

## **ARTICLE 2. DEFINITIONS**

### **200        General**

Unless otherwise expressly stated, the following words and phrases shall be given the meaning and interpretation set forth below for the purposes for this Ordinance.

- A.     Words used in the present tense include the future.
- B.     The singular number includes the plural, and the plural the singular.
- C.     The word "person" includes a corporation, institution, partnership, trust, association or any other legal entity, as well as an individual.
- D.     The word "lot" includes the word "plot" or "parcel".
- E.     The word "shall" is always mandatory; the word "may" is permissive.
- F.     The word "used" or "occupied" as applied to any land or building, include the words "arranged or designed to be used or occupied."
- G.     The word "Council" and the words "Town Council" mean the Town Council of Mountain Lake Park, Maryland.
- H.     The word "Commission" and the words "Planning Commission" mean the Municipal Planning Commission of Mountain Lake Park, Maryland.
- I.     The word "Board" means the Board of Appeals of Mountain Lake Park, Maryland.
- J.     The word "Town" means the Mayor and Town Council of Mountain Lake Park, Maryland.
- K.     Any word or term not defined herein shall be used with a meaning of standard usage.

### **201        Accessory Use or Building**

A subordinate use, building or structure customarily incidental or subordinate to, and located on the same lot as the main use or building. The term Accessory Building includes, but is not limited to, private garages, gardens or barns, playhouses, greenhouses, swimming pools, outside furnaces, tennis courts, pavilions, gazebos, patios, storage buildings, tree-houses, workshops and hot tubs. By special exception, this also applies to uses which are not on the same lot as the main use or building.

### **202        Abandoned Vehicle**

Any vehicle which is not in operable condition (not capable of being driven) and has not been in operable condition for more than thirty (30) days. Any vehicle which has not been registered with the Maryland Department of Motor Vehicles and for which

tags have not been issued for more than thirty (30) days constitutes an abandoned vehicle.

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**Adult Use**

A use involving one or more of the following:

- A. Adult Bookstore A use with more than one percent (1%) of the market value of all items offered for sale or rent being adult materials.
  - 1. "Adult materials" shall be defined as books, films, videotapes (including those offered on coin or token operated machines), magazines or similar printed materials, and/or paraphernalia which is distinguished or characterized by a clear emphasis on the depiction, display or description of uncovered male or female genitals.
- B. Adult Live Entertainment Use A commercial use or club (including a private club) involving employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation or remuneration paid or to be paid to the entity operating the use or to persons involved in such display (including tips, gratuities, free food or drink or any other compensation or remuneration whatsoever).
- C. Adult Theater A use involving the display of film or videotape "adult materials" to any person or persons in a room and that is related to some form of monetary payment by the person or persons viewing such matter, or compensation, in any form whatsoever, direct or indirect, to the person or persons showing such film, videotape or "adult materials."
- D. Massage Parlor A use in which manipulative exercises using the hands or a hand-held mechanical device are conducted by one or more persons on the exposed skin of one or more other persons within private or semi-private rooms, and that is related to some form of monetary compensation paid by the person(s) receiving the massage. This use shall not include any of the following:
  - (i) massages by State-licensed massage therapists or health care professionals;
  - (ii) massages involving persons who are related to each other;
  - (iii) massages within a licensed hospital or nursing home;
  - (iv) hand massages of the face, hands or feet; or
  - (v) therapeutic massages that are clearly incidental to a permitted exercise club or municipal, college or high school athletic program.

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**Agriculture**

The cultivation of soil and the raising and harvesting of products of the soil, including the raising and keeping of livestock (cattle, sheep, goats, horses, poultry, emus and alpacas) are specifically prohibited as well as is any other animal if kept for

commercial purposes) excluding household pets. This definition does not include home vegetable gardens if at least ten (10) feet from any property boundaries.

**205**      **Alley**

A minor way which is used primarily for vehicular service access to the back or the sides of a parcel otherwise abutting a street.

**206**      **Alterations**

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

**207**      **Area**

207.1 Building Area : The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, steps, eaves and gutters.

207.2 Lot Area: The area contained within the property lines of an individual lot including the area within all easements, but excluding the area within all street rights-of-way.

**208**      **Automotive Service Station**

Buildings and premises where gasoline is sold and/or oil, grease, batteries, tires and automobile accessories, or any combination thereof, are sold at retail or normal mechanical repairs are conducted but not including body work, painting, spraying or welding or storage of automobiles not in operating condition.

**209**      **Bed and Breakfast Home**

Bed and breakfast home means a single-family, owner-occupied dwelling which is used for the lodging of transient guests, none of whom remain for more than five consecutive nights each, and which provide no food or beverage service for the transient guests other than for breakfast provided in the areas of the dwelling generally utilized by the resident family for the consumption of food.

**210**      **Building**

A combination of materials having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall include any part thereof

210.1 Building Accessory: A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal

building. By special exception, this also applies to uses which are not on the same lot as the main use or building.

210.2 Building Principal: A building in which is conducted or intended to be conducted the principal use of the lot on which it is located.

**211 Building Coverage**

The percentage of the lot covered by the building.

**212 Building Height**

A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof.

**213 Building Setback Lines**

The line of the minimum yards, as herein designated for each district, as measured from the lot lines.

**214 Debris**

Anything which is broken or dismantled, the remnants of anything which is broken or dismantled, or any parts or pieces thereof "Debris" also includes pieces of broken trees, bushes, or shrubbery.

**215 Discarded Materials**

Anything which has been discarded. Anything which is not intended for use out of doors, and which is left out of doors for more than twenty-four (24) hours unless awaiting pickup by the Town or regularly scheduled private trash collectors, shall be considered "Discarded Material" under this definition.

**216 Dwelling**

A building, or portion thereof, arranged or designed to provide living facilities for one or more families.

216.1 Dwelling Unit : A dwelling or portion thereof providing complete living facilities for one family, excluding rooming, boarding or lodging houses, or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.

216.2 Single Family Detached Dwelling A building, commonly known as a single family house, designed for and occupied exclusively as a residence, comprising one

dwelling unit from ground to roof and open space on all sides. Where a private garage is structurally attached to such a dwelling, it shall be considered a part thereof

216.3 Two Family Detached "Duplex" Dwelling : A single building intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.

216.4 Single Family Attached "Townhouse" Dwelling: A portion of a building designed for an occupied exclusively as a residence for only one family and comprising (1) only one dwelling unit from ground to roof, and (2) two points of independent outside access; and (3) at least two other dwellings built in conjunction therewith, and (4) any portion of one or two walls in common with an adjoining dwelling.

216.5 Multi-Family "Apartment" Dwelling : A building, except a building containing townhouse dwellings, containing three or more dwelling units and designed to be occupied by three or more families living independently of one another.

216.6 Sectional "Double-wide" Dwelling : A single family detached dwelling unit designed for permanent occupancy, manufactured in two or more sections and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operations (called a manufactured home in the Federal Act). These homes have a permanently affixed HUD label.

216.7 Modular Dwelling : (also known as Industrialized Building under Public Safety Article, Section 12-301, Annotated Code of Maryland, or any amendment thereto or any successor statute) means a building assembly or system of building assemblies manufactured in its entirety, or in substantial part, offsite with permanently affixed state certification insignia and transported to the point of use for installation or erection. Modular Dwellings must be certified under Public Safety Article, Section 12-309, Annotated Code of Maryland, or any amendment thereto or any successor statute, and generally resemble "stick-built" homes. These dwellings must be constructed on poured concrete, conventional block or equivalent foundations. Plans for these dwellings must be submitted to the Mayor and Town Council of Mountain Lake Park for approval. Modular building does not include open frame construction, which can be completely inspected onsite. Modular building does not include a mobile home or double-wide dwelling.

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### Family

One or more persons occupying a single-dwelling unit, provided that unless all members are related by blood, marriage, legal adoption or foster child arrangement, no such family shall contain over three persons, but further provided that domestic

servants employed on the premises may be housed on the premises without being counted as a part of the family or families.

**218**      **Group Home**

A.      "Group Home" means a residence that:

1. Provides residential services for individuals who, because of developmental disability, require specialized living arrangements;
2. Admits at least four but not more than eight individuals; and
3. Provides ten or more hours of supervision per home, per week.

B.      See provisions for modifications in subsection 1005-E.

**219**      **Home Professional Home Occupation**

A business or avocation conducted within the home or office or business located within the home from which income is derived or can be expected, and which is clearly secondary to the use of the home as a dwelling. Where the business, avocation or office is the main use of the building, or is equal in intensity to its use as a dwelling, it shall not be considered a Home Professional Office or Home Occupation.

**220**      **Hotel, Motel or Motor Hotel**

A building or group of buildings for the accommodation of transient guests containing guest rooms for rent.

**221**      **Household Pets**

Household pets includes dogs, cats and small birds such as parakeets or any other animal, excluding those specifically prohibited in Section 204, of which is kept entirely indoors.

**222**      **Junk**

Any form of personal property which is no longer functional or usable for the purpose for which it was intended and includes any appliance, hardware, toy, game, furniture or any other personal property which is not legally stored within a building and which is not fully operable. "Junk" includes any personal property left out of doors for more than twenty-four (24) hours, unless the purpose of such property is for out of door use.

**223**      **Junk Vehicle**

Any vehicle which is not in operable condition and which is not intended to be placed in operable condition in the future. Any vehicle which is used to scavenge parts or from which any parts have been taken constitutes a junk vehicle.

**224**      **Junkyard**

Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments. Areas where household equipment, used cars in operable condition, salvaged machinery and used, discarded or salvaged materials as part of manufacturing operations are stored are exempted.

**225**      **Lot**

A plot or parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way.

225.1 Lot Corner : A lot abutting two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

225.2 Lot Width : The width of a lot measured at the building setback line.

225.3 Record Lot : The land designated as a separate and distinct parcel of land on a legally recorded deed filed among the Land Records of Garrett County.

**226**      **Lot Line**

Any boundary line of a lot.

226.1 Lot Line Front : The street line, which shall be the same as the legal right-of-way line, provided that along streets for which a future right-of-way width is designated in the legally adopted transportation element of the Town's Comprehensive Development Plan, the front lot line shall be the future right-of-way line thus established.

226.2 Lot Line Rear : Any lot line which is parallel to or within forty-five degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

226.3 Lot Line Side : Any lot line which is not a street line of a rear lot line.

**227**      **Mobile Home**

A single-family dwelling unit manufactured in one or more complete sections, designed for long-term occupancy, which may contain sleeping accommodations, a flush toilet, a bathtub or shower, and kitchen facilities, plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers; arriving at the site where it is intended to be occupied as a complete dwelling, which may include major appliances and furniture, and ready for occupancy except for incidental unpacking and assembly operations. For purposes of this Ordinance, sectional homes and travel trailers are not considered as mobile homes.

**228**      **Nonconforming Status**

A nonconforming status is that status achieved by a building, structure, or use of a building, structure, or land, which is not in conformance with these regulations, but which is permitted under the provisions of Article 8, to continue because it was lawfully in existence upon the effective date of the adoption of this Ordinance. No otherwise nonconforming building or structure shall be allowed to exist and no use shall be permitted to continue unless it is deemed to have achieved nonconforming status, and such status may be forfeited as provided for by this Ordinance.

**229**      **Nonconforming Structure or Lot**

A building, structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for off-street parking, off-street loading or accessory buildings, but which building, structure or lot was lawfully in existence at the effective date of this Ordinance.

**230**      **Nonconforming Use**

A use of a building, structure, or lot which does not conform to use regulations prescribed by this Ordinance for the district in which it is located, but which was lawfully in existence at the effective date of this Ordinance.

**231**      **Poultry**

Poultry shall include chickens, ducks, turkeys, geese, pigeons, and shall also include game birds such as pheasant, chuckers, quail, grouse or any other fowl which is kept for any commercial purpose including breeding.

**232**      **Rooming, Boarding or Lodging House**

A building or part of a building (other than an institutional building) occupied or intended to be occupied by three or more roomers, boarders or lodgers. A "rooming, boarding or lodging house" shall not be deemed a home occupation.

**232A**      **Senior Center**

A federal, state, or local government sponsored facility serving the health and social needs of households where at least one individual is 62 years of age or older, but including non-senior individuals with disabilities.

**232B**      **Senior Multi-Family Housing**

A federal, state, or local government sponsored facility serving the housing needs of households where at least one individual is 62 years of age or older, but including non-senior individuals with disabilities.

**233**      **Sewer**

A pipe or other facility for collection, holding or transmitting sewage.

233.1    Centralized Sewage Disposal System: A utility system, serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State health regulations.

233.2    Private Sewage Disposal System: A system of sewers, pipes, treatment tanks or other facilities serving only a single dwelling unit or a single business, commercial, industrial or other establishment, which is designed and operated for the collection, treatment and disposal of sewage in compliance with county and State health regulations.

**234**      **Sign**

Any board, placquard or device which contains a notice, message or depiction, either in written script or by pictures or symbols intended to advertise, admonish, identify, notify, or simply display itself A "sign" shall include any type of artistic rendering. Any permanent or temporary structure or part thereof, or any device attached to, painted or represented directly or indirectly on a structure or other surface, that shall display or include any letter, work, insignia, flag, or representation used, as, or which is the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye, or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or

adjoining property, and cornerstones built into or attached to a wall or a building are excluded.

234.1 On-Premises Sign: A sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot.

234.2 Off-Premises Sign: A sign which directs attention to a person, business, profession, product, home occupation or activity not conducted on the same lot.

**235**      **Special Exception Use**

A use for which the Board of Appeals has granted a Special Exception following a public hearing and findings of fact consistent with the provisions of this Ordinance, and provided the use complies with specified conditions and standards outlined in his Ordinance, or imposed by the Board of Appeals.

**236**      **Street**

A public or private way used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to an abutting lot or lots, or to more than two dwellings on a lot on which a private way is exclusively used.

**237**      **Street Line**

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where a future right-of-way width for a street is officially established in any Town Subdivision Regulation, Ordinance or Resolution, then the street line shall be the side of the future right-of-way so established.

**238**      **Structure**

A combination of material assembled, constructed or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall include any part thereof.

**239**      **Travel Trailer**

A vehicular or portable structure designed as a temporary dwelling for travel, recreation, vacation and other short-term uses, and having a body width not exceeding eight feet and a body length not exceeding thirty-two feet.

**240**      **Travel Trailer Park**

A parcel of land or part thereof occupied by or designed for transient occupancy by one or more travel trailers or recreational vehicles and/or units.

**241**      **Use**

241.1 Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

241.2 Use Accessory A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use. By special exception, this also applies to uses which are not on the same lot as the main use or building.

241.3 Use Principal The main use on a lot.

**242**      **Variance**

Permission to use or alter, modify or relocate land, buildings, or structures which when granted puts them at variance or in conflict with one or more of the provisions of this Ordinance.

**243**      **Veterinary Office or Animal Hospital**

Any building or structure used professionally by a veterinarian or for the treatment, housing or limited boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl.

**244**      **Water**

244.1 Centralized Water Supply System: A utility system serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated to supply potable water, in compliance with County and State health regulations.

244.2 Private Water Supply: A utility system serving only one dwelling unit or a single commercial, business, industrial or other establishment, which is designed and operated to supply potable water, in compliance with County and State health regulations.

**245**      **Yard**

A portion of a lot adjoining and extending inward from a lot line or street line, and which shall remain unobstructed by buildings or structures or portions thereof except overhanging eaves, gutters, or cornices.

245.1 Yard front A yard line adjoining and extending parallel to a street line.

245.2 Yard Side A yard adjoining and extending parallel to a side lot line and lying between a front yard and a rear yard.

245.3 Yard Rear A yard adjoining and extending parallel to a rear lot line.