

1 **ARTICLE 5. DEFINITIONS**

2 **CHAPTER 50 DEFINITIONS**

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

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

11 **Bona-Fide Agricultural Use or Activity.** In the Critical Area agriculture means all methods of production
12 and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related
13 activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited
14 to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats,
15 hogs, horses, and poultry and handling their by-products. Outside the Critical Area agriculture means
16 farming activities including plowing, tillage, cropping, installation of best management practices, seeding,
17 cultivating, and harvesting for production of food and fiber products (except commercial logging and
18 timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards,
19 nursery, and other products cultivated as part of a recognized commercial enterprise.

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

21 **Boundary Line Adjustment Plat.** A plat which has the effect of adjusting property boundaries of parcels
22 or lots of record.

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

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

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

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

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

42 **Condominium Plat.** A plat which described the horizontal and vertical boundaries of a condominium
43 regime as required by Article 11-101 of the Real Property title of COMAR.

44 **Confirmatory Plat.** A plat that makes minor corrections to a previously recorded plat that does not
45 involve adjustment of any boundary lines or create new lots.

46 **County Commissioners.** The Board of County Commissioners for St. Mary's County Maryland.

47 **County Road.** A public road or street that is part of the Highway Maintenance System of St. Mary's
48 County.

- 1 **County.** The County of St. Mary's, Maryland.
- 2 **Critical Area.** All lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated
3 Code of Maryland and modification(s), if any, to these areas through inclusions or exclusions proposed by
4 the County Commissioners and approved by the Maryland Chesapeake Bay Critical Area Commission as
5 specified in said Section 8-1807.
- 6 **Department.** The St Mary's County Department of Land Use and Growth Management.
- 7 **Develop Land.** To change the runoff characteristics of a parcel of land in conjunction with residential,
8 industrial, commercial, or institutional construction or alteration.
- 9 **Developable Land.** Land that is unconstrained by such conditions as steep slopes, floodplains, or adverse
10 soil or water conditions that preclude development, and that does not have a significant environmental
11 resource identified such as wetland or critical riparian habitats.
- 12 **Developed Woodland.** Those area of 1 acre or more in size that predominately contain trees and natural
13 vegetation and which also include residential, commercial or industrial structures or uses. On individual
14 lots or parcels of less than 1 acre, individual trees, woody vegetation, as well as natural vegetation and
15 forests contribute to the developed woodland coverage for the larger vicinity and shall be subject to the
16 provisions of this Ordinance.
- 17 **Developer.** A person with freehold, possessory or contractual interest in land proposed for development.
- 18 **Development.** The construction or substantial alteration of open lands, or agricultural, residential,
19 commercial, industrial, institutional, or transportation facilities or structures including any man-made
20 change to improved or unimproved real estate, including, but not limited to buildings and other structures,
21 dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or
22 materials. Development includes the process of subdivision.
- 23 **Development Envelope.** The onsite area used, reserved or dedicated for any and all of the following:
24 development lots; zoning setbacks, zoning buffers; rights-of-way or easements established for roads,
25 utilities, stormwater management and on-site sewage disposal; areas of lot coverage associated with
26 structures, roads, streets, parking, sidewalks; outdoor areas within yards, parks, or landscaped green areas;
27 recreational areas; areas cleared or graded, and any additional acreage necessary to meet the development
28 requirements of this Ordinance. To the extent practicable, sensitive areas and their environmental buffers,
29 green infrastructure and forest conservation easements should be excluded from the development envelope.
- 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 **Farmstead Lot.** An area of 15 acres or more in single ownership, which is a lot of record.
- 33 **Frontage Zoning Lot.** The length of all the property of such zoning lot fronting on a street measured
34 between side lot lines.
- 35 **Immediate Family.** A person who is either the applicant's father, mother, son, daughter, grandfather,
36 grandmother, grandson, or granddaughter.
- 37 **Impervious Surfaces.** All buildings, road, parking and driveways, paving, patios, decks, sidewalks,
38 stoops, porches, steps, walkways, piers, swimming pools constructed on a lot which reduce the infiltration
39 capacity of the land or result in increased storm water runoff. Wooden decks and walkways (or portions
40 thereof) elevated above finished grade by minimum of the width of the deck and having shrub or ground
41 cover plantings beneath are considered pervious.
- 42 **Loading Space or Loading Berth.** A space within the main building or on the same lot which provides
43 for the standing, loading or unloading of trucks or other vehicles.
- 44 **Logo.** A trademark or company name symbol.
- 45 **Lot.** A portion of a subdivision or tract of land having frontage on a street or road which is intended for
46 development and which meets the requirements as a legal building site per this Ordinance.

- 1 **Lot Area, Gross.** The area of a horizontal plane bounded by the front, side, and rear lot lines, but not
2 including any area occupied by the waters of a duly recorded lake or river, or State tidal wetlands.
- 3 **Lot Depth.** The mean horizontal distance between the front lot line and rear lot line of a lot, measured
4 within the lot boundaries.
- 5 **Lot Line Rear.** Any boundary of a lot that is not a front lot line or a side lot line but generally running
6 parallel to or opposite of a front lot line.
- 7 **Lot Line, Front.** That boundary of a lot that is along an existing or dedicated public street, or, where no
8 public street exists, is along a public way.
- 9 **Lot Line, Side.** Any boundary of a lot that is not a front lot line or a rear lot line but generally running
10 perpendicular to the front or rear lot lines.
- 11 **Lot of Record.** A parcel of land which has been legally subdivided and recorded in the Land Records of
12 St. Mary's County, Maryland. A parcel is considered to be legally subdivided if it was created using the
13 following criteria: A) it was created prior to March 15, 1978; B) it was created by subdivision plat
14 approved by the Planning Commission or its administrative personnel; or C) it was an approved deeded
15 division as authorized by the subdivision regulations and approved by the Department of Planning and
16 Zoning.
- 17 **Lot Width.** The horizontal distance between the side lot lines of a lot measured at the narrowest width
18 within the first 30 feet of lot depth immediately in back of the front yard setback line.
- 19 **Lot, Corner.** A lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line
20 is defined as that lot line which contains the narrowest of all street frontages abutting a public street or
21 public/private right-of-way. However, for lots abutting any street designated as minor collector or higher in
22 classification, all lot lines abutting such higher order streets shall be deemed front lot lines.
- 23 **Lot, Interior.** A lot other than a corner or reversed corner lot.
- 24 **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the
25 front lot line of the first lot to its rear.
- 26 **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets,
27 and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.
- 28 **Lot, Zoning.** A single tract of land located within a single block under contiguous ownership that meets
29 the minimum requirements for a permitted use as set forth in the St. Mary's County Comprehensive Zoning
30 Ordinance.
- 31 **Mobile Home Park.** Any site, lot, parcel, or tract of land that is improved, used, or intended for the
32 accommodation of mobile homes that are used for living purposes.
- 33 **Net Tract Area.** Except in agriculture and resource areas, the net tract area is the total area of a site,
34 including both forested and non-forested areas, to the nearest 1/10 acre, reduced by the area found to be
35 within the boundaries of the 100-year floodplain. In agriculture and resource areas, the part of the total
36 tract for which land use will be changed or will no longer be used for primarily agricultural activities,
37 reduced by the area found to be within the boundaries of the 100-year floodplain.
- 38 **Off-Street Loading Facilities.** A site or portion of a site located off of a public road devoted to the
39 loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and
40 landscaped areas.
- 41 **Off-Street Parking Space.** The space located off of a public road, designed, intended, used or required to
42 park one passenger vehicle.
- 43 **Open Space Related Terms.** Undeveloped Open Space. Land within the tract and outside of the
44 development envelope. To the extent practicable, sensitive areas and their environmental buffers, mapped
45 green infrastructure, and forest conservation easements outside of lot boundaries should be encompassed by
46 required undeveloped open space. The footprint of unpaved hiking trails developed onsite within
47 undeveloped open space are not deducted from the area of required Undeveloped Open Space.

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

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

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

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

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

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

33 **Parcel of Record.** An individual parcel of land outside the Chesapeake Bay Critical Area (CBCA)
34 recorded separately in the land records of St. Mary's County, Maryland as of March 15, 1978, or an
35 individual parcel of land within the CBCA recorded separately in the land records of St. Mary's County,
36 Maryland as of December 1, 1985. Only County or State road rights-of-way that existed on March 15,
37 1978, shall be considered parcels dividers which divide a parcel into two (2) or more parcels of record.

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

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

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

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

- 1 **Principal Use.** A main or primary use of land, as distinguished from an “accessory use”. More than one
2 principal use may exist on a tract if done so completely in accordance with this Ordinance.
- 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 **Property Lines.** The lines bounding a zoning lot, as defined herein.
- 11 **Public Right-of-Way.** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is
12 owned or controlled by a governmental entity.
- 13 **Public Sewerage System** Any system for the collection, transportation, and disposal of sewage or
14 industrial wastes of a liquid nature, including various devices for the treatment of such sewage and
15 industrial wastes as defined by the Comprehensive Water and Sewerage Plan that serves two or more
16 individual lots, dwelling units, businesses, commercial or industrial establishments, and is owned or
17 operated by an incorporated municipality, St. Mary's County Metropolitan Commission, or an agency of
18 St. Mary's County, the State of Maryland, or the Federal Government.
- 19 **Public Water Supply System.** A source of water supply and distribution system that includes treatment
20 and storage facilities, serves two (2) or more individually owned lots, dwelling units, businesses,
21 commercial or industrial establishment, and is owned and/or operated by an incorporated municipality, St.
22 Mary's County Metropolitan Commission, or an agency of St. Mary's County, the State of Maryland, or the
23 Federal Government.
- 24 **Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.
- 25 **Receiving Parcel.** A lot or parcel of land in a zoning district where permitted, on which development
26 rights transferred from a sending parcel are used.
- 27 **Residue.** An obsolete term used on subdivision plats prior to March 1, 1994 to identify land that has not
28 been platted as a lot of record. However, given approval for access, water supply, sewage disposal and
29 environmental zoning permits, a “residue” may be used as a legal building site. A residue may be the
30 subject of a record plat to create additional building lots or be resubdivided provided the lot(s) created meet
31 all requirements of the Ordinance prior to plat approval.
- 32 **SCD.** St. Mary's County Soil Conservation District .
- 33 **SHA.** Maryland State Highway Administration.
- 34 **Shared Facilities.** A water or sewerage system which serves more than one lot of land or more than one
35 user on a single lot of land with water or sewerage systems located on the individual lots or on parcels
36 owned in common by the users.
- 37 **Site.** Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one
38 ownership, or are contiguous and in diverse ownership where development is to be performed as part of a
39 unit, subdivision, or project as shown on an application.
- 40 **Stormwater Management.** For quantitative control, a system of vegetative and structural measures that
41 control the increased volume and rate of surface runoff caused by man-made changes to the land; and for
42 qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants
43 that might otherwise be carried by surface runoff.
- 44 **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting
45 property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however
46 otherwise designated, but does not include driveways to buildings.
- 12/18/12 47 **Subdivision, Farmstead.** Subdivisions in which all lots are fifteen (15) acres or larger.

- 12/18/12 1 **Subdivision, Major.** Any subdivision containing eight (8) or more lots.
- 12/18/12 2 **Subdivision, Minor.** The division of a parcel of record or lot which creates one (1) to seven (7) lots.
- 3 **Subdivision.** Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats,
4 sites, or other division of land for the purpose, whether immediate or future, of sale or of building
5 development provided that this definition of a subdivision shall not include a bona fide division or partition
6 of agricultural land not for development purposes.
- 7 **Variance.** A modification only of density, bulk, or area requirements of this Ordinance where such
8 modification will not be contrary to the public interest and where owing to conditions peculiar to the
9 property, and not the results of any action taken by the applicant, a literal enforcement of the Ordinance
10 would result in unnecessary hardship in the Chesapeake Bay Critical Area or practical difficulty in other
11 areas of the County.
- 12 **Yard.** A required open space on a zoning lot within a building or structure may occupy or obstruct the
13 space from its lowest level to the sky, except as otherwise permitted in this Ordinance. A "yard" extends
14 along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which
15 such zoning lot is located. Also, the area between the lot line and the building setback line.
- 16 Corner side yard. A side yard on the street side of a corner lot.
- 17 Front Yard. A yard extending along the full length of the front lot line of the zoning lot.
- 18 Rear Yard. A yard extending along the full length of the rear lot line of the zoning lot.
- 19 Side Yard. A yard extending along a side lot line measured from the front yard to the rear yard.
- 20 Side Yard, Corner. A side yard which adjoins a public street
- 21 Side Yard, Interior. A side yard that is located immediately adjacent to another zoning lot or to an
22 alley separating such yard from another zoning lot.
- 23 Transitional Yard. That yard which must be provided on a zoning lot in a commercial zoning district
24 which adjoins a zoning lot in a residential zoning district, or that yard which must be provided on a
25 zoning lot in either a residential or commercial zoning district.
- 26 **Zoning Permit.** A written statement or certificate issued by the Planning Director authorizing buildings,
27 structures, or uses in accordance with the provisions of the Comprehensive Zoning Ordinance.