

**ST. MARY'S COUNTY
DEPARTMENT OF LAND USE AND GROWTH
MANAGEMENT**



FREQUENTLY ASKED QUESTIONS



St. Mary's County
Department of Land Use and Growth Management
Frequently Asked Questions

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Department of Land Use and Growth Management
Frequently Asked Questions

As part of our continuing effort to enhance customer service, we are pleased to present this series of responses to our most frequently asked questions. We intend these to be general guides which will apply in most situations. References are provided should you wish to obtain further information from the appropriate ordinance or regulation. These documents are available:

On-line at www.stmarysmd.com/Formsanddocuments.asp

In the reference section of all County Public Libraries

At the Department of Land Use and Growth Management located at
23150 Leonard Hall Drive in Leonardtown

As always our staff is available to provide additional information and assistance at
301-475-4200 ext. 71500.

Revised 4/1/2020

FREQUENTLY ASKED QUESTIONS (FAQs)

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FAQ #1: May I have unregistered vehicles on my property?

Our ordinance regulates abandoned vehicles which are defined as any motor vehicle, trailer or semi-trailer, or watercraft that

- is inoperative and left unattended, or
- has remained illegally on public or private property, or
- has remained on public or private property and does not display valid registration plates registered to that vehicle

Abandoned vehicles are to be removed from view from any public street or stored in a fully enclosed structure or approved enclosed area (CZO Section 81.2.1.b).

Related Issues

Violations may be reported (not anonymously) to the inspections division at 301-475-4200 ext. 71580.

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FAQ #2: What is the acreage requirement for a home?

There is no minimum acreage requirement for a home. Many subdivision lots of less than ¼ acre were created before the County implemented subdivision regulations in 1978. Each of these lots has a building right. However, where a septic system is required, the size of the home or the ability to obtain a building permit at all can be affected by the size of the lot. Where building restriction lines limit the footprint of a proposed dwelling, the applicant may obtain permission from the adjoining property owner(s) to reduce the required side or rear yard setback to zero. This is documented by recording a Zoning Yard Reduction Agreement (CZO Section 61.7.4.e.5). The applicant may also seek a variance from required building restriction lines.

New lots created by subdivision will need to meet current density (average lot size) requirements (CZO Schedules 32.1 and 40.5).

A density parcel restricting development on the parent parcel may be used to create a smaller subdivision lot that would otherwise have been permitted. In other words, in lieu of subdividing five acres from a parent parcel, a one acre lot could be created with a four acre density parcel reserved from future development of the parent parcel.

Related Issues:

Parcels created by deed on or after March 15, 1978 may not have a building right. Subdivision regulations effective March 15, 1978 required new lots to be approved by the Department of Planning and Zoning and subsequently recorded in the Office of Land Records. This was often not done and the resulting parcels are referred to as non-parcels-of-record which do not have a building right.

See also FAQ #8: Can I build a home on this property?

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FAQ #3: What is needed for an addition to my home?

A permit is required. The proposed construction must comply with principal structure setbacks. The required side or rear yard setback for any principal structure may be reduced to zero by recording a zoning yard reduction agreement (CZO Section 61.7.4.e.5). This agreement must be executed by adjoining property owners. The addition must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some circumstances.

A site plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the addition, existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

See Customer Assistance Guides # 1 and # 2 for application requirements and an overview of the permit approval process.

For properties outside the Critical Area served by public water and sewer, an “on-demand” permit may be issued. See Customer Assistance Guide # 3 for application requirements.

The size of a proposed addition may be limited by Critical Area regulations which restrict the area of the lot which can be covered by impervious surface (through which water can not drain). See Customer Assistance Guide # 10 for building permit application requirements in the Critical Area.

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FAQ #4: How will I get an address for my new home?

Addresses are assigned to new lots at the time the subdivision plat is recorded. You may obtain a copy of the plat at the Office of Land Records located in the Circuit Court building in Leonardtown. The Department of Land Use and Growth Management can provide the address if you know the legal description of the property including the tax map number and parcel number as well as the name of the subdivision and the lot number (if applicable), or the tax account ID number. Old lots or parcels may have never been assigned an address. In this case, an address will be assigned upon request or when a building permit is issued (CZO Section 66.4.3).

Related Issues:

Private road names may be changed by petitioning the Board of County Commissioners. The owners of at least 51% of the properties on the road must sign the petition (BOCC Resolution Z-94-15 Section 2.2.d.4.a). The Planning Director may approve a road name change if all of the owners of properties abutting the road sign the petition (CZO Section 66.3.2).

The house number of your address should be placed on your home in a visible (from the road) location. Owners of homes not visible from the road or that are more than 50 feet from the road should post their house number at the driveway entrance and on the home.

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Office of Land Records 301-475-7844 Ext 4576

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PHONE: 301-475-4200 Ext 71500, FAX: 301-475-4635, www.stmarysmd.com

Revised 5/6/2019



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FAQ #5: Do I need a permit to build a barn?

YES!

A zoning permit is required for an agricultural building. Where a principle structure exists on the property, the location of the detached structure must comply with required setbacks of 5 feet from the side and rear property lines (CZO Schedule 32.1 footnote 4) and be separated from all other structures by 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. The cumulative building coverage (footprint) may not in total occupy more than 25% of a required side or rear yard (the area between the principal structure setback line and the property line) (CZO Section 61.7.4.d). The structure must be located at least 10 feet away from a septic system/easement and at least 15 feet away from any well. Septic and well setbacks may be reduced by the Health Department in some cases. Recorded easements may further restrict the location of a barn. The permit may be “on-demand” if no plumbing is to be installed and the property is not within the Critical Area and/or the proposed soil disturbance is maximum 5,000 s.f. The Health Department may have to complete a review, and it is not guaranteed to be an on-demand review with their agency.

Related Issues:

Any electrical work is to be done by either a St. Mary's County Master Electrician or the homeowner after passing the electrical exam.

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

An accessory structure to be constructed on vacant land must comply with the principle structure setbacks (CZO Section 11.2.4.b).

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Revised
7/5/2022



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FAQ #6: How many animals may I have on my property?

Will the animal be a pet? Land Use & Growth Management does **not** regulate pets (this excludes horses, see FAQ # 18).

Animal husbandry, is an agricultural activity. Animal husbandry is primarily engaged in raising farm animals or production of animal products, such as eggs or dairy products. A permit is not required but the following standards apply; *“All areas used or intended to be used for animal raising, keeping and confinement, including corrals, pastures, pens, paddocks, and similar facilities shall be enclosed by an adequate fence or other device capable of securely containing and protecting the animals kept or confined.”* (CZO Section 51.3.3(1)). Animal husbandry is allowed in the following zones: RPD, RSC, RL-T, RL, VMX and TMX (CZO Section 51.3.3.a.1).

If there is an animal welfare situation please contact Animal Control, 301-475-8018. Please contact Soil Conservation for land erosion and water quality issues, 301-475-8402 ext. 3.

Please remember to contact your home owners association and/or review deed restrictions before purchasing an animal.

Related Issues:

Commercial enterprises such as kennels and equestrian facilities (See FAQ #18) require site plan and/or permit approval. (CZO Section 51.3.10.11, and 41).

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FAQ #7: What is the Board of Appeals?

The Board of Appeals for St. Mary's County consists of five members appointed by the County Commissioners. The Board was established in accordance with Section 4.07 of Article 66B of the Annotated Code of Maryland to perform the following functions (CZO Section 20.3.4):

- a) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made in regard to the administration or enforcement of the Zoning Ordinance
- b) To grant (or deny) a variance from the terms of the Zoning Ordinance
- c) To adopt and publish rules and regulations necessary to conduct its hearings
- d) To hear and act upon Conditional Use applications

Related Issues:

Appeal of a decision must be made (by filing an application for Board of Appeals review) within 30 days of the decision date (CZO Section 23.1.2).

A decision of the Board of Appeals may be appealed to the Circuit Court for St. Mary's County (CZO Section 23.5).

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FAQ #8: Can I build a home on this property?

Whether or not a home may be built on a particular property can only be determined by obtaining building permit approval. Several factors may limit the potential of a property and should therefore be considered before pursuing a building permit.

Dwellings are permitted in all zoning districts except in the Community Commercial (CC) or Industrial (I) districts. They are permitted only as part of a Planned Unit Development (PUD) in the Office Business Park (OBP) district (CZO Section 44.6).

Parcels created by deed on or after March 15, 1978 may not have a building right. Subdivision regulations effective March 15, 1978 required new lots to be approved by the Department of Planning and Zoning and subsequently recorded in the Office of Land Records. This was often not done and the resulting parcels are referred to as non-parcels-of-record which do not have a building right. Farmsteads (15 acres or more) are parcels of record if they contain Department of Planning and Zoning (Land Use and Growth Management) approval with the recorded deed. A parcel of less than 15 acres in size is a parcel-of-record if created prior to March 15, 1978. All deeds dating from the present to March 15, 1978 should be examined to determine when a parcel was created and if it has a building right. Copies of deeds may be obtained from the Office of Land Records. Parcels-of-record have a building right subject to building permit approval.

A lot in a recorded subdivision is considered to have a building right subject to building permit approval. Copies of subdivision plats may be obtained from the Office of Land Records.

A soil percolation (“perc”) test is required to determine if the property can support a private septic system, unless it is served by public sewer. Check with our Health Department (301-475-4321) to see if a property has been perc tested, what the results of the test were, and if the test results remain valid.

The property line setbacks (building restriction lines) determine where a dwelling could be sited. Property line setbacks are determined by the zoning district (CZO Schedule 32.1). Environmentally sensitive areas and road right-of-ways may increase these setbacks (CZO Section 32.3.2).

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Revised 5/6/2019



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FAQ #9: What Construction Codes are in effect?

International Residential Code 2018 (IRC 2018) effective March 10, 2020

International Building Code 2018 (IBC 2018) effective March 10, 2020

International Energy Conservation Code 2018 (IECC 2018) effective March 10, 2020

International Existing Building Code 2015 (IEBC 2015) effective March 10, 2020

National Electrical Code 2020 (NEC 2020) effective April 1, 2020

Maryland State Plumbing Code (2018 International Plumbing Code, 2018 International Fuel Gas Code and the Liquefied Petroleum Gas Code, NFPA 58, 2017 Edition)

Maryland State HVACR Code (2018 International Mechanical Code)

Maryland State Fire Code (2018 NFPA 1 and 101)

Maryland Accessibility Code (09.12.53)

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FAQ #10: What do I need to submit for a building permit?

Your completed permit application form.

A contract of sale or written notarized permission to apply if you are not the property owner. If you have settled on the property less than three months ago, provide a copy of your recorded deed.

If the property is not in a recorded subdivision, provide copies of all deeds reflecting ownership from the present through at least March 15, 1978. Copies of deeds may be obtained from the Office of Land Records which is located in the Circuit Court building on Courthouse Drive, one block beyond the square in Leonardtown.

Provide a site plan for the proposed construction. For other than new home construction, the plan may be hand drawn (to scale). It must accurately show the size and location of the proposed construction in relation to the existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

New home construction requires a site plan prepared by a Maryland licensed surveyor or engineer. However, when replacing an existing dwelling, a hand drawn site plan as described above may be submitted.

If the property is located within the Critical Area, additional environmental features must be shown on your site plan. See Customer Assistance Guide # 10.

Provide a floor plan showing interior room locations with each room use labeled. Dimensions are not required.

A \$20.00 application fee, in cash or by check. Please make checks payable to "Commissioners of St. Mary's County".

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FAQ #11: How long will my building permit remain valid?

Every building permit issued shall expire 24 months after its issuance. A building permit may be renewed. Work commenced or continued under a renewed building permit shall comply with the building code ordinance in effect at the time the original permit was issued or in effect at the time of renewal, whichever is less restrictive.

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FAQ #12: What fees can I expect to pay for my permit?

| | |
|---|--|
| Application fee (all permits) | \$ 20.00 |
| New home including basement/attached garage, etc. | \$.16/sq. ft. |
| New home Economic Impact Fee | \$1,740.00 For dwellings 0-1,199 sq. ft. \$1,957.00 For dwellings 1,200-2,399 sq. ft. \$2,175.00 For dwellings 2,400+ sq. ft. |
| Residential addition | \$.16/sq. ft. |
| Detached residential accessory structure | \$.03/sq. ft. |
| Private swimming pool | \$ 20.00 |
| Deck | \$.16/sq. ft. |
| Pier, bulkhead or revetment | \$ 20.00 |
| Renovation | \$ 20.00 |
| Demolition | \$ 20.00 |
| Certificate of Use and Occupancy | \$ 20.00 per dwelling unit \$ 20.00 + 5.00 per unit for Apartment/Condos \$ 20.00 per each pad for 10 or less pads for Mobile Home and RV parks \$ 20.00 + 5.00 per guest room for Hotel \$ 20.00 per Home Occupation business |
| Re-Submission Review Fee | \$ 25.00 |
| Minimum permit fee | \$ 20.00 |
| Building Permit revision fee | \$ 20.00 |
| Building Permit renewal fee | \$ 20.00 |
| Building Permit transfer fee | \$ 80.00 |
| Environmental permit review fee | \$ 30.00 |
| Engineered SWM plan review fee | \$ 30.00 |
| Other fees: | |
| Health Department review fee | \$ 21.00 to \$ 90.00 |
| Soil Conservation District review fee | \$ 35.00 to \$ 350.00 |
| Metcom Connection Fees (water & sewer) | Call 301-737-7400 |
| Entrance Permit (bond) | \$5,000.00 or \$10,000.00 |
| Building Inspection fees | Call MDIA for fees at 301-884-4547 |
| Other Inspection fees | \$ 160.00 per over lot grading inspection (per visit) \$ 160.00 per SWM Eng. Plan inspection (per plan) |

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FAQ #13: How long will it take to get my permit?

Many permits for projects outside of the Critical Area are “on-demand” and may be obtained the same day you apply. If the property is served by a well/septic, the Health Dept may have to complete a review, and it is not guaranteed to be an on-demand review with their agency. These include permits for:

- A deck, or open/screened porch
- A pool
- An attached garage, carport or breezeway
- Renovating an unfinished basement or other floor
- Renovating interior finished living space
- An addition which does not create additional living space on a septic system
- A detached accessory structure without plumbing
- Any renovation or addition on property served by public sewer
- A Charlotte Hall farmers market permit.

“Drop-off” permit applications require additional review time. These include applications for:

- Any proposed construction or disturbance within the Critical Area (60-90 days)
- A single family, two family, or accessory dwelling (30-60 days)
- Any renovation or addition which creates additional living space if the property is served by a septic system (30-60 days)
- A detached accessory structure with plumbing (30-60 days)
- A soil percolation (perc) test (scheduled by Health Department)
- Clearing your land (30-60 days)
- A home occupation permit (5 days)

Incomplete applications or changes to an application in process will extend the period for review.

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**FAQ #14: Where do I get a business license?
Do I need a home occupation permit?**

A business or traders license may be obtained from the office of the Clerk of the Circuit Court located in the courthouse building on Courthouse Drive in Leonardtown (phone: 301-475-7844 Extension 4576). However, they will require a permit from LUGM before any license can be issued. The permit may be a Certificate of Use and Occupancy or a Change of Occupant permit for a building in commercial use or a Home Occupation permit for a business to be operated from the home.

To operate a business from your home a Home Occupation permit is required. Tenants must provide written notarized permission from the property owner(s) to apply for the permit. Home occupations are allowable in all zoning districts except for the RCL, CC, I, and OBP districts (CZO Schedule 50.4.116). The area used for the home occupation may not exceed 200 square feet except in the RPD and RSC districts where it may be up to 500 square feet (CZO Section 51.3.116.a.2).

Equipment used for the home occupation is not to be visible from adjoining roadways or parcels in residential use (CZO Section 51.3.116.a.3). The home occupation may not generate noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the boundaries of the lot (CZO Section 51.3.116.a.7).

Funeral homes, motor vehicle repair, auto body work, and food and beverage sales shall not be permitted as home occupations (CZO Section 51.3.116.a.9).

The fee for a home occupation permit is \$20.00 + a \$20 Certificate of Use and Occupancy fee.

Related Issues:

If there will be customer traffic to the home, the applicant must submit a plan showing an “accessible route” to and from the “area of public accommodation” for disabled individuals. A renovation permit may be required to construct ramps or widen doorways.

Farmers’ market permits for sellers at the Charlotte Hall flea market are issued by LUGM. The permit fee is \$20.00.



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FAQ #15: Do I need a permit for a deck?

YES!

A permit is required. If the property is not located in the Critical Area, an on demand permit would be issued. A deck would need to comply with the principal structure setbacks. However, without a roof and walls, an open deck may project 6 feet into any required setback (CZO Section 61.7.4.a). A ten foot separation is required between the deck and any detached accessory structure(s) (CZO Section 51.2.4.c). It must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some cases. The Health Department may have to complete a review, and it is not guaranteed to be an on-demand review with their agency.

A plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the deck in relation to existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your plan.

Related Issues:

Footing specifications:

- The bottom of the footing must be at least 20 inches below grade. Each post hole must be nearly level at the bottom with the soil solid and undisturbed.
- The footing must be a minimum of 6 inches thick with a diameter of at least three times the width of the support post.

See Customer Assistance Guide # 4 for other construction requirements.

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**FAQ #16: Do I need a permit for a fence?
How close to the property line?**

A permit is not normally required for the installation of a fence. An environmental permit is required for a property in the Critical Area only if trees are to be removed.

There are no required setbacks from property lines for fences (CZO Section 61.7.4.a). It is advisable to be certain of your property lines by having them marked by a licensed surveyor. It is also a good idea to install a fence a short distance from property lines to avoid ownership disputes and facilitate maintenance.

Related issues:

Specific fencing requirements apply to swimming pools.
See Customer Assistance Guide #5.

Animal husbandry operations require areas of animal confinement to be adequately fenced (CZO 51.3.3.a).

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**FAQ #17: Do I need a permit for a garage or carport?
YES!**

A building permit is required for a garage or carport. If the structure is less than 600 square feet it will be exempt from building code inspections, however a building permit is required. Where a principle structure exists on the property, the location of the detached structure must comply with required setbacks of 5 feet from the side and rear property lines (CZO Schedule footnote 4) and be separated from all other structures by 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. The cumulative building coverage (footprint) may not in total occupy more than 25% of a required side or rear yard (the area between the principal structure setback line and the property line) (CZO Section 61.7.4.d). The structure must be located at least 10 feet away from a septic system/easement and at least 15 feet away from any well. Septic and well setbacks may be reduced by the Health Department in some cases. Recorded easements may further restrict the location of a garage or carport. The permit would be "on-demand" if no plumbing is to be installed and the property is not within the Critical Area. The Health Department may have to complete a review, and it is not guaranteed to be an on-demand review with their agency.

See Customer Assistance Guides # 1 and # 3 for application requirements and an overview of the permit approval process.

Related Issues:

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

An accessory structure to be constructed on vacant land must comply with the principle structure setbacks (CZO Section 11.2.4.b).

Any electrical work is to be done by a St. Mary's County Master Electrician or the homeowner after passing the electrical exam.

An attached (to the principle structure) garage must comply with principal structure setbacks (CZO Section 61.7.2).

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FAQ #18: Can I have a horse on my property?

Horses are regulated by our zoning ordinance as equestrian facilities. A permit is required.

Horses are allowed in the following zones subject to permit approval: RPD, RL-T, RL, VMX, and TMX.

Horses are not allowed in the following zones: RSC, RCL, RH, RNC, RMX, DMX, CMX, CC, I, OBP.

An equestrian facility is any building, structure or land area that is used for an equestrian activity or event.

An equestrian activity is the care, breeding, boarding, rental, riding, training of horses and the teaching of equestrian skills.

An equestrian event is the competition, exhibition or other display of equestrian skills.

An agricultural building/stable requires a zoning permit. If constructing the structure exceeds 5,000 square feet of cumulative soil disturbance it may be required to address storm water management and will be subject to forest conservation standards or an agricultural declaration of intent, if the proposed forest clearing exceeds 20,000 square feet.

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**FAQ #19: How much is the impact fee?
When is it paid?**

The development impact fee is charged as follows:

- \$1,740 for dwellings 0 - 1,199 square feet
- \$1,957 for dwellings 1,200 - 2,399 square feet
- \$2,175 for dwellings 2,400 + square feet

The impact fee is due when the building permit is issued.

Related Issues:

An impact fee is not required for the first three dwelling units on lots in a Minor Subdivision that was recorded after June 1, 2000. Created from a parcel of record or a lot of record and transferred from grandparent to grandchild or parent to child.

An impact fee is not required to replace an existing or previously existing dwelling that has previously paid an impact fee.

An impact fee is not required to replace an existing dwelling built prior to May 31, 1974.

An impact fee is not required to replace a previously existing dwelling lost to fire, accident, or natural disaster within the last three (3) years.

The impact fee will be charged for an accessory apartment.

See Ordinance 2018-20 for further information.

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FAQ #20: How do I apply for a perc test?

A soil percolation (perc) test is conducted to determine the suitability of soils for an on-site sewage disposal system (septic system). Application for a perc test is made with the Department of Land Use and Growth Management. The actual test will be administered by the St. Mary's County Health Department.

The application fee is \$348.00. In addition to the fee, the applicant must also arrange for a licensed septic installer with backhoe to be on site for the test.

Most perc tests are conducted during the wet season in late winter or early spring. However, the Health Department may test selected areas of the County at any time of the year. Contact the Health Department at 301-475-4321 to determine when a property could be tested.

Related Issues:

The perc test history and results for any property are available at the St. Mary's County Health Department. The Health Department can also determine if an older perc test remains valid.

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**FAQ #21: May I have a pier on my residential property?
What permits are required?**

One private pier securing 4 or fewer watercraft is permitted on a waterfront parcel or lot in the RPD, RCL, RL, RL-T, RNC and TMX zoning districts (CZO Schedule 50.4.113). Piers are prohibited on individual lots in a subdivision which has a community pier (CZO Section 71.9.1).

Extended property lines restrict the location of a pier (CZO Section 71.9.6). No portion of a pier or associated mooring piles shall be constructed within 25 feet of the extended property lines (CZO Section 71.9.6.h). Extended property line setbacks may be reduced by obtaining an agreement in recordable form from the adjoining property owner(s) (CZO Section 71.9.7).

Two permits are required for the construction of a pier. The first is a General Tidal Wetlands License from the Maryland Department of the Environment which is a joint state and federal approval. You may order an application by calling 410-537-3837 or you may download the application : www.mde.state.md.us/assets/document/permit/alter.pdf. The second permit is a Critical Area Environmental Permit issued by our office.

Related Issues:

A single 3' wide path is permitted for access to a pier (CZO Section 71.9.8.j). A pier may be fixed or floating with no more than six mooring piles and a maximum of four slips or boatlifts (CZO Section 51.3.113.a.1.a).

Existing piers may be repaired without a permit providing there is no replacement of pilings and no soil disturbance on the property.

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**FAQ #22: Do I need a permit for a pool?
Yes!**

A building permit is required for in ground pools. A zoning permit is required for all pools. If the property is not located in the Critical Area, an on demand permit would be issued. The Health Department may have to complete a review, and it is not guaranteed to be an on-demand review with their agency. A pool must be sited at least 10 feet from the side and rear property lines (in ground pool setbacks are measured from the water's edge). A pool may not be located within the front yard setback (CZO Section 51.3.122.a.1&4). Pools and associated decks and enclosures are prohibited in the Critical Area Buffer. Variances for these structures within the Buffer cannot be granted (CZO Section 51.3.122.a.3). A ten foot separation is required between the pool and any other structure(s) (CZO Section 51.2.4.c). It must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some cases. A pool attached to the principal structure must comply with the principal structure setbacks.

A site plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the pool in relation to existing structures, property lines, well and septic system/easement. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

Related Issues:

Detached accessory structures and other permitted obstructions may not in total occupy more than 25 % of a required side or rear yard (the principal structure setback) (CZO Section 61.7.4.d).

Specific fencing/enclosure requirements must be met for safety purposes. See Customer Assistance Guide #5.

Electrical service must be installed by a St. Mary's County Master Electrician or the homeowner after passing the "homeowners examination" administered by the St. Mary's County Board of Electrical Examiners.

The factory installed electric service wire on the pool pump is usually a no. 14 grounding type attachment cord for testing purposes which must be replaced in most cases with a flex cord not more than 3 feet in length having a copper equipment grounding conductor not smaller than no. 12 with a grounding-type attachment cord.

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FAQ #23: May I build a second home/accessory apartment on my property?

Subject to the allowable density (number of dwellings per acre) of the zoning district in which the property is located, it is sometimes possible to have an additional home as a principal structure. See CZO Schedule 32.1 for allowable densities. See also CZO schedule 40.5 for allowable densities within the Critical Area. However, financing the construction will normally require the loan or mortgage to be secured by the new home on its own lot. As a result, it would be necessary to subdivide the property.

An alternative to a second home is an accessory apartment. An accessory apartment is permitted in all zoning districts, except in the CC, I and OBP districts (CZO Schedule 50.4.108). An accessory apartment may be located either in the principal dwelling or in a detached accessory structure (CZO Section 51.3.108.a.1). If it is located in the principal dwelling, it must meet the following basic standards: 1) It shall share a common wall with the principal dwelling; 2) It shall be a minimum of 300 square feet; and 3) It shall not exceed 40 % of the gross floor area or 900 square feet, whichever is less. For the purposes of calculating the size of the accessory apartment, gross floor area shall not include an attached garage. If an accessory apartment is located in the basement, then it can consist of the entire basement.

If an accessory apartment is located in a detached accessory structure, the apartment shall not exceed 40% of the gross floor area of the accessory structure or 900 square feet, whichever is less (CZO Section 51.3.108.b.1.(c))

Accessory apartments are not subject to density limitations. You are permitted one (1) accessory apartment per legally created lot or parcel as part of the primary dwelling unit density calculation under this subsection when the apartment meets the criteria of Section 51.3.108.

As an additional provision when an accessory apartment is located within a detached accessory structure in the RCA, the perimeter of the accessory structure must be within 100 feet of the principle dwelling unit. An accessory apartment in the RCA must share the same sewage disposal system as that of the primary dwelling unit.

An owner of the lot shall occupy at least one of the dwelling units on the premises.

Related Issues:

Contact the Health Department at 301-475-4321 for well and septic system requirements.

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**FAQ #24: Do I need a permit for a shed or gazebo?
YES!**

A building permit is required for a shed or gazebo. If the structure is less than 600 square feet it will be exempt from building code inspections, however a building permit is required, per ordinance 2017-36, approved October 17, 2017 and became effective October 31, 2017.

Where a principle structure exists on the property, the location of the detached structure must comply with required setbacks of 5 feet from the side and rear property lines (CZO Schedule 32.1 footnote 4) and be separated from all other structures by 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. The cumulative building coverage (footprint) may not in total occupy more than 25% of a required side or rear yard (the area between the principal structure setback line and the property line) (CZO Section 61.7.4.d). The structure must be located at least 10 feet away from a septic system/easement and at least 15 feet away from any well. Septic and well setbacks may be reduced by the Health Department in some cases. Recorded easements may further restrict the location of a shed or gazebo. The permit would be "on-demand" if no plumbing is to be installed and the property is not within the Critical Area. The Health Department may have to complete a review, and it is not guaranteed to be an on-demand review with their agency.

Related Issues:

Any electrical work is to be done by either a St. Mary's County Master Electrician or the homeowner after passing the electrical exam.

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

An accessory structure to be constructed on vacant land must comply with the principle structure setbacks (CZO Section 11.2.4.b).

An unimpeded access way with a minimum width of 15 feet shall be provided to allow access from the front and rear of the lot (CZO Section 61.7.4.e.4).

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FAQ #25: Are mobile homes permitted?

Mobile homes are permitted in the Rural Preservation District (RPD) (CZO Schedule 50.4 Use Type 20) or in approved mobile home parks. They are also permitted in the Residential Neighborhood Conservation (RNC) district if 50% or more of the developed lots are improved with legally existing mobile homes (CZO Section 51.3.20.b).

Related Issues:

A building permit is required to install a mobile home.

A mobile home may be used as a "Temporary Residence During Construction" in the RPD, RL, RLT and RNC, RMX, VMX, TMX, DMX, and CMX zoning districts (CZO Schedule 50.4 Use Type 129) for a period of one year (CZO Section 51.3.129.a.1). Any mobile home used as a temporary residence must be removed from the site upon completion of the permanent residence.

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P.O. Box 653, Governmental Center 23150 Leonard Hall Drive, Leonardtown, MD 20650
PHONE: 301-475-4200 Ext 71500, FAX: 301-475-4635, www.stmarysmd.com

Revised 7/5/2022



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FAQ #26: DO I NEED A PERMIT TO CUT TREES?

The Saint Mary's County Zoning Ordinance provides specific regulations depending on your property zoning and size. These standards are listed below:

1. When your property is less than one half acre (.50) or 20,000 sq. ft. a permit is not required to cut trees unless you are in the critical area.
2. When your property is greater than one half acre (.50) or 20,000 sq. ft. and the trees in question are part of a forest of 10,000 sq. ft or greater a permit may be required. Refer to Customer Assistance Guide #15 or Chapter 75 of the Saint Mary's County Zoning Ordinance.
3. When your property is in the critical area, regardless of size, refer to Customer Assistance Guide #11 and Chapter 41 of the Saint Mary's County Zoning Ordinance.
4. When trees are in the public road right-of-way it is possible a permit from the Department of Natural Resources, State of Maryland may be required. Refer to the *Roadside Tree Law* at <http://www.dnr.state.md.us/forests/programapps/newrtlw.asp>

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FAQ #27: Do I need a permit to restore hurricane damage on my property?

Removal of fallen or damaged trees - No Permit required, however soil disturbance should be kept to a minimum and stabilized with seed and straw to prevent erosion as soon as possible.

Repair of damaged structures – No Permit required for non-structural repairs such as patching holes, replacing doors or windows, replacing siding or roof shingles. Structural repairs can be made without a permit, on an emergency basis, but an “after-the-fact” Renovation Permit should be obtained to allow for appropriate structural inspections.

Replacement of damaged structures – Building Permit is required to replace a damaged structure including decks, porches, garages, houses, piers, revetments and bulkheads. However, the St. Mary's County Board of County Commissioners adopted Resolution No. 97-40, which grants an exemption from paying County building permit fees for the “replacement of structures damaged or destroyed by accident or disaster, to the extent that such construction is not in excess of the area of the original structure”.

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St. Mary's County
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FAQ #28: Do I need a sprinkler system for my residential home?

R313.2 One and two-family dwellings automatic fire systems:

Yes, an automatic residential fire sprinkler system is required in one and two family dwellings (including mobile homes and modular homes), for which a building permit was applied for after June 30, 2015.

Exceptions: An automatic residential fire sprinkler system shall not be required for;

1. Additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.
2. One and two family dwellings that are on property not connected to an electrical utility.
3. Used (pre-owned) mobile homes.

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Revised 4/21/2020



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FAQ #29: How does my surveyor prepare my SWM plan to allow for “field changes” during construction of my new home?

Follow these guidelines!

Step 1: Include a summary table outlining disturbed areas, impervious areas and storm water management volumes (ESDv) for the entire lot.

Step 2: Clearly label Impervious vs Pervious Surfaces (e.g. concrete stoops and steps are impervious vs wood decks and stairs are pervious, on the condition there is spacing between the boards to allow rain water to flow through)

Step 3: Provide extra ESDv to allow for field changes. Example: As a field change to the approved SWM plan, a 150 s.f. concrete pad, which was shown on the approved SWM plan, is requested at the exit from the basement. This requires an additional 12 c.f. of ESDv. The approved SWM plan provided an extra 20 c.f. of ESDv, therefore, this field change can be approved by the Inspector with any required ESD practices (ie, drywells, disconnect areas) as shown on the approved SWM plan.

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Revised 4/21/2020



FAQ #30: What changes to my approved SWM plan can be approved in the field by the Inspector?

Your surveyor should have provided extra ESDv to allow for field changes.

Example: As a field change to the approved SWM plan, a 150 s.f. concrete pad, which was not shown on the approved SWM plan, is requested at the exit from the basement. This requires an additional 12 c.f. of ESDv. The approved SWM plan provided an extra 20 c.f. of ESDv, therefore, this field change can be approved by the Inspector in the field.

Your surveyor should have provided a roof drainage plan to guide the location of gutters and downspouts. Example: As a field change to the approved SWM plan, a 500 s.f. roof area, that has single downspout shown on the left corner of the 500 s.f. roof area on the approved SWM plan, is requesting to move the downspout to the right corner of the same 500 s.f. roof area. This requires that the relocated downspout will direct the 500 s.f. of captured stormwater to the previously approved place of treatment, ie. drywell or rain garden. If it does direct the 500 s.f. of captured stormwater to the previously approved place of treatment, this change can be approved by the Inspector in the field.

Changes that cannot be approved by the Inspector in the field will require a revised plan certified by your surveyor and reviewed by St. Mary's County staff. Check with your surveyor to see how long it will take to prepare the revised plan and what they will charge you for their service. It will take St. Mary's County staff 5 to 10 business days to review the revised plan and you will be charged a total of \$50 for SWM Plan Review and Permit Revision fees.

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FAQ #31: Can I have a recreational vehicle on my property?

The size of the property must be one acre or larger. Recreational vehicles may not be occupied as permanent residences. In allowable zones, the property owner, his tenants, or guests may make use of one recreational vehicle on the owner's lot. No person shall be entitled to reside in the recreational vehicle for more than seven consecutive nights. The recreational vehicle must be completely screened from the view of dwellings on adjacent lots by a fence or evergreen buffer. Each recreational vehicle shall be equipped with an authorized self-contained sewerage holding tank.

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

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FAQ #32: Do I Need an Architect?

Do I need an Architect to draw my commercial construction plans?

In accordance with revision (effective Oct. 1, 2021) to Maryland Business Occupations and Professions Article 3-103 (d)

(1) A person may not be required to employ a licensed architect in connection with the alteration or repair of an existing building or structure in a municipal corporation if the alteration or repair:

- (i) Does not adversely affect the structural system of the building, including foundations, footings, walls, floors, roofs, bearing partitions, beams, columns, joists, or the mechanical, electrical, or plumbing systems; and
- (ii) 1. Complies with the Maryland Rehabilitation Code and does not exceed \$25,000 in estimated costs, including labor and materials for alterations or repairs limited to:
 - A. Minor interior alterations or cosmetic or similar repairs; and
 - B. Fixtures, cabinetwork or furniture; or
2. Does not exceed \$10,000 in estimated costs, including labor and materials, for alterations or repairs limited to:
 - A. Storefronts, facades, or similar replacements;
 - B. Exterior stairways, landings, decks, or ramps;
 - C. Joists; or
 - D. A mechanical, electrical, or plumbing system.

(2) Any work performed under this subsection shall be in compliance with the Americans with Disabilities Act and the Maryland Building Performance Standards set forth in Title 12, Subtitle 5 of the Public Safety Article.

(3) The exclusion provided for in this subsection shall be used only once per building or structure in a 12-month period.

(4) A building permit issued under this subsection:

- (i) shall contain an affidavit signed by the person who has submitted the permit stating that the repair or alteration is in compliance with this subsection; and
- (ii) may not be amended or revised in any way to cause the alteration or repair to exceed the maximum amount in total costs authorized under paragraph (1) of this subsection, including labor and materials.

(5) Any building permit issued under this subsection that contains technical submissions that fail to conform to the requirements of this subsection shall be invalid.

3-103 (e) Notwithstanding the provisions of subsection (d) of this section, a code official* may require that architectural documents for alterations or repairs of existing buildings or structures be signed and sealed by a licensed architect if the code official* determines that the signature and seal of a licensed architect is necessary to provide conformity with the Maryland Building Performance Standards or to otherwise provide for the health and safety of the public.

* Maryland Business Occupations and Professions Article 3-101 (d) “Code official” means a public official responsible for the review of building permit documents or the issuance of building permits.

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