
1 **ARTICLE 9. DEFINITIONS AND RULES OF MEASUREMENTS**

2 **CHAPTER 90 DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

49 **Agriculture.** The use of land for the production and primary processing of food and fibers for sale,
50 including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and
51 poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the
52 operation of such accessory facilities shall be clearly secondary to normal agricultural activities.

- 1 Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control,
2 harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and
3 maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their
4 by-products.
- 5 **Amenity Space.** Useable open space that has been improved for the purpose of providing residents with an
6 enhanced recreational, social, artistic or cultural experience, including outdoor seating areas, walking paths,
7 public art, public gardens, plazas, water features or other improvements as approved by the Planning
8 Director.
- 9 **Anadromous Fish.** Fish that travel upstream from their primary habitat in the ocean to freshwater in order
10 to spawn.
- 11 **Apartment.** Multi-family dwelling units in a single structure that share common entrances and exits.
12 Ownership is not a factor in this type of unit, and may be either a rental or a condominium.
- 13 **Animation.** Any change in physical position by any movement or rotation or which gives the visual
14 impression of such movement or rotation in a sign. This includes the foreground and background of the
15 sign.
- 16 **Aquaculture.** The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in
17 lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities
18 include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals
19 and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation
20 methods include, but are not limited to, seed or larvae development and grow-out facilities, fish pens,
21 shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and
22 subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales,
23 processing and product storage facilities are not considered aquacultural practices. See also "Land Based
24 Aquaculture," "Water Based Aquaculture," and "Fisheries Activities"
- 25 **Areas of Animal Confinement.** Structures, feeding or storage and sleeping areas, and fenced in areas over
26 which animals are allowed to roam.
- 27 **Arms-Length Transfer.** A transaction between two related or affiliated parties that is conducted as if they
28 were unrelated, so that there is no question of a conflict of interest; or a transaction between two unrelated
29 parties.
- 30 **Basement.** That portion of a building having more than one-half (1/2) of its height below lot grade
31 elevation.
- 32 **Barren Land.** Unmanaged land having sparse herbaceous vegetation. Land which has lain fallow and
33 developed woody vegetation for 5 years by definition, shall be considered to be forest.
- 34 **Base Flood.** The 100-year frequency flood event as indicated in the (FEMA) Flood Insurance Study
35 February 1987 as amended, the elevation of which is used for regulatory purposes in this Ordinance.
- 36 **Base Flood Elevation.** The flood elevation of the lowest habitable floor of any building. A floor used only
37 for storage purposes is not a habitable floor, nor is an unfinished area or enclosure usable solely for
38 parking of vehicles or building access considered habitable.
- 39 **Best Management Practices (BMPs).** Conservation practices or systems of practices and management
40 measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste,
41 toxicants, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing,
42 contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally
43 vegetated filter strips, and proper nutrient application measures.
- 44 **Blinking.** To illuminate intermittently at a rate of change that is less than the allowable frequency.
- 45 **Block.** An area of land bounded by streets, or by a combination of streets and public parks, cemeteries,
46 railroad rights-of-way, shorelines of waterways, or municipal boundary lines.
- 47 **Block face.** The properties abutting on one side of a street and lying between two nearest intersecting or
48 intercepting streets, or nearest intersecting or intercepting street, unsubdivided land, watercourse, or
49 municipal boundary.

- 1 **Boarding and Rooming House.** A residential building or portion thereof, other than a motel, or hotel,
2 which contains lodging rooms which accommodate not more than 20 persons who are not members of the
3 keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly
4 basis.
- 5 **Bona-Fide Agricultural Use or Activity.** In the Critical Area agriculture means all methods of production
6 and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related
7 activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited
8 to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats,
9 hogs, horses, and poultry and handling their by-products. Outside the Critical Area agriculture means
10 farming activities including plowing, tillage, cropping, installation of best management practices, seeding,
11 cultivating, and harvesting for production of food and fiber products, the grazing and raising of livestock,
12 aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized
13 commercial enterprise. The application of odor producing fertilizers must be in compliance with applicable
14 state and county regulations.
- 15 **Buffer, Critical Area.** A naturally vegetated area or vegetated area established or managed to protect
16 aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.
- 17 **Buffer.** A strip or area of land, identified on a site plan or in a zoning ordinance, established to separate
18 one type of land use from another land use. Normally, the area is landscaped or kept in open space use.
- 19 **Buffer Management Plan.** A narrative, graphic description, or a plan of the buffer that is necessary when
20 an applicant proposes a development activity that will affect a portion of the buffer, alter buffer vegetation,
21 or require the establishment of a portion of the buffer in vegetation.
- 22 **Building, Detached.** A building surrounded by an open space on the same lot.
- 23 **Building Height.** The vertical distance measured finished grade elevation to the highest point of the
24 underside of the building beams, in the case of a flat roof; to the deck line of a mansard roof; and to the
25 mean level of the under side of rafters between the eaves and the ridge of a gable, hip, or gambrel roof.
- 26 **Building, Principal.** Any building which houses a primary or principal use of the land on which it is
27 located.
- 28 **Building Setback Line.** A line measured a distance specified by this ordinance from the front lot line
29 which no building or structure may be erected.
- 30 **Caliper.** The diameter of a tree trunk measured at 2 inches above the root collar.
- 31 **Canopy.** A roof-like structure of a permanent nature which may be freestanding or projected from a wall of
32 a building or its supports.
- 33 **Canopy Tree.** A tree that, when mature, reaches a height of at least 35 feet.
- 34 **Cemetery.** Land used for the burial of the dead, and dedicated for cemetery purposes, including
35 columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within
36 the boundary of such cemetery.
- 37 **Certificate of Occupancy.** The certificate issued by the Planning Director or designee which permits the
38 use of a building or premises in accordance with the approved plans or permits and the provisions of law
39 for the use and occupancy of the building in its several parts, together with any special stipulations or
40 conditions of the zoning permit.
- 41 **Certificate of Title (Ownership).** An official document that contains the following language: A) I/we,
42 owners of the property shown hereon, hereby adopt this site plan of [subdivision name] upon its approval
43 by all required agencies. B) I/we hereby certify that this is a plan of a portion of the property conveyed unto
44 [owner's name] by deed dated [date] from [seller's name] as recorded in the land records of St. Mary's
45 County, Maryland, in Liber [reference] at Folio [reference]. There are no suits or action at law, leases,
46 liens, mortgages or trusts affecting this site plan of [subdivision name] except as noted or shown hereon.
47 All parties in interest thereto have affixed their signatures indicating their assent to this plan. C) I/we
48 further establish the minimum building restriction lines as required by the Zoning Ordinance of St. Mary's
49 County and dedicate the streets, walkways, easements, rights of way, and other improvements, where
50 applicable, to public use.
- 51 **Champion Tree.** The largest tree of its species within the United States, the state, county, or municipality.

- 1 **"Channel"** is established as the middle two quarters of the width of navigable bodies of water, OR all
2 areas of these water bodies that are at least 200 feet from a shore.
- 3 **Child Care Center (or Day Care Centers).** Any place, home or institution which receives nine (9) or
4 more children under the age of 14 years, and not of common parentage, for care apart from their natural
5 parents, legal guardians, or custodians, when received for regular periods of time for compensation,
6 provided that this definition shall not include public or private schools organized, operated, or approved
7 under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by
8 blood or marriage within the third degree to the custodial person, or to churches or other religious or public
9 institutions caring for children within the institutional building while their parents or legal guardians are
10 attending service, activities, or meetings.
- 11 **Clearing.** The removal of trees and brush from the land not including the ordinary mowing of grass.
- 12 **Clinic - Medical or Dental.** A common building in which an organization of specializing physicians
13 and/or dentists have their offices. A clinic shall not include in-patient care (i.e., no overnight
14 accommodation of patients).
- 15 **Cluster Development.** A residential cluster development encourages and permits variations in
16 developments by allowing variation in lot size, lot dimensions, and lot coverage from that which is
17 normally required in the applicable zoning district. Dwelling units are concentrated in a selected area or
18 selected areas of the development tract in order to provide natural habitat or other open space uses
19 (including agriculture) on the remainder.
- 20 **Colonial Nesting Water Birds.** Includes herons, egrets, terns, and glossy ibis. For purposes of nesting,
21 these birds congregate or colonize in relatively few areas, at which time, the regional populations of these
22 species are highly susceptible to local disturbances.
- 23 **Color.** A specific combination of hue, saturation, and lightness or brightness; a color other than and as
24 contrasted with black, white or gray.
- 25 **COMAR.** The Code of Maryland regulations promulgated pursuant to various statutory authorities by
26 agents of the State.
- 27 **Communication Tower.** Any radio, television or communication antenna or tower for uplink, downlink,
28 relay, broadcast or reception of communication signals, but not including either mobile transmitters and
29 receivers or any such facilities with a transmission power of less than 7 watts.
- 30 **Community Noise Equivalent Level (CNEL).** A 24-hour energy equivalent level derived from a variety
31 of single-noise events, with weighting factors of 5 and 10 dB applied to the evening (7:00 to 10:00 p.m.)
32 and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise
33 during those hours. (see also Day-Night Average Sound Level)
- 34 **Community Piers.** Boat docking facilities associated with subdivisions and similar residential areas, and
35 with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from
36 this definition.
- 37 **Community Sewerage System.** Any system, whether publicly or privately owned, serving multiple lots,
38 dwelling units, businesses, commercial or industrial establishments for the collection, transportation and
39 disposal of sewage or industrial wastes of liquid nature, including various devices for the treatment of such
40 sewage and industrial wastes, as defined by the Comprehensive Water and Sewerage Plan.
- 41 **Community Water Supply.** A source of water and a distribution system, including treatment and storage
42 facilities, whether publicly or privately owned, multiple lots, dwelling units, businesses or commercial or
43 industrial developments, as defined by the Comprehensive Water and Sewerage Plan.
- 44 **Comprehensive Plan.** The Comprehensive Plan for St. Mary's County (*Quality of Life in St. Mary's*
45 *County - A Strategy for the 21st Century*), as approved by the Board of County Commissioners, including
46 any amendments or extensions.
- 47 **Comprehensive Water and Sewerage Plan.** The adopted St. Mary's County Water and Sewerage Plan.
- 48 **Conditional Use.** A specific use that would not be appropriate generally or without restriction, the granting
49 of which shall be based upon a finding by the Board of Appeals that certain conditions governing the
50 proposed conditional use as detailed in this Ordinance exist, that the use conforms to the comprehensive
51 plan and that it is compatible with the existing neighborhood.

- 1 **County Commissioners.** The Board of County Commissioners for St. Mary's County Maryland.
- 2 **County Road.** A public road or street which is part of the Highway Maintenance System of St. Mary's
3 County.
- 4 **County.** The County of St. Mary's, Maryland.
- 5 **Critical Area.** All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated
6 Code of Maryland and modification(s), if any, to these areas through inclusions or exclusions proposed by
7 the County Commissioners and approved by the Maryland Chesapeake Bay Critical Area Commission as
8 specified in said Section 8-1807.
- 9 **Critical Habitat Area.** A habitat occupied by a rare, threatened or endangered species as determined or
10 listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland, and its
11 surrounding protection area. A critical habitat area shall: A) be likely to contribute to the long-term
12 survival of the species; B) be likely to be occupied by the species for the foreseeable future; and C)
13 constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04
14 and 10-2A-06, Annotated Code of Maryland.
- 15 **Culvert.** A drainage structure placed beneath an embankment typically with a span of less than twenty (20)
16 feet.
- 17 **Day.** Calendar day, unless otherwise specified.
- 18 **Day-Night Average Sound Level (Ldn).** The A-weighted average sound level in decibels during a 24-
19 hour period with a 10 dB weighting applied to nighttime sound levels (10 p.m. to 7 a.m.). This exposure
20 method is similar to the CNEL, but deletes the evening time period (7 p.m. to 10 p.m.) as a separate factor.
- 21 **Diameter at Breast height DBH** Standard measure of tree size measured at 4'-6" above grade.
- 22 **Declaration of Intent (DOI).** A signed and notarized statement by a landowner or the landowner's legally
23 authorized agent certifying that the activity on the landowner's property is:
- 24
- 25 1. exempted under this Ordinance or Natural Resources Article, §§5-103 and 5-1601--5-1612,
26 Annotated Code of Maryland,
- 27 2. does not circumvent the requirements of this Ordinance or Natural Resources Article, §§5-103 and
28 5-1601--5-1612, Annotated Code of Maryland, and
- 29 3. does not conflict with the purposes of any other declaration of intent. A DOI is required under the
30 Code of Maryland Regulation (COMAR).
- 31 **Demolition by Neglect.** A condition where the principal structure of a historic resource has become unsafe
32 as a result of 1) the deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so
33 as to create or permit a hazardous or unsafe condition to exist, or 2) the deterioration of the foundations,
34 exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of
35 interior features which will or could result in permanent damage, injury, or loss of or loss to foundations,
36 exterior walls, roofs, chimneys, doors, or windows.
- 37 **Density.** The allowable, proposed or existing number of dwelling units per acre within a defined and
38 measurable area.
- 39 **Department.** St Mary's County Department of Land Use and Growth Management.
- 40 **Develop Land.** To change the runoff characteristics of a parcel of land in conjunction with residential,
41 industrial, commercial, or institutional construction or alteration.
- 42 **Developable Land.** Land that is unconstrained by such conditions as steep slopes, floodplains, or adverse
43 soil or water conditions that preclude development, and that does not have a significant environmental
44 resource identified such as wetland or critical riparian habitats.
- 45 **Developed Woodland.** Those area of 1 acre or more in size that predominately contain trees and natural
46 vegetation and which also include residential, commercial or industrial structures or uses. On individual
47 lots or parcels of less than 1 acre, individual trees, woody vegetation, as well as natural vegetation and
48 forests contribute to the developed woodland coverage for the larger vicinity and shall be subject to the
49 provisions of this Ordinance.

1 **Developer.** A person with freehold, possessory or contractual interest in land proposed for development.
2 See also “Subdivider.”

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

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

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

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

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

24 **District.** Any section of the unincorporated territory of St. Mary's County within which the zoning
25 regulations are uniform.

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

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

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

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

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

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

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

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

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

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

49 **Electronic Changeable Copy Sign.** An on-premise sign displaying a message, which may be changed
50 every ten seconds by electronic controls.

12/31/13

- 1 **Enclosed Storage.** A building with walls on all sides, where items are stored for a fee.
- 2 **Equestrian Activity.** The care, breeding, boarding, rental, riding or training of horses or the teaching of
3 equestrian skills.
- 4 **Equestrian Event.** A competition, exhibition, or other display of equestrian skills.
- 5 **Equestrian Facility.** Any building, structure, or land area that is used for an equestrian activity or event.
- 6 **Excavation.** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or
7 relocated including the conditions resulting therefrom.
- 8 **Exterior Features.** The architectural style, design, and general arrangement of the exterior of a historic
9 resource, including the color, nature, and texture of building materials, and the type and style of all
10 windows, doors, light fixtures, signs, or other similar items found on, or related to, the exterior of a historic
11 resource.
- 10/02/12 12 **Family Day Care .** A private residence where a maximum of twelve (12) children receive care and
13 supervision for periods of less than 24 hours per day.
- 14 **Family.** One or more persons occupying a dwelling unit and using common cooking facilities, provided
15 that unless all members are related by blood or marriage, or legal adoption, no such shall contain more than
16 four (4) non-related persons. Family members related by blood or marriage shall be a father, mother, son,
17 daughter, grandfather, grandmother, grandson and granddaughter.
- 12/18/12 18 **Farm Brewery.** A facility operated under a Class 8 Farm Brewery License pursuant to §2-209 of Article
19 2B of the *Annotated Code of Maryland*.
- 20 **Farm Plan.** A "Soil Conservation and Water Quality Plan" prepared by the Soil Conservation District.
- 21 **Farmstead.** An area of 15 acres or more in single ownership which is a lot of record.
- 22 **Fence.** A barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a
23 yard or open space. It includes a wall, gate, or structure which functions to enclose an open space or yard;
24 however, a retaining wall, freestanding sign, or landscape structure is not considered a fence except for that
25 portion which functions as a fence.
- 26 **Fill.** A deposit of materials or any kind placed by artificial means.
- 27 **Fishing Vessels** Watercraft used for the commercial harvesting of finfish or shellfish.
- 28 **Flood-Plain Related Terms.**
- 29 Base Flood (Elevation)(BFE). The (flood) elevation of the lowest habitable floor of any building as
30 established in a flood elevation certificate executed by a Maryland licensed property line or land
31 surveyor. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or
32 enclosure usable solely for parking of vehicles or building access considered habitable. Where the
33 boundaries of the flood and mudflow related erosion areas having special hazards have been
34 designated as Zone A, M and/or E.
- 35 Flood Insurance Rate Map (FIRM). - Map which depicts the minimum special flood hazard area to
36 be regulated by this Ordinance (unless a Floodway Map is available).
- 37 Floodplain. Land typically adjacent to a body of water with ground surface elevations that are
38 inundated by the base flood.
- 39 Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustment to
40 structures which reduce or eliminate flood damage to real estate or improved real property, water and
41 sanitary facilities, structure and their contents.
- 42 Floodproofing Certificate. Form supplied by FEMA to certify that a building has been designed and
43 constructed to be structurally dry floodproofed to the Flood Protection Elevation.
- 44 Flood Protection Elevation (FPE). The base flood elevation plus one foot.
- 45 Floodway. The channel of a river or other watercourse and adjacent land areas that must be reserved
46 in order to discharge the base flood without cumulatively increasing the water surface elevation more
47 than a designated height.

1 Floodway Map. Map depicting floodways and special flood hazard areas which are regulated by this
2 Ordinance.

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

4 100-Year Floodplain. An area along or adjacent to a stream or body of water, except tidal waters, that
5 is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-
6 year flood.

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

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

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

17 **Forest Conservation and Management Agreement**. An agreement as stated in the Tax-Property Article,
18 §8-211, Annotated Code of Maryland.

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

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

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

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

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

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

37 **Forest Management Plan**. A plan establishing best conservation and management practices for a
38 landowner in assessment of the resource values of forested property.

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

41 **Forest Related Terms**

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

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

47 Commercial Logging or Timber Harvesting Operations. The cutting and removing of tree stems from
48 a site for commercial purposes, leaving the root mass intact.

- 1 **Forest Harvesting.** A method of removing woodland vegetation without disturbing the soil surface by
2 grubbing or digging. Except for travel over top of them, existing ground covers, stumps and root
3 mats are left intact.
- 4 **Forest Interior Dwelling Species.** Species of birds which require relatively large forested tracts in
5 order to breed successfully and as listed by the Maryland Department of Natural Resources.
- 6 **Forest Management.** The protection, manipulation, and utilization of the forest to provide multiple
7 benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.
- 8 **Forest Management Plan.** A plan establishing best conservation and management practices for a
9 landowner in assessment of the resource values of forested property.
- 10 **Forest Stand Delineation.** The methodology for evaluating the existing vegetation on a site proposed
11 for development, as provided in the St. Mary's County Forest Conservation Technical Manual.
- 12 **Forestry Operation.** Includes, but is not limited to, the propagation, raising, cultivation, and
13 production of all products derived from the practice of forestry on site, as encompassed within the
14 definition of practice forestry set forth in Md. Bus. Occ. & Prof. Code Ann. 67-101(e), as amended
15 from time to time.
- 16 **Natural Forest Vegetation.** A biological community composed of species predominately native to
17 Maryland with at least 50% of the plants comprised of canopy and understory trees, shrubs and other
18 woody plants and the remainder in herbaceous plants.
- 19 **Reforestation or Reforested.** Includes the:
- 20 1. Creation of a biological community dominated by trees and other woody plants
21 containing at least 100 live trees per acre with at least 50 percent of those trees having the
22 potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground,
23 within 7 years; or
- 24 2. Establishment of a forest according to procedures set forth in the Forest Conservation
25 Technical Manual; or
- 26 3. Landscaping of areas under an approved landscaping plan establishing a forest at least 35
27 feet wide and covering 2500 square feet or more of area.
- 28 **Timber Harvesting.** A tree cutting operation affecting 1 or more acres of forest or developed
29 woodland within a 1-year interval that disturbs 5,000 square feet or more of forest floor. Timber
30 harvesting does not include grubbing and clearing of root mass.
- 31 **Tree.** A large, branched woody plant having one or several self-supporting stems or trunks that
32 reaches a height of at least 20 feet at maturity.
- 33 **Forest Stand Delineation.** The methodology for evaluating the existing vegetation on a site proposed for
34 development, as provided in the St. Mary's County Forest Conservation Technical Manual.
- 35 **Freeboard.** An increment of elevation added to the base flood elevation to provide a factor of safety for
36 uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.
- 37 **Frequency.** The number of oscillations per second in a sound wave or an index of pitch of the resulting
38 sound.
- 39 **Frontage Zoning Lot.** The length of all the property of such zoning lot fronting on a street measured
40 between side lot lines.
- 41 **Frontage.** The length of all the property fronting on one side of a street between the two nearest
42 intersecting streets, measured along the line of the street; or if dead-ended, then all of the property abutting
43 on one side between an intersection street and dead end of the same.
- 44 **Fueling Position.** A location at which a single vehicle may be fueled from a product dispenser. The
45 number and precise location of "fueling positions" presented on any site shall be determined by Chapter 51.
- 46 **Garage Sale.** See Yard Sale.
- 47 **Garden Apartments.** See Apartments.

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

3 **Grade-Related Terms.**

4 Existing Grade. The vertical location of the existing ground surface prior to excavating or filling.

5 Finished Grade. The final grade or elevation of the ground surface conforming to the proposed
6 design.

7 Grading. Any stripping, excavating, filling, including hydraulic fill, stockpiling or any combination
8 thereof. Grading does not include plowing, disking and cultivating for lawn establishment or
9 renovation.

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

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

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

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

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

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

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

24 **Historic Resources.**

25 Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission upon
26 review and determination that the proposed alterations are compatible with existing historic
27 resources.

28 Historic Area Work Permit. A permit issued, or to be issued, by the Planning Director, authorizing
29 work on a historic resource within a designated historic district or landmark.

30 Historic District. A historic resource comprised of 2 or more properties which are significant as a
31 cohesive unit and contribute to historical, architectural, archeological, or cultural values, which has
32 been identified by the Historic Preservation Commission and duly classified pursuant to the
33 procedures of Chapter 42. A historic district includes all property within its boundaries, and may
34 overlay any zoning district, imposing regulations and restrictions in addition to the underlying
35 zoning.

36 Historic Landmark. Any individual historic resource that is significant and contributes to historical,
37 architectural, archeological, or cultural values, which has been identified by the Historic Preservation
38 Commission and duly classified pursuant to the procedures of Chapter 42.

39 Historic Resource. An area of land, building, structure, or object, or a group or combination thereof,
40 including appurtenances and environmental setting which may be significant in national, state, or
41 local history, architecture, archeology, or culture.

42 Historic Resources Conservation Plan. A plan containing architectural and design guidelines for a
43 specific historic district. A historic resources conservation plan is required for all historic districts
44 containing 10 or more historic resources.

45 **Historic Waterfowl Staging And Concentration Area.** An area of open water and adjacent marshes
46 where waterfowl gather during migration and throughout the winter season. These areas are historic in the
47 sense that their location is common knowledge and because these areas have been used regularly during
48 recent times.

- 1 **Home Occupation.** An accessory use as a personal service or profession or use customarily conducted
2 within a dwelling carried on by a member of those residing in the dwelling, which does not change the
3 residential character of the dwelling, provided that the use of the dwelling for the home occupation shall be
4 clearly incidental and subordinate to its use for residential purposes by the occupants.
- 5 **House Number.** The five digit coordinate number and street name assigned to any structure or parcel of
6 land.
- 7 **Hydric Soils.** Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby
8 influencing the species composition or growth, or both, on those soils.
- 9 **Immediate family.** A person who is either the applicant's father, mother, son, daughter, grandfather,
10 grandmother, grandson, or granddaughter.
- 11 **Impervious Material.** A material, such as clay, which does not allow the passage of water through it.
- 12 **Impervious Surfaces.** All buildings, road, parking and driveways, paving, patios, decks, sidewalks,
13 stoops, porches, steps, walkways, piers, swimming pools constructed on a lot which reduce the infiltration
14 capacity of the land or result in increased storm water runoff. Wooden decks and walkways (or portions
15 thereof) elevated above finished grade by minimum of the width of the deck and having shrub or ground
16 cover plantings beneath are considered pervious.
- 17 **In-Structure Parking.** Any parking facilities located within a building to serve other uses in that building
18 or on an elevated deck.
- 19 **Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to
20 accommodate a community of industries, providing them with all necessary facilities and services in
21 attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by
22 private developers, community organizations or government organizations.
- 23 **Infiltration.** The passage or movement of water into the soil surface.
- 24 **In-Kind Replacement.** The removal of a structure and the construction of another structure that is smaller
25 than or identical to the original structure in use, footprint area, width, and length.
- 26 **Intensely Developed Area (IDA).** An overlay classification mapped in accordance with Critical Area Law.
27 Originally, these are areas of generally 20 or more contiguous acres, or the entire upland portion of a
28 municipality within the Chesapeake Bay Critical Area (whichever is less) where residential, commercial or
29 institutional land uses predominate and where very little natural habitat occurs.
- 30 **Intermittent Stream.** A stream in which surface water is absent during a part of the year as shown on the
31 most recent 7.5 minute topographic quadrangle map published by the United States Geologic Survey or as
32 modified by presentation of site survey or engineering data that delineates stream presence and location.
- 33 **Intrafamily transfer.** A "bona fide intrafamily transfer" means a transfer to a member of the owner's
34 immediate family of a portion of the owner's property for the purpose of establishing a residence for that
35 family member.
- 36 **Invasive Species.** A type of plant that is non-native to the ecosystem under consideration and whose
37 introduction causes, or is likely to cause, economic or environmental harm or harm to human health.
- 38 **Joint Use Facilities.** Any facilities owned and maintained in common by the inhabitants of the
39 development, including, but not limited to, drives, water systems, sewer systems, parking areas, open
40 space, and developed recreation areas.
- 41 **Junk (or Salvage) Yard.** An open area where waste or scrap materials (including but not limited to scrap
42 iron and other metals, paper, rags, rubber tires, and bottles) are bought, sold, exchanged, stored, baled,
43 packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not
44 include uses established entirely within enclosed buildings.
- 45 **K Value.** The soil erodability factor in the Universal Soil Loss Equation. It is a quantitative value that is
46 experimentally determined.
- 47 **Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food
48 preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or
49 connected with a kitchen.

- 1 **Land Clearing.** Any activity that removes the vegetative ground cover.
- 2 **Land-Based Aquaculture.** The raising of fish or shellfish in any natural or man-made, enclosed or
3 impounded, water body.
- 4 **Landfills, Sanitary.** Any one of the types of landfills regulated by the Maryland Department of
5 Environment, including but not limited to municipal solid waste, industrial rubble, and land clearing debris
6 landfills.
- 7 **Landscape.** Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground
8 or in ground level-containers.
- 9 **Landscaping Plan.** A plan, showing dimensions and details for planting in or reforesting an area. A
10 Landscaping Plan may be part of a forest conservation plan.
- 11 **Landscaping, Interior.** A landscaped area or areas within the shortest line defining the perimeter or
12 exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways
13 providing access to the facility (as applied to parking and loading facilities or to similar paved areas).
- 14 **Landscaping, Perimeter.** A landscaped area adjoining and outside the shortest line defining the exterior
15 boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing
16 access to the facility (as applied to parking and loading facilities or to similar paved areas).
- 17 **Level Of Service (LOS).** A measurement of roadway use based upon a specified design capacity. Level of
18 service including the following:
- 19 LOS A represents free flow. Individual users are virtually unaffected by the presence of others in the
20 traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is
21 extremely high. The general level of comfort and convenience provided to the motorist, passenger, or
22 pedestrian is excellent.
- 23 LOS B is in the range of stable flow, but the presence of other users in the traffic stream begins to be
24 noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in
25 the freedom to maneuver within the traffic stream from LOS A. The level of comfort and
26 convenience provided is somewhat less than LOS A, because the presence of others in the traffic
27 stream begins to affect individual behavior.
- 28 LOS C is in the range of stable flow, but marks the beginning of the range of flow in which the
29 operation of individual users becomes significantly affected by interactions with others in the traffic
30 stream. The selection of speed is now affected by the presence of others, and maneuvering within the
31 traffic stream requires substantial vigilance on the part of the user. The general level of comfort and
32 convenience declines noticeably at this level.
- 33 LOS D represents high density, but stable flow. Speed and freedom to maneuver are severely
34 restricted, and the driver or pedestrian experiences a generally poor level of comfort and
35 convenience. Small increases in traffic flow will generally cause operational problems at this level.
- 36 LOS E represents operating conditions at or near capacity level. All speeds are reduced to a low but
37 relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it
38 is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such
39 maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration
40 is generally high. Operations at this level are usually unstable because small increases in flow or
41 minor perturbations within the traffic stream will cause breakdowns.
- 42 LOS F is used to define forced or breakdown flow. This condition exists wherever the amount of
43 traffic approaching a point exceeds the amount, which can traverse the point. Queues form behind
44 such locations. Operations within the queue are characterized by stop-and-go waves and are
45 extremely unstable. Vehicles may progress at reasonable speeds several hundred feet or more, then
46 be required to stop in cyclic fashion. LOS-F describes the operating conditions within the queue, as
47 well as the point of the breakdown. It should be noted, however, in many cases operating conditions
48 of vehicles or pedestrians discharged from the queue may be quite good. Nevertheless, it is the point
49 at which arrival flow exceeds discharge flow and causes a queue to form and LOS F is an appropriate
50 designation for such points.

- 1 **Limited Access Highway.** A trafficway including toll roads for through traffic, in respect to which owners
2 or occupants of abutting property or lands and other persons have no legal right of access to or from the
3 same, except at such points only and in such manner as may be determined by the public authority having
4 jurisdiction over such trafficway.
- 5 **Limited Development Area (LDA).** An overlay classification mapped in accordance with Chesapeake
6 Bay Critical Area Law. Generally, these areas are currently developed at a moderate or low intensity.
7 They contain areas of natural plant and animal habitats, and the quality of run-off from these areas has not
8 been substantially altered or polluted.
- 9 **Loading Space or Loading Berth.** A space within the main building or on the same lot which provides for
10 the standing, loading or unloading of trucks or other vehicles.
- 11 **Logo.** A trademark or company name symbol.
- 12 **Lot.** A portion of a subdivision or tract of land having frontage on a street or road which is intended for
13 development and which meets the requirements as a legal building site per this Ordinance.
- 14 **Lot Area, Gross.** The area of a horizontal plane bounded by the front, side, and rear lot lines, but not
15 including any area occupied by the waters of a duly recorded lake or river, or State tidal wetlands.
- 16 **Lot Depth.** The mean horizontal distance between the front lot line and rear lot line of a lot, measured
17 within the lot boundaries.
- 18 **Lot Line Rear.** Any boundary of a lot that is not a front lot line or a side lot line but generally running
19 parallel to opposite of a front lot line.
- 20 **Lot Line, Front.** That boundary of a lot that is along an existing or dedicated public street, or, where no
21 public street exists, is along a public way.
- 22 **Lot Line, Side.** Any boundary of a lot that is not a front lot line or a rear lot line but generally running
23 perpendicular to the front or rear lot lines.
- 24 **Lot Of Record.** A parcel of land which has been legally subdivided and recorded in the Land Records of
25 St. Mary's County, Maryland. A parcel is considered to be legally subdivided if it was created using the
26 following criteria: A) it was created prior to March 15, 1978; B) it was created by subdivision plat
27 approved by the Planning Commission or its administrative personnel; or C) it was an approved deeded
28 division as authorized by the subdivision regulations and approved by the Department of Land Use and
29 Growth Management.
- 30 **Lot Width.** The horizontal distance between the side lot lines of a lot measured at the narrowest width
31 within the first 30 feet of lot depth immediately in back of the front yard setback line.
- 32 **Lot, Corner.** A lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line
33 is defined as that lot line which contains the narrowest of all public street frontages or where no public
34 street exists, along a private right-of-way. However, for lots abutting any street designated as minor
35 collector or higher in classification, all lot lines abutting such higher order streets shall be deemed front lot
36 lines.
- 37 **Lot, Interior.** A lot other than a corner or reversed corner lot.
- 38 **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the
39 front lot line of the first lot to its rear.
- 40 **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets,
41 and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.
- 42 **Lot, Zoning.** A single tract of land located within a single block under contiguous ownership that meets the
43 minimum requirements for a permitted use as set forth in ARTICLE 3.
- 44 **Lowest Floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished enclosure
45 constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an
46 area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.
- 47 **Maintenance Agreement (Forest)** The short-term management agreement associated with afforestation or
48 reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland and
49 this Ordinance.

2/20/14

- 1 **Manufactured Home.** See Mobile Home.
- 2 **Marina.** A facility for the mooring, docking, or storing of 10 or more vessels on tidal navigable waters,
3 including a commercial, noncommercial, or community facility.
- 4 **Mean High Water Line.** The average level of high tides at a given location.
- 5 **Metropolitan Commission.** The St. Mary's County Metropolitan Commission (METCOM).
- 6 **Micro-brewery.** A facility located in or attached to a restaurant and operated under a Class 7 Micro-
7 brewery License pursuant to Section 2-208 of Article 2B of the Annotated Code of Maryland.
- 8 **Mining.** The act of exploring for or recovering stone, soil, peat, sand, gravel, limestone, coal, granite or
9 other mineral resources from the ground for sale or for use off the property where it is recovered; does not
10 include removal of loose, surface stone, excavation related solely to farm practices or preparation of
11 individual building sites.
- 12 **Mixed Use Development.** A development project, that includes two or more types of uses.
- 13 **Mobile Home Park.** Any site, lot, parcel, or tract of land that is improved, used, or intended for the
14 accommodation of mobile homes that are used for living purposes.
- 15 **Mobile Home Space.** A plot of ground within a mobile home park designed for the accommodation of one
16 mobile home.
- 17 **Mobile Home.** A manufactured structure certified by the US Department of Housing and Urban
18 Development and bearing a HUD label (or if built prior to June 15, 1976, that complies with the Standard
19 for Mobile Homes, NFPA 501, ANSI 119.1).
- 20 **Motel, Motor Court, Motor Hotel, Lodge, or Inn.** The same as hotel, except it is designed to
21 accommodate any number of guests, the building or buildings are designed primarily to serve tourists
22 traveling by automobile, and ingress and egress to rooms need not be through a lobby or office.
- 23 **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by
24 mechanical power.
- 25 **Natural Features.** Components and processes present in or produced by nature, including but not limited
26 to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas,
27 climate, floodplains, aquatic life, and wildlife.
- 28 **Natural Ground Surface.** The ground surface in its original state before grading, stripping, excavation or
29 filling.
- 30 **Natural Heritage Area.** Any communities of plants or animals which are considered to be among the best
31 statewide examples of their kind, and are designated by regulation by the Secretary of the Department of
32 Natural Resources.
- 33 **Natural Regeneration.** The natural establishment of trees and other vegetation with at least 400 woody,
34 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.
- 35 **Natural Vegetation.** Those plant communities that develop in the absence of human activities.
- 36 **Nature-Dominated.** A condition where landforms or biological communities, or both, have developed by
37 natural process in the absence of human intervention.
- 38 **Net Tract Area.** Except in agriculture and resource areas, the net tract area is the total area of a site,
39 including both forested and non-forested areas, to the nearest 1/10 acre, reduced by the area found to be
40 within the boundaries of the 100-year floodplain. In agriculture and resource areas, the part of the total
41 tract for which land use will be changed or will no longer be used for primarily agricultural activities,
42 reduced by the area found to be within the boundaries of the 100-year floodplain.
- 43 **NGVD.** National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic
44 Survey based on mean sea level. Surveys submitted for review and Flood Elevation Certificates are
45 required to be referenced to NGVD.

1 **Noise-Related Terms**

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

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

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

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

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

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

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

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

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

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

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

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

46 **Offsets.** Structures or actions that compensate for undesirable impacts.

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

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

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

3 **One Hundred Year Floodplain.** An area along or adjacent to a stream or body of water, except tidal
4 waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a
5 100-year flood.

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

8 **Open Space Related Terms**

9 Undeveloped Open Space. Land within the tract and outside of the development envelope. To the
10 extent practicable, sensitive areas and their environmental buffers, mapped green infrastructure, and
11 forest conservation easements outside of lot boundaries should be encompassed by required
12 undeveloped open space. The footprint of unpaved hiking trails developed onsite within undeveloped
13 open space are not deducted from the area of required Undeveloped Open Space.

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

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

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

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

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

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

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

49 **Parcel of Record.** An individual parcel of land outside the Chesapeake Bay Critical Area (CBCA) recorded
50 separately in the land records of St. Mary's County, Maryland as of March 15, 1978, or an individual parcel
51 of land within the CBCA recorded separately in the land records of St. Mary's County, Maryland as of

- 1 December 1, 1985. Only county or state road rights-of-way that existed on March 15, 1978, shall be
2 considered parcels dividers which divide a parcel into two (2) or more parcels of record.
- 3 **Perennial Stream.** A stream containing surface water throughout an average rainfall year, as shown on the
4 most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey or as
5 modified by presentation of site survey or engineering data that delineates stream presence and location.
- 6 **Permit, Environmental.** A permit issued, or to be issued, by the County after approval by the
7 Environmental Planner, authorizing work of any type in resource protection areas, sensitive areas, the
8 Critical Area and tidal waters.
- 9 **Person.** The federal government, the State, a county, municipal corporation, or other political subdivision
10 of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator,
11 fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation,
12 or any of their affiliates, or any other entity.
- 13 **Phased Project.** A project developed pursuant to a subdivision or site plan, proposed to be developed in
14 sections.
- 15 **Physiographic Features.** The soils, topography, land slope and aspect, and local climate that influence the
16 form and species composition of plant communities.
- 17 **Pier.** Any fixed or floating pier, wharf, dock, walkway, or other similar water dependent structure
18 constructed on or over State or private tidal wetlands for the purpose of gaining access to the navigable
19 waters of the State.
- 20 **Planned Development or Planned Unit Development.** A parcel of land or contiguous parcels of land of a
21 size sufficient to create its own environment, controlled by a single landowner or by a group of landowners
22 in common agreement as to control, to be developed as a single entity, the environment of which is
23 compatible with adjacent parcels and the intent of the zoning district or districts in which it is located; the
24 developer or developers may be granted relief from specific land use regulations and design standards, and
25 may be awarded certain premiums in return for assurance of any overall quality of development, including
26 any special feature which will be of exceptional benefit to the community as a whole and which would not
27 otherwise be required by this Ordinance.
- 28 **Planning Director.** The Director of the St. Mary's County Department of Land Use and Growth
29 Management or his designee.
- 30 **Plat.** As used in this Ordinance, plat shall be a map of a tract of land showing boundaries of individual
31 properties and streets, easements and rights-of-way prepared in accordance with this Ordinance as an
32 instrument for recording of real estate interests with the County Clerk and Recorder.
- 33 **Port.** A facility or area established or designated by the state or local jurisdictions for purposes of water-
34 borne commerce.
- 35 **Preexisting.** In existence prior to the effective date of a specific regulation or Ordinance.
- 36 **Premises.** A zoning lot, together with all buildings and structures thereon.
- 37 **Prime Agricultural Soils.** Soils in this category include the following: Caroline silt loam (CaB2),
38 Chillum loam (ChA and ChBs), Faceville loam (FsB), Marr fine sandy loam (MaB2), Matapeake fine
39 sandy loam (MmA, MmB2), Matapeake silt loam (MnA, MnB2), Sassafrass sandy loam (SaA, SaB2),
40 Sassafrass loam (SfA, SfB2), Westphalia fine sandy loam (WeB2), and Woodstown sandy loam (WsA,
41 WsB).
- 42 **Principal Use.** A main or primary use of land, as distinguished from an "accessory use". More than one
43 principal use may exist on a tract if done so completely in accordance with this Ordinance.
- 44 **Priority Funding Areas.** Areas mapped by the County based on land use, water and sewer service, and
45 residential density in accordance with the "Smart Growth Areas" Act of 1997, Chapter 759 of the Laws of
46 Maryland of 1997. The Smart Growth Areas are designated as "Priority Finding Areas" which are eligible
47 areas for State funding for state programs and funding which encourages or support growth and
48 development.
- 49 **Private Harvesting.** The cutting and removal of trees for personal use, generally restricted to clearing of
50 fewer than 10 trees on a site.

- 1 **Private Pier.** A pier or dock that is associated with a single-family home, has berths for no more than 4
2 boats, and has no commercial activity occurring on site.
- 3 **Private Road.** A private access, drive or lane to more than one residence which is contained within the lot
4 or parcel and which is not dedicated to the County.
- 5 **Project Approval.** The approval of development, other than development by a state or local government
6 agency, in the Critical Area by the appropriate local approval authority. The term includes approval of
7 subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, and
8 conditional use permits; and issuance of zoning permits. The term does not include approval of building
9 permits.
- 10 **Project.** Any proposal for new or changed use, or for new construction, alteration, or enlargement of any
11 structure, that is subject to the provisions of this chapter.
- 12 **Property Lines.** The lines bounding a zoning lot, as defined herein.
- 2/20/14 13 **Pub-brewery.** A facility located in or attached to a restaurant and operated under a Class 6 Pub-brewery
14 License pursuant to Section 2-207 or Article 2b of the Annotated Code of Maryland.
- 15 **Public right-of-way.** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is
16 owned or controlled by a governmental entity.
- 17 **Public Sewerage System** Any system for the collection, transportation, and disposal of sewage or
18 industrial wastes of a liquid nature, including various devices for the treatment of such sewage and
19 industrial wastes as defined by the Comprehensive Water and Sewerage Plan that serves two or more
20 individual lots, dwelling units, businesses, commercial or industrial establishments, and is owned or
21 operated by an incorporated municipality, St. Mary's County Metropolitan Commission, or an agency of
22 St. Mary's County, the State of Maryland, or the Federal Government.
- 23 **Public Utility.** Any transmission line or electric generating station; or water, sewer, electric, gas,
24 telephone, and television or data cable service line.
- 25 **Public Water - Oriented Recreation.** Shore-dependent recreation facilities or activities provided by
26 public agencies which are available to the general public.
- 27 **Public Water Supply System.** A source of water supply and distribution system that includes treatment
28 and storage facilities, serves two (2) or more individually owned lots, dwelling units, businesses,
29 commercial or industrial establishment, and is owned and/or operated by an incorporated municipality, St.
30 Mary's County Metropolitan Commission, or an agency of St. Mary's County, the State of Maryland, or the
31 Federal Government.
- 32 **Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.
- 33 **Receiving Parcel.** A lot or parcel of land in a zoning district where permitted, on which development rights
34 transferred from a sending parcel are used.
- 35 **Reclamation.** The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the
36 natural resources of adjacent areas, including water bodies.
- 37 **Recreational Vehicle.** A vehicle built on a single chassis that is 400 square feet or less at the longest
38 horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling
39 or camping.
- 40 **Recycling Centers.** An enclosed building where recyclable materials separated from other waste materials,
41 including, but not limited to, scrap metals, paper, textiles, glass, and plastics, are received for the purpose
42 of processing for upgrading, particle size reduction, volume reduction, removal of undesired materials,
43 baling, packing, disassembly, handling, or storage. Although storage containers may be located outdoors
44 within the property, all handling and processing occurs within the enclosed building. Conversion of
45 materials to a final manufactured product is prohibited.
- 46 **Redevelopment.** The process of developing land which is or has been developed.
- 47 **Reforestation or Reforested.** Outside the Critical Area, reforestation means the establishment of a forest
48 according to procedures set forth in the Forest Conservation Technical Manual through artificial
49 reproduction or natural regeneration that creates a biological community dominated by trees and other
50 woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the

1 potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years.
2 Reforestation or reforested also includes landscaping of areas under an approved landscaping plan
3 establishing a forest at least 35 feet wide and covering 2500 square feet or more of area. In the Critical
4 Area, reforestation means replacement of trees and vegetation cleared in the Critical Area on a not less than
5 equal area basis.

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

8 **Residential Structure Types.**

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

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

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

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

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

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

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

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

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

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

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

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

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

45 **Roadside Tree.** Any tree or shrub (plant that has a woody stem or trunk) that grows all, or in part, within
46 the right-of-way of a public road. The right-of-way of a public road is defined as that land the title to
47 which, or an easement for which, is held by the State, county, or a municipality for use as a public road.
48 Right-of-ways of a public road that has not been surfaced with stone, shell, concrete, brick, asphalt, or other
49 improved surface material is exempt.

- 1 **Rubbish.** Any combustible or noncombustible waste materials, except garbage, including but not restricted
2 to paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans,
3 metals, mineral matter, glass, crockery, dust, and the residue from the burning of combustible materials.
- 4 **SCD.** St. Mary's County Soil Conservation District .
- 5 **Scrolling.** Any movement of text, pictures, or graphics, horizontally, vertically, or diagonally.
- 6 **Seasonally Flooded Water Regime.** A condition where surface water is present for extended periods,
7 especially early in the growing season, and when surface water is absent, the water table is often near the
8 land surface.
- 9 **Sediment Control Permit.** The authorization of an activity regulated under a sediment control plan as
10 provided in the Environment Article, Title 4, Annotated Code of Maryland.
- 11 **Sediment.** Soils or other materials transported by wind or surface water as a product of erosion.
- 12 **Seedling.** An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2
13 inch measured at 2 inches above the root collar.
- 14 **Selection.** The removal of single, scattered, mature trees or other trees from uneven-aged stands by
15 frequent and periodic cutting operations.
- 16 **Selective Clearing.** The careful and planned removal of trees, shrubs, and plants using specific standards
17 and protection measures under an approved forest conservation plan.
- 18 **Sensitive Areas.** Tributary streams and their buffers, nontidal wetlands, Wetlands of Special State
19 Concern and their Buffers, floodplains, floodways, coastal high hazard areas, hydric soils, soils with hydric
20 inclusions, highly erodible soils, the Chesapeake Bay Critical Area, Habitat Protection Areas, Natural
21 Heritage Areas, and forest and woodland cover.
- 22 **SHA.** Maryland State Highway Administration.
- 23 **Shared Facilities.** A water or sewerage system which serves more than one lot of land or more than one
24 user on a single lot of land with water or sewerage systems located on the individual lots or on parcels
25 owned in common by the users.
- 26 **Shimmer.** To shine with a flickering light; to glimmer.
- 27 **Shopping Center.** A grouping of retail business and service uses on a single site with common parking
28 facilities.
- 29 **Shoreline Erosion Hazard Area.** Any shoreline that has a historical shoreline erosion of 4 to 8 feet or
30 greater according to the Atlas of Historic Erosion Rates in Maryland, (1965, Coastal Resources Division,
31 Tidewater Administration).
- 32 **Sign, Advertising.** A sign that directs attention to a business, commodity, service institution or activity, or
33 entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
- 34 **Sign, Building.** Any sign attached to any part of a building, as contrasted to a freestanding sign.
- 35 **Sign, Business.** A sign that directs attention to a business, commodity, service, or other activity conducted
36 upon the premises upon which such sign is located.
- 37 **Sign, Canopy.** A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an
38 awning. [An illuminated architectural canopy sign (backlit awning) is an enclosed, illuminated structure
39 that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with
40 the message integrated into its face.]
- 41 **Sign, Commercial Message.** Any sign wording, logo, or other representation that, directly or indirectly,
42 names, advertises, or calls attention to a business, product, service, or other commercial activity.
- 43 **Sign, Directional or Information.** A sign designating the location of a community or an institution of a
44 public, or quasi-public nature, or a temporary event of public interest, but not including signs pertaining to
45 real estate.
- 46 **Sign, Flashing.** Any illuminated sign on which the artificial light is not maintained stationary or constant in
47 intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving,
48 illuminated sign shall be considered a "flashing sign".

- 1 **Sign, Freestanding.** Any sign supported by structures or supports that are placed on, or anchored in, the
2 ground and that are independent from any building or other structure.
- 3 **Sign, Gross Area of.** The entire area within a single continuous perimeter enclosing the extreme limits of
4 such sign and in no case passing through or between any adjacent elements of same. However, such
5 perimeter shall not include any structural elements lying outside the limits of such sign and not forming an
6 integral part of the display.
- 7 **Sign, On Premises.** A sign located on the premises to which its message pertains.
- 8 **Sign, Outdoor Advertising.** A sign which directs attention to a business, commodity, service, entertain-
9 ment, or other activity conducted, sold or offered elsewhere than on the premises upon which such a sign is
10 located.
- 11 **Sign, Portable or Mobile.** Any sign not permanently attached to the ground or other permanent structure,
12 or a sign designed to be transported, including, but not limited to, signs designed to be transported by
13 means of wheels, signs converted to A- or T-frames; menu and sandwich board signs; balloons used as
14 signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from
15 the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- 16 **Sign, Temporary and Miscellaneous.** Signs as described in Section 65.2.4 are excluded from this
17 definition.
- 18 **Sign.** Any structure, part thereof, or device attached thereto or painted or represented thereon or any
19 material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model,
20 emblem, insignia, device, trademark or other representation used as or in the nature of an announcement,
21 advertisement, direction, or designation of any person, firm, group, organization, place, commodity,
22 product, service, business, profession, enterprise, or industry which is located upon any land, or any
23 building, or upon a window or indoors in such a manner as to attract attention from outside the building.
24 The flag, or emblem of any political unit, educational, charitable, religious, or similar group, or non-profit
25 event shall not be included within the meaning of this definition.
- 26 Abandoned Sign. An on-premise or off-premise sign that advertises an activity, business, product, or
27 service no longer conducted or available on the premises on which the sign is located or on the
28 premises referred to in the off-premise business sign. A temporary sign is deemed to be abandoned
29 when the sign has not been removed within 30 days after the event has taken place.
- 30 Area of Sign. The area included within the outer dimensions of a sign. For signs without a border or
31 frame (channel or skeleton letters), the area shall be within a rectangle formed around the extreme
32 outer limits of the sign message, including all figures and any background or color which is an
33 integral part of the sign.
- 34 Banner. A sign made of flexible materials, suspended from one or two corners, including a design or
35 logo.
- 36 Building Sign. A sign painted on or affixed to a building face, parallel to and not extending more
37 than 12 inches from the surface.
- 38 Channel Type Letters. Individual letters or figures, illuminated or unilluminated, affixed to a building
39 or freestanding sign structure.
- 40 Construction Sign. A temporary sign identifying the persons, firms or businesses directly connected
41 with a construction or development project.
- 42 Directional Sign. Any sign erected for the sole purpose of providing direction to the general public.
43 Directional signs include but are not limited to signs that: denote the route to any city, community
44 facility, historic place, or hospital; signs directing and regulating traffic; signs directing visitors to
45 tourist-oriented business; notices of any utility or transmission company necessary for the direction
46 or safety of the public; and signs, notices or symbols as to the time and place of civic meetings.
- 47 Off-premise Sign (also "off-site"). A sign that, at any time, carries any advertisement identification,
48 or directions not strictly related to the lawful use of the premises upon which it is located.
- 49 Pennant or Streamer. A sign made of flexible materials suspended from one or two corners, used in
50 combination with other pennants and streamers to create the impression of a line.

- 1 **Permanent Sign.** A sign for which a sign permit is approved and issued with no time restriction.
- 2 **Political Sign.** Any sign which is designed to influence the action of the voters either for the passage
3 or defeat of a measure appearing on the ballot or any national, state or local election, or which is
4 designed to influence the action of the voters either for the election or defeat of a candidate for
5 nomination or election to any office, whether public or private, partisan or non-partisan, at any
6 national, state or local election.
- 7 **Projecting Sign.** A sign affixed to the face of a building and projecting more than 12 inches either
8 perpendicularly or at an angle from the surface.
- 9 **Real Estate Sign.** Any temporary sign pertaining to the sale, exchange, lease or rental of land or
10 buildings.
- 11 **Wall Sign.** Any sign posted, or painted or suspended from or otherwise affixed to the wall of any
12 building or structure in an essentially flat position, or with the exposed face of the sign in a place
13 approximately parallel to the place of such a wall.
- 14 **Significantly Eroding Areas.** Areas that erode 2 feet or more per year.
- 15 **Site.** Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one
16 ownership, or are contiguous and in diverse ownership where development is to be performed as part of a
17 unit, subdivision, or project as shown on an application.
- 18 **Small Wind Energy System.** A single-tower wind energy conversion system that is used to generate
19 electricity; has a rated capacity (as defined by the manufacturer) of 100 kilowatts (kW) or less; has a total
20 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
21 or less, if located on a lot or parcel one acre in size or greater, including the tower and blades; and consists
22 of a wind turbine, tower, base and associated control or conversion electronics.
- 23 **Small Wind Energy System Tower:** A monopole, lattice, or guy-wired structure that supports a wind
24 generator.
- 25 **Soil Conservation and Water Quality Plans.** Land-use plans for farms that show farmers how to make
26 the best possible use of their soil and water resources while protecting and conserving those resources for
27 the future. It is a document containing a map and related plans that indicate: A) how the landowner plans to
28 treat a farm unit; B) which best management practices the landowner plans to install to treat undesirable
29 conditions; and C) the schedule for applying those best management practices.
- 30 **Species in Need of Conservation.** Those fish and wildlife whose continued existence as part of the state's
31 resources are in question and which may be designated by regulation by the Secretary of Natural Resources
32 as in need of conservation pursuant to the requirements of Natural Resources Article, §10-2A-06 and
33 §4-2A-03, Annotated Code of Maryland.
- 34 **Spoil Pile.** The overburden and reject materials as piled or deposited during surface mining.
- 35 **Stabilization.** The prevention by any of various vegetative and/or structural means of soil movement.
- 36 **Stable, Commercial.** Any stable for the housing of horses or mules, operated for remuneration, hire, sale,
37 or stabling, or any stable, not related to the ordinary operation of a farm.
- 38 **Stable, Private.** An accessory building, not related to the ordinary operation of a farm, for the housing of
39 horses or mules owned by a person or persons living on the premises and which horses or mules are not for
40 hire or sale.
- 41 **Start of Construction.** The date of issue of the building permit for any development, including new
42 construction and substantial improvements, provided that the actual start of the construction or
43 improvement was within 365 days of permit issuance. The actual start of construction is the placement of
44 slab or footings, piles, columns, or actual placement of a manufactured home. For substantial improvement,
45 the start of construction is the first alteration of any structural part of the building.
- 46 **Static.** A display that is fixed in one position with no motion of the display being in motion or changing in
47 color or light intensity.
- 48 **Steep Slope.** A slope of over fifteen percent (15%) grade or greater incline, which is characterized by
49 increased runoff, erosion and sediment hazards for slopes exceeding Class B soil capability as defined by
50 the Soil Conservation Service Field Office Technical Guide.

1 **Stormwater Management.** For quantitative control, a system of vegetative and structural measures that
2 control the increased volume and rate of surface runoff caused by man-made changes to the land; and for
3 qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants
4 that might otherwise be carried by surface runoff.

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

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

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

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

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

12/18/12 20 **Subdivision, Farmstead.** Subdivisions in which all lots are fifteen (15) acres or larger.

12/18/12 21 **Subdivision, Major.** Any subdivision containing eight (8) lots or more.

12/18/12 22 **Subdivision, Minor.** The division of a parcel or lot of record which creates one (1) to seven (7) lots.

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

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

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

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

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

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

47 **Tidal Wetland, Private.** A tidal wetland, the ownership of which is demonstrated by providing proof of
48 continuous chain of title that demonstrates conveyance by patent prior to 1862, transferred by the State by a
49 valid lease patent or grant confirmed by Article 5 of the Maryland Declaration of rights, or tidal waters
50 created by the excavation of upland unless conveyed to the state.

1 **Tidal Wetland, State.** A tidal wetland, the ownership of which was not conveyed by patent prior to 1862
2 and which has not been transferred by the State by a valid lease patent or grant confirmed by article 5 of the
3 Maryland Declaration of rights.

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

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

9 **Transfer of Development Rights Terms**

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

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

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

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

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

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

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

26 **Transportation-Related Terms**

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

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

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

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

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

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

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

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

46 **Use of Property.** The purpose or activity for which the land or building thereon is designed, arranged or
47 intended, or for which it is occupied or maintained.

- 1 **Utility.** A public corporation, company or special district organized to provide a service to the subdivision.
2 As used herein, "utility" shall include, but not be limited to, electric, gas or telephone companies and water
3 and sanitation districts.
- 4 **Variance.** A modification only of density, bulk, or area requirements of this Ordinance where such
5 modification will not be contrary to the public interest and where owing to conditions peculiar to the
6 property, and not the results of any action taken by the applicant, a literal enforcement of the Ordinance
7 would result in unnecessary hardship in the Chesapeake Bay Critical Area or practical difficulty in other
8 areas of the County.
- 9 **Vehicle.** Every device, including major parts thereof, in, on, or by which any person or property is or may
10 be transported or drawn on a thoroughfare, except devices moved by human or animal power, or devices
11 used exclusively on stationary rails or tracks.
- 12 **Vested Right.** A right, consistent with Maryland law vested in and flowing from an existing zoning use and
13 protected against a subsequent change in the zoning Ordinance or subdivision regulations prohibiting or
14 limiting that use, for which the owner has (1) obtained a building permit or occupancy certificate where
15 required by the applicable Ordinance; and (2) commenced work under that permit or certificate to exercise
16 it on the land involved so that the neighborhood may be advised that the land is being developed for that
17 use. (VR)
- 18 **Veterinary Hospital.** A facility for the medical examination and treatment of animals, licensed by State of
19 Maryland.
- 20 **Visible.** Capable of being seen (whether or not legible) by a person of normal height and visual acuity
21 walking or driving on a public road.
- 22 **Wash Plant.** A facility where sand and gravel is washed during processing.
- 23 **Waste.** Ashes, discarded wood, abandoned, discarded, or unused objects or equipment such as furniture,
24 appliances, cans, or containers; garbage or refuse of any kind, whether liquid or solid; or any accumulation
25 of any foul, decaying, or putrescent substances.
- 26 **Water-Based Aquaculture.** The raising of fish and shellfish in any natural, open, free-flowing water body.
- 27 **Watercourse.** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain,
28 waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation
29 by reason of overflow or flood water.
- 30 **Water Dependent Facilities.** Those structures or works associated with industrial, maritime, recreational,
31 educational or fisheries activities that require location at or near the shoreline. An activity is water-
32 dependent if it cannot exist outside the critical area buffer and is dependent on the water by reason of the
33 intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall
34 structures of power plants, water-use industries, marinas and other boat docking structures, public beaches
35 and other public water-oriented recreation areas, and fisheries activities. Excluded from this regulation are
36 individual private piers installed or maintained by riparian landowners, and which are not part of a
37 subdivision which provides community piers.
- 38 **Waterfowl.** Birds that frequent and often swim in water, nest and raise their young near water, and derive
39 at least part of their food from aquatic plants and animals.
- 40 **Watershed.** All land lying within an area which drains into a river, river system or other water course.
- 41 **Wetland.** Any land which is: (1) considered private tidal wetland or State tidal wetland pursuant to Title 9,
42 Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (2) defined as
43 wetland under the procedures described in the "Federal Manual for Identifying and Delineating
44 Jurisdictional Wetlands" by the Federal Interagency Committee for Wetland Delineation, as amended.
- 45 **Whip.** An unbranched woody plant greater than 24 inches in height and having a diameter of less than 1
46 inch measured at 2 inches above the root collar.
- 47 **Wildlife Corridor.** A strip of land having vegetation that provides habitat and a safe passageway for
48 wildlife.
- 49 **Wind Energy System.** A wind energy system is the equipment that converts and then stores or transfers
50 energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation,

1 generator, nacelle (enclosure housing the engine), rotor, tower, transformer, vane, wire, inverter, batteries,
2 guy wire, or other component used in the system.

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

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

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

15 Corner side yard. A side yard on the street side of a corner lot.

16 Front Yard. A yard extending along the full length of the front lot line of the zoning lot.

17 Rear Yard. A yard extending along the full length of the rear lot line of the zoning lot.

18 Side Yard. A yard extending along a side lot line measured from the front yard to the rear yard.

19 Side Yard, Corner. A side yard which adjoins a public street

20 Side Yard, Interior. A side yard that is located immediately adjacent to another zoning lot or to an
21 alley separating such yard from another zoning lot.

22 Transitional Yard. That yard which must be provided on a zoning lot in a commercial zoning district
23 which adjoins a zoning lot in a residential zoning district, or that yard which must be provided on a
24 zoning lot in either a residential or commercial zoning district.

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

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

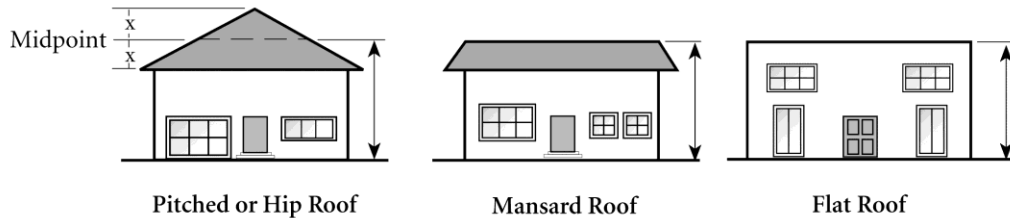
29 **Zoning Floating Zone.** A district that is fixed on the base zoning only upon Board of County
30 Commissioners approval of a specific development application meeting the requirement of this Ordinance.

31 **Zoning Permit.** A written statement or certificate issued by the Planning Director authorizing buildings,
32 structures, or uses in accordance with the provisions of this Ordinance.

1 **CHAPTER 91 RULES FOR MEASUREMENT**

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

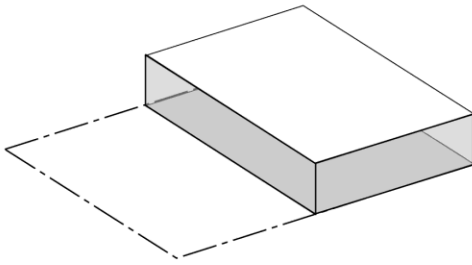
4 **Building Height.** The building height shall be measured from finished grade to the highest point on a flat roof or a
5 mansard or the midpoint between the cornice and the eave on a pitched roof.



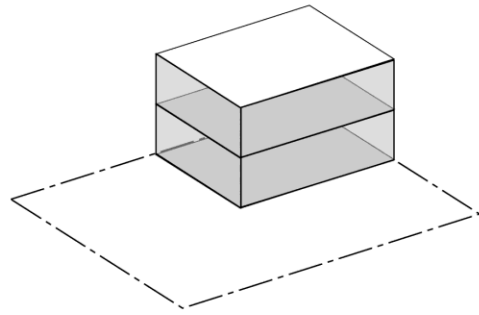
MEASURING HEIGHT - ROOF TYPES

6
7 **Density, Residential.** The number of dwelling units divided by the gross area of the lot area reflected as a number
8 of units per acre.

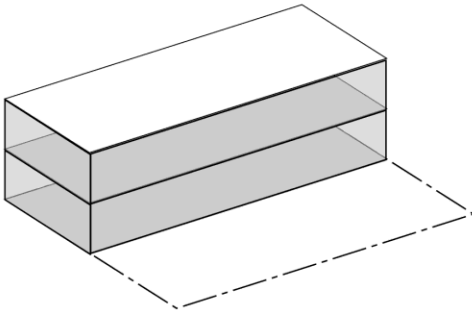
9 **Floor Area Ratio (FAR).** The gross floor area of the building or buildings on a zoning lot divided by the total area
10 of such zoning lot. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the
11 maximum floor area allowable for the building or buildings (total floor area of both principal and accessory
12 buildings) in direct ratio to the gross area of the zoning lot.



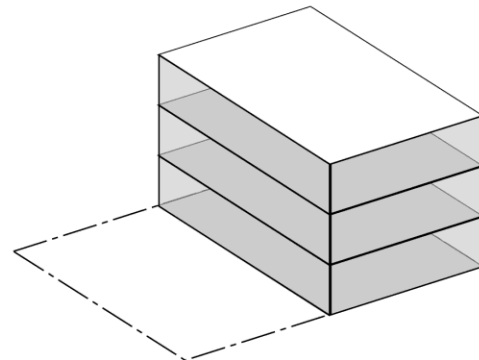
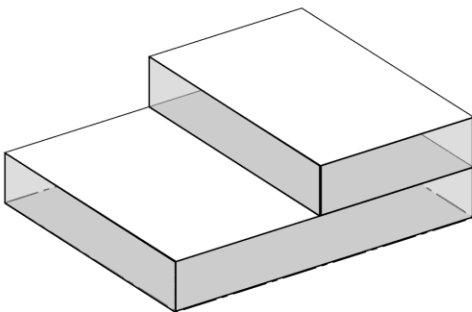
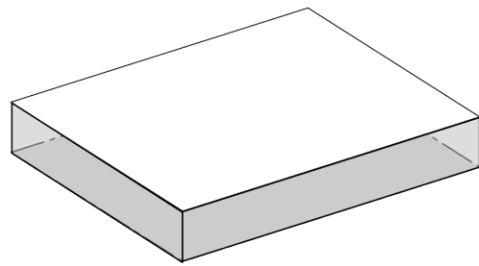
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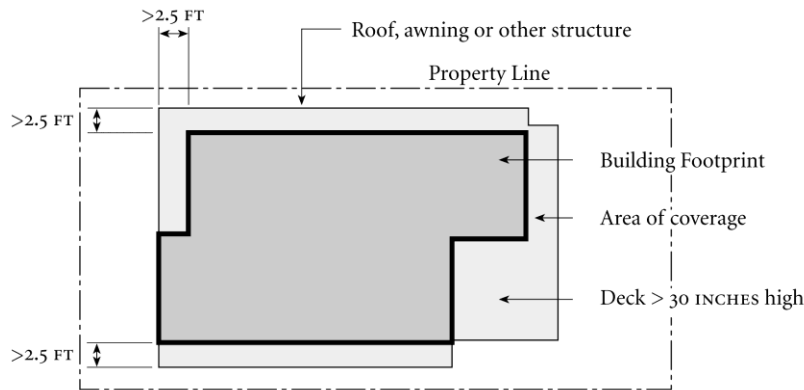
FLOOR AREA RATIO (illustrative)

1
2
3
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11

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.

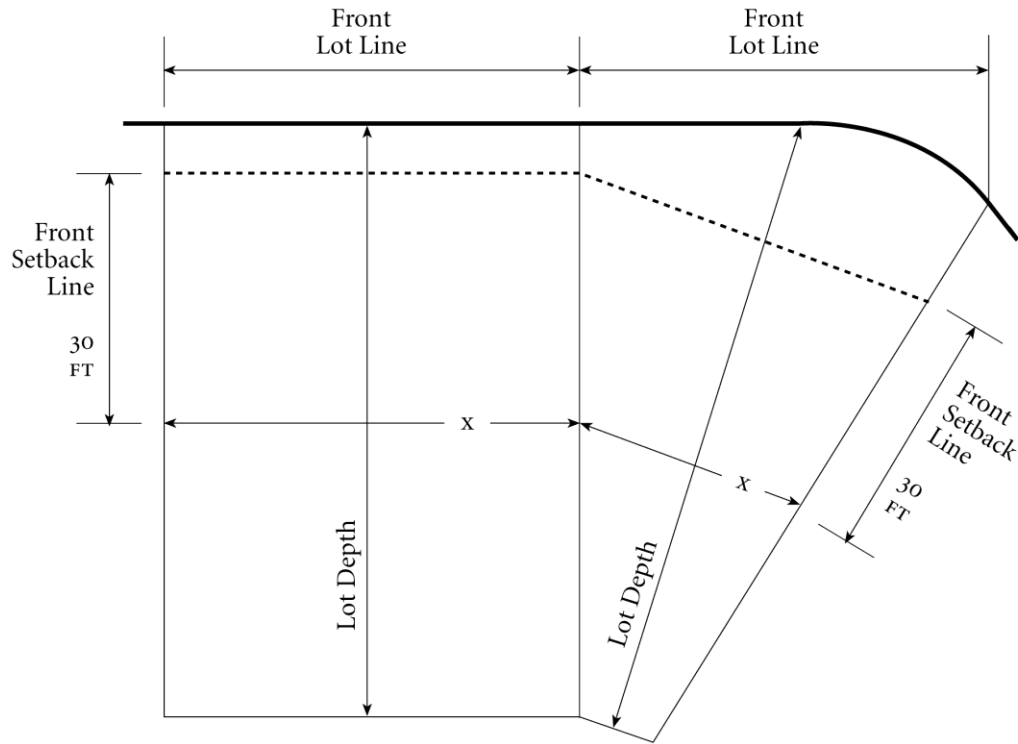
Floor Area, Net. The Gross Floor Area minus the area of stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading, areas devoted exclusively to storage; and minus all floors below the first floor level, except when these used for human habitation or service to the public. Net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

- 1 **Lot Area.** The total horizontal area included within the lot lines of a site.
2 **Lot Coverage.** The total land area covered by all principal and accessory structures on a site, including projections,
3 shall be considered in determining lot coverage except the following:
4



5 **LOT COVERAGE**

- 6 Eaves projecting less than 2.5 feet from a building.
7 Trellises and similar structures which do not have solid roofs.
8 Uncovered and unenclosed decks, landings, balconies, and stairways (the portion of which is less than 30 inches
9 above grade).
10 **Lot Depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to
11 the most distant point on any other lot line where there is no rear lot line.
12
13 **Lot Width.** The average horizontal distance between the side lot lines measured at right angles to the lot depth from
14 the required front yard setback and from the required rear yard setback or from the rearmost point of the lot depth in
15 cases where there is no rear lot line.

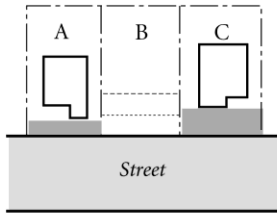


Lot Width = x

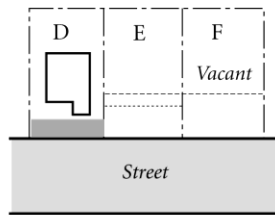
LOT DEPTH AND LOT WIDTH

(The diagram is illustrative)

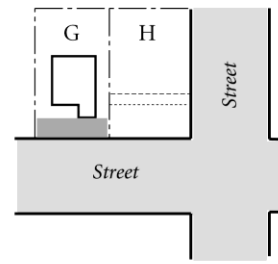
- 1
- 2 **Setbacks.** The minimum distance, extending across the full width of the lot, between the property line and the
- 3 nearest exterior wall or structure. Rules for setback averaging are shown in the diagrams.



Setback for lot B is the average of the existing setbacks for lots A and C



Setback for lot E is the average of the existing setback for lot D and the required setback for lot F.



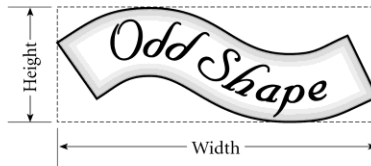
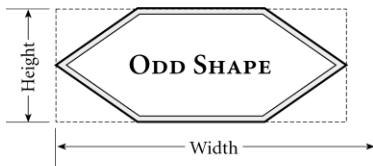
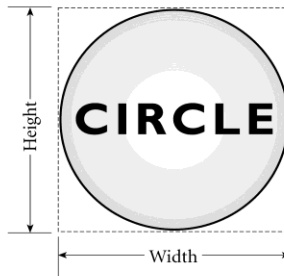
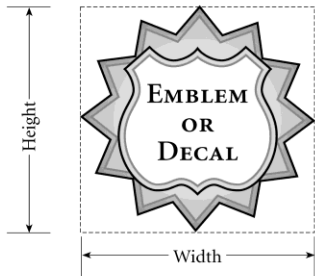
Setback for lot H is the average of the existing setback for lot G and the required setback for lot H along the same street.

- The normally required setback
- The existing setback
- The averaged setback

SETBACK AVERAGING

1
 2 **Sign Area.** The sign area shall be measured as the area within the smallest perimeter that will enclose all of the
 3 letters, figures or symbols that comprise the sign, but excluding essential supports. For multi-faced signs, area will
 4 be the total of all faces. Banners are regulated as signs and subject to the same rules of measurement.
 5 **MEASUREMENT OF SIGN AREA**

6
 7



- 1
- 2 **Sign Height.** The sign height shall be measured as the dimension determined by measuring the distance between the
- 3 highest point of the actual sign face and the finished grade directly below it. Sign height shall be measured in feet.
- 4 Banners are regulated as signs and subject to the same rules of measurement.
- 5
- 6 **Wall area.** Wall area shall be measured by calculating the continuous uninterrupted wall area (not including
- 7 windows) on the elevation where a sign is to be placed.
- 8
- 9 **Yards.** Yards include the required setbacks and open space for individual lots. No yard for one lot shall be
- 10 considered a yard for another lot as well, except in planned developments. Yards shall be measured from the
- 11 property line of the site or street line to the nearest exterior wall of a structure.