

Article XI Definitions

§ 190-205. Rules of construction

- A. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular unless the natural construction of the wording indicates otherwise.
- B. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.

§ 190-206. Standard meaning for terms not defined

The Planning Director shall refer to the most recent publication of the American Planning Association Planning Advisory Service – “A Planners Dictionary” to define any word used in this chapter if available in the publication and not otherwise defined in this chapter.

§ 190-207. Critical Area terms

The definitions, words or terms identified with the initials "CA" apply County-wide but shall not be modified without the approval of the Maryland Chesapeake Bay Critical Area Commission.

§ 190-208. Definitions

ACCESSORY STRUCTURE – A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

ACCESSORY USE – A use of land, or of a building or portion thereof, which is incidental to, subordinate to, and customarily found in connection with the principal use of the land or building and which is located on the same lot with such principal use.

ACRE – A measure of land containing 43,560 square feet.

ADAPTIVE REUSE – A use permitted in the Historic Rehabilitation Overlay District that is not otherwise permitted in the underlying district.

ADEQUATE PUBLIC FACILITIES – Public facilities determined to be capable of supporting and servicing the physical area and designated intensity of proposed development activities as determined by the County. Facilities may include roads, water, sewerage, drainage, schools, parks, recreation facilities, and other public infrastructure and facilities.

ADMINISTRATIVE APPEAL – An appeal filed with the Board of Appeals by a person aggrieved by a final order or decision made under this chapter by the Planning Director, the Planning Commission, or the Historic Preservation Commission.

AFFORESTATION – The establishment of trees on an area from which it has always or long been absent, or the planting of open areas which are not presently in forest cover.

AGRICULTURE EMPLOYEE HOUSING – Residential accommodations occupied on a transient basis by employees of individuals or companies whose primary business is agricultural activities.

AGRICULTURE (CA) – All methods of production and management of livestock, crops, vegetation, and soil including compost. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

Agriculture includes value-added processing: the processing of an agricultural product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting. This term includes cheese and wine production.

AGRICULTURAL RESEARCH FACILITY (COMMERCIAL) – A facility for agricultural study, research, or experimentation for which a significant fee or other significant remuneration will be paid. Research may relate to: (1) The effects of agriculturally related chemicals and substances on fish, avian and wildlife breeding habitat and reproduction; and (2) Chemicals and substances used in agricultural practices including the growing of field crops and the feeding of livestock and wildlife.

ANADROMOUS FISH (CA) – Fish that travel upstream (from their primary habitat in the ocean) to fresh waters in order to spawn.

ANADROMOUS FISH PROPAGATION WATERS (CA) – Those streams that are tributary to the Chesapeake Bay where spawning of anadromous species of fish (e.g., striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred, as shown on County resource maps.

ANNEXATION – The inclusion of a land area into an existing incorporated community with a resulting change in the boundaries of that incorporated community.

APARTMENT, ACCESSORY – A dwelling unit accessory to a single-family detached dwelling unit. An accessory apartment may be in, attached to, or, on the same parcel but detached from, the principal dwelling unit.

APPLICANT – The owner of land which is the subject of an application authorized by this chapter, or the owner's representative who has received written authority to act on behalf of the owner.

AQUACULTURE (CA) – Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. For the purposes of this definition, related activities such as processing and product storage facilities are not considered aquacultural practices.

AQUIFER (CA) – An underground bed or stratum of earth, gravel, or porous stone that contains water.

BED-AND-BREAKFAST ESTABLISHMENT – A single family dwelling occupied on a transient basis where for compensation, lodging, bath, and a meal are provided. This use has no more than six guest rooms and a maximum of 12 guests at a time.

BERM (CA) –

- A. A narrow zone just above the intertidal zone which is inundated only by exceptionally high or storm tides and which consist of non-wind-driven coarse sand, shell fragments, and debris.

- B. A mound of earth used for screening or landscape buffering to separate or visually screen one area from another.

BEST MANAGEMENT PRACTICES or BMPs (CA) – Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal or no tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

BILLBOARD – An off-premises sign.

BLOCK – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of a jurisdiction.

BOATHOUSE – A structure limited to storage of boats and/or boat equipment constructed over the water in conjunction with an approved pier or wharf.

BOAT SLIP – A berthing or landing place for a boat or other watercraft.

BOARDING OR ROOMING HOUSE – A residential use consisting of at least one dwelling unit with more than two rooms that are not separate dwelling units and are rented or designed or intended to be rented. This use is designed to be occupied by non-transient guests (at least month-to-month tenants), as distinguished from a bed and breakfast establishment which is occupied by overnight or weekly guests.

BRIDGE – A structure erected over a watercourse or topographic depression designed to convey vehicles and/or pedestrians.

BUFFER (CA) – An existing, naturally vegetative area or an area established in vegetation and managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

BUFFER EXPANSION (CA) – An expansion of a required Shoreline Development Buffer or stream buffer due to the presence of sensitive contiguous areas, such as soils with slopes 15 percent or greater, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. Where steep slopes are adjacent to the Shoreline Development Buffer or required stream buffer, the buffer shall be expanded four feet for every one percent of slope beyond the required buffer or 50 feet from top of slope, whichever is greater (see Figures A & B below).

FIGURE A

If top of steep slope extends beyond the 100 foot buffer (or other required buffer distance), calculate the percent of slope between points A and B, multiply times four for each percent of slope and add to the 100 foot buffer. For example, percent of slope AB = 20%, then $20 \times 4 = 80 + 100 = 180$

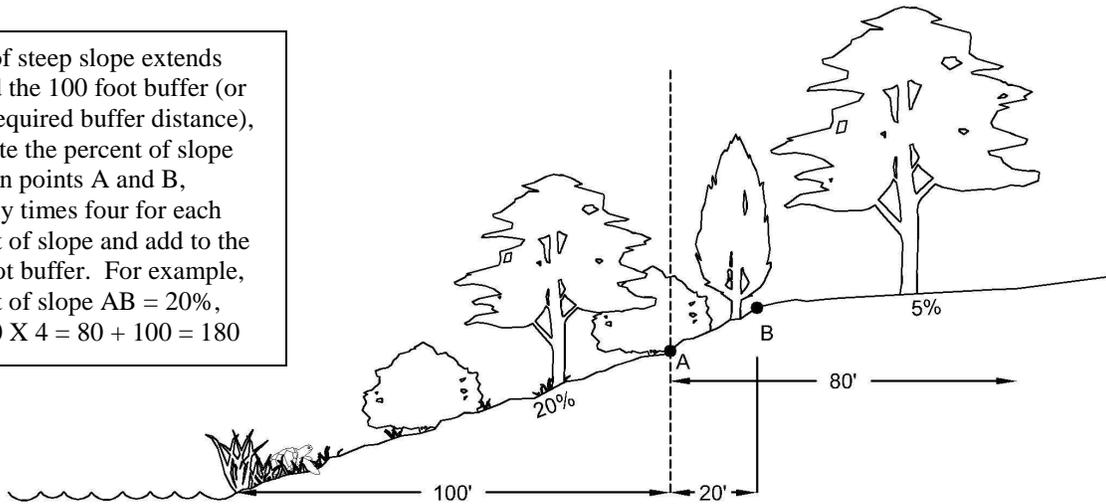
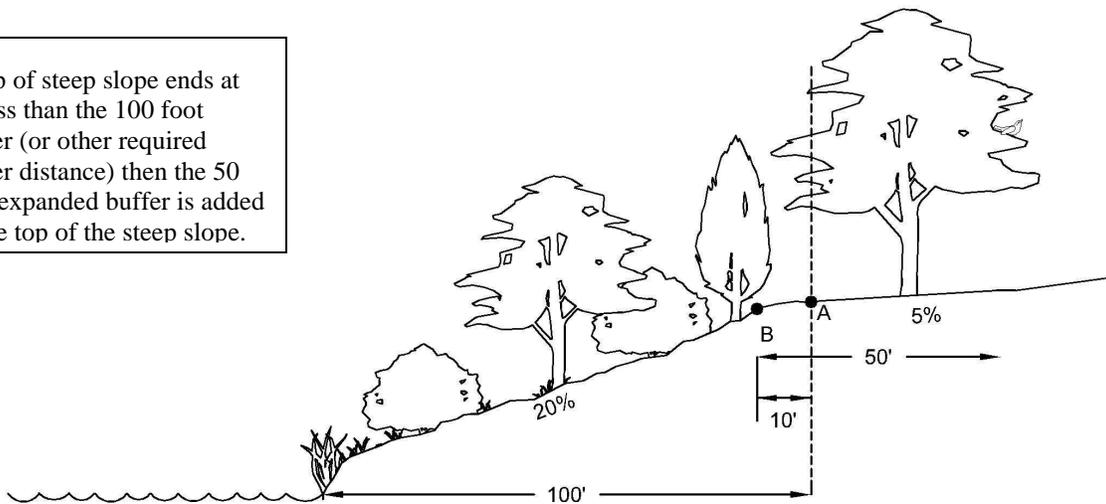


FIGURE B

If top of steep slope ends at or less than the 100 foot buffer (or other required buffer distance) then the 50 foot expanded buffer is added to the top of the steep slope.



DETERMINATION OF EXPANDED BUFFER

BUFFER MANAGEMENT AREA (BMA) – An overlay zoning district created by the County Council where it has been sufficiently demonstrated that existing patterns of development prevent the Shoreline Development Buffer from fulfilling its natural functions.

BUFFER YARD – An area within a gateway measured perpendicularly from the edge of an adjacent gateway road right-of-way.

BUILDING – A structure which is designed, built or occupied as a shelter for persons, animals, or property.

BUILDING PERMIT – Written permission issued by Talbot County for the construction, repairs, addition or demolition of a structure, in accordance with Chapter 28 of the Code.

BUILDING, PRINCIPAL – The primary building on a lot or a building that houses a principal use.

BUILDING RESTRICTION LINE – A line established on a lot to indicate the restrictions on building location due to required setbacks, buffers, or other requirements of this chapter.

BULK REQUIREMENTS – Numerical regulations that govern the size or dimension of lots and the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include setback, height, area, lot size, lot coverage, and width requirements. Density requirements and “Regulations for Specific Land Uses” are not bulk requirements.

BULKHEAD (CA) – A wall or embankment constructed to protect against earthslides or shoreline erosion, not including riprap. (See "riprap.")

CAFÉ – A limited food service facility not to exceed twenty seats.

CAPITAL IMPROVEMENT – A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the County.

CAPITAL PROGRAM – The plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

CARPORT – A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CHRISTMAS TREE FARM – A land area cultivated for the growing of trees harvested and marketed for Christmas tree sales.

CHURCHES (INCLUDING TEMPLES) – Buildings used for religious services or worship by a group of people associated with a recognized established faith.

CLEAR CUTTING (CA) – The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

CLEARING (CA) – Any activity that removes the vegetative ground cover.

CLUSTER DEVELOPMENT (CA) – A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

COLLOCATION (of wireless communication facilities) – The addition of one or more antennae to a wireless communications tower or other supporting structure.

COLONIAL NESTING WATER BIRDS (CA) – Herons, egrets, terns, and glossy ibis. For purposes of nesting, these birds congregate (that is colonize) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

COMMERCIAL HARVESTING (CA) – A commercial forestry operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMERCIAL USE – An activity carried out for pecuniary gain.

COMMON SPACE – A lot or area within a development that is provided for protection of sensitive environmental features; for storm water management features such as bioretention areas, infiltration areas, or ponds; or for passive or active recreation areas for occupants of the development and their guests.

COMMUNICATIONS FACILITY – Any facility, excluding satellite television dish antennas, established for the purpose of providing wireless voice, data, and image transmission within a designated service area. A wireless communications facility consists of one or more antennas attached to a support structure and related equipment.

COMMUNITY FACILITY – A noncommercial use established to serve the local population, including community centers, libraries, recreation centers, educational or interpretive facilities, parks, playgrounds, museums and related uses.

COMPREHENSIVE OR SECTIONAL ZONING MAP AMENDMENT – A zoning map amendment that is legislative in nature, is adopted after extensive study or to implement a Comprehensive Plan, and covers all or a substantial area of the County.

COMPREHENSIVE PLAN (CA) – A compilation of policy statements, goals, standards, maps, and pertinent data relative to the past, present, and future trends of Talbot County including, but not limited to, its population, housing, economics, social patterns, land use, water resources, and their use, transportation facilities and public facilities prepared by the Talbot County Planning Commission for the Talbot County Council.

CONCEPT PLAN – A plan showing the major existing features and anticipated future development of a parcel. A concept plan shows the general concept for the proposed development with sufficient detail to demonstrate its feasibility.

CONDOMINIUM – A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

CONSERVATION EASEMENT (CA) – A nonpossessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

CONSTRUCTION PLAN – The drawings accompanying a subdivision plat and showing exact location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Director and County Engineer as a condition of approval of the plat.

CONTIGUOUS – Adjoining and having a common boundary line; not separated by a federal or state highway, county road, or major watercourse.

COTTAGE INDUSTRY – The use of a portion of a residential structure or accessory structure involving the offering of a service, the conduct of a business, or the production of handicrafts on a qualifying parcel. A cottage industry has the potential for greater impacts on nearby properties compared to a home occupation.

COUNTY ENGINEER – The Director of the Talbot County Department of Public Works, or an authorized representative of the Talbot County Department of Public Works.

COVER CROP (CA) – A vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes or crop residues such as corn, wheat, or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

COVERAGE – A geographic area served by a wireless communications facility showing the effectiveness of reception and transmission in that area.

CRITICAL AREA (CA) – All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- A. All waters of, and lands under, the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- B. All land and water areas within 1,000 feet of the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.
- C. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

CRITICAL AREA COMMISSION (CA) – The Chesapeake Bay Critical Area Commission.

CRITICAL AREA PROGRAM (CA) – The Program consists of this ordinance including maps, documents, and other parts of this Code referred to in this ordinance.

CUL-DE-SAC – A street that terminates in a vehicular turnaround.

CULTURAL FACILITIES – Establishments such as museums, art galleries, and botanical or zoological facilities of historic, educational, or cultural interest which are operated by public or quasi-public institutions.

DAY-CARE CENTER, SMALL GROUP – Any arrangement that provides day care for children or adults on a regular basis, with not less than nine and not more than 12 clients including any relatives of the care provider.

DAY-CARE CENTER, GROUP – Any arrangement that provides day care for children or adults on a regular basis, with 13 or more clients including any relatives of the care provider.

DAY-CARE FACILITY, FAMILY – Any arrangement that provides day care for children or adults on a regular basis for eight or fewer clients including any relatives of the care provider.

DENSITY (CA) – The number of dwelling units per acre within a defined and measurable area.

DEVELOPED WOODLAND (CA) – Areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.

DEVELOPER (CA) – A person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the criteria of the Critical Area Commission.

DEVELOPER AGREEMENT – A written agreement between the County and a developer or property owner committing the developer or property owner to install required public or private improvements associated with the development of land, or requiring the developer or property owner to comply with specified restrictions on the use of the site.

DEVELOPMENT ACTIVITIES (CA) – Any activity that:

- A. Is shown on a subdivision plat, revised plat, site plan, building/zoning permit or Forest Preservation Plan; and/or
- B. Results in the construction or substantial alteration of any residential, commercial, industrial, institutional, recreational (including golf courses), or transportation facilities or structures.

DEVELOPMENT RIGHT – A right to create a lot or parcel. The number of development rights for a particular lot, parcel or tract is equal to the number of dwelling units permitted by the applicable density requirements of this chapter.

DISTURBANCE – A change, alteration, interruption or interference.

DREDGING (CA) – A method for deepening streams, swamps, or coastal waters by removing solids from the bottom.

DRIVEWAY – An off-street, vehicular travel lane bounded on both sides by an area that is not part of a vehicle accommodation area.

DWELLING, EMPLOYEE – An accessory dwelling unit on a parcel used specifically to house an employee of the property owner

DWELLING, REHABILITATION – A residence used for the rehabilitation of not more than eight persons.

DWELLING, SINGLE-FAMILY – A detached residential building containing one dwelling unit, excluding mobile homes.

DWELLING, TWO-FAMILY – A detached residential building containing two dwelling units, designed to be or occupied by two families.

DWELLING UNIT (CA) – One or more rooms providing complete, independent living facilities for at least one person, including permanent provisions for all of the following: sanitation; cooking; eating; sleeping; and other activities routinely associated with daily life. "Dwelling unit" includes living quarters for a domestic or other employee or tenant, an accessory apartment, or a guest house.

EASEMENT (CA) – An interest in land owned by another that entitles its holder to a specific use, enjoyment or right.

ENDANGERED SPECIES (CA) – Any species of fish, wildlife, or plants which have been designated as endangered by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the state's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

EROSION – The wearing away of the land surface by wind or water, usually intensified by land-clearing practices.

ESCROW – A deposit of cash with the County or escrow agent to secure the promise to perform some act.

EXPOSITION CENTER – A facility with buildings, pavilions, arenas, accessory parking and other accessory uses that is intended and used for fairs, displays, auctions and similar periodic or temporary events.

FACILITY, PUBLIC – A publicly-owned and/or operated use, building or establishment such as a school, post office, fire station, courthouse, roads or water and sewerage facilities.

FAMILY – An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than six unrelated persons, living together as a single housekeeping group in a dwelling unit.

FARM – Land utilized for bona fide agricultural purposes such as crop production, livestock pasturage, care, handling, etc; forestry; and directly related uses; and which may consist of a single parcel or several adjacent or nearby parcels under one ownership.

FARM MARKET – A retail market, accessory to a farm, selling predominately locally (Delmarva Peninsula) produced fruits, vegetables, or meats.

FENCE – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FISHERIES ACTIVITIES – Commercial water-dependent fisheries including structure for packing, processing, canning or freezing of fin fish, crustaceans, mollusks, amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

FLOODPLAIN – This term is defined in Chapter 70 of this Code and is repeated here for convenience: Land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood. The base flood is the 100-year frequency flood event.

FOREST (CA) – A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

FOREST INTERIOR DWELLING BIRDS (CA) – Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

FOREST MANAGEMENT (CA) – The protection, manipulation and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRESERVATION PLAN – A plan for disturbance to natural vegetation or development activity within the Critical Area that adequately depicts or otherwise describes the activity to be conducted, including any afforestation, reforestation/mitigation or buffer establishment.

FORESTRY (CA) – The cultivation, maintenance, management, and development of trees on forested lands.

FRONTAGE – The portion of a lot abutting a road. Where this chapter has a required minimum frontage, frontage is measured as the length of a continuous, uninterrupted lot line abutting a single road. For lots abutting more than one road, the Planning Director determines which portion of the property boundary to use in measuring the length of the property's frontage.

GATEWAY – The entire area within a Gateway Overlay Zoning District.

GOLF COURSE – A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GRADING – Cutting or otherwise distributing the soil mantle by mechanical means so as to permanently change the existing landform.

GREENHOUSE– RETAIL – A structure designed and used for growing plants that are displayed and sold to the general public on the site.

GREENHOUSE – WHOLESALE – A structure designed and used for growing plants that are not displayed or sold to the general public on the site.

GROSS FLOOR AREA – The total horizontal area in square feet of all floors within the exterior walls of a building, including habitable or usable garage, basement, attic, or like spaces, but not including vent shafts, unroofed inner courts, or spaces less than seven feet in height.

GROUP HOME, SMALL – A residential facility that provides housing and supportive services to eight or fewer residents, all of whom are unable to live independently because of mental or physical disabilities, not including supervisory help.

GROUP HOME, LARGE – A residential facility that provides housing and supportive services to nine or more residents, all of whom are unable to live independently because of mental or physical disabilities, not including supervisory help.

GROWTH ALLOCATION (CA) – The number of acres of land in the Critical Area that a local jurisdiction may use to create new Intensely Developed and new Limited Development Areas. The growth allocation shall be calculated based on five percent of the total Resource Conservation Area in the County at the time of the original approval of the County's program by the Commission, not including tidal wetlands or land owned by the federal government.

GROWTH ALLOCATION, SUPPLEMENTAL – A portion of the County's allowed acreage for growth allocation (set forth in Article IX, §190-176) transferred by the County Council to a town, with concurrence by the town and the Critical Area Commission.

GUEST HOUSE – An accessory, detached dwelling unit that guests of the property owner may occupy.

GUYED TOWER – Any wireless communication tower using guy wires connecting portions of the tower diagonally with the ground to provide support for the tower, antennas and connecting appurtenances.

HABITABLE FLOOR – Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof.

HABITAT – The natural abode of a plant or animal.

HABITAT PROTECTION AREAS (CA) – The shoreline development buffer, nontidal wetlands, habitats of species in need of conservation, threatened and endangered species, plant and wildlife habitats, and anadromous fish propagation waters.

HABITAT PROTECTION PLAN – A document showing and describing how the purposes and requirements of Habitat Protection Areas will be accomplished.

HARBOR LINE – A reference line establishing half the distance from the shoreline to the center line of a body of water.

HEIGHT, BUILDING OR STRUCTURE – The vertical distance from the lowest finished grade elevation to the highest point of the roof, parapet wall, or uppermost part of the building or structure. See §190-113 for height requirements.



Illustration: Maximum Height measured from Lowest Finished Grade Elevation (LFGE)

HIGHLY ERODIBLE SOILS (CA) – Those soils with a slope greater than 15 percent; or those with a K-value greater than 0.35 and with slopes greater than 5 percent.

HIGHWAY (ROAD), ARTERIAL – A public road designated as an arterial highway by the Comprehensive Plan.

HIGHWAY (ROAD), COLLECTOR – A public road designated as a collector highway by the Comprehensive Plan.

HISTORIC REHABILITATION OVERLAY DISTRICT (“HRO District”) – A floating district established to permit rehabilitation incentives to encourage the maintenance, preservation, and rehabilitation of Historic Resources.

HISTORIC PRESERVATION – The protection, rehabilitation, and/or restoration of districts, sites, buildings, structures, and/or artifacts significant in history, architecture, archaeology, or culture.

HISTORIC RESOURCES – Structures, archaeological sites, grave sites, lots, tracts of land, or portions thereof, designated as such by the Historic Preservation Commission.

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA (CA) – An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are “historic” in the sense that their location is common knowledge and these areas have been used regularly during recent years.

HOME OCCUPATION – The use of a portion of a residential structure or accessory structure involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts.

HOTEL or MOTEL – Any structure(s) containing more than 10 guest rooms occupied on a transient basis where, for compensation, lodging and bath are provided for more than 30 guests, excluding a school or college dormitory, tourist home, or apartment motel.

HYDRIC SOILS (CA) – Soil that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

HYDROPHYTIC VEGETATION (CA) – Those plants cited in “Vascular Plant Species Occurring in Maryland Wetlands “ (Dawson, F. et.al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

IMPERVIOUS SURFACE (CA) – Nonporous ground covers or areas such as sidewalks, roads, parking areas, and rooftops that shed stormwater and hinder penetration of water into the ground.

IN-FILL LOT – A vacant lot or parcel of land which remains after the majority of development has occurred in an area or along a road.

INFRASTRUCTURE – Facilities and services needed to sustain industrial, residential, and commercial activities.

INN – Any structure(s) containing not more than ten guest rooms occupied on a transient basis where, for compensation, lodging, bath, and meals are provided for not more than 30 guests, excluding a school or college dormitory.

INSTITUTIONAL USE – A privately operated use of a semipublic type such as a church, convent or monastery, day care center or nursing home, philanthropic foundation, nonprofit library, art gallery or museum, and similar establishments.

INTENSELY DEVELOPED AREA (CA)–

- A. An area of the Critical Area of at least 20 acres, or the entire upland portion of the Critical Area within an incorporated town, where:
 - (1) Residential, commercial, institutional or industrial developed land uses predominate; and,
 - (2) A relatively small amount of natural habitat occurs.
- B. An Intensely Developed Area includes:
 - (1) An area with a housing density of at least four dwelling units per acre; or
 - (2) An area with public water and sewer systems with a housing density of more than three dwelling units per acre; or,

- (3) A commercial marina changed from Resource Conservation Area or Limited Development Area to an Intensely Developed Area through a zoning map amendment before January 1, 2006.

JOINT SUBDIVISION (CA) – A type of subdivision by which residential development rights may be transferred among parcels within the Rural Conservation District in accordance with the requirements of this chapter.

JUNKYARD – Land or buildings used for the storage, salvage, dismantling, wrecking, baling, compacting, recycling or handling of automobiles or other vehicles and equipment not in operable condition.

K-Value (CA) – The K-value is the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

KENNEL – Any land or structures used for housing, breeding or training domestic animals, not including horses.

KENNEL, ACCESSORY RESIDENTIAL – An enclosed area or structure used for the housing of no more than six dogs owned by the person(s) residing on the same property.

KENNEL, COMMERCIAL – Any land or structure used for the boarding, sale, breeding or training of domestic animals, or any land or structure used for the housing of six or more dogs. This term does not include riding stables.

LAND USE – A description of how land is occupied or used.

LANDFORMS (CA) – Features of the earth's surface created by natural causes.

LANDSCAPED AREA – An area containing plant materials, including trees, shrubs, ground cover, and other types of vegetation, together with elements such as paths, benches, terraces, and similar features, established and maintained for enhancing the appearance of the site, noise reduction, buffering or screening.

LANDSCAPE BUFFER – Plantings that shield or partially shield the view of structures or uses from roads or adjacent properties, or that provide a visual separation between uses. Landscape buffers may consist of natural existing vegetation or may be created by the use of trees, shrubs, fences, and/or berms.

LANDSCAPING PLAN – A plan drawn to scale, showing dimensions and details for landscaping or planting an area.

LATERAL LINE – An imaginary line from the shoreline to the harbor line separating usable water areas.

LEGALLY DEVELOPED (CA) – A lot or parcel on which all physical improvements (1) existed before Commission approval of a local program; or (2) were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction.

LIMITED DEVELOPMENT AREA (CA)–

A. An area of the Critical Area:

- (1) That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat; and

(2) Where the quality of runoff has not been substantially altered or impaired.

B. A Limited Development Area includes areas:

(1) With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; or

(2) With a public water or sewer system; or

(3) That is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or

(4) That is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definition in this section.

LIVESTOCK – Animals kept in pastures, barns, stables, sheds or similar farm buildings, raised for food or fiber production, work, riding or boarding. This term includes cattle, goats, sheep, horses, donkeys, swine, barnyard fowl, and similar species, but does not include cats, dogs and other household pets.

LOADING SPACE, OFF-STREET – Off-street space for bulk pickups and delivery vehicles.

LOT COVERAGE (CA) –

A. The percentage of a total lot or parcel that is:

(1) Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or

(2) Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

B. Lot coverage does not include:

(1) A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

(2) A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

(3) A wood mulch pathway; or

(4) A deck with gaps to allow water to pass freely.

LOT, (PARCEL) (CA) – An area of land in single ownership, described in a final subdivision plat or deed, and recorded in the Talbot County Land Records in accordance with the laws and regulations in effect at the time of recordation.

LOT, CORNER – A lot situated at the intersection of two or more roads.

LOT LINE, FRONT – The property line or boundary that separates a lot from a road right-of-way. In a corner lot or through lot, both property lines abutting a road shall be deemed to be front lot lines. For pipestem lots, the front lot line shall be determined by the Planning Director.

LOT LINE, REAR – The property line or lines generally opposite or parallel to the front lot line. A through lot has no rear lot line.

LOT LINE, SIDE – Any property line other than a front lot line or a rear lot line.

LOT, THROUGH – A lot other than a corner lot with frontage on more than one road.

LOT WIDTH – The distance between side lot lines measured along a line parallel to the front lot line. The minimum lot width must be maintained from the front building restriction line to the rear building restriction line.

MANUFACTURED HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.

MANUFACTURED HOME RENTAL COMMUNITY – A parcel of land under single ownership on which two or more manufactured homes are located, not including a farm on which manufactured homes are allowed as an accessory use.

MANUFACTURED HOME SUBDIVISION – A subdivision designed for the sale of lots for siting manufactured homes exclusively.

MARINA (CA) – A facility for mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include one or more additional land uses or associated facilities specifically permitted under the provisions of the Table of Land Uses in this Chapter.

MARSH CREATION (CA) – A nonstructural shore erosion control method that may or may not include low sills or breakwaters to keep the substrate in place. A marsh is a type of wetland, generally periodically inundated, usually characterized by grasses and other low growth (may include shrubs in high marsh).

MASTER PLAN – A plan showing the boundary of the entire original parcel for which a subdivision is proposed, the major existing features, lots created by prior subdivisions, and the general location and number of proposed or future lots, roads and easements.

MEAN HIGH-WATER LINE (CA) – The average level of high tides at a given location.

MINERAL EXTRACTION (CA) – The use of more than one acre of land for the breaking of the surface soil in order to extract or remove minerals including any activity or process that removes minerals from their original location.

MITIGATION (CA) – Plantings or fee-in-lieu used to help offset and negate the loss and disturbance of individual trees, forest areas and other natural vegetation.

MIXED USE – Two or more principal uses, listed separately in the Table of Land Uses, on one parcel.

MOBILE HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site which does not bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.

MODULAR HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the standards of the Industrialized Building and Mobile Homes Act, Title 6 of Article 83B of the Annotated Code of Maryland.

MOTEL – See "Hotel."

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

NATURAL HERITAGE AREAS (CA) – Any communities of plants or animals which are considered to be among the best statewide examples of their kind and are designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL PARKS (CA) – Areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

NATURAL VEGETATION (CA) – Those plant communities that develop or would develop in the absence of human activities. Where an area of natural vegetation must be established, it may include canopy trees, understory trees, shrubs, herbaceous plants and hydrophytic vegetation that are typically found in the Critical Area, but excluding invasive and noxious species.

NONCONFORMING LOT – A lot or parcel that was legally created but does not currently comply with the bulk requirements of this chapter for the zoning district in which it is located.

NONCONFORMING STRUCTURE – A legally existing structure that is not currently in compliance with the bulk requirements for the zoning district in which the structure is located due to changes to this chapter or its application to the site, or changes to the zoning of the property.

NONCONFORMING USE – Any use legally established that no longer conforms to the use regulations of the zoning district in which it is located due to changes to this chapter or its application to the site, or changes to the zoning of the property.

NONTIDAL WETLANDS (CA) – See applicable Chesapeake Bay Critical Area, state and federal regulations for definition of nontidal wetlands.

NOTICE OF NONCOMPLIANCE – A notice issued by the Planning Director informing the applicant for approval of a subdivision that the plan or plat submitted is not in compliance with these regulations and that certain corrections are required.

NOTICE TO PROCEED – A notice issued by the Planning Director informing the applicant that a subdivision plan or plat submitted is in compliance with these regulations and that the applicant may proceed to the next step in the subdivision review/approval process. Specific conditions may be attached to the notice to proceed.

NOXIOUS WEED – Any weed listed on the Maryland Department of Agriculture's noxious weed list.

NURSING HOME – An extended, intermediate or long-term care facility licensed or approved to provide full-time convalescent or chronic care to two or more individuals who, by reasons of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE, GENERAL – A building or portion of a building used for conducting the affairs of a business, profession, service, industry, or government, not including facilities established to offer services or retail sales directly to the public.

OFFSETS (CA) – Structures or actions that compensate for undesirable impacts.

OPEN SPACE (CA) – Any parcel or area of land or water in an essentially unimproved or undeveloped state.

OVERHANG – The part of a building which extends beyond the façade of a lower wall.

OWNER – A person having legal title to or substantial proprietary interest in land.

PALUSTRINE WETLANDS (CA) – All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below ½ part per 1,000 parts of water.

PARCEL (CA) – See definition of “lot, parcel.”

PARCEL, ORIGINAL – A parcel existing on August 13, 1989 in the Critical Area and on June 22, 1991 in the Non-Critical Area.

PARK – A tract of land designed for use by the public for active and passive recreation.

PARKING AISLE – An off-street, vehicular travel lane that provides access to parking spaces.

PARKING SPACE, OFF-STREET – An off-street space available for parking one motor vehicle in such a way that no parking or maneuvering incidental to parking shall be on a road or sidewalk.

PASSIVE RECREATION – Those recreational pursuits that involve existing natural resources, provide for minimal impact and can be carried out with little alteration or disruption to the area in which they are performed. Such passive recreation shall not include commercial athletic fields or motorized recreation and may include, but not be limited to, hiking, bicycling, picnicking and bird watching.

PERMEABILITY (CA) – The measure of a soil’s ability to drain water.

PERMITTED USE – Any use allowed in a zoning district subject to the restrictions applicable to that district.

PERSON – An individual, corporation, partnership, joint venture, association, governmental or quasi-governmental entity, or other legal entity.

PIER – A structure built over tidal wetlands or open water that provides access to the water, watercraft and other water-oriented activities. A pier consists of a walking surface supported by piles or posts. This term includes platforms, wharfs and docks.

PIERS AND RELATED BOAT FACILITIES – This term includes community piers and private piers as defined in this Article.

PIER, COMMUNITY (CA) – A boat docking and launching facility associated with and serving at least two residential lots and having a joint maintenance and use agreement. A community pier may be located on property leased or owned by a property owners’ association for the subdivision it serves, or may be shared by and located along the joint property line of two adjacent lots.

PIER, PRIVATE (CA) – A pier located on an individual, residential lot and serving only the occupants of the lot on which it is located.

PIPESTEM OR FLAG LOT – A residential lot that is shaped like a flag or pipe and connected to the nearest road only by an unbuildable strip of land (the pipestem area) which is no more than 50 feet in width.

PLANNING COMMISSION – The Talbot County Planning and Zoning Commission.

PLANNING DIRECTOR/PLANNING OFFICER – The governmental official of Talbot County charged with administering the Talbot County planning program.

PLANT AND WILDLIFE HABITAT AREA (CA) – A community of plants commonly identifiable by the composition of its vegetation and physiographic characteristics and features that provide food, water, and cover, nesting and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area. Plant and wildlife habitat areas are listed in Article VI (Critical Area).

PLANT NURSERY – A facility for the growing of trees, evergreens, shrubs, and other decorative plants for the purpose of sale.

PLAT, FINAL – The official record of a subdivision of land approved by the Planning Office and recorded in the land records of Talbot County.

PLAT, PRELIMINARY – The preliminary drawing or drawings, described in these regulations, showing the proposed layout of a subdivision and indicating how the subdivision will meet applicable requirements.

PLAT, REVISION – A plat that modifies existing lots and creates no additional lots. It may revise a recorded final plat or revise or establish the boundary of a parcel defined in a deed with no previously recorded plat.

PLOT PLAN – A plan showing the proposed development of a lot or parcel. A plot plan shows existing and proposed structures, paved areas, access, landscaped areas, and other items required by the application form for a particular type of application. A plot plan is generally less detailed than a site plan and does not require specific information on items such as landscape plantings, stormwater management and building elevations.

PORT (CA) – A facility or area established or designated by the state or local jurisdictions for purposes of waterborne commerce.

PORTABLE STORAGE UNIT – A container for the storage or warehousing of merchandise or excess materials. Portable storage units are generally 10 to 40 feet long and generally up to 8.5 feet high, of metal or durable plastic construction, and have access doors.

PREMISES – A tract of land with the structures and improvements thereon.

PRIVATE – Anything confined to one person, group or organization which is not available for public use or participation.

PRODUCE STAND – A structure for the primary display and sale of agricultural products processed, grown or typically grown locally (on the Delmarva Peninsula) and the incidental display and sale of jams, jellies, preserves, relishes, pickles, salad dressing, and honey.

PROGRAM AMENDMENT (CA) – Any change or proposed change to an adopted Critical Area program that is not determined by the chairman of the Critical Area Commission to be a program refinement.

PROGRAM REFINEMENT (CA) – Any change or proposed change to an adopted program that the chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- A. A change to an adopted program that results from state law;
- B. A change to an adopted program that affects local processes and procedures;
- C. A change to a local ordinance or code that clarifies an existing provision; and
- D. A minor change to an element of an adopted program that is clearly consistent with the provisions of state Critical Area law and all the criteria of the Commission.

PROPERTY MAINTENANCE PERMIT – A permit issued by the Planning Office for forest activities in the Critical Area that do not require a forest preservation plan or mitigation.

PUBLIC IMPROVEMENT – Any improvement or facility, together with its associated public site or right-of-way, for which the County will assume responsibility for maintenance and operation.

QUASI-PUBLIC USE – A use owned or operated by a noncommercial and nonprofit, religious, or philanthropic institution and providing education, cultural, recreational, religious or similar types of public programs.

RECLAMATION (CA) – The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

RECREATIONAL VEHICLE – A vehicular, portable device, built on a chassis designed to be self-propelled, and used as a temporary dwelling for travel or recreational purposes.

RECYCLING COLLECTION CENTER – A community collection center for common recyclable goods such as newspapers, glass, cans and plastics.

RECYCLING PROCESSING CENTER – A recyclable material recovery facility where materials are sorted, processed and packaged for direct distribution to users of recyclable materials.

REDEVELOPMENT (CA) – The process of developing land which is or has been developed.

REFORESTATION (CA) – The reestablishment of a forest through artificial reproduction or natural regeneration.

REMAINING LAND – A specifically delineated area of land on a subdivision plat that is part of the parcel being subdivided but is not included in the subdivision. Remaining land is not an approved lot or parcel within the subdivision and may be used for future subdivision if able to meet applicable standards at the time of subdivision.

RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT – A grant to the County, recorded among the land records by valid instrument approved by the County, restricting land development within a defined area and for a specified period of time.

RESERVED LAND – Permanently protected land, identified in a Reserved Land Agreement recorded among the land records, that may not be developed for residential, commercial or industrial use except as defined in §190-198.D and E.

RESERVED LAND AGREEMENT (RLA) – A grant to the County, recorded among the land records by valid instrument approved by the County, which perpetually restricts land development within a defined area.

RESIDENCE – See "dwelling unit."

RESOURCE CONSERVATION AREA (CA) – An area in the Critical Area that has a housing density of less than one dwelling per five acres and is characterized by:

- A. Nature dominated environments, such as wetlands, surface water, forests and open space; and
- B. Resource-based activities, such as agriculture, forestry, fisheries, or aquaculture.

RESTAURANT – A public facility serving food, cooked to order, and served at tables or booths on the premises.

RESTAURANT, DRIVE-IN– A building or portion thereof where food and beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place off premises.

RETAIL, GENERAL – A retail establishment in a single or multiple building(s), occupying no more than 25,000 gross square feet of area.

RETAIL, MAJOR – A retail establishment in a single or multiple building(s), occupying more than 25,000 and less than 65,000 gross square feet of area.

REZONE – To change the zoning classification of particular lots or parcels.

REZONING, COMPREHENSIVE – This term has the same meaning as “Comprehensive or sectional zoning map amendment,” defined in this section.

RIGHT-OF-WAY – An area or strip of land designated for use as a road, alley, or walkway, or for any drainage or public utility purpose or other similar uses.

RIPRAP (CA) – A layer of stones, gravel, or boulders placed on a slope or shore to prevent loss of bank material by wave action or erosion.

RIPARIAN (CA) – A habitat strongly influenced by water and occurring adjacent to streams, shorelines and wetlands.

ROAD – A public or private way, street or highway established and designed for vehicular travel. This term includes the entire area within the right-of-way.

ROAD (STREET), PRIVATE – A road not owned, controlled or maintained by the State, the County, a municipality, or the federal government.

ROAD (STREET), PUBLIC – A road owned, controlled, or maintained by the State, the County, a municipality, or the federal government.

ROADSIDE VENDOR – An accessory use consisting of a stand, tent, cart, and/or open air area for the retail sales of goods including but not limited to beverages, food, and flowers. There are two types of roadside vendors: short-term and long-term.

RUBBLE – Materials suitable for disposal at an approved rubble fill as defined herein.

RUBBLE FILL – A solid waste acceptance facility that is designed, constructed and operated to receive the following types of materials: land clearing debris, white goods, tires and acceptable demolition debris. Acceptable demolition debris is materials associated with the razing of buildings, roads, bridges, and other structures, including structural steel, concrete, bricks, excluding refractory type, lumber, plaster and plasterboard, insulation material, cement, shingles and roofing material, floor and wall tile, asphalt, pipes and wires.

RUNOFF (CA) – The portion of rainfall, melted snow, or irrigation water that flows across ground surfaces and eventually is returned to water bodies. Runoff can pick up pollutants from the air or land and carry them to the receiving waters.

SANITARY LANDFILL (CA) – An engineered method of solid waste disposal on land in a manner that protects the environment. Waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

SCHOOL – Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

SCREENING – Substantially or fully shielding or obscuring a structure or use from view, through the use of fencing, walls, berms or densely planted vegetation.

SEDIMENTATION (CA) – The settling out of solids by gravity.

SEPTAGE – See definition in Chapter 145 of this Code.

SEPTAGE TREATMENT FACILITIES – See definition in Chapter 145 of this Code.

SEPTIC SYSTEM – An underground system with a holding tank used for the decomposition of domestic wastes.

SETBACK – The minimum distance that a structure or use shall be located from lot lines. Setbacks are measured from lot lines to the foundation or wall of the building, or to the nearest part of the structure or use. If any part of the structure extends outward from the foundation more than two feet, the setback is measured from the point of the structure nearest the lot line, excluding uncovered steps and chimneys. If a lot includes a street or road, the setback shall be measured from the nearest edge of the road right-of-way or road easement.

SEWAGE – The total of organic waste and waste water excluding garbage, generated by residential, commercial, and industrial establishments.

SHORELINE DEVELOPMENT BUFFER (CA) – An existing, naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.

The shoreline development buffer is at least 100 feet wide measured landward from the mean high-water line of tidal waters and edge of tidal wetlands, and 200 feet for new development within the Resource Conservation Areas, and 100 feet wide measured landward from tributary streams, or as established in Buffer Management Areas or as otherwise specified in this Chapter.

SHORE EROSION (CA) – The wearing away of land by wind and water action resulting in a net loss of land over a given length of shoreline.

SHORE EROSION PROTECTION WORKS (CA) – Those structures or measures to prevent or minimize erosion of the shorelines.

SHORT TERM RENTAL – Any lease or other transfer of the right to occupy a primary dwelling unit on the parcel other than a hotel, motel, inn, or bed-and-breakfast for not less than one night and not exceeding four months.

SIGN – A device or surface of any material displaying letters, text, numbers, illustrations, symbols, forms, patterns, colors, textures, shadows, or lights, placed on the ground, on a structure, or on any other object for the purpose of advertising, identifying, or calling visual attention to a place, enterprise, profession, business, product, person, or activity. The term "placed" includes constructing, erecting, posting, painting, printing, sculpting, fastening or making visible.

SIGN AREA – The surface measurement of a sign as set forth in §190-154.

SIGN, DIRECTIONAL – A sign which displays the name and/or nature of a business, institutional or public site or activity and indicates through writing or graphic material the geographic location of the site or activity.

SIGN, FREESTANDING – A sign that is not attached in whole or in part to a building or to any other structure having a principal function other than the support of a sign.

SIGN, INTERNALLY ILLUMINATED – Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Neon tubes and similar devices that constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, are internally illuminated signs.

SIGN, NONCONFORMING – A sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter.

SIGN, OFF-PREMISES – A sign that draws attention to or communicates information about a business, service, product, accommodation, attraction, or other enterprise or activity that is conducted, offered or provided at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES – A sign that draws attention to or communicates information about a business, service, product, accommodation, attraction, or other enterprise or activity that exists or is conducted, offered, or provided on the premises where the sign is located.

SIGN PERMIT – A permit issued by the Planning Director that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

SIGN, TEMPORARY – A sign used in connection with a circumstance or event intended to take place or be completed within a reasonably short or definite period after the erection of such sign, or a sign intended to remain on the location where it is placed for a predetermined number of days. If a sign display area is permanent but the message displayed is subject to periodic changes, the sign shall not be regarded as temporary.

SIGN, WALL – A sign affixed directly to an exterior wall or placed within the limits of a wall.

SIGNIFICANTLY ERODING SHORELINE (CA) – Shoreline that erodes two feet or more per year.

SITE PLAN – A plan showing the proposed development of a lot or parcel. A site plan shows existing and proposed natural features, structures, building footprints and elevations, road rights-of-way, paved areas, access, walkways, vegetative cover, landscaping, screening, and stormwater

management. There are two types of site plans, major and minor, with different submittal requirements and review processes.

SKETCH PLAN – A scaled drawing indicating the developer’s general objectives and layout for subdivision of land.

SOIL CONSERVATION AND WATER QUALITY PLANS (CA) – Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. The plan is a document containing a map and related plans that indicate:

- A. How the landowner plans to treat a farm unit;
- B. Which best management practices the landowner plans to install to treat undesirable conditions; and
- C. The schedule for applying those best management practices.

SOLID WASTE (CA) – Useless, unwanted, or discarded material with insufficient liquid content to be free flowing.

SOLID WASTE DISPOSAL FACILITY – Any area where solid waste or refuse materials are disposed of, including sanitary landfills, rubble fills and the like.

SPECIAL EXCEPTION – A use or activity requiring approval by the Board of Appeals and not considered appropriate without standards and conditions to ensure that the use is suitable on a particular site.

SPECIES IN NEED OF CONSERVATION (CA) – Those fish and wildlife species whose continued existence as part of the state's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, §§ 10-2A-03 and 4-2A-03, Annotated Code of Maryland.

SPOIL (CA) – Dirt or rock that has been removed from its original location, specifically materials that have been dredged from the bottoms of waterways or removed in the process of surface mining.

SPOIL PILE (CA) – Rejected materials piled or deposited during surface mining or dredging.

STABLE – A structure covered by the “Right to Farm” legislation and used for the shelter or care of horses or similar animals. A stable may include an indoor riding area or other amenities directly associated with the care of horses or similar animals.

STEEP SLOPE (CA) – Slopes of 15 percent or greater incline.

STREAM – A natural body of running water flowing continuously or intermittently in a channel. “Stream” does not include elements of a drainage system, such as engineered swales, culverts, ditches, retention facilities or storm sewer systems.

STREAM, INTERMITTENT – A stream in which surface water is absent during a part of the year as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification or the Maryland Department of the Environment.

STREAM, PERENNIAL – A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification or the Maryland Department of the Environment.

STREAMS, TRIBUTARY (CA) – A perennial or intermittent stream within the Critical Area that has been identified by site inspection or in accordance with procedures approved by the Critical Area Commission.

STRUCTURE – Anything that is built or constructed and requires a fixed location on the ground including a building, temporary building, private bridge, utility or mechanical equipment appurtenant to a building, a pad intended to support utility or mechanical equipment, or an edifice of any kind or any piece of work artificially built or composed of parts. The following are not structures for purposes of these regulations:

- A. A fence or wall used as a fence four feet or less in height, or any open fence. Fences must comply with required setbacks as specified in §190-118.D.
- B. Ornamental entrance features.
- C. Mail boxes.
- D. Freestanding signs accessory to a use on the same lot (sign permit requirements apply).
- E. Light standards or poles.
- F. Lines, cables, or other transmission or distribution facilities of a public utility.
- G. Driveways, sidewalks, culverts of 36 inches or less, and fills or berms.

SUBDIVIDE – The process of dividing land into two or more lots or parcels.

SUBDIVISION – The division of a lot or parcel into two or more lots or parcels.

SUBDIVISION, MINOR – A subdivision that meets all of the following conditions:

- A. Proposes to create no more than three new lots; and
- B. Will result in a cumulative total of no more than three lots being divided from the original parcel; and
- C. Does not require the creation or modification of a public or private road.

SUBDIVISION, MAJOR – This term includes all of the following types of subdivisions:

- A. A subdivision of four or more lots.
- B. A subdivision of any size that results in the creation of four or more lots from the original parcel.
- C. A subdivision that creates or modifies a public or private road.

SUBDIVISION PLAN – This term includes sketch plans, preliminary plats, final plats and master plans.

SUBMERGED AQUATIC VEGETATION or SAV (CA) – Plant life that grows where water is six feet deep or less. This underwater community provides food and habitat to major fish species and is a source of food to waterfowl and aquatic mammals.

SURETY – A letter of credit, cash escrow, bond or similar device provided by an applicant to secure the applicant's commitment to install a required improvement or perform a required action related to approval of a development application; also known as a "guaranty."

TECHNICAL ADVISORY COMMITTEE – Committee made up of government departments and agencies having review and approval authority over aspects of an application for development activities.

TEMPORARY USE – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THINNING (CA) – A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

THREATENED SPECIES (CA) – Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

TOPOGRAPHY (CA) – The existing configuration of the earth's surface including the relative relief, elevation and position of land features.

TOWER (LATTICE) – A structure consisting of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances.

TOWER (MONOPOLE) – A structure consisting of a single freestanding pole to support antennas and connecting appurtenances.

TRANSIENT OCCUPANCY – Occupancy of a hotel or motel unit, inn, bed-and-breakfast, or licensed short-term rental for short-term periods, not less than one night nor more than four months.

TRANSITIONAL HABITAT (CA) – A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES (CA) – Anything built, installed, or established to provide a means of transport from one place to another.

UNWARRANTED HARDSHIP (CA) – A finding necessary for approval of a variance in the Critical Area. An unwarranted hardship exists if without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

USABLE WATER AREA – An area bounded by the mean high-water line of a subject property, two side property line extensions, referred to as lateral lines, and a line connecting their channelward ends, referred to as the harbor line.

USE CERTIFICATE – A certificate issued by the Planning Director authorizing certain uses such as temporary uses, bed and breakfast establishments, farm produce stands, and roadside vendors. The use authorized under the use certificate may also require a zoning certificate or a building permit.

USE, PRINCIPAL – The primary use of a structure or site.

UTILITY – Any activity or use which provides and offers such services as water, sewage disposal, sewage treatment, electricity, gas, or communication.

UTILITY STRUCTURES – Any aboveground structures and/or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

UTILITY SERVICES, ESSENTIAL – Utility facilities and utility transmission facilities owned or maintained by public utility companies or public agencies located in public ways or in easements provided for the purposes, or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communications or similar services to adjacent customers; but not including any building, yard, stations, or aboveground structure requiring a site of greater than 100 square feet, and not including any cross-County line on towers or in a private right-of-way.

UTILITY SERVICES, NONESSENTIAL – Any utility facilities owned or maintained by a public utility company, a gas master meter operator, or a public agency which are not defined herein as essential utility services or utility transmission facilities. Nonessential utility services shall include, but not be limited to, propane storage tanks installed above or below ground.

UTILITY TRANSMISSION FACILITIES (CA) – Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer and gas lines.

VALUE-ADDED PROCESSING – See Agriculture.

VARIANCE – Permission to construct, alter, or occupy a particular building, structure or parcel of land in a way which is not in conformance with the bulk requirements or parking requirements of this chapter, as a form of relief from its literal interpretations.

VEHICLE ACCOMMODATION AREA – An off-street area used by motor vehicles for access, circulation, parking and loading.

VESTED RIGHT – A right, permission or authority to develop land in a manner shown on valid, approved permits and ensured by significant development activity that implements the approved permits.

WALKWAY, RAISED – A structure for pedestrian travel over a nontidal wetland. A raised walkway is a pier-like structure with a walking surface supported by piles or posts.

WATER-DEPENDENT FACILITIES (CA) – Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the Shoreline Development Buffer. An activity is water-dependent if it cannot exist outside the Shoreline Development Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Facilities associated with the following uses are water-dependent facilities.

- A. Private piers, community piers and related boat facilities
- B. Marinas

C. Water-Oriented Public Recreation, Education, Research Areas.

Non-water-dependent facilities are all other facilities not included in the definition of water-dependent facilities.

WATER-ORIENTED RECREATION, PUBLIC (CA) – Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

WATERFOWL (CA) – Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WILDLIFE CORRIDOR (CA) – A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

WHOLESALE SALES – On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WAREHOUSE, SELF STORAGE – A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

WASTEWATER TREATMENT PLANT – A publicly owned facility for cleaning raw sewerage.

WIRELESS COMMUNICATIONS ANTENNA – A structure or device deployed by, or on behalf of, a government-licensed or government-permitted entity, to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. This term does not include an antenna operated by an amateur radio operator licensed by the FCC.

WIRELESS COMMUNICATIONS TOWER – A structure having the primary purpose of providing wireless communications services for telecommunications, television and radio broadcasting, including but not limited to a ground-mounted or otherwise supported structure with antennas(s) or other wireless communications equipment, if any, together with any guy wires and accessory structures. Wireless communications towers include, but are not limited to, lattice towers, monopole towers, and guyed towers. A wireless communications tower does not include a tower less than 75 feet in height for mounting of antenna operated by an amateur radio operator licensed by the FCC.

WIRELESS NETWORK – The system of wireless communications infrastructure used to establish coverage in a geographic area.

YACHT CLUB – A bona fide private nonprofit club, owned and operated by the members, providing marina facilities limited to use by member and their guests.

YARD – Open space on the same lot with a building or structure or group of buildings, lying between the buildings or structures or outer building of a group and the nearest lot or street line, and unoccupied and generally unobstructed from the ground upward.

ZONING – The dividing of a jurisdiction into districts and the establishment of regulations governing the use, placement, spacing, and size of lots and buildings.

ZONING DISTRICT – A specifically delineated area in a jurisdiction within which regulations uniformly govern the use, placement, spacing, and size of lots and buildings.

ZONING MAPS, OFFICIAL – The maps adopted by the County Council that delineate the boundaries of zoning districts.