

AMENDMENTS TO ARTICLE 12

Definitions

Public Hearing Draft

**The Public Hearing will be held 7 PM, November 3, 2009
 Planning Commission Hearing Room, Courthouse Square Bldg.
 205 Main Street, Prince Frederick**

Amendments proposed by Dept. of Planning & Zoning staff shown in red.
Amendments proposed by Critical Area Commission staff shown in blue.

Additions shown in **bold underline**.
 Deletions shown in ~~strikethrough~~.

Article 12. Definitions

Add new definitions:

#	Term	Definition
1	Accessory Building, Structure or Use	A building, structure or use on the same lot with, <u>detached from</u> and of a nature customarily incidental to, a principal building, structure, or use.
2	<u>Addition</u>	<u>A newly constructed area that increases the size of a structure</u>
3	Boathouse	<u>A structure with a roof or cover, or similar device placed over open water to protect a boat or other vessel.</u> A building in which boats are kept.
4	<u>Breakwater</u>	<u>An offshore structure designed to protect any landform or water area behind them from direct assault of waves.</u>
5	<u>Buffer Management Plan</u>	<u>A type of Habitat Protection Plan consisting of a narrative and/or graphic description of the Critical Area Buffer that is necessary when an applicant proposes a development activity that will affect a portion of the Critical Area Buffer, alter Buffer vegetation, or when the Buffer or a</u>

		<u>portion of the Buffer is required to be established in vegetation. The plan should be designed to minimize negative impacts to the Buffer or extended Buffer, provide appropriate mitigation requirements for any anticipated impacts, and improve the habitat value for wildlife whenever possible. A Buffer Management Plan includes a Major Buffer Management Plan, a Minor Buffer Management Plan, and a Simplified Buffer Management Plan.</u>
6	Bulkhead	<u>A vertical structure composed of wood, stone, concrete, plastic, or other similar material designed to retain land or to protect land from wave damage.</u> A wall or embankment along a waterfront that acts as a protective barrier.
4	Caliper of a tree	<u>As defined in COMAR 08.19.03.01 if different from, the</u> diameter measured at two inches above the root collar.
5	<u>Canopy tree</u>	<u>A tree that, when mature, reaches a height of at least 35 feet.</u>
6	Critical Area Buffer	<u>The area immediately landward from mean high water of a tidal water, the edge of bank of a tributary stream, or the edge of a tidal wetland and which exists or may be established in natural vegetation to protect a stream, tidal wetland, tidal waters, or terrestrial environment from man-made disturbance. The Critical Area Buffer shall include an area of at least 100 feet, even if that area was previously disturbed by human activity and shall be expanded for contiguous areas of steep slope, hydric soil, highly erodible soil, nontidal wetland or a Nontidal Wetland of Special State Concern as defined in COMAR 26.23.01.01. An existing naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.</u>
7	<u>Critical Area Program Amendment</u>	<u>A proposed significant change to the County's Critical Area Program that is consistent with COMAR, Title 27. This includes all map</u>

		<u>amendments except growth allocation in the Solomons Town Center.</u>
8	<u>Critical Area Program Refinement</u>	<u>A proposed minor change to the County's Critical Area Program that is consistent with COMAR, Title 27 and the County's existing Critical Area Program.</u>
9	Developed Woodland	<u>An area of trees and natural vegetation interspersed with residential, commercial, industrial, institutional or recreational development.</u> These areas of 1,000 square feet or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.
10	<u>Developed Woodland Management Plan</u>	<u>A plan associated with a development activity in the Critical Area that is designed to minimize negative impacts to Developed Woodlands, that provides appropriate mitigation requirements for any anticipated impacts, and improves the habitat value for wildlife whenever possible.</u>
11	<u>Developer</u>	<u>Same definition as Person</u>
12	<u>Development Activity</u>	<u>Human activity that results in disturbance to land, natural vegetation or a structure.</u>
13	Development Project	Relative to the forest Conservation Program, the grading or construction activities occurring on a specific tract that is 20,000 40,000 square feet or greater and would include redevelopment.
14	<u>Development of Local Significance in the Critical Area</u>	<u>Any development in the Critical Area that does not meet the definition of Major Development in the Critical Area</u>
15	<u>Disturbance</u>	<u>Any alteration or change to the land including any amount of clearing, grading or construction activity.</u> The clearing or other alteration of the vegetative cover and/or grade of any portion of a property.
16	<u>Establishment</u>	<u>Relative to the Critical Area, the creation of native vegetated cover throughout the Buffer.</u>

17	<u>Financial Assurance</u>	<u>A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to a local jurisdiction.</u>
18	<u>Forest Interior Dwelling Bird Habitat</u>	<u>A. Forests at least 50 acres in size with 10 or more acres of “forest interior” habitat (i.e. forest greater than 300 feet from the nearest forest edge). The majority of the forest tract should be dominated by pole-sized or larger trees (5 inches or more in diameter at breast height), or have a closed canopy; or B. Riparian forests at least 50 acres in size with an average total width of at least 300 feet. The majority of the forest tract should be dominated by pole-sized or larger trees, or have a closed canopy</u>
19	<u>Groin</u>	<u>A shore protection structure built perpendicular to the shore to trap sand and retard shoreline erosion.</u>
20	Growing Season	Relative to the Critical Area program From April 7 to November 7 for any each year.
21	<u>Habitat Protection Plan</u>	<u>A plan associated with a development activity in the Critical Area that is designed to minimize negative impacts to a Habitat Protection Area, provides appropriate mitigation requirements for any anticipated impacts, and improves the habitat value for wildlife whenever possible.</u>
22	<u>Home Improvement</u>	The addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building; or an improvement to land adjacent to the building. Includes: construction, improvement, or replacement, on land adjacent to the building or on the same or contiguous parcels or lots, of a driveway, fall-out shelter, fence, garage, landscaping, deck, pier, porch, swimming pool, or a shore erosion control project, as defined under § 8-1001 of the

		Natural Resources Article, for a residential property; and as further defined under Section <i>BR 8-101 of the Business Article.</i>
23	<u>In-Kind Replacement</u>	<u>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.</u>
24	<u>Intense Development Area (IDA)</u>	<u>Those areas within the Critical Area where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat occurs. These areas are designated on the Critical Area Map as IDA.</u>
25	<u>Invasive Species</u>	<u>A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.</u>
26	<u>Landward Edge</u>	<u>The limit of a site feature that is furthest away from a tidal water, tidal wetland, or tributary stream.</u>
27	<u>Large Shrub</u>	<u>A shrub that, when mature, reaches a height of at least 6 feet.</u>
28	<u>Legally Developed</u>	<u>Land that has been developed consistent with all Calvert County laws and regulations.</u>
29	<u>Limited Development Area (LDA)</u>	<u>Those areas within the Critical Area which are developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas are designated on the Critical Area Map as LDA.</u>
30	<u>Lot Consolidation</u>	<u>A combination of any legal parcels or lots of land into fewer parcels or lots.</u>
31	<u>Lot Coverage</u>	<u>The percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, roadway; or</u>

		<u>covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material except that it does not include a fence or wall that is less than one foot in width that has not been constructed with a solid footer, a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier, a wood mulch pathway; a deck with gaps to allow water to pass freely, gravel or stone under a pervious deck not used for vehicular parking or storage, or stormwater management and erosion control measures when specifically designed and installed to perform stormwater management or erosion control functions.</u>
32	<u>Major Buffer Management Plan</u>	<u>A landscape plan and supporting documentation required under Section 8-1.08.??</u>
33	<u>Major Development in the Critical Area</u>	<u>Development of a scale that may cause State-wide, regional or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This type of development includes, but is not limited to, airports, power plants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities.</u>
34	<u>Minor Buffer Management Plan</u>	<u>A landscape plan and supporting documentation required under Section 8-1.08.??</u>
35	<u>Mitigation</u>	<u>An action taken to compensate for an adverse impact to the environment resulting from a development activity or a change in land use or intensity.</u>
36	<u>Native</u>	<u>Indigenous to the physiographic area in Maryland where the planting is proposed.</u>
37	Natural Regeneration	<u>As defined in COMAR 08.19.03.01 if different from, the natural establishment of trees and other vegetation with at least 400 woody, free-to-grow</u>

		seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.
38	Natural Vegetation	Vegetative cover that exists prior to any disturbance or development activity or those plant communities that develops in the absence of human activities. <u>This definition does not include lawns.</u>
39	<u>Native Vegetation</u>	<u>Vegetation that grows naturally in the area and is included in the Calvert County Native Plant List.</u>
40	<u>Non-structural shoreline stabilization measures</u>	<u>A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal processes, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters or other natural components.</u>
41	<u>Property Owner</u>	<u>Same definition as Person.</u>
42	<u>Resource Conservation Area (RCA)</u>	<u>Those areas in the Critical Area characterized by nature dominated environments (that is wetlands, forests, abandoned fields) and resource utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). These areas are designated on the Critical Area Map as RCA.</u>
43	<u>Revetment</u>	<u>An assemblage of stones or concrete, commonly known as riprap, placed to prevent shore erosion, fortify a bulkhead, or stabilize an embankment.</u>
44	<u>Simplified Buffer Management Plan</u>	<u>A landscape plan required for an application under Section 8-1.08.??</u>
45	<u>Small Shrub</u>	<u>A shrub that, when mature, reaches a height no greater than 6 feet.</u>
46	Structure	A combination of <u>building</u> materials <u>that are purposely joined together</u> to form a construction

		for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water <u>including those that do not result in lot coverage.</u>
47	<u>Substantial Alteration</u>	<u>A repair, reconstruction, or improvement of a principal structure, with a proposed total footprint that is at least 50 percent greater than that of the existing principal structure.</u>
48	<u>Understory Tree</u>	<u>A tree that, when mature, reaches a height of 12 to 35 feet.</u>
49	<u>Upland Boundary</u>	<u>The landward edge of a tidal wetland or a nontidal wetland.</u>
50	<u>Water Dependent Facility</u>	<u>A facility or structure is water dependent if it cannot exist outside the Critical Area Buffer and is dependent on the water by reason of its intrinsic nature.</u>