

## **ARTICLE VII. DEFINITIONS**

## SECTION 1 GENERAL RULES OF CONSTRUCTION

The following general rules of construction will apply to the *regulations* of this Ordinance.

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tense, and the future the present.
3. The word “will” is always mandatory. The word “may” is permissive.
4. The word “*building*” or “*structure*” includes any part thereof, and the word “*structure*” includes the word “*building*.”
5. Words and terms not defined herein will be interpreted in accordance with their normal dictionary meaning and customary usage.
6. The word “Commission” refers to the Kent County *Planning Commission*, a seven-member board appointed the County Commissioners.
7. The word “Board” refers to the Board of Appeals, a three-member board appointed by the County Commissioners.

## SECTION 2 DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined.

**Acceptable Outfall:** The tidewater or that point as determined by the Kent County *Soil and Water Conservation District* where *stormwater* can be released to a *channel* without causing scouring, *erosion*, or resulting *sedimentation* to the receiving *channel* or its *floodplain*. (Where necessary, the outlet will include structural and vegetative measures to assure non-erosive velocities.)

**Accessory Structure:** A detached *structure* on the same parcel as the principal *structure* or use and which is customarily incidental and subordinate to the principal *structure* or use, for example, a shed or detached garage.

**Accessory Use:** One which: (a) is subordinate to and serves a principal *structure* or principal use; (b) is on the same *lot* as the principal *structure* or use served except as otherwise expressly authorized by provisions of this Ordinance; and (c) is customarily incidental to the principal use or *structure*.

**Adverse Impact:** For purposes of *stormwater management*, any deleterious effect on waters or *wetlands* including their quality, quantity, surface area, species, species composition, aesthetics or usefulness for human or natural causes which is or may potentially be harmful or injurious to health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

*Afforestation*: The establishment of a *forest* on an area from which it has always or very long been absent, or the planting of open areas which are not presently in *forest cover*.

*Agricultural Easement*: A non-possessory interest in land which restricts the conversion of use of the land, preventing nonagricultural uses.

*Agricultural Land Management*: Those methods and procedures used in the cultivation of land in order to further crops or livestock production and conservation of related *soil* and water resources. Logging and timber removal operations will not be considered a part of this definition.

*Agriculture*: Farming activities including plowing, tillage, cropping, installation of *best management practices*, seeding, cultivating, and harvesting for production of food and fiber products (except *commercial logging and timber harvesting operations*), sod production, orchards, nurseries, land in government set aside programs, and other products cultivated as part of a recognized commercial enterprise, but not including *animal husbandry*.

*Agritourism*: Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities will be related to agriculture or natural resources and incidental to the primary operation on the site. The term will include hayrides; corn mazes; seasonal petting farms; pumpkin patches; “pick your own” or “cut your own” produce; classes related to agricultural products or skills; harvest festivals; field trips; farm tours; farm museums; picnic and party facilities offered in conjunction with any agritourism activity; food services, including farm to table meals; fishing; hunting; wildlife study; guest farms; and activities or events related to agriculture or natural resources, agricultural products, or agricultural skills.

*Animal husbandry*: Farming activities permitted as separate uses in specific zoning districts.

*Airport*: A permanent installation or facility from which aircraft may take off or land, discharge or receive cargo or passengers, be repaired, take on fuel, or be stored, including hangers, terminals, or accessory activities.

*Alley*: A narrow public thoroughfare not exceeding 16 feet in width, which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.

*Alteration*: Any construction or renovation to an existing *structure* other than repair or addition.

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

*Anadromous Fish Spawning Areas*: Those streams that are tributary to the Chesapeake Bay where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, and river herring) occurs or has occurred. The streams are designated by the Maryland Department of Natural Resources.

*Animal Feeding Operations (AFO):* Any tract of land or structure, pen, or corral where cattle, horses, sheep, goats, and/or swine are maintained in close quarters for the purposes of fattening such livestock for final shipment to market. This includes any enterprise used for the production, growing, or holding of agricultural animals regardless of species or number that does not control through ownership sufficient land to allow environmentally safe treatment and disposal of the waste produced by those animals.

*Apartment:* A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence for an individual or single family.

*Apartment House:* Same as Dwelling, Multi-Family Dwelling.

*Applicant:* For erosion and sediment control and stormwater management purposes: Any person, firm, or government agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

*Approved Forest Management Plan:* For the purposes of forest conservation outside of the Chesapeake Bay Critical Area, an approved forest management plan is a document, approved by the Department of Natural Resources Forester assigned to Kent County, that operates as a protective agreement for forest conservation as described in Natural Resources Article, Section 5-1607(e)- (f), Annotated Code of Maryland.

*Approving Agency:* For erosion and sediment control and stormwater management purposes: The entity responsible for the review and approval of erosion and sediment control plans and stormwater management plans.

*Aquaculture:* (1) The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (2) Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of the necessary equipment, buildings, and growing areas; (3) Cultivation methods include, but are not limited to seed or larvae development and grow out facilities, fish pens, shellfish rafts, racks, and long lines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing, and product storage are not considered aquacultural practices.

*Aquifer:* A porous water bearing geologic formation generally restricted to materials yielding an appreciable supply of water.

*Architect:* A professional with training in architecture and licensed by the State of Maryland.

*Area, Gross:* The total area of the site subject to no exclusions.

*Automobile Repair:* Any building, structure, or area used for major automobile repair, body work, or servicing including the accessory sale of fuels, oils, or parts.

*Automobile Service Station:* Any building, structure, or use of land for the retail sale of automobile fuels, oils, and accessories and where repair service, if any, is incidental.

*Barren land*: Unmanaged land having sparse vegetation.

*Base Flood*: The 1-percent annual chance (100-year) *flood* event as indicated in the *Flood Insurance Study*, as amended; the elevation of which is used for regulatory purposes in this Ordinance.

*Base Flood Elevation*: The water surface elevation of the *base flood* in relation to the datum specified on the community's *Flood Insurance Rate Map*. In areas of shallow *flooding*, the *Base Flood Elevation* is the highest adjacent natural *grade* elevation plus the depth number specified in feet on the *Flood Insurance Rate Map*, or at least four (4) feet if the depth number is not specified.

*Basement*: An enclosed area which is below *grade* on four sides.

*Bench terrace*: A relatively flat area (i.e., less than 2% *grade*) constructed on sloping land to planned dimensions and *grades*. *Bench terraces* are applied along the contour with the length and width controlled by the natural terrain and the required *erosion* limitations.

*Berm*: A mound of *soil*, either natural or manmade, used to obstruct views, noise, direct runoff, or control *soil* loss.

*Best Management Practices (BMP)*: 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 tillage, grass and naturally vegetated filter strips and proper nutrient application measures. For *stormwater management* purposes: A structural device or non-structural practice designed to temporarily store or treat *stormwater* runoff in order to mitigate *flooding*, reduce pollution, and provide other amenities.

*Boarding House*: Same as *rooming house*

*Boathouse*: A *building* constructed for the purposes of storing a boat and boat gear.

*Breakaway Wall*: A wall that is not part of the structural support of a *building* and is intended to collapse under specific lateral loading forces without causing damage to the supporting foundation system of the *building*.

*Buffer*: Within the Chesapeake Bay *Critical Area*, an existing, naturally vegetated area or an area established in vegetation and managed to protect aquatic environments, *wetlands*, shoreline, and terrestrial environments from man-made disturbances. The buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity and is immediately landward from mean high water of tidal waters, the edge of each bank of a tributary stream, or the landward boundary of a tidal wetland. The purpose of the *buffer* is to: (1) Provide for the removal or reduction of *sediments*, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries; (2) Minimize the adverse effects of human activities on *wetlands*, shorelines, stream banks, tidal waters and aquatic resources; (3) Maintain an area of *transitional habitat* between aquatic and upland communities; (4) Maintain the natural environment or streams; and (5) Protect riparian *wildlife habitat*. (6) The *buffer* will be expanded for *slopes* of 15% or

more, *hydric soils*, or *highly erodible soils* whose *development* or disturbance may impact streams, *wetlands*, or aquatic environments.

**Buffer Management Plan:** means a narrative, graphic description, or plan of the Buffer that is necessary when an applicant proposes a development activity that will: (1) affect a portion of the Buffer; (2) alter Buffer vegetation; or (3) Require the establishment of a portion of the Buffer in vegetation. Buffer Management Plan includes a major Buffer Management Plan, a minor Buffer Management Plan, or a Simplified Buffer Management Plan as described in this ordinance.

**Buffer Yard:** means an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Modified Buffer Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

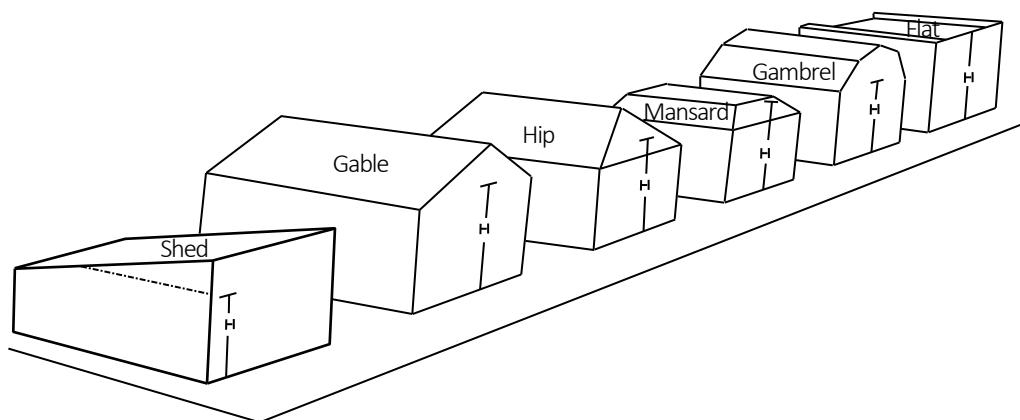
**Buildable Area:** The area of that part of the *lot* not included within the *yards*, *open space*, or environmental areas herein required.

**Buildable Width:** The width of the *lot* not included within the *yards*, *open space*, or environmental areas herein required.

**Building:** Any *structure* having a roof supported by columns or walls for the housing or enclosure of *persons* or property.

**Building, Totally Enclosed:** Any *building* having no outside openings other than ordinary doors, windows, and ventilators.

**Building, Height of:** The vertical distance from the average elevation of finished ground surface around the *building* to the highest point of the coping of a flat roof, or to the deck line of the highest point of coping or parapet of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a *building* with a shed roof is within 30 feet of a *street*, the height of such *building* will be measured to the highest point of coping or parapet.



**Building Line:** A line within a *lot*, so designated on a plat of *subdivision*, between which line and the *street line* of any abutting *street*, no *building* or *structure* may be erected.

*Bulk*: A term used in this Ordinance to describe the size and shape of a *building* or *structure* and its relationship to other *buildings*, to the *lot area* for a *building*, and to *open spaces* and *yards*.

*Caliper*: The diameter of a *tree* measured at six inches above *grade*.

*Camp, Boarding*: As for *day camp*, except that uses and *structures* for the lodging of guests will be permitted in locations appropriate for extensive outdoor recreation.

*Camp, Day*: A *lot*, *tract*, or parcel of land operated as a resource utilization enterprise in which seasonal facilities, boating, fishing, swimming, outdoor sports, and activities incidental and relating to the foregoing but not including miniature golf, golf courses, golf driving ranges, mechanical amusement devices, or permanent *structures* for the housing of guests.

*Campground*: Any area or *tract* of land owned by a single entity to which accommodations for temporary and not year-round occupancy are located or may be placed including cabins, tents, *recreational vehicles*, and campers, and which is used for recreational purposes and retains an open air or natural character.

*Canopy*: A detachable, roof-like cover supported from the ground, or deck, or walls, of a *building* for the protection from the sun.

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

*Certificate of Occupancy or Use*: A permit to legally occupy or use a *building* for the intended purpose.

*Certification*: A signed, written statement that specific conditions, inspections, or tests (when required) have been performed and that such comply with the applicable requirements of this Ordinance.

*Champion of the State*: In terms of *forest conservation*, a *tree* that appears in the State Forest Conservation Manual list of State *Champion trees*.

*Champion Tree*: The largest *tree* of its species within the United States, the State, County, or a municipality.

*Channel*: That part of the *waterway* where the largest class vessel that could use such *waterway* is required to navigate because of shallowness of water on both sides of such part, or as delineated on an approved plan or navigational chart.

*Channel Protection Storage Volume*: The volume used to design structural management practices to control stream *channel erosion*. Methods for calculating the *channel protection storage volume* are specified in the 2000 Maryland *Stormwater Design Manual*, Volumes I and II, and as amended.

*Clear-cutting*: 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 advance regeneration or stump spouts, or from planting of seeds or *seedlings* by man.



*Clearing:* The removal of *trees* and/or brush from the land but which will not include the ordinary mowing of grass.

*Cliff Height:* The distance measured from mean high tide to the top of the bank.

*Clinic:* A *building* or a portion thereof designed for and used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties, or a combination of *persons* in these professions, but not including lodging of patients overnight.

*Club, Private:* *Buildings* and facilities owned or operated by a corporation, association, *person*, or *persons* for social, educational, or recreational purposes, but not primarily to render service which is normally carried on as a business.

*Cluster Development:* Within the *Critical Area*, a residential *development* in which *dwelling units* are concentrated in a selected area or selected areas of the *development tract* so as to provide a natural habitat or other *open space* uses on the remainder.

*Coastal high hazard areas:* Those areas subject to coastal or tidal *flooding* with the addition of high velocity water and wind action. These areas are designated as a V-Zone on the *Flood Insurance Rate Map*.

*Coastal A Zone:* An area within a *special flood hazard area*, landward of a coastal high hazard area (V Zone) or landward of a shoreline without a mapped coastal high hazard area, in which the principal source(s) of *flooding* are astronomical tides and storm surges, and in which, during *base flood* conditions, the potential exists for breaking waves with heights greater than or equal to 1.5 feet. The inland limit of the *Coastal A Zone* may be delineated on *FIRMs* as the *Limit of Moderate Wave Action (LiMWA)*.

*Collector Street:* A *street* which is intended to collect traffic from *minor streets* within a neighborhood or a portion thereof and to distribute such traffic to *major thoroughfares*, in addition to providing access to properties abutting thereon.

*Colonial Water Birds:* Herons, egrets, terns, and glossy ibis. For the purpose of nesting, these birds congregate (i.e., colonize) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

*Commercial Logging and Timber Harvesting Operations:* The *cutting* and removing of *tree* stems from a *site* for commercial purposes; leaving the root mass intact, includes all commercial operations done by companies and private individuals for economic gain.

*Community Piers:* Boat docking facilities associated with *subdivisions* and similar residential areas, and with condominiums, *apartments*, and other *multi-family dwelling units*. Private *piers* are excluded from this definition.

*Compaction:* Desiccation (drying up) of a *soil* or rock *fill* by mechanical or other procedures.

*Concept Plan:* For *stormwater management* purposes: The first of three plan approvals that includes information necessary to allow an initial evaluation of a proposed project.



*Conference Center:* A year-round facility with staff, equipment, and support services dedicated to providing an environment that will support and facilitate meetings. A minimum of 100 square feet of meeting space is provided per guest room. Dedicated meeting rooms are separate from living and leisure areas.

*Conservation Easement:* A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

*Consolidation:* In the Critical Area, a combination of any legal parcels of land or recorded, legally buildable lots into fewer parcels or lots. "Consolidation" includes any term used by a local jurisdiction for a development application that proposes to combine legal parcels of land or recorded, legally buildable lots into fewer parcels or lots than the number that existed before the application, such as a subdivision, lot line abandonment, boundary line adjustment, re-platting request, or lot line adjustment.

*Convalescent Home:* A *building* where regular nursing care is provided for more than one *person* that is not a member of a *family* who resides on the *premises*.

*Cottage Industry:* Family type businesses which employ less than ten people and manufacture and/or provide services with low-impact to the surrounding area and residents (e.g. low traffic volume, no heavy, noisy or environmentally disruptive machinery to perform tasks, little or no outdoor storage). Often home-based industries utilize telecommunications networks. *Cottage industries* include, but are not limited to plumbers, electricians, carpenters, and other tradesmen.

*Country Inn:* An existing *building* where, for compensation and only by prearrangement for definite periods, lodging and meals are provided. Such uses are limited to fifteen rooming units excluding resident manager quarters.

*Country Stores:* A retail store or shop which sells general merchandise and food serving the local area.

*Courtyard:* An *open space* that may or may not have direct *street* access and around which is arranged a single *building* or group of related *buildings*.

*Cover Crop:* The establishment of 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.

*Critical Area:* All lands and waters defined in Md. Code Ann., Natural Resources, §8-1807. These include: (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all state and private *wetlands* designated under Title 16 of the Environmental Article, Annotated Code of Maryland. (2) All lands and water areas within 1,000 feet beyond the landward boundaries of state or private *wetlands* and the heads of tides designated under Title 16 of the Environmental Article, Annotated Code of Maryland. (3) Modification to these areas through inclusions or exclusions proposed by local *jurisdictions* and approved by the Commission as specified in Md. Code Ann., Natural Resources § 8-1807.

*Critical and Essential Facilities:* Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow or earthquakes. [Note: See Maryland Building Performance Standards, Section 1602 and Table 1604.5.] *Critical and essential facilities* typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

*Critical Habitat Area:* A critical habitat for an *endangered species* and its surrounding protection area. A *critical habitat area* will (1) Be likely to contribute to the long-term survival of the species; (2) Be likely to be occupied by the species for the foreseeable future; and (3) Constitute habitat of the species that is considered critical under Md. Code Ann., Natural Resources, §4-2a-04 and 10-2a-06.

*Critical Habitat for Endangered Species:* a habitat occupied by an *endangered species* as determined or listed under Md. Code Ann., Natural Resources, §4-2a-04 and 10-2a-04.

*Crosswalk:* A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

*Cut:* See “excavation”

*Day Care Group:* A licensed home or agency that regularly provides supervision for nine or more non-related children.

*Day Care Home:* The provision of supplemental parental care and supervision for eight or fewer non-related children.

*Declaration of Intent:* (1) A signed and notarized statement by a landowner or the landowner’s agent certifying that the activity on the landowner’s property: (1a) Is for certain activities exempted under this Ordinance or Md. Code Ann., Natural Resources, §5-103 and §§5-16-1 through 5-1612; (1b) Does not circumvent the requirements of this Ordinance or Md. Code Ann., Natural Resources, §5-103 and §§5-16-1 through 5-1612; and (1c) Does not conflict with the purposes of any other *Declaration of Intent*. (2) The document required under this Ordinance.

*Declaration of Land Restriction (Non-conversion Agreement):* A form signed by the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

*Department:* The Kent County Department of Planning, Housing, and Zoning, unless otherwise specified.

*Demolition/demolish:* means the act of pulling down, destroying, removing, or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same. For the purposes of *Historic structure* review, the term “demolition” will not include routine maintenance, interior renovations, removal, or construction of porches, decks, windows, or other types of renovations for which approval is generally not required.

*Density*: The permitted number of *dwelling units* per acre of land to be developed.

*Design Manual*: The 2000 Maryland *Stormwater Design Manual*, Volumes I and II, and as amended, that serves as the official guide for *stormwater management* principles, methods, and practices.

*Detention Structure*: A permanent *structure* for the temporary storage of runoff that is designed so as not to create a permanent pool of water.

*Developed Land*: For *stormwater management* purposes: To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or *alteration*.

*Developed Woodland*: An area of trees or trees and understory vegetation that is interspersed with residential, commercial, industrial or recreational development.

*Developer*: A person, partnership, or corporation engaging in organizing the construction of more than one *dwelling unit* or engaging in organizing the construction of one *dwelling unit* for occupancy by persons other than the owner, or any type of commercial or industrial *development* or subdividing of land.

*Development*: Any construction, reconstruction, modification, extension, or expansion of *buildings* or *structures*; placement of *manufactured homes*; mining; dredging; placement of *fill*; *grading*; paving; dumping; storage of equipment or materials; land *excavation*; land *clearing*; land improvement; *subdivision* of land; or any combination thereof.

*Development Activities*: The construction or substantial *alteration* of residential, commercial, industrial, institutional, or *transportation facilities* or *structures*.

*Development Project Completion*: For the purposes of *afforestation*, *reforestation*, or payment into a *forest conservation* fund; (1) The release of the *development* bond, if any; (2) Acceptance of the project's *streets*, utilities and public services by the county; or (3) Designation by the County that a: (3a) *Development* project has been completed, or (3b) Particular stage of a staged *development* has been completed.

*Direct Discharge*: The concentrated release of *stormwater* to tidal waters or vegetated *tidal wetlands* from new *development* or *redevelopment* projects in the Chesapeake Bay *Critical Area*.

*Disturbance*: An alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn.

*Disturbance, Permanent*: In the *Critical Area*, a material, enduring change in the topography, landscape, or structure that occurs as part of development activity. Permanent disturbance includes: 1) construction or installation of any material that will result in lot coverage; 2) construction of a deck; 3) grading if the area is not restored to its previous vegetative condition immediately after completion of the development activity; 4) clearing of a tree, forest, or developed woodland; and 5) septic system installation, except

on a lot created before April 12, 1988, in which the septic system is located in existing grass or clearing is not required.

**Disturbance, Temporary:** In Critical Area, a short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance does not include activity performed in violation of this Ordinance, but does include: 1) Storage of materials that are necessary for the completion of the development or redevelopment activity; 2) construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; 3) Grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and 4) installing a septic system on a lot created before April 12, 1988, if the septic system is located in existing grass or clearing is not required. Temporary disturbance does not include a septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required.

**Diversion:** A channel or ditch and a ridge constructed across a slope so as to intercept and divert surface runoff.

**Documented Breeding Bird Areas:** Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

**Dog Kennel, Commercial:** The keeping of any dog or dogs, regardless of number, for breeding, sale, boarding, or treatment purposes, except in an animal hospital or pet shop as permitted by these regulations. The keeping of five or more dogs, six months or older, for any purpose.

**Drainage Area:** That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

**Drainageway:** See “watercourse and/or drainageway”

**Dwelling:** A building or portion thereof, designed and used primarily for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

**Dwelling Unit:** A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family. Within the Critical Area: A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes living quarters for domestic staff or other employees or tenants, an in-law or accessory apartment, a guest house, or a caretaker residence.

**Dwelling, Multi-Family:** A building designed for and occupied exclusively by three or more families living independently of each other.

**Dwelling, Single Family:** A building designed for and occupied exclusively by one family.

*Dwelling, Two-Family:* A building designed for and occupied exclusively by two families living independently of each other.

*Easement:* A grant or reservation by a property owner of the right to use an identifiable piece of land or right for a specified purpose or purposes. For *stormwater management* purposes: A grant or reservation by a property owner of the right to use an identifiable piece of land or right for a specified purpose or purposes, and which will be included in the conveyance of land affected by such *easement*.

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

*Elevation Certificate:* A FEMA form on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the Elevation Certificate shall be completed in accordance with the instructions issued by FEMA. Note: FEMA Form 086-0-33 and instructions are available online.

<https://www.fema.gov/media-library/assets/documents/160>

*Embankment or Fill:* A deposit of *soil*, rock, or other materials placed by man.

*Endangered Species:* Any species of fish, wildlife, or plants which have been designated as such 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 is determined to be in jeopardy. This includes any species determined to be an "endangered species" pursuant to the Federal *Endangered Species Act*.

*Engineer:* A person with professional, technical, or practical training, ability, and experience in *engineering* and licensed in the State of Maryland to practice *engineering*.

*Environmental Site Design (ESD):* Using small-scale *stormwater management* practices, nonstructural techniques, and *site planning* to mimic natural hydrologic runoff characteristics and minimize the impact of land *development* on water resources. Methods for designing ESD practices are specified in the *Design Manual*.

*Erosion:* The process by which the ground surface is worn away by the action of wind or water.

*Erosion and Sediment Control:* A system of structural and vegetative measures that minimizes *soil erosion* and *off-site sedimentation*.

*Erosion and Sediment Control Plan:* An *erosion and sediment control* strategy or plan designed to minimize *erosion* and prevent *off-site sedimentation*.

*Excavation, landscaping, or other Contractor's Yard:* Any land and/or *buildings* used primarily for the storage of equipment, vehicles, machinery, new or used *building* materials, paint, pipe, or electrical components used by the owners or occupants of the *premises* in the conduct of any *building* trades, *building* craft, or *excavation* / construction trade (This definition has been revised to include a wide range of contractors including landscapers).

*Excavation or Cut:* Any act by which the ground surface is *cut* into, dug, quarried, uncovered, removed, displaced, or relocated and will include the conditions resulting therefrom.

*Excess Stormwater Runoff:* In the *Critical Area*, all increases in *stormwater* resulting from: (1) An increase in the imperviousness of the *site*, including all additions to *buildings*, *roads*, and parking *lots*; (2) Changes in permeability caused by *compaction* during construction or modifications in contours, including the filling or drainage of small depression areas; (3) *Alteration* of *drainageways* or *regrading* of *slopes*; (4) Destruction of *forest*; or (5) Installation of collection systems to intercept *street* flows or to replace swales or other *drainageways*.

*Exemption:* For *stormwater management* purposes: Those land *development activities* that are not subject to the *stormwater management* requirements contained in this Ordinance. For *erosion and sediment control* purposes: Those land *development activities* that are not subject to the *erosion and sediment control* requirements contained in this Ordinance.

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

*Extended Detention:* A *stormwater* design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream *channels* from frequent storm events. Methods for designing *extended detention BMPs* are specified in the *Design Manual*.

*Extreme Flood Volume:* The storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the *100-year floodplain*.

*Family:* An individual or individuals living together by joint agreement and occupying a single housekeeping unit with a single primary culinary facility on a non-profit, cost-sharing basis. Domestic servants employed and living on the *premises* will be considered as part of the *family*.

*Farm:* A parcel of land not less than 20 acres in size used for *agriculture* including *animal husbandry*, and as defined in this Ordinance.

*Final Erosion and Sediment Control Plan:* The last of three plan approvals that includes the information necessary to allow all approvals and permits relating to *erosion and sediment control* to be issued by the *Approving Agency*.

*Final Stormwater Management Plan:* The last of three plan approvals that includes the information necessary to allow all approvals and permits relating to *stormwater management* to be issued by the *approving agency*.

*Financial Assurance:* A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the County.

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

*Fisheries Activities:* Commercial water dependent fisheries facilities including *structures* for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians



and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, offloading docks, shellfish culture operations, and shore-based facilities necessary for *aquaculture* operations.

**Flood:** General and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

**Flood Insurance Rate Map (FIRM):** Map which depicts the minimum *Special Flood Hazard Area* to be regulated by this Ordinance.

**Flood Insurance Study (FIS):** The official report in which the Federal Emergency Management Agency has provided *flood* profiles, *floodway* information, and the water surface elevations.

**Flood Protection Elevation (FPE):** The elevation of the *base flood* plus three feet *freeboard*.

**Floodplain:** (1) A relatively flat or low area adjoining a river, stream, *watercourse*, or *drainageway* which is subject to partial or complete inundation; (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from source; or (3) Land typically adjacent to a body of water with ground surface elevations that are inundated by the *base flood*.

**Floodproofing:** Any combination of structural and non-structural changes which reduce or eliminate *flood* damage to improved property.

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

**Floodway:** The *channel* and adjacent land area required to discharge the waters of the 100-year *flood* of a *watercourse* without increasing the water surface elevations more than a specified height.

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

**Floor Area, Commercial:** For Commercial, business, and industrial *buildings* or *buildings* containing mixed uses; the sum of the gross horizontal area of the several floors of a *building* measured from the exterior faces of the exterior walls separating two *buildings* but not including: (1a) Attic space providing headroom of less than seven feet; (1b) *Basement* space not used for retailing; (1c) Uncovered steps or fire escapes; (1d) Accessory water towers or cooling towers; and (1e) Accessory off-street *loading spaces*.

**Floor Area, Residential:** For Residential *buildings*: the sum of the gross horizontal areas of the several floors of a *dwelling*, exclusive of garages, *basement*, and open porches, measured from the exterior faces of the exterior walls.

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

**Forest:** A biological community dominated by *trees* and other woody plants covering a land area of 10,000 square feet or greater, includes (1) areas that have at least 100 live *trees* per acre with at least 50 percent of those *trees* having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and (2) areas that have been *cut* but not cleared.



*Forest Conservancy District Board*: The forestry board created for each State Forest Conservancy District under Md. Code Ann., Natural Resources, §§5-601 through 5-610.

*Forest Conservation*: The retention of existing forest or the creation of new forest.

*Forest Conservation and Management Agreement*: An agreement as stated in the Md. Code Ann., Tax: Property, § 8-211.

*Forest Conservation Plan*: A plan approved pursuant to the requirements of this Ordinance and the *Forest Conservation Technical Manual*.

*Forest Conservation Technical Manual*: The technical manual incorporated by reference, used to establish standards of performance required in preparing *Forest Stand Delineations* and *Forest Conservation Plans*. See the link below for an online copy of the technical manual <https://mdstatedocs.slr.info/digital/collection/mdgov/id/11130/>

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

*Forest Interior Dwelling Birds*: 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*: The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvest, water transpiration, wildlife habitat, etc.

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

*Forest Mitigation Bank*: an area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.

*Forest Mitigation Bank Agreement*: an agreement entered into by an individual owning a forest mitigation bank and the county which commits the banker to certain procedures and requirements when creating and operating the forest mitigation bank.

*Forest Mitigation Bank Plan*: a plan submitted for approval of a forest mitigation bank to the county by an individual proposing to establish a forest mitigation bank.

*Forest Practice*: The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

*Forest Stand Delineation*: The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the *Forest Conservation Technical Manual*.

*Fowl*: birds which are hunted or kept for food, including Galliformes (such as turkeys, chickens, partridges, and quail) and waterfowl of the order Anseriformes (such as ducks, geese, and swans). See also *Livestock* and *Poultry*.

*Freeboard*: An increment of elevation added to the *Base Flood Elevation* to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

*Frontage, Lot:* The distance for which the front boundary line of the *lot* and the *street line* are coincident.

*Frontage, Street:* All of the property on one side of a *street* between two intersecting *streets* (crossing or terminating), measured along the line of the *street*, or if the *street* is dead-ended, then all of the property abutting on one side between an intersecting *street* and the dead-end of the *street*.

*Fully established:* The Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

*Garage, Private:* A garage used for storage purposes only.

*Grade:* *Grade* elevations will be determined by averaging the elevations of the finished ground at all corners and/or principal points in the perimeter wall of the *building*.

*Grading/grade:* Any act by which *soil* is disturbed, including but not limited to, *clearing, stripping, stockpiling, excavating, grubbing, scarified, filling, removing root mat or topsoil, or any combination thereof.*

*Grading Unit:* The maximum contiguous area allowed to be *graded* at a given time. For the purposes of *erosion and sediment control*, a *grading unit* is the maximum contiguous area allowed to be *graded* at a given time and can be established on a *site-specific* basis.

*Grain Dryer, Commercial:* A facility for drying grain, in which the grain that is dried is primarily supplied by sources other than the owner and/or operator of the facility.

*Group Home:* A place, home, or institution which is licensed to provide boarding, shelter, and *personal* services to not more than eight *persons*, regardless of age, who have a need for supervision or assisted community living based on emotional, mental, physical, familial, or social differences. (Examples of such *persons* include but will not be limited to the mentally or physically handicapped, alcoholics, elderly, drug-dependent, and juveniles under the *jurisdiction* of the courts, the Department of Social Services, or the Juvenile Services Administration). *Group homes* do not include public or private schools organized and operated under Maryland laws, *persons* related by blood or marriage within the third degree to the custodial *person*, or to houses of worship, other religious or other public institutions for caring for such *persons* within the *building* while parents or other custodial *persons* are attending services, activities, or meetings.

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

*Guest House:* Living quarters within a detached accessory *building* located on the same *premises* as the main *dwelling*. Such quarters not rented or otherwise used as a separate *dwelling* and having no separate utility or kitchen.

*Habitat Protection Area:* In the Critical Area, the Buffer, nontidal wetlands, habitats of species in need of conservation, habitat of threatened and endangered species, plant habitats,

wildlife habitats, and anadromous fish propagation waters, as defined in COMAR 27.01.09 and COMAR 26.24.01.02B.

*Habitat Protection Plan:* A document showing and describing how the purposes and requirements of habitat protection areas will be accomplished.

*Hazardous tree:* In the Critical Area, a tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion; or based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion. A hazardous tree does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished with routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning; or by relocation of property that is likely to be damaged.

*Health Officer:* The *Health Officer* of Kent County.

*Highly Erodible Soils:* Those *soils* with a *slope* greater than 15%; or those *soils* with a *K Value* greater than 0.35 and with *slopes* greater than 5%.

*Highest Adjacent Grade:* The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a *structure*.

*Historic Structures:* Any *structure*, including but not limited to residential, agricultural, civic and commercial *buildings*, which is equal to or greater than seventy-five years of age, or otherwise deemed to be of historical significance by meeting one or more of the following aspects of Kent County, Maryland or United States History: (1) Association with historic events or activities; (2) Association with *persons* who are important to the community or to specific *developments* of history; (3) Embodiment of distinctive characteristics of a type, period, method of construction, or the work of a master; or (4) Potential to provide important information about history or prehistory. (5) For *floodplain* purposes: Any *structure* that is: (5a) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (5b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (5c) Individually listed on the Maryland Register of Historic Places.

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

*Home Occupation:* An occupation or business activity which results in a product or service and is conducted in whole or in part in a *dwelling unit* or *accessory structure* and is clearly secondary and subordinate to the residential use of the property.

*Hospital:* A *building* or group of *buildings* having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured *persons*, and which may include related facilities, central service facilities, and staff offices; provided however, that such related facilities will be incidental and subordinate to the main use and will be an integral part of the *hospital* operation.

*Hotel:* A *building* in which lodging or boarding are provided for more than 15 *persons*, primarily transient, or with more than ten guest rooms, offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a *person* in charge at all hours. As such, it is open to the public, in contrast to a boarding, rooming, or *lodging house* or an *apartment house* which are herein separately defined. A *hotel* may include *restaurants*, taverns, clubrooms, public banquet halls, ballrooms, and meeting rooms.

*House of Worship:* A *building* wherein *persons* regularly assemble for religious worship, and those accessory activities as are customarily associated therein, which *building* and activities are maintained and controlled by a religious body organized to sustain public worship but not to render a service which is customarily carried on as a business.

*Hedgerow:* A row or rows of bushes, shrubs, or *trees* forming a hedge.

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

*Hydrophytic Vegetation:* 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 wet areas).

*Impervious Surface:* A surface that has been compacted or covered with a layer of material so that it is highly resistant to *infiltration* by water. For *stormwater management* purposes: Any surface that does not allow *stormwater* to infiltrate into the ground.

*In-kind replacement:* In the Critical Area, the removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, and length.

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

*Inspection Agency:* The Maryland Water Management Administration or, if enforcement authority has been delegated, Kent County.

*Intermittent Stream:* A stream in which surface water is absent during a part of the year as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

*Intrafamily Transfer*: A transfer to a member of the owner's immediate *family* of a portion of the owner's property for the purpose of establishing a residence for that *family* member.

*Intrafamily Transfers, Immediate Family Member*: A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

*Island*: In *street* or parking design, a raised area, usually curbed, placed to guide traffic and separate lanes or used for landscaping, signage, or lighting.

*Junk*: Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons, trailers, and other kinds of vehicles and parts thereof, scrap *building* material, scrap contractor's equipment, tanks, caskets, appliances, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled, or displayed.

*Jurisdiction*: Territory of a county or municipal corporation within which its powers may be exercised.

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

*Land Surveyor*: A person who is licensed as a *land surveyor* in the State of Maryland.

*Land-based aquaculture*: In the *Critical Area*, the raising of fish or shellfish in any natural or man-made, enclosed, or impounded, water body.

*Landforms*: Features of the earth's surface created by natural causes.

*Landscape Plan*: A plan showing the dimensions and details for *reforesting* an area at least 35 feet wide and covering 2,500 square feet or greater in size or landscaping, using native or indigenous plants when appropriate, and where applicable, and is made a part of an approved *Forest Conservation Plan*.

*Large shrub*: A shrub that, when mature, reaches a height of at least six feet.

*Laundromat*: A business that provides washing, drying, and/or ironing machines or dry-cleaning machines for hire to be used by customers on the *premises*.

*Legally developed*: All physical improvements to a property that existed before Critical Area Commission approval of a local Program, or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.

*Linear Project*: a project which is elongated with nearly parallel sides and is used to transport a utility product or public service not otherwise contained in an application for *subdivision*, such as electricity, gas, water, sewer, communications, trains, and vehicles. It may traverse fee simple properties through defined boundaries or established *easement* rights

*Limit of Moderate Wave Action (LiMWA)*: Inland limit of the area affected by waves greater than 1.5 feet during the *base flood*. *Base flood* conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

*Load-Bearing Fill:* Any facility, earthwork, or *fill* placed in a controlled manner to support structural foundations or vehicular traffic, the instability of which would constitute a public hazard or nuisance.

*Livestock:* domesticated animals that are kept for purposes including meat, leather, wool, or labor, which may include but not be limited to cattle, swine, sheep, horses, mules, or goats. Large ruminants include cattle; small ruminants include sheep and goats; equines include horses and mules. See also *Fowl* and *Poultry*.

*Loading Space:* An off-street space or berth within or adjacent to the main *building* for the standing, loading, or unloading of vehicles.

*Lodging house:* Same as *rooming house*.

*Lot:* A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or plat and which is recognized as a separate legal entity for the purposes of transferring title.

*Lot, Corner:* A *lot* abutting upon two or more *streets* at their intersection.

*Lot, Depth:* The average horizontal distance between the front and rear *lot lines*.

*Lot, Interior:* A *lot* other than a *corner lot*.

*Lot, Through (Double Frontage):* A *lot* having a *frontage* of two approximately parallel *streets* or places.

*Lot Area:* The total horizontal area within the *lot lines* of the *lot*.

*Lot Coverage:* In the Critical Area, 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 other any manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck. Lot coverage does not include: 1) a fence or wall that is less than one 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; or 3) a wood mulch pathway; or 4) a deck with gaps to allow water to pass freely

*Lot Line:* The boundary line of a *lot*.

*Lot Width:* The horizontal distance between the side *lot lines* measured at the front *building setback* line.

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

*MET Tower:* A temporary tower erected for the purpose of performing a wind study to determine the optimal location for a wind energy system.



*Maintenance Agreement or Guarantee:* 1) Any security which may be required and accepted by Kent County to ensure that necessary improvements will function as required for a specified period of time. 2) The short-term management agreement associated with *afforestation, reforestation, or landscaping*. 3) The long-term management agreement for *private roads and stormwater management* facilities.

*Major Thoroughfare:* A *street* or highway so designated on the Kent County *Major Thoroughfare Map*.

*Manufactured Home:* A transportable *structure* that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. A mobile home is separately defined below.

*Marina:* A location for docking or mooring boats and providing services for compensation to boats and the occupants thereof. *Marina* does not include a community *pier* or other noncommercial boat docking and storage facility.

*Maximum Extent Practicable (MEP):* Designing *stormwater management systems* so that all reasonable opportunities for using *ESD planning techniques* and treatment practices are exhausted and only where absolutely necessary, a structural *BMP* is implemented.

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

*Microbrewery:* A facility in which beer is brewed for distribution and consumption, and which possesses the appropriate license from the State of Maryland, including tasting rooms on the *premises* for the consumption of *on-site* produced beer.

*Minor Street:* A *street* other than a *major thoroughfare* or *collector street* and intended primarily for providing access to abutting properties.

*Mitigation:* An action taken to compensate for adverse impacts to the environment resulting from a development activity or a change in land use or intensity.

*Mobile Home:* A *structure*, transportable in one or more sections, which when erected on *site* is 320 square feet or more and is built on a permanent chassis and is designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained in it. This term will apply to any *structure* which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a *certification* required by the Secretary of HUD and complies with the standards established under the federal act.

*Mobile Home Development:* Any *lot, parcel, or tract*, together with required *open space*, used, designed, maintained, or held out to accommodate *mobile homes*, whether by rental or ownership and all *buildings and structures* intended as *accessory uses*. A *mobile home development* does not include automobile or *mobile home sales lots* on which unoccupied *mobile homes* are parked for inspection and sale. A *mobile home development* provides for the permanent or long-term location of *mobile homes* to be occupied as residences.



*Mobile Home Park:* A mobile home development which is divided into individual *sites* and solely operated exclusively as a rental project.

*Mobile Home Subdivision:* A mobile home development which is subdivided into individual *lots*.

*Modified Buffer:* An area of 100 feet measured horizontally from mean high tide, the edge of *tidal wetlands*, or *tributary streams* and located within a *Modified Buffer Area*. This *modified buffer* will include a 25-foot area of existing naturally vegetated area, or an area established in vegetation and managed to protect aquatic environments, *wetlands*, shoreline, and terrestrial environments from man-made disturbances. *Sites* with a *non-functioning buffer* will be required to have a *modified buffer*.

*Modified Buffer Area:* An area of land where a pattern of residential, industrial, commercial, or recreational development existed in the first 100 feet of the buffer on December 1, 1985, and that, as part of a local program approved by the Critical Area Commission, is shown on a map maintained by the County and is subject to modified development provisions.

*Motel, Tourist Home, or Motor Lodge:* A *building* in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or *lodging house*, or a *multi-family dwelling*; same as a *hotel* except that the *buildings* are usually designed to serve tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office and parking is usually adjacent to the rooms.

*Native Plants:* Species indigenous to the physiographic area in Maryland where the planting is proposed, including improved cultivars of those species.

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

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

*Natural Heritage Area:* Any community of plants or animals which are considered to be among the best Statewide examples of their kind and are designated by regulation by the Department of Natural Resources.

*Natural Parks:* Areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

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

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

*Nature-dominated:* A condition where *landforms* or biological communities, or both, have developed by natural processes in the absence of human intervention.

*Net Tract Area: For forest conservation:* (1) Except in agricultural (AZD) and resource (RCD) areas, the total area of a *site*, including both *forested* and *non-forested* areas, to nearest 1/10 acre, reduced by the area where *forest clearing* is restricted by another local ordinance or program. (2) In agricultural (AZD) and resource (RCD) areas, the part of the total *tract* for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by the area where *forest clearing* is restricted by another local ordinance or program. (3) For a *linear project*, the area of a right-of-way width, new access *roads*, and storage, or the limits of disturbance as shown on an application for *sediment* and *erosion* control approval or in a capital improvements program project description.

*New Construction:* In terms of *floodplain* management, *structures*, including additions and improvements, and the placement of *manufactured homes*, for which the *start of construction* (herein defined) commenced on or after April 25, 1975, the initial effective date of the Kent County *Flood Insurance Rate Map*, including any subsequent improvements, *alterations*, modifications, and additions to such *structures*.

*NAVD:* In terms of *floodplain*: the North American Vertical Datum of 1988 elevation reference points set by the National Geodetic Survey based on mean sea level.

*Nonconformities:* (1) Nonconforming *Lots*: A validly recorded *lot* which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the *lot* requirements of this Ordinance concerning minimum *density*, area, or dimension. (2) Nonconforming *Structures*: A *structure* or *building*, not including signs, which lawfully existed on the effective date of this Ordinance but which does not comply with one or more of the *development* standards for the district in which it is located. (3) A use or activity that was lawful prior to the effective date of this Ordinance but fails to comply with the present requirements of the Ordinance.

*Non-Functioning Buffer:* A *buffer* will be considered non-functioning if: (1) More than 50% of the *buffer on-site* is impervious, or (2) More than 75% of the *buffer* on the *site* is disturbed either with stone, decks, septic systems, or other obvious human impacts. The *site* will include all contiguous parcels under single ownership. (3) The *site* is located within a *Modified Buffer Area*. (4) Contiguous *buffers* of *natural vegetation* of 100 feet of shoreline are considered functioning *buffers*.

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

*Non-Renewable Resources:* Resources that are not naturally regenerated or renewed.

*Non-tidal Floodplains:* These *floodplains* consist of the *floodway* and *floodway fringe*. *Non-tidal floodplains* may have detailed *engineering* study data, profiles, and water surface elevations, or may have approximate delineations only.

*Non-tidal wetlands:* (1) Within the *Critical Area*, those lands, excluding *tidal wetlands* regulated under Md. Code Ann., Natural Resources, Title 9, where the water table is usually at or near the surface, or lands where the *soil* or substrate is covered by shallow water at some time during the *growing season*, and which are usually characterized by one or both of the following: (1a) At least periodically, the lands support predominately *hydrophytic vegetation*; and (1b) The substrate is predominately undrained *hydric soils*. (2) Excluded from these *regulations* are *farm* ponds and other man-made bodies of water whose purpose is to impound water for *agriculture*, water supply, recreation, or *waterfowl* habitat purposes. (3) Outside the *Critical Area*, as defined by the State of Maryland, Army Corps of *Engineers*, Environmental Protection Agency, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, and any other applicable State or Federal Agency.

*Nursing Home:* Same as *Convalescent Home*.

*Office of Sediment Control:* The Kent County Department of Planning and Zoning for inspection purposes and the Kent Soil and Water Conservation District for plans review purposes.

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

*Off-site:* Outside of the limits of the area encompassed by the *development* or *tract*.

*Off-site Stormwater Management:* The design and construction of a facility necessary to control *stormwater* from more than one *development*.

*On-site:* Within the limits of the area encompassed by a *development* or *tract*, including an area classified as a 100-year *floodplain*.

*On-site Stormwater Management:* The design and construction of systems necessary to control *stormwater* within an immediate *development*.

*One Percent Annual Chance (100-Year) Floodplain:* An area along or adjacent to a stream or body of water that is capable of storing or conveying *floodwaters* during the 100-year frequency *flood* as shown on the *Flood Insurance Rate Map* and *Flood Insurance Study*.

*One Percent Annual Chance (100-Year) Flood:* The *base flood*, having one chance in hundred (one percent chance) of being equaled or exceeded in any year.

*Open Space:* Those areas suitable for common recreational use or which provide visual relief to developed areas, exclusive of *flood control channel right of ways*, areas devoted to parking, vehicular traffic, or private land, and any other area which does not significantly lend itself to the overall benefit of either the particular *development* or surrounding environment.

*Outdoor Retreat:* A lot, tract, or parcel of land containing up to fifteen guest units, designed for and utilized for periodic, transient occupancy and not as a permanent residence, and which may contain outdoor recreational accommodations, dining facilities for guests, and bathroom accommodations for guests.

*Overbank Flood Protection Volume:* The volume controlled by structural practices to prevent an increase in the frequency of out-of-bank *flooding* generated by *development*. Methods for calculating the *overbank flood protection volume* are specified in the *Design Manual*.

*Overburden:* In the *Critical Area*, the strata or material in its natural state, before its removal by *surface mining*, overlying a mineral deposit, or in between mineral deposits.

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

*Parking, off-street:* An all-weather surface area not in a *street* or *alley* and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a *street* or *alley* by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

*Perennial Stream:* A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

*Permanent Construction:* Any *structure* occupying a *site* for more than 180 days per year.

*Permittee:* Any *persons* to whom a permit is issued pursuant to this Ordinance.

*Person:* Includes, in addition to any other meaning it may have under this chapter, an individual, a corporation, a partnership, the federal government, a county, a municipal corporation, or any other political *subdivision* of the State, an agency, or any other similar entity whatsoever.

*Personal Wireless Facility:* Facility for the provision of *personal* wireless services, as defined by the Telecommunications Act but not including public and commercial radio and television facilities.

*Personal Wireless Facility Tower:* A tower, including guyed towers, lattice towers, and monopoles, for the purpose of supporting *personal wireless facilities*.

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

*Pier:* A *structure* built over the water and supported by pillars, piles, or floats, and used as a landing place, including tie-out pilings.

*Pier Length:* The straight-line distance between the mean high water mark and the outermost piling.

*Planning Commission:* The Kent County *Planning Commission*.

*Planning Techniques:* For *stormwater management* purposes: A combination of strategies employed early in the project design to reduce the impact from *development* and to incorporate *natural features* into a *stormwater management plan*.

*Plant Habitat:* A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

*Plot Plan:* A *site plan* prepared for review of *single-family dwellings*, *accessory uses*, and *structures*, which may include new *single-family dwellings*, additions and *alterations* to

*single family dwellings*, and agricultural *structures*. These projects have minor impact, require less information, and may be reviewed and approved by the Planning Director or the Planning Director's designee. Other minor, non-residential projects may be eligible for review by this type of site plan.

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

*Poultry*: domesticated fowl to include but not be limited to chickens, ducks, geese, turkeys, and pigeons or doves. See also *Fowl* and *Livestock*. *Premises*: A *lot*, together with all the *buildings* and *structures* thereon.

*Primary Road*: *Primary roads* are identified on the Kent County *Road Classification System* map in the Kent County Comprehensive Plan (See the adopted Kent County Comprehensive Plan: <https://www.kentcounty.com/planning/compplan>).

*Priority Funding Area*: An area designated as a *Priority Funding Area* under State Finance and Md. Code Ann., Procurement, §5-7B-02.

*Private Destination/Residence Club*: Tourist accommodations in one or more *buildings* owned, co-owned, or operated by a corporation, association, *person*, or *persons*, and serving as the temporary abode of *persons* having a residence elsewhere and offering both pre- and post-arrival concierge service. The use and occupancy of the units circulates among individuals on a periodically recurring basis and is inherently transient.

*Private Harvesting*: The cutting and removal of *trees* for *personal* use.

*Private Road*: A way for vehicular traffic maintained by private property owners using it.

*Professional Offices*: Offices for doctors, dentists, attorneys, engineers, land surveyors, counselors, and similar uses as determined by the *Department*.

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

*Protected Lands*: A Maryland Agricultural Land Preservation Foundation (MALPF) district or any other *agricultural* or *conservation easement*, both public and private.

*Public Landing*: Areas adjacent to the waters of Kent County and owned by the Kent County Commissioners for use by the public for water related activities, subject to rules and *regulations* as may be promulgated by the Kent County Commissioners.

*Public Utilities*: Uses or *structures* for the public provision, transmission, and distribution of electricity (but not power generation); fuel transmission and distribution (but not manufacture or storage) of gas; potable water treatment and distribution; sewerage collection and treatment; telephone and internet service facilities (not including stations or terminals). This does not include *public utility lines* and *accessory structures*.

*Public Utility Lines and Accessory structures:* Underground gas mains and pipes and underground and overhead electrical and communications wires, cables, pipes, conduits, and their supporting poles, towers, repeaters, boosters, anodes, regulating and measuring devices, and the minor *buildings* or *structures* in which they may be housed, but not including major *buildings*, *yards*, stations, or substations for transforming, boosting, switching, or pumping purposes, where such facilities are constructed on the ground.

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

*Recharge Volume:* That portion of the *water quality volume* used to maintain ground water recharge rates at *development sites*. Methods for calculating the *recharge volume* are specified in the *Design Manual*.

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

*Reconfiguration:* In the Critical Area, a change of the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lots. Reconfiguration includes any term used by a local jurisdiction for a development application that proposes to change the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lot that existed before the application, such as a subdivision, lot line adjustment, boundary line adjustment, re-platting request, or a revision of acreage to increase density.

*Recreational Vehicle:* A vehicular, portable device, not more than 45 feet in length, built on a chassis designed to be self-propelled or permanently towable by a light duty truck, and used as a temporary *dwelling* for travel or recreational purposes.

*Redevelopment:* For *stormwater management* purposes: Any construction, *alteration*, or improvement on *sites* where existing land use is commercial, industrial, institutional, or multi-family residential and existing *site* impervious area exceeds forty (40) percent. For *Critical Area* purposes: The process of developing land, which is or has been developed. For purposes of implementing specific provisions of this ordinance, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.

*Reforestation:* The establishment of a *forest* through artificial reproduction or *natural regeneration* and including for *forest conservation* purposes: (1) The creation of a biological community dominated by *trees* and other woody plants containing at least one hundred live *trees* per acre with at least 50 percent of those *trees* having the potential of obtaining a two-inch or greater diameter measured at 4.5 feet above the ground within seven years. (2) Establishment of a *forest* according to the *Forest Conservation Technical Manual*. (3) Landscaping of areas under an approved *landscape plan* establishing a *forest* at least 35 feet wide and covering an area of 2,500 square feet or more. (4) For a *linear project* involving overhead transmission lines, it may consist of a biological community dominated by *trees* and woody shrubs with no minimum height or diameter criteria.



*Regulated Activity:* For application of *forest conservation* outside of the *Critical Area*, any of the following activities when that activity occurs on a unit of land which is 40,000 square feet or greater: (1) *Subdivision*; (2) *Grading*; (3) An activity that requires a *sediment control permit*; or (4) Project plan of a State or local agency.

*Regulated Grading:* Any *grading* performed with the approval of, and in accordance with, criteria established by this Ordinance.

*Regulations:* The whole body of *regulations*, text, charts, diagrams, notations, and references contained in or referred to in this Ordinance.

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

*Resort:* A self-contained facility that serves as a primary attraction for visitors which provides recreational and/ or therapeutic facilities. A *resort* may also include meeting facilities.

*Resource Banking:* The restoration, creation, enhancement, and in certain defined circumstances, preservation of a natural resource such as *wetlands* or *forest* for the express purpose of compensating for the loss of the natural resource.

*Responsible Personnel:* Any foreman, superintendent, or project *engineer* who is in charge of on-site *clearing* and *grading* operations or the implementation and maintenance of an *erosion and sediment control plan*.

*Restaurant:* An establishment that serves food and beverages primarily to customers seated at tables or counters in a *building* or designated outdoor seating areas and may include drive through service, when such service is listed as being permitted in a zoning district. This includes cafes, tearooms, and snack bars.

*Retail businesses*, including *shopping centers*, are businesses which supply, on the premises, household goods, new automotive parts, agricultural supplies and commodities, sporting goods, and the like including department, outlet, and discount stores.

*Retention:* In *forest conservation*, the deliberate holding and protection of existing *trees*, shrubs, or plants on the *site* according to established standards as provided in the Kent County *Forest Conservation Technical Manual*.

*Retention Structure:* A permanent *structure* that provides for the storage of runoff by means of a permanent pool of water.

*Retreat:* A small meeting facility in a private, natural area, free from distractions thus allowing meeting participants to focus on the goals and objectives of the meeting.

*Retrofitting:* The implementation of *ESD* practices, the construction of structural *BMPs*, or the modification of an existing structural *BMP* in a previously developed area to improve water quality over current conditions.

*Right-of-way:* A strip of land occupied or intended to be occupied by a *street*, *crosswalk*, railroad, road, electrical transmission line, gas pipeline, water main, sanitary or storm sewer main, shade *trees*, or for another special purpose.



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

*Riparian rights line*. An extended property line drawn by a licensed surveyor, which provides for fair and reasonable access to the water from a subject property, while protecting fair and reasonable access to the water from the properties of neighboring property owners.

*Roads*: Collector, Primary, and Secondary: As shown on the County's *Road Classification System* map in the Kent County Comprehensive Plan or Town's *Major Thoroughfare Map* (See Comprehensive Plan <https://www.kentcounty.com/planning/compplan>).

*Roadside Stand*: A *structure* designed or used for the display or sale of local agricultural products.

*Roadway*: That portion of a *street* or highway available for and intended for use by motor vehicle traffic.

*Rooming House*: A *building* where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more *persons* but containing no more than five guest rooms or *rental units that* intended for rental to transients on a day to day or week to week basis, but are not intended for use or used as a permanent *dwelling*, and where individual units do not include kitchen facilities.

*Route 301 Corridor*: One of two growth areas in Kent County identified by the Comprehensive Plan, which includes land adjacent to and one mile east and one mile west of the nine - mile -long section of U.S. Route 301, as it passes from north to south Through Kent County, Maryland, and adding those properties that are zoned Employment Center and Industrial, which are located along MD 299 in Massey.

*Rural Inn*: A facility with 10 to 25 guest rooms that are not for use as permanent residences, with on-site management for the purpose of providing overnight lodging to the general public for transient stays of 45 consecutive days or less for compensation and only by prearrangement, and at which limited dining facilities may also be offered for guests and the general public.

*Sanitary Landfill*: A land disposal *site* employing an *engineering* method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste to the smallest practical volume and applying and compacting cover at the end of each operating day or more often if required.

*Sawmill*: A facility where logs or partially processed cants (logs slabbed on one or more sides) are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products (but not paper or paper products) not including the processing of timber for use on the same *lot* by the owner or resident of that *lot*.

*Screen*: A *structure* or planting consisting of fencing, *berms*, and/or deciduous or coniferous *trees* or shrubs providing a continuous view obstruction within a *site* or property.

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

*Secondary Road:* *Secondary roads* are identified on the Kent County *Road Classification System* map in the Kent County Comprehensive Plan (see the adopted Kent County Comprehensive Plan: <https://www.kentcounty.com/planning/compplan>). Or *roads* so designated by an incorporated Town.

*Sediment:* *Soils* or other surficial materials transported or deposited by the action of wind, water, or artificial means.

*Sediment Control Officer:* Kent County Planning Director or the Director's designee or the District Manager of the Kent Soil and Water Conservation District (KSWCD).

*Sediment Control Permit:* The authorization of an activity regulated under a *sediment* control plan as provided in the Md. Code Ann., Environment, Title 4.

*Seedlings:* An unbranched woody plant, less than 24 inches in height and having a diameter of less than ½ inch measured at two inches above the root collar.

*Selection:* In the *Critical Area*, the removal of single, scattered, mature *trees* or other *trees* from uneven-aged stands by frequent and periodic *cutting* operations.

*Selective Clearing:* The careful and planned removal of *trees*, shrubs, and plants using specific standards and protection measures under an approved *Forest Conservation Plan*.

*Servants' Quarters:* Living quarters within a portion of the main *building* or in an accessory *building* on the same *lot* with the main *building* used for servants employed on the *premises*, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separated *dwelling*.

*Setback:* The distance between the *street right of way* and the line of a *building* or any projection thereof.

*Sewage Sludge:* The accumulated semi-liquid or dried solid residue that is deposited from sewage or seepage in a wastewater treatment plant, as defined in the COMAR *regulations*.

*Sewage Sludge Land Application:* The deposition of *sewage sludge* on the surface or the injection or incorporation of such material into the root zone or *soil* profile.

*Shadow Flicker:* The moving shadow created by the sun shining on rotating blades of the wind turbine.

*Shopping Center:* An integrated *development* of four or more commercial, retail, or service establishments, either connected or freestanding sharing common parking facilities and common access.

*Shoreline Cliff:* A steep face of 10 feet or higher with a *slope* in excess of 60 degrees either vegetated or non-vegetated which borders the Chesapeake Bay, the Chester River, the Sassafras River, or any open water tributary within Kent County.

*Sign:* See Article V for all sign-related definitions.

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

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

*Site Development Plan*: For *erosion and sediment control* and *stormwater management* purposes: The second of three plan approvals that include the information necessary to allow a detailed evaluation of a proposed project.

*Site Plan*: A drawing illustrating a proposed *development* and prepared in accordance with the specifications of Article IV.

*Site Plan, Major*: A *site plan* which is reviewed and decided upon by the Kent County *Planning Commission*. This includes all *site plans* required by this Ordinance that do not meet the criteria for *plot plans* or *minor site plans*.

*Site Plan, Minor*: A *site plan* which is reviewed and decided upon by the Planning Director, or the Planning Director's designee, after review by the Technical Advisory Committee.

*Slip*: That area of the *waterway* contained within the tie-out pilings, a bulkhead, or a *pier*, whether covered or not.

*Slope*: The inclined exposed surface of fill, *excavation*, or natural terrain.

*Small shrub*: A shrub that, when mature, reaches a height of up to six feet.

*Soil*: All earth material of whatever origin that overlies bedrock, and including, but not limited to, the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

*Soil Conservation and Water Quality Plans*: In the *Critical Area*, land use plans for *farms*, which show *farmers* how to make the best possible use of their *soil* and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate: (1) How the landowner plans to treat a *farm* unit; (2) Which *best management practices* the landowner plans to install to treat undesirable conditions; and (3) The schedule for applying those *best management practices*.

*Solar Energy System, utility scale*: Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy primarily for use *off-site*. Energy generated may be used to serve on *site* power needs.

*Solar Energy System, small*: Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating energy for use on *site*. The energy output may also be delivered to a power grid to offset the cost of energy on *site* only, as well as allowing for aggregate metering as defined by the State of Maryland.

*Special Flood Hazard Area (SFHA)*: The land in the *floodplain* subject to a one percent or greater chance of *flooding* in any given year. *Special Flood Hazard Areas* are designated by the Federal Emergency Management Agency in *Flood Insurance Studies* and on *Flood*

*Insurance Rate Maps* as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes areas shown on other *flood* maps that are identified in Article VI.

*Species in Need of Conservation*: Those fish, plants, and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Md. Code Ann., Natural Resources, §10-2A-06, among others.

*Stabilization*: The protection of exposed *soils* from *erosion* by the application of seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

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

*Stable Commercial*: Any stable for the housing of horses or mules, operated for remuneration, hire, sale, or stabling, or any stable not related to the ordinary operation of a *farm*, with the capacity for more than four horses or mules, whether or not such stable is operated for remuneration, hire, sale, or stabling.

*Standards and Specification*: The "2011 Maryland *Standards and Specification* from *Soil Erosion and Sediment Control*" or any subsequent revisions.

*Start of Construction*: For *floodplain* management, the date of issue of the *building* permit for any *development*, including *new construction* and *substantial improvements*, provided that the actual start of the construction or improvement was within 180 days of permit issuance. The actual *start of construction* is the placement of slab or footings, piles, columns, or actual placement of a *manufactured home*. For *substantial improvement*, the *start of construction* is the first *alteration* of any structural part of the *building*.

*Steep Slopes*: *Slopes* of 15% or greater incline.

*Stormwater*: Water that originates from a precipitation event.

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

*Stormwater Management Plan*: A set of drawings or other documents submitted by a *person* as a prerequisite to obtain *stormwater management* approval, which contains all of the information and specifications pertaining to *stormwater management*.

*Stormwater Management System*: Natural areas, *ESD* practices, *stormwater management* measures, and any other *structure* through which *stormwater* flows, infiltrates, or discharges from a *site*.

*Stream Protection Corridor*: A 100-foot naturally vegetated area or an area established in vegetation and managed to protect aquatic environments, *wetlands*, shoreline, and terrestrial environments from man-made disturbances. The *stream protection corridor*

will be 100 feet and will be measured horizontally from the top of each normal bank of a *perennial* or *intermittent stream*.

**Stream Restoration Project:** an activity that: (1) Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream, *waterway*, or *floodplain*; (2) Avoids and minimizes impacts to *forests* and provides for replanting *on-site* an equivalent number of *trees* to the number removed by the project; (3) May be performed under a separate storm sewer system permit, a *watershed* implementation plan growth offset, or another plan administered by the State or County to achieve or maintain water quality standards; and (4) Is not performed to satisfy *stormwater management*, *wetlands* mitigation, or any other regulatory requirement associated with proposed *development* activity.

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street Line:** A dividing line separating a *lot*, *tract*, or parcel of land and a contiguous *street*.

**Story:** That portion of a *building*, other than a *basement*, including between the surface of any floor and the surface of the floor next above it; or if no floor next above it exists, then the space between such floors and the ceiling next above it.

**Stripping:** Any activity which removes the vegetative surface cover, including *tree* removal, *clearing*, grubbing, and storage or removal of topsoil.

**Structural Alteration:** Any change in the supporting members of a *building*, footings, bearing walls or partitions, columns, beams, girders, or any substantial change in the roof or exterior walls, excepting such repair as may be required for the safety of the *building*.

**Structural Rock Fills:** Fills constructed predominately of rock materials for the purpose of supporting *structures*.

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to *mobile homes*, *swimming pools*, fences with footers or a foundation, gas and liquid storage tanks, backstops for tennis courts, sheds, barns, and pergolas, excluding slabs, driveways, and walkways outside the Critical Area.

**Subdivider:** Any *person*, individual, *firm*, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a *subdivision* as defined below and including any agent of the *subdivider*.

**Subdivision:** The division of a *lot*, *tract*, or parcel of land into two or more *lots*, parcels, *sites*, or other divisions of land. It includes *resubdivision* and when appropriate to the context, will refer to the process of subdividing or the land subdivided. *Subdivisions* will be classified into one of the following: (1) *Major Subdivision:* Any *subdivision* containing eight or more *lots*, parcels, *sites*, or other divisions of land. (2) *Minor Subdivision:* Any *subdivision* containing seven or fewer *lots*, parcels, *sites*, or other divisions of land. (3) *Adjustment of Lot lines:* Adjustment of *lot lines* between adjoining property owners.

*Substantial alteration:* In the Critical Area, any repair, reconstruction, or improvement of a principal structure, with a proposed total footprint that is at least 50 percent greater than that of the structure that is the subject of the application.

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

*Substantial Improvement:* Any repair, reconstruction, or improvement of a *structure*, the cost of which equals or exceeds 50% of the market value of the *structure* (without any land value included) either before the improvement or repair is started; or if the *structure* has incurred *substantial damage* and been restored, before the damage occurred. *Substantial improvement* occurs when the first *alteration* of any wall, ceiling, floor, or other structural part of the *building* commences. The minimum repairs needed to correct previously identified *violations* of local health, safety, or sanitary codes, and *alterations* to *historic structures* which do not preclude their continued designation as *historic structures* are not considered *substantial improvements*. In *floodway* and *coastal high hazard areas*, permits will be tracked by property locations to determine if the cumulative value of improvements constitute *substantial improvement* of a *structure*.

*Surface Mining:* (1a) The breaking of the surface *soil* in order to extract or remove minerals. (1b) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; (1c) The extraction of sand, gravel, rock, stone, earth, or *fill* from borrow pits for highway construction purposes or other public facilities. (2) For the purpose of this Ordinance, *surface mining* includes: (2a) Operations engaged in processing minerals at the *site of excavation*; (2b) Removal of *overburden* and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity, or quality of any natural deposit; and (2c) Mining operations, if the affected land exceeds one acre or more in area.

*Swimming Pool:* Any portable pool or permanent *structure* containing a body of water 42 inches or more in depth and 250 square feet or more of water surface area, intended for recreational purposes, including a wading pool but not including an ornamental reflecting pool or fishpond or any other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.

*Technical Advisory Committee (TAC):* A committee organized to review and comment on *subdivision* and other *development* proposals. TAC consists of the following types of agencies and their designated representatives: Planning and Zoning, Public Works, Environmental Health, State Highway Administration, State Forester, , and representatives of other agencies and utilities concerned with *development* or *subdivision* review.

*Tenant:* An occupant of land or *premises* who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owners.



*Tenant House:* A farm dwelling, other than the main *farmhouse*, for occupancy by a *person* or *family* associated with the agricultural endeavors on the *farm* or by a member of the property owner's immediate *family*.

*Threatened species:* Those fish, plants, and wildlife species that appear likely within the foreseeable future to become endangered, and which have been designated as such by regulation by the Secretary of Natural Resources. This includes any species determined to be a "threatened species" pursuant to the Federal Endangered Species Act.

*Thinning:* A forest practice used to accelerate the growth of quality trees in the shortest interval of time.

*Tidal Wetland:* Defined as State and private wetlands by the State of Maryland in Md. Code Ann., Natural Resources, Title 9.

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

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

*Townhouse:* A single family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human visibility.

*Tract:* Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this Ordinance.

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

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

*Tree:* A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least twenty feet at maturity, and for which the height at planting is measured from the surface of the ground immediately surrounding the tree to the highest tip of the highest branch of the tree.

*Tributary Streams:* Those perennial and intermittent streams that are so noted on the most recent U.S. Geological Survey 7.5-minute topographic quadrangle maps, or on more detailed maps or studies used at the discretion of Kent County.

*Truck Stop:* An independent facility catering predominantly to tractor trailers and other large highway vehicles in which highway services such as fuel, food, repair, and similar items are provided.



*Truck Terminal*: A facility where truck transport goods are transferred, or stored pending transfer, and which may include truck dispatching, parking, and servicing. The terminal cannot be used for permanent or long-term storage of goods.

*Understory*: The layer of forest vegetation typically located underneath the forest canopy.

*Understory tree*: A tree that, when mature, reaches a height of 12 to 35 feet.

*Unwarranted Hardship*: Within the *Critical Area*, without a *variance*, an *applicant* would be denied reasonable and significant use of the entire parcel or *lot* for which the *variance* is requested.

*Utility Transmission Facilities*: Fixed *structures* that convey or distribute resources, waste, or both, including, but not limited to electrical lines, water conduits, and sewer lines.

*Variance*: The grant of relief from a term or terms of this Ordinance. For *stormwater management* purposes: The modification of the minimum *stormwater management* requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

*Violation*: For *floodplain* purposes: Any construction or *development* in a *Special Flood Hazard Area* that is being performed without an issued permit. The failure of a *building, structure*, or other *development* for which a permit is issued to be fully compliant with these *regulations* and the conditions of the issued permit. A *building, structure*, or other *development* without the required design *certifications*, the *Elevation Certificate*, or other evidence of compliance required is presumed to be a *violation* until such time as the required documentation is provided.

*Waiver*: For *Stormwater Management* Purposes: The relinquishment from *stormwater management* requirements by Kent County for a specific *development* on a case-by-case review basis: (1) “Qualitative *stormwater management waiver*” includes *water quality volume* and *recharge volume* design parameters. (2) “Quantitative *stormwater management waiver*” includes *channel protection storage volume*, *overbank flood protection volume*, and *extreme flood volume* design parameter.

*Wash Plant*: A facility where sand and gravel are washed during processing.

*Water-based Aquaculture*: In the *Critical Area*, the raising of fish and shellfish in any natural, open, free-flowing water body.

*Water Quality Volume*: The volume of water needed to capture and treat the runoff from 90% of the average annual runoff volume at a *development site*. Methods for calculating the *water quality volume* are specified in the *Design Manual*.

*Water Use Industry*: An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

*Watercourse and/or Drainageway*: Any natural or artificial *watercourse* (including, but not limited to streams, rivers, creeks, ditches, *channels*, canals, conduits, culverts, drains, *waterways*, gullies, ravines, or washes) in which waters flow in a definite direction or

course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or *floodwaters*.

*Water-Dependent Facilities:* Those *structures* or works associated with industrial, maritime, recreational, educational, or *fisheries activities* that require location at or near the shoreline within the *buffer*. An activity is water dependent if it cannot exist outside the *buffer* and is dependent on the water by reason on the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall *structures* of power plants, water use industries, *marinas* and other boat docking *structures*, fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier, and an office on a pier for managing marina operations, such as monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations; public beaches and other *public water-oriented recreation areas*, *fisheries activities*, and any other *water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay or its watersheds*.

*Waterfowl:* 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.

*Watershed:* The total *drainage area* contributing runoff to a single point. For *forest conservation* purposes all land lying within an area described as a sub-basin in water quality *regulations* adopted by the Department of the Environment under COMAR 26.08.02.08.

*Waterway:* Any body of water, including any creek, canal, river, lake, or bay.

*Waterway Line:* A line marking the normal division between land and a *waterway* as established by the *Department*.

*Waterway, Width Measurement:* The measurement is made at the shoreline location of the *pier* and the narrowest width of the *waterway* from that point including consideration of data and information available from State of Maryland and Army Corps of Engineers.

*Wetlands:* See “*tidal wetlands*” and “*non-tidal wetlands*”.

*Wetland migration area:* An area that will likely be suitable for future wetland establishment in response to a change in sea level.

*Whip:* An unbranched woody plant greater than twenty-four inches in height and having a diameter of less than one inch measured at two inches above the root collar.

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

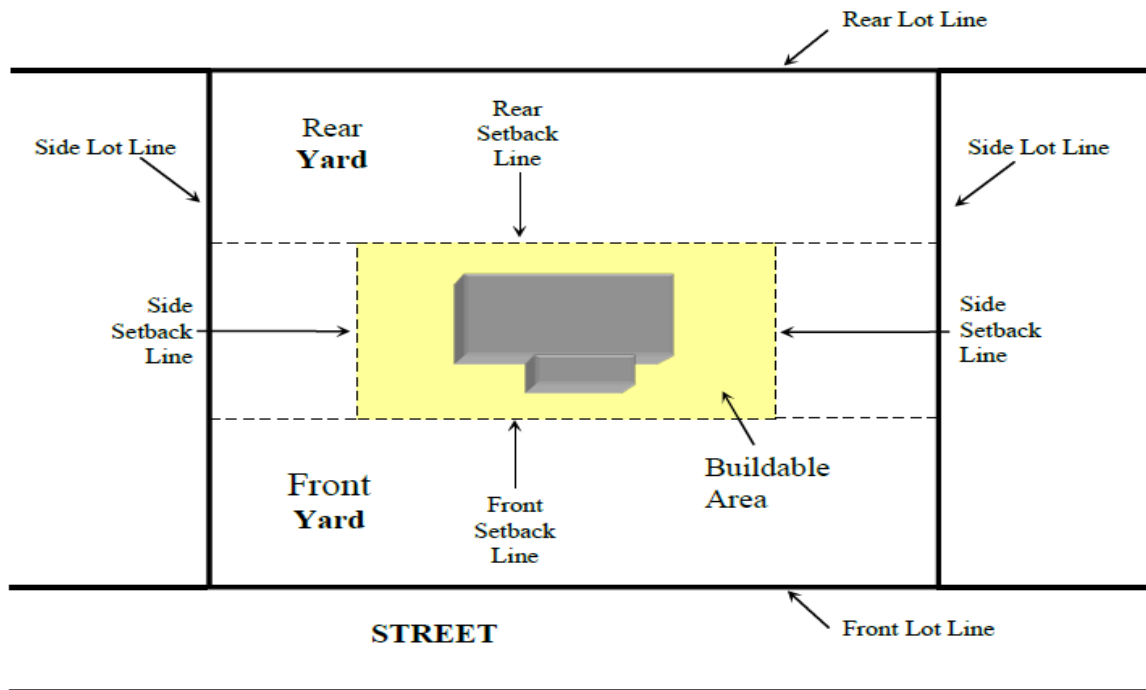
*Wildlife Habitat:* Those plant communities and *physiographic features* that provide food, water, cover, nesting, foraging, and feeding conditions necessary to maintain populations of animals.

*Wind Energy System, small:* A wind turbine mounted on a free-standing wind tower or *building* for the purpose of generating energy for use on *site* and not for sale and includes

windmills that are used for pumping water or other purposes. However, the energy output may be delivered to a power grid to offset the cost of energy on *site*.

*Yacht Club*: A *yacht club* for the purposes of this Ordinance is considered to be a *marina*.

*Yard*: An *open space* other than a court, on a *lot*, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.



*Yard, Front*: A *yard* extending across the front of a *lot* between the side *lot lines* and being the minimum horizontal distance between the *street line* and the required *front yard line*. (See diagram above.)

On *corner lots*, the *front yard*, as determined by the *Department*, will be considered as one of the following: (a) the yard parallel to the *street* upon which the *lot* has its least dimension, or (b) the yard that abuts the primary access to the primary building, or (c) the yard parallel to the address street.

For waterfront properties, the front yard is that part of the *yard* extending across a *lot* between the side *lot lines* and being the minimum horizontal distance from the water and the main *building*. The front yard is determined by the location of the main building. In the absence of a building, the front yard is considered to be the 100-foot buffer.

*Yard, Rear*: A *yard* extending across the rear of the *lot* between the side *lot lines* and measured between the rear *lot line* and the required rear yard setback.

*Yard, Side*: A *yard* extending from the *front yard* to the *rear yard* and being the minimum horizontal distance between the side lot line and the required side yard setback.

