public Water-Oriented Recreation.** Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

**Public Water Supply System.** A source of water supply and distribution system that includes treatment and storage facilities, serves two (2) or more individually owned lots, dwelling units, businesses, commercial or industrial establishment, and is owned and/or operated by an incorporated municipality, St. Mary’s County Metropolitan Commission, or an agency of St. Mary’s County, the State of Maryland, or the Federal Government.

**Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.

**Receiving Parcel.** A lot or parcel of land in a zoning district where permitted, on which development rights transferred from a sending parcel are used.

**Reclamation.** The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

**Recreational Vehicle.** A vehicle built on a single chassis that is 400 square feet or less at the longest horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling or camping.

**Recycling Centers.** An enclosed building where recyclable materials separated from other waste materials, including, but not limited to, scrap metals, paper, textiles, glass, and plastics, are received for the purpose of processing for upgrading, particle size reduction, volume reduction, removal of undesired materials, baling, packing, disassembly, handling, or storage. Although storage containers may be located outdoors within the property, all handling and processing occurs within the enclosed building. Conversion of materials to a final manufactured product is prohibited.

**Redevelopment.** The process of developing land which is or has been developed.

**Reforestation or Reforested.** Outside the Critical Area, reforestation means the establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual through artificial reproduction or natural regeneration that creates a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the
potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years.

Reforestation or reforested also includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2500 square feet or more of area. In the Critical Area, reforestation means replacement of trees and vegetation cleared in the Critical Area on a not less than equal area basis.

**Renewable Resource.** A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

**Residential Structure Types.**

- **Apartment Building.** A type of multi-family dwelling with a common entrance and common amenities, such as garages, yards, and utilities.

- **Dwelling Attached.** A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

- **Condominium.** A type of ownership arrangement in which an owner has legal title over a single unit in a multi-family dwelling or non-residential development and over an equal portion of the land upon which the structure stands. A condominium is not a type of structure per se, but rather a form of ownership.

- **Detached Dwelling.** A dwelling that is entirely surrounded by open space on the same lot.

- **Dwelling Unit.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. This definition does not include hotels, motels, or similar uses.

- **Efficiency Unit.** A dwelling unit consisting of 1 principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the Principal room providing such dining alcove does not exceed 125 sq. ft. in area.

- **Garden Apartment.** A type of multi-family housing. Dwelling units share a common outside access. Ownership is not a factor in this type of unit, and may be either rental or condominium.

- **Manufactured Home.** A manufactured structure for residential occupancy, lacking attached wheels, but transportable in one or more sections and conforms to all applicable safety and construction standards.

- **Residue.** An obsolete term used on subdivision plats prior to March 1, 1994 to identify land that has not been platted as a lot of record. However, given approval for access, water supply, sewage disposal and environmental zoning permits, a “residue” may be used as a legal building site. A residue may be the subject of a record plat to create additional building lots or be resubdivided provided the lot(s) created meet all requirements of the Ordinance prior to plat approval.

- **Resource Conservation Area (RCA).** An overlay classification mapped in accordance with Critical Area Law. Generally, these are areas are characterized by nature-dominated environments, such as wetlands and forests or resource utilization activities such as agriculture, forestry, fisheries activities and aquaculture.

- **Resource Protection Areas.** Those areas shown on the site analysis to be wetlands, floodplains, drainageways, mature woodlands, steep slopes, soils classified as hydric or erosion hazard areas.

- **Riparian Habitat.** A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

- **Roadside Stand.** A permanent structure used for the display and sale of locally produced agricultural and fishery products.

- **Roadside Tree.** Any tree or shrub (plant that has a woody stem or trunk) that grows all, or in part, within the right-of-way of a public road. The right-of-way of a public road is defined as that land the title to which, or an easement for which, is held by the State, county, or a municipality for use as a public road. Right-of-ways of a public road that has not been surfaced with stone, shell, concrete, brick, asphalt, or other improved surface material is exempt.
Rubbish. Any combustible or noncombustible waste materials, except garbage, including but not restricted to paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and the residue from the burning of combustible materials.

SCD. St. Mary’s County Soil Conservation District.

Scrolling. Any movement of text, pictures, or graphics, horizontally, vertically, or diagonally.

Seasonally Flooded Water Regime. A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

Sediment Control Permit. The authorization of an activity regulated under a sediment control plan as provided in the Environment Article, Title 4, Annotated Code of Maryland.

Sediment. Soils or other materials transported by wind or surface water as a product of erosion.

Seedling. An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at 2 inches above the root collar.

Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Selective Clearing. The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

Sensitive Areas. Tributary streams and their buffers, nontidal wetlands, Wetlands of Special State Concern and their Buffers, floodplains, floodways, coastal high hazard areas, hydric soils, soils with hydric inclusions, highly erodible soils, the Chesapeake Bay Critical Area, Habitat Protection Areas, Natural Heritage Areas, and forest and woodland cover.

SHA. Maryland State Highway Administration.

Shared Facilities. A water or sewerage system which serves more than one lot of land or more than one user on a single lot of land with water or sewerage systems located on the individual lots or on parcels owned in common by the users.

Shimmer. To shine with a flickering light; to glimmer.

Shopping Center. A grouping of retail business and service uses on a single site with common parking facilities.

Shoreline Erosion Hazard Area. Any shoreline that has a historical shoreline erosion of 4 to 8 feet or greater according to the Atlas of Historic Erosion Rates in Maryland, (1965, Coastal Resources Division, Tidewater Administration).

Sign, Advertising. A sign that directs attention to a business, commodity, service institution or activity, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Business. A sign that directs attention to a business, commodity, service, or other activity conducted upon the premises upon which such sign is located.

Sign, Canopy. A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning. [An illuminated architectural canopy sign (backlit awning) is an enclosed, illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the message integrated into its face.]

Sign, Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Sign, Directional or Information. A sign designating the location of a community or an institution of a public, or quasi-public nature, or a temporary event of public interest, but not including signs pertaining to real estate.

Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”.

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**Sign, Freestanding.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Sign, Gross Area of.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Sign, On Premises.** A sign located on the premises to which its message pertains.

**Sign, Outdoor Advertising.** A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises upon which such a sign is located.

**Sign, Portable or Mobile.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Sign, Temporary and Miscellaneous.** Signs as described in Section 65.2.4 are excluded from this definition.

**Sign.** 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 numeral, letter, word, model, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry which is located upon any land, or any building, or upon a window or indoors in such a manner as to attract attention from outside the building.

The flag, or emblem of any political unit, educational, charitable, religious, or similar group, or non-profit event shall not be included within the meaning of this definition.

**Abandoned Sign.** An on-premise or off-premise sign that advertises an activity, business, product, or service no longer conducted or available on the premises on which the sign is located or on the premises referred to in the off-premise business sign. A temporary sign is deemed to be abandoned when the sign has not been removed within 30 days after the event has taken place.

**Area of Sign.** The area included within the outer dimensions of a sign. For signs without a border or frame (channel or skeleton letters), the area shall be within a rectangle formed around the extreme outer limits of the sign message, including all figures and any background or color which is an integral part of the sign.

**Banner.** A sign made of flexible materials, suspended from one or two corners, including a design or logo.

**Building Sign.** A sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

**Channel Type Letters.** Individual letters or figures, illuminated or unilluminated, affixed to a building or freestanding sign structure.

**Construction Sign.** A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project.

**Directional Sign.** Any sign erected for the sole purpose of providing direction to the general public. Directional signs include but are not limited to signs that: denote the route to any city, community facility, historic place, or hospital; signs directing and regulating traffic; signs directing visitors to tourist-oriented business; notices of any utility or transmission company necessary for the direction or safety of the public; and signs, notices or symbols as to the time and place of civic meetings.

**Off-premise Sign (also "off-site").** A sign that, at any time, carries any advertisement identification, or directions not strictly related to the lawful use of the premises upon which it is located.

**Pennant or Streamer.** A sign made of flexible materials suspended from one or two corners, used in combination with other pennants and streamers to create the impression of a line.
Permanent Sign. A sign for which a sign permit is approved and issued with no time restriction.

Political Sign. Any sign which is designed to influence the action of the voters either for the passage or defeat of a measure appearing on the ballot or any national, state or local election, or which is designed to influence the action of the voters either for the election or defeat of a candidate for nomination or election to any office, whether public or private, partisan or non-partisan, at any national, state or local election.

Projecting Sign. A sign affixed to the face of a building and projecting more than 12 inches either perpendicularly or at an angle from the surface.

Real Estate Sign. Any temporary sign pertaining to the sale, exchange, lease or rental of land or buildings.

Wall Sign. Any sign posted, or painted or suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to the place of such a wall.

Significantly Eroding Areas. Areas that erode 2 feet or more per year.

Site. Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project as shown on an application.

Small Wind Energy System. A single-tower wind energy conversion system that is used to generate electricity; has a rated capacity (as defined by the manufacturer) of 100 kilowatts (kW) or less; has a total height of 85 feet or less, if located on a lot or parcel less than one acre in size; or a total height of 150 feet or less, if located on a lot or parcel one acre in size or greater, including the tower and blades; and consists of a wind turbine, tower, base and associated control or conversion electronics.

Small Wind Energy System Tower: A monopole, lattice, or guy-wired structure that supports a wind generator.

Soil Conservation and Water Quality Plans. Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate: A) how the landowner plans to treat a farm unit; B) which best management practices the landowner plans to install to treat undesirable conditions; and C) the schedule for applying those best management practices.

Species in Need of Conservation. Those fish and wildlife whose continued existence as part of the state's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, §10-2A-06 and §4-2A-03, Annotated Code of Maryland.

Spoil Pile. The overburden and reject materials as piled or deposited during surface mining.

Stabilization. The prevention by any of various vegetative and/or structural means of soil movement.

Stable, Commercial. Any stable for the housing of horses or mules, operated for remuneration, hire, sale, or stabling, or any stable, not related to the ordinary operation of a farm.

Stable, Private. An accessory building, not related to the ordinary operation of a farm, for the housing of horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

Start of Construction. The date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within 365 days of permit issuance. The actual start of construction is the placement of slab or footings, piles, columns, or actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

Static. A display that is fixed in one position with no motion of the display being in motion or changing in color or light intensity.

Steep Slope. A slope of over fifteen percent (15%) grade or greater incline, which is characterized by increased runoff, erosion and sediment hazards for slopes exceeding Class B soil capability as defined by the Soil Conservation Service Field Office Technical Guide.
Stormwater Management. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Story. Part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

Stream Buffer. All lands lying within a measured distance from the top of each normal bank of a perennial or intermittent stream, intended to protect the stream, its water quality and habitat.

Street. A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however otherwise designated, but does not include driveways to buildings.

Structure. Anything constructed or erected, other than a fence or retaining wall, which requires location on the ground or if attached to something having a location on the ground, including but not limited to advertising boards, posterboards, mobile homes, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.

Structured Parking. A structure, the principal purpose of which is the short-term parking of vehicles to serve an adjacent use.

Subdivision, Farmstead. Subdivisions in which all lots are fifteen (15) acres or larger.

Subdivision, Major. Any subdivision containing eight (8) lots or more.

Subdivision, Minor. The division of a parcel or lot of record which creates one (1) to seven (7) lots.

Subdivision. Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development provided that this definition of a subdivision shall not include a bona fide division or partition of agricultural land not for development purposes.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.

Tidal Floodplains. Consist of areas subject to coastal or tidal flooding by the 100-year flood. These areas are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.

Tidally-Influenced Non-Tidal Wetlands. All state and private non-tidal wetlands that are influenced and affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries.

Tidal Wetlands. All state and private wetlands, marshes, submerged aquatic vegetation, lands and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries. Tidal wetland boundaries are as officially mapped and adopted by the Department of Natural Resources.

Tidal Wetland, Private. A tidal wetland, the ownership of which is demonstrated by providing proof of continuous chain of title that demonstrates conveyance by patent prior to 1862, transferred by the State by a valid lease patent or grant confirmed by Article 5 of the Maryland Declaration of rights, or tidal waters created by the excavation of upland unless conveyed to the state.
Tidal Wetland, State. A tidal wetland, the ownership of which was not conveyed by patent prior to 1862 and which has not been transferred by the State by a valid lease patent or grant confirmed by article 5 of the Maryland Declaration of rights.

Topography. The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

Townhouse. One of a group of attached, single-family dwellings that are designed as single structures, with each dwelling unit separated by firewalls, fire separations, or similar party wall. No more than two (2) dwellings units shall be contained within said separation.

Transfer of Development Rights Terms

Transfer. A transfer of development rights from a transferor parcel to a receiving parcel by instrument(s) of transfer.

Transferee. A person to whom development rights are transferred and all persons who have any lien, security interest or other interest with respect to development rights held by the transferee.

Transferor. A person who transfers development rights and all persons who have any lien, security interest or other interest with respect to development rights held by a transferor.

Transferor Parcel. A parcel of land in a RPD Rural Preservation zoning district from which development rights may be transferred. A transferor parcel may be less than all of a lot owned by an original transferor.

Transfer Station (or see also “Waste Disposal Services”). An outdoor facility or enclosed building that receives municipal solid waste and/or rubble from collection vehicles and reloads the materials into trailers or other containers for the purpose of transporting it to a processing or final disposal facility.

Transitional Habitat. A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

Transportation Facilities. Anything that is built, installed, or established to provide a means of transport from one place to another.

Transportation-Related Terms

Alley. A narrow roadway for access to an area of commercial, multi-family or industrial structures.

Arterial. A interregional road conveying traffic between growth areas. Efficient movement is the primary function of arterial roads, hence private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

Major Collector. A principal traffic artery within residential areas that may provide routes to local facilities, serves as the main entrance to a sizeable development, or a combination of developments.

Minor Collector. A street which, in addition to providing access to properties abutting thereon, carries traffic to an activity center or higher classification street. It may be a loop street or may link local and/or collector streets.

Street Direction. The direction any street or road travels the longest in distance (i.e. north-south or east-west).

Tree. A branched woody plant having one or several self-supporting stems or trunks that reaches a height of at least 20 feet at maturity. Seedlings, whips, and immature trees, which are part of successional forests, are provided the same protection as mature trees. For purposes of afforestation and reforestation, a six foot tall, one and one half inch caliper tree provides mitigation equivalent to four hundred square feet.

Tributary Streams. Those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.

Understory Tree. A tree that, when mature, reaches a height of twelve to thirty five feet.

Use of Property. The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
Utility. A public corporation, company or special district organized to provide a service to the subdivision.

As used herein, "utility" shall include, but not be limited to, electric, gas or telephone companies and water and sanitation districts.

Variance. A modification only of density, bulk, or area requirements of this Ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship in the Chesapeake Bay Critical Area or practical difficulty in other areas of the County.

Vehicle. Every device, including major parts thereof, in, on, or by which any person or property is or may be transported or drawn on a thoroughfare, except devices moved by human or animal power, or devices used exclusively on stationary rails or tracks.

Vested Right. A right, consistent with Maryland law vested in and flowing from an existing zoning use and protected against a subsequent change in the zoning Ordinance or subdivision regulations prohibiting or limiting that use, for which the owner has (1) obtained a building permit or occupancy certificate where required by the applicable Ordinance; and (2) commenced work under that permit or certificate to exercise it on the land involved so that the neighborhood may be advised that the land is being developed for that use. (VR)

Veterinary Hospital. A facility for the medical examination and treatment of animals, licensed by State of Maryland.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Wash Plant. A facility where sand and gravel is washed during processing.

Waste. Ashes, discarded wood, abandoned, discarded, or unused objects or equipment such as furniture, appliances, cans, or containers; garbage or refuse of any kind, whether liquid or solid; or any accumulation of any foul, decaying, or putrescent substances.

Water-Based Aquaculture. The raising of fish and shellfish in any natural, open, free-flowing water body.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

Water Dependent Facilities. Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline. An activity is water-dependent if it cannot exist outside the critical area buffer and is dependent on the water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities. Excluded from this regulation are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision which provides community piers.

Waterfowl. Birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Watershed. All land lying within an area which drains into a river, river system or other water course.

Wetland. Any land which is: (1) considered private tidal wetland or State tidal wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as wetland under the procedures described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" by the Federal Intergency Committee for Wetland Delineation, as amended.

Whip. An unbranched woody plant greater than 24 inches in height and having a diameter of less than 1 inch measured at 2 inches above the root collar.

Wildlife Corridor. A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

Wind Energy System. A wind energy system is the equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation,
generator, nacelle (enclosure housing the engine), rotor, tower, transformer, vane, wire, inverter, batteries, guy wire, or other component used in the system.

**Wind Generator.** A wind generator consists of the blades and associated mechanical and electrical conversion components mounted on top of the tower.

**Winery.** A facility for processing and fermenting grapes and other fruits into wine; includes the bottling, aging, storing, and shipping of wine. May include an area or separate facilities for incidental administrative office functions, incidental retail sales of wine and related promotional items, wine tasting events, promotional events incidental to the winery, and a kitchen facility for preparing and serving food at permitted events. Promotional events may include wedding receptions, private parties, and other similar events.

**Yard.** A required open space on a zoning lot within a building or structure may occupy or obstruct the space from its lowest level to the sky, except as otherwise permitted in this Ordinance. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located. Also, the area between the lot line and the building setback line.

- **Corner side yard.** A side yard on the street side of a corner lot.
- **Front Yard.** A yard extending along the full length of the front lot line of the zoning lot.
- **Rear Yard.** A yard extending along the full length of the rear lot line of the zoning lot.
- **Side Yard.** A yard extending along a side lot line measured from the front yard to the rear yard.
- **Side Yard, Corner.** A side yard which adjoins a public street
- **Side Yard, Interior.** A side yard that is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- **Transitional Yard.** That yard which must be provided on a zoning lot in a commercial zoning district which adjoins a zoning lot in a residential zoning district, or that yard which must be provided on a zoning lot in either a residential or commercial zoning district.

**Yard Sale.** A sale, open to the public, conducted from a residence for the occupant’s purpose of disposing of unwanted items from the household.

**Zoning Overlay District.** A special district that is placed over the base zoning which imposes additional restrictions which, where they are more stringent than the base zone, prevail.

**Zoning Floating Zone.** A district that is fixed on the base zoning only upon Board of County Commissioners approval of a specific development application meeting the requirement of this Ordinance.

**Zoning Permit.** A written statement or certificate issued by the Planning Director authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.
CHAPTER 91 RULES FOR MEASUREMENT

Build-to Line. The build-to line shall be measured from an exterior wall to the property line such that the accuracy of the building placement shall be within a foot, as authorized.

Building Height. The building height shall be measured from finished grade to the highest point on a flat roof or a mansard or the midpoint between the cornice and the eave on a pitched roof.

Density, Residential. The number of dwelling units divided by the gross area of the lot area reflected as a number of units per acre.

Floor Area Ratio (FAR). The gross floor area of the building or buildings on a zoning lot divided by the total area of such zoning lot. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.
Floor Area, Gross. The sum of the gross horizontal areas of all floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings but excluding areas where the floor to ceiling height is less than 6 feet. The "floor area" of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, multilevel storage racks shall be determined on the basis of height in feet, i.e., ten (10) feet in height shall equal one (1) floor.

Floor Area, Net. The Gross Floor Area minus the area of stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading, areas devoted exclusively to storage; and minus all floors below the first floor level, except when these used for human habitation or service to the public. Net floor area shall be used for calculating parking requirements.
Lot Area. The total horizontal area included within the lot lines of a site.

Lot Coverage. The total land area covered by all principal and accessory structures on a site, including projections, shall be considered in determining lot coverage except the following:

- Eaves projecting less than 2.5 feet from a building.
- Trellises and similar structures which do not have solid roofs.
- Uncovered and unenclosed decks, landings, balconies, and stairways (the portion of which is less than 30 inches above grade).

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot Width. The average horizontal distance between the side lot lines measured at right angles to the lot depth from the required front yard setback and from the required rear yard setback or from the rearmost point of the lot depth in cases where there is no rear lot line.
Lot Width = x

LOT DEPTH AND LOT WIDTH

(The diagram is illustrative)

Setbacks. The minimum distance, extending across the full width of the lot, between the property line and the nearest exterior wall or structure. Rules for setback averaging are shown in the diagrams.
Sign Area. The sign area shall be measured as the area within the smallest perimeter that will enclose all of the letters, figures or symbols that comprise the sign, but excluding essential supports. For multi-faced signs, area will be the total of all faces. Banners are regulated as signs and subject to the same rules of measurement.

MEASUREMENT OF SIGN AREA
**Sign Height.** The sign height shall be measured as the dimension determined by measuring the distance between the highest point of the actual sign face and the finished grade directly below it. Sign height shall be measured in feet.

**Banners.** Banners are regulated as signs and subject to the same rules of measurement.

**Wall area.** Wall area shall be measured by calculating the continuous uninterrupted wall area (not including windows) on the elevation where a sign is to be placed.

**Yards.** Yards include the required setbacks and open space for individual lots. No yard for one lot shall be considered a yard for another lot as well, except in planned developments. Yards shall be measured from the property line of the site or street line to the nearest exterior wall of a structure.