

City of Brunswick, Maryland

# ZONING ORDINANCE

Adopted 1967, reprinted with amendments 1979, 1984, 1985, 1987, 1988, 1994, 2001  
Revised 1998 (Adopted April 28, 1998, Effective May 8, 1998)  
Reprinted with Amendments 2003, 2005, 2006, 2007, 2022

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*This document was prepared with the assistance of the staff of the Frederick County Planning Commission, under the Local Planning Service Program of the Frederick County Board of County Commissioners.*

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## **ARTICLE 1: PURPOSE**

The purpose of this Ordinance is to promote public health and general welfare, to secure safety from fire, panic, and other dangers, to lessen congestion in the streets, to provide adequate light and air, to prevent the overcrowding of land, to conserve the value of property, and to facilitate adequate provision of schools, water, sewerage, circulation, and other public requirements, according to policies outlined in the Brunswick Master Plan.

## **ARTICLE 2: JURISDICTION**

This Ordinance shall apply to all incorporated territory of the City of Brunswick, within which its powers may be exercised, excluding properties and structures owned by the United States Government and/or by the State of Maryland.

## **ARTICLE 3: INTERPRETATION OF STANDARDS**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Wherever the requirements of this Ordinance impose a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinance, or by private restrictions, the provisions of this Ordinance shall govern.

## **ARTICLE 4: DEFINITIONS**

**Accessory Use:** A use of a building, structure or lot (or portion thereof), which is customarily incidental and subordinate to the principal use of the principal building, structure, or lot.

**Accessory Building/Structure:** A building or structure located on the same lot as a principal building/structure, which is subordinate to (and the use of which is clearly incidental to) that of the principal building/structure or to the use of the land, and which is not attached by any part of a common wall or common roof to the principal building/structure.

**Adaptive Reuse:** Rehabilitation or renovation of existing obsolescent or historic structure(s) from their original or most recent use to a new use.

**Addition Plat:** A plat, certified as correct by a land surveyor licensed in the State of Maryland, prepared in accordance with the applicable State of Maryland Minimum Standards of Practice for Professional Land Surveyors and Property Line Surveyors, which meets the platting requirements of the Brunswick Subdivision Regulations while depicting the addition of one or more lots, parcels, or portions thereof, to another, including but not limited to the elimination of one or more common lot lines between two or more lots owned by a single property owner, for the purpose of establishing a single lot to be recorded in the land records of Frederick County, Maryland.

**Adult Day Care Home:** Any agency, institution, or establishment that provides care for senior citizens, including medical attention, for up to ten (10) hours per day. (Adult Day Care Homes are not regulated by this Ordinance.)

**Affordability:** The extent to which enough rental housing units of different costs can provide each renter household with a unit it can afford (based on the 60-percent or less of the Frederick County area median income standard).

**Age-Restricted Community (ARC):** A development or portion thereof which has been designated as an age-restricted community in accordance with Section 21.15 of the Zoning Ordinance.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, and animal husbandry; provided that such uses do not include the business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments.

**Alley:** A right-of-way, which provides secondary service access for vehicles to the side or rear of abutting properties.

**Amend or Amendment:** Any new regulation or repeal, modification or addition to an existing regulation, including any change in the number, shape, boundary or area of a zoning district or repeal or abolition of any map, part thereof, or addition thereto.

**Animal Boarding Place:** Any property used, designed, or arranged for the boarding, breeding, or care of dogs, cats, or other domestic animals and pets for profit, but not including animals raised for agricultural purposes.

**Architectural Feature:** Any cornice, canopy, eave, fire escape, unenclosed porch, portico, patio, stoop, terrace, veranda, balcony, bay window, dormer window or other projection. Architectural features are regulated according to the requirements of Section 21.3 D.

**Automobile Filling and Service Station:** A property used for the retail sales of motor vehicle fuels, oils and accessories, where repair service is incidental, where no storage or parking space is offered for rent, and where no junk autos or other vehicles are parked or otherwise stored on the premises. **Automobile Garage, Private:** An accessory building or portion of a principal building designed, arranged, or used for the housing of private motor vehicles, only one of which may be a commercial vehicle.

**Automobile Parking Lot, Commercial:** A lot or portion thereof, other than an automobile sales lot, used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lots shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

**Automobile Repair or Service Shop:** Any property used for the purpose of general motor vehicle repair and service, including major automobile repair and/or body work and the sale of fuels, oils, and parts and accessories. Junk/salvage yards and/or auto wrecking businesses are not considered automobile repair or service shops.

**Automobile Sales and Service Center:** A property used for the sales and complete servicing of new or used automobiles. Junk/salvage yards and/or auto wrecking businesses are not considered automobile sales and service centers.



**Automobile Sales Lot:** A property used for the storage and display for sale of new or used motor vehicles or trailers, where no repair work is done except minor incidental repair of those automobiles or trailers displayed and sold on the premises. Junk/salvage yards and/or auto wrecking businesses are not considered automobile sales lots.

**Basement:** That portion of a building below the first floor joists at least half of whose clear ceiling height is above the average level of the adjacent ground.

**Bed & Breakfast:** A dwelling in which, for compensation, lodging and meals are furnished for up to nine guests. A Bed & Breakfast shall not be deemed a home occupation.

**Billboard:** A sign that is not necessarily related to the other uses permitted on the premises upon which it is located. Billboards are not permitted in any zoning district.

**Block:** That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

**Board:** The Brunswick Board of Appeals.

**Boardinghouse:** A dwelling in which, for compensation, lodging and/or meals, are furnished for up to nine guests. A boardinghouse shall not be deemed a home occupation.

**Building:** A structure having one or more stories and a roof, designed primarily for the permanent shelter, support or enclosure of persons, animals, or property of any kind.

**Building Height:** The height of any building/structure as measured from the average finished grade ground level along the side of the building nearest the street to the highest point of the roof or any architectural feature extending above the roofline. Building height restrictions are listed in each zoning district text.

**Building Restriction Line:** A line beyond which the foundation wall of any building or structure or portion thereof shall not project, as determined by the setback requirements of each particular zoning district. No building/structure or portion thereof shall project beyond the building restriction line, with the exception of architectural features as defined in this Article, and as regulated in Section 21.3D. The building restriction line for any accessory structure will be in accordance with the setback requirements of Section 5.8.

**Bus Terminal:** A property in which buses may be dispatched, parked, serviced, repaired and stored. Passenger boarding, disembarking or transfers may occur on site. Unregistered buses or buses which are not in running condition may not be stored on site.

**Business Office:** Rooms and/or buildings used for office or administrative purposes only, such as insurance, real estate, etc., but not including retail sales, repair, workshops, manufacturing facilities, warehouse and storage facilities, or laboratories.

**Cellar:** That portion of a building below the first floor joists at least half of whose clear ceiling height is below the average level of the adjacent ground. A cellar shall not be used for habitation.

**Cemetery:** A property used for the permanent interment of dead human bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

**Child Care Center:** An agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation, including a nonpublic nursery school in which an instructional program is offered or provided for children who are under the age of five (5), in accordance with the Maryland Department of Human Resources Child Care Administration regulations. A child care center shall not be deemed a home occupation.

**Commission:** The Brunswick Planning Commission.

**Communication Tower:** A structure intended to facilitate communication, such as paging, cellular, microwave, broadcast television, and radio. Communication towers exceeding two hundred feet (200') in height (as measured from the ground to the highest point of the structure), must comply with all applicable state and federal regulations.

**Council:** The Mayor & Council of Brunswick.

**County:** Frederick County, Maryland.

**Correction Plat:** A plat, certified as correct by a land surveyor licensed in the State of Maryland, prepared in accordance with the applicable State of Maryland Minimum Standards of Practice for Professional Land Surveyors and Property Line Surveyors, which depicts a change or changes to be made to a previously recorded plat, as long as no new (as in reconfigured) or additional lots are created, and which is submitted to the Planning Commission for review under the Subdivision Regulations and is recorded in the land records of Frederick County, Maryland.

**Development:** Any activity, other than agricultural activity, which materially affects the existing condition or use of any land or structure.

**Developer:** An individual, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by this Ordinance, particularly the designing of a subdivision or development plan or plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to an end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may vary.

**Domiciliary Care/Assisted Living Facility:** Any agency, institution, or establishment that provides living facilities for senior citizens, including furniture, three meals per day, and medical attention.

**Dwelling:** A building or portion thereof arranged or designed to provide living facilities, but not including a tent, tourist cabin, trailer, motor vehicle, or a room in a motel or hotel.

**Dwelling, Attached:** A building designed to provide living facilities for more than one family, with individual units separated by a common wall.

**Dwelling, Detached:** A building designed to provide living facilities for one family entirely separated from any other building or structure by space on all sides.

**Dwelling, Duplex:** Two attached dwelling units arranged or designed to be located on abutting and separate lots and separated from each other by a continuous vertical party wall, without openings from the lowest level to the highest point of the roof, which lies along the dividing lot line. Such dwellings are separated from any other structure by yards on all other sides.

**Dwelling, Multiple-Family:** A building or portion thereof containing three or more dwelling units. For example, an apartment house.

**Dwelling, Single-Family:** A building containing not more than one dwelling unit.

**Dwelling, Two-Family:** A building containing not more than two dwelling units, arranged one above the other or side-by-side and located on one lot.

**Dwelling Unit:** A room or group of rooms forming a single residential unit with facilities for living, sleeping and cooking purposes which are exclusively used for the family living therein.

**Educational Institution, Private:** Any private school or educational or training institution however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any other program of trade, technical, or artistic instruction, but not including any educational institution of Frederick County Public Schools. Private educational institutions shall not be deemed home occupations.

**Entertainment Activities:** A public presentation (live or synthetic) is an accessory use to a restaurant in the B-2 Zoning District, that includes theater, dancing, musical performances and other substantially similar activities. (Ord. 416)

**Essential Services and Facilities:** Services and the associated facilities which are necessary for the provision of those services by public utility companies, state and local governments, or other parties, which include electrical, gas, communication, steam, water, sewer, etc., or for the protection of public health, safety, or general welfare. Facilities included are: poles, cross arms, guy wires, towers, repeaters, boosters, switches, transformers, substations, regulators, pumps, mains, drains, sewers, pipes, lines, conduits, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar accessories and equipment used in connection with and constituting integral parts of such services and reasonably necessary for the provision of those services. Facilities not included are buildings, yards or stations used for the storage, repair or processing of equipment or material. Essential services and associated facilities are subject to the requirements of Section 21.1.

**Fair Housing Act:** 42 United States Code, Section 3607 et seq., as amended.

**Family:** An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

**Family Day Care Home:** A residence in which family day care is provided in accordance with the Maryland Department of Human Resources Child Care Administration regulations. (Family day care homes are not regulated under this Ordinance.)

**Farm:** A parcel of land not less than five (5) acres in size used for agriculture as defined hereinabove.

**First floor:** That portion of a building which is between the first floor joists and the second floor joists or ceiling, and which is nearly entirely above the average level of the adjacent ground.

**Flood:** General and temporary conditions 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.

**Floodplain:** That land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

**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.

**Floor Area of a Building, Gross:** The total number of square feet of floor area in a building, excluding cellars, uncovered steps, and uncovered porches; but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

**Frontage:** The length of the front property line of the lot, lots, or a tract of land abutting a public street, road or highway.

**Group Home:** A dwelling owned or leased by a governmental or non-profit organization and used to house a group of persons not necessarily related by blood. A staff is employed and used as counselors, house parents, or caregivers. A parent agency or institution has administrative, supervisory and service responsibility for the group home. (Group homes are not regulated under this Ordinance.)

**Home Occupation:** The non-residential use of a dwelling that is accessory to its principal residential use and is conducted by a resident of that dwelling in conformance with the requirements established in Section 5.11 of this Ordinance.

**Home Owners Association:** An incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or home owner in a planned unit development or other described land area is automatically a member and (b) each lot is automatically subject to a

fee for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the fee, if unpaid, becomes a lien against the property.

**Hospital:** Any institution rendering medical or surgical care on an in- and out-patient basis, including general hospitals and institutions of specialized medicine. The term "hospital" shall also include in-patient treatment facilities for the mentally and physically impaired, including those for treatment of drug and/or alcohol addictions.

**Hotel:** Any building containing ten (10) or more guest rooms, where, for compensation, lodging and/or meals are provided for ten or more guests, excluding fraternity and sorority houses, school or college dormitories, tourist homes, and motels. Hotels shall not be considered home occupations.

**Housing For Older Persons:** Housing intended for, and occupied by, older persons in accordance with the provisions of § 3607(b) (2), of the Fair Housing Act.

**Industrial Park:** A tract of land intended for industrial use, and subdivided and developed for occupancy by a group of industrial businesses.

**Junk Yard:** Any property used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metal, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**Living Area:** The square footage of the interior area of a dwelling that is used as living space. Unfinished basements and cellars, attics, garages, and accessory structures are not considered living area.

**Lot:** A contiguous area or parcel of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.

**Lot Area, Net:** The total area of a lot, excluding public rights-of-way.

**Lot, Corner:** A lot abutting two or more rights-of-way (excluding alleys) at their intersection, whereas the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

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

**Lot Line, Front:** The street line running along the front of the lot separating it from the street. In a through lot, both lines abutting the street shall be deemed to be "front lot lines".

**Lot Line, Rear:** The lot line or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet (10') long or the lot comes to a point at the rear, the rear lot line is assumed to be a line not less than ten feet (10') long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of the front lot line.

**Lot Line, Side:** Any lot line other than a front lot line or a rear lot line.

**Lot of Record:** Any lot legally and officially recorded prior to the adoption of this Ordinance (October 1967), which may or may not conform to the area or width requirements of the zoning district in which it is located, and is subject to modified front, side, and rear yard setback requirements, as stated in Section 21.3.

**Lot, Outlot:** A parcel of land which is shown on a recorded plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this Ordinance. No building permit shall be issued on any land so designated.

**Lot Width, Minimum, at Building Restriction Line:** The least permissible width of a lot, measured horizontally along the front building restriction line (setback).

**Lot, Through:** An interior lot, fronting on two parallel or approximately parallel streets.

**Master Plan:** The policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the City's future development, as adopted and maintained in accordance with Article 66B of the Annotated Code of Maryland.

**Medical or Dental Clinic:** Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis. **Mobile Home:** A portable structure having no foundation other than wheels, jacks, or skirting and/or designed or constructed for the purpose of creating a mobile dwelling unit, but not including a camper or other such vehicle. Mobile homes are permitted only in the R2-MH Zoning District.

**Motel:** Any group of dwelling units, whether contained in one building or as a group of separate lodging facilities, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking space. Motels shall not be considered home occupations.

**Non-Conforming Lot:** A lot of record which does not conform to the area or width requirements of the zone in which it is located, and is subject to modified front, side and rear yard setback requirements as stated in Section 21.3 of this Ordinance.

**Non-Conforming Building/Structure:** A building/structure which legally existed at the time this Ordinance or amendments thereto became effective and which does not conform to the setback, area, or height requirements of the zone in which it is located.

**Non-Conforming Use:** A use of a building/structure or lot legally existing at the time this Ordinance or amendments thereto became effective and which does not conform with the use regulations of the zone in which it is located.

**Nursing Home:** An agency, institution or establishment, including rest homes, convalescent homes and homes for the aged which are devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities

or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital, but who do require and receive room and board and 24-hour medical, nursing, convalescent, or chronic care. Scheduled activities are provided for the residents and medical records are kept on site.

**Non-Profit Organization:** A public or private organization which is not organized or operated for the purpose of conducting business or trade and in which no part of the net earnings benefit any member of the organization or any other individual, and which provides all or any of the following: religious, social, physical, recreational, or benevolent services.

**Planning & Zoning Director:** The administrative officer in charge of zoning administration (Zoning Administrator) within the city corporate limits.

**Planning Commission:** The duly appointed City of Brunswick Planning Commission.

**Private Club:** An incorporated or unincorporated association of civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

**Professional Office:** Rooms and/or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarians, etc., but not including medical or dental clinics or veterinary clinics.

**Public Utilities:** See “Essential Services and Facilities”.

**Quasi-Public Use:** A use that provides a necessary service to the community, is available to the general public, and is not wholly commercial in nature. For example, recreational and community services, churches, childcare centers, health care facilities, nursing homes, senior citizen centers, funeral homes, and schools.

**Recycling Center:** Land designated and used for the collection of materials to be recycled and reused, operated by in or conjunction with a governmental body.

**Resident Professional Office:** The non-residential use of a dwelling that is accessory to its principal residential use and is conducted by a resident of that dwelling who provides a professional service, such as the office of a physician, dentist, architect, engineer, attorney, or similar professional person, in conformance with the requirements established in Section 5.12 of this Ordinance.

**Road:** A public route designed specifically for motor vehicle travel, including streets, highways, avenues, bridges, and segments thereof.

**Roadside Stand:** A temporary structure designed, arranged or used for the display or sale of agricultural or other products grown or produced on the property upon which the stand is located.

**Rooming House:** A dwelling in which, for compensation, lodging is furnished to three (3) or more, but not exceeding nine (9), guests. A rooming house shall not be deemed a home occupation.

**Sanitary Land Fill:** Property used primarily for the disposal of garbage, trash, or refuse, which is covered each day with a layer of inert material such as soil, and which is operated by or in conjunction with a governmental body.

**Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to what are commonly referred to as Satellite Earth Stations, and Satellite Microwave Antennas.

**Setback:** A required distance between a building/structure (including additions) and the lot lines as determined by the requirements for each zoning district. No principal building/structure or portion thereof shall project into the required setback, with the exception of architectural features as defined in this Article, and as regulated in Section 21.3 D. Accessory structures must conform to the setback requirements of Section 5.8.

**Shopping Center/Retail Center:** A group of retail stores, service establishments and other similar uses, which are designed as an integrated unit. (Ord. 416)

**Sign:** Any structure, part thereof, or device attached to or painted or represented on any material or object, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person, firm, group, organization, place, event, commodity, product, service, business, profession, enterprise, or industry which is located upon any land or any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building. Signs must conform to the requirements of Article 22.

**Sign, Billboard:** See “Billboard”.

**Sign, Commercial/Industrial:** A sign, which directs attention to a commercial or industrial use of the property on which the sign is located.

**Sign, Community/Neighborhood Identification:** A sign, which identifies the name of a community or neighborhood, located at the entrance to that community or neighborhood.

**Sign, Directional /Informational:** A sign that is official in nature and erected for the purpose of directing, informing, or warning the public of traffic, parking or other safety issues or issues of interest to the general public.

**Sign, Institutional:** A sign designating or directing one to the location of a community facility or institution of a public nature.

**Sign, Real Estate:** A temporary sign advertising the sale, lease, rental, or development of any particular property or directing attention to the opening and location of a new subdivision, neighborhood, or community.

**Solar Array:** A ground mounted solar collection system consisting of a linked series of photovoltaic modules.



**Solar Collection System:** A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

**Special Exception:** A grant of a specific use that would not be appropriate generally or without restriction and shall be based upon a finding that certain conditions governing special exceptions as detailed in the Zoning Ordinance exist, that the use conforms to the Master Plan, and that the use is compatible with the existing neighborhood.

**Start of Construction:** The date the Frederick County building permit was issued for any development, including new construction and substantial improvements to existing structures, provided that the actual start of construction or improvement was within one hundred eighty (180) days of the permit issuance. The actual start of new construction is the placement of slab or footings, piles, columns, or any work beyond the stage of excavation; or the actual placement of a mobile home on the site. For substantial improvement, the actual start of construction is the first alteration of any structural part of the building. Construction, as used in this definition, does not include land preparation such as clearing, grading, and filling, the installation of streets and/or walkways, excavation for basements, footings, piers, foundations, or erection of temporary forms, or the installation on the property of accessory buildings/structures such as garages or sheds not occupied by dwelling units or not as part of the principal building/structure.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story, if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story, if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty feet (20') or more.

**Street:** See "Road".

**Structural Alteration:** Any change in the structural members of a building, such as walls, columns, beams or girders.

**Structure:** An assembly of materials forming a construction for occupancy or use including, among other things: buildings, stadiums, tents, stands, platforms, stages, observation towers, communication towers, water tanks and towers, trestles, piers, open sheds, coal bins, shelters, fence, decks, pools, walls, signs, power line towers, pipelines, railroad tracks, and poles.

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

**Subdivision Plat:** A plat, certified as correct by a land surveyor licensed in the State of Maryland, prepared in accordance with the applicable State of Maryland Minimum Standards of Practice for Professional Land Surveyors and Property Line Surveyors, which depicts the division of a lot or parcel into two or more lots for the purpose of establishing more than one lot to be recorded in the land records of Frederick County, Maryland, and which is submitted to the Planning Commission for review under the Subdivision Regulations.

**Swimming Pool, Commercial:** A swimming pool and/or wading pool, including buildings necessary or incidental thereto, open to the general public and operated for profit.

**Theater, Drive In:** An outdoor theater shall include only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

**Theater, Indoor:** A building designed and/or used for the commercial exhibition of motion pictures or stage presentations to the general public.

**Tourist Home:** A dwelling in which, for compensation, lodging only is provided or offered to not more than twelve (12) transient guests. A tourist home shall not be deemed a home occupation.

**Townhouse:** One (1) of a group of three (3) or more attached dwelling units which are not more than three (3) stories in height, divided from each other by party walls and each having separate front and rear or front and side entrances from the outside.

**Truck Terminal:** Any property in which truck transported goods are transferred, or stored pending transfer, including truck dispatching, parking, and temporary accommodations for truck drivers.

**Use, Principal:** The primary purpose for which a lot or the principal building/structure thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

**Use, Accessory:** A use of a building, structure, lot (or portion thereof), which is customarily incidental and subordinate to the principal use of the principal building, structure, or lot.

**Variance:** A modification of the density, bulk, or area requirements of this Ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of this Ordinance would result in a practical difficulty.

**Yard:** Open space on the same lot with a building or group of buildings, lying between the building or outer building of a group and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except as provided for in this Ordinance.

**Yard, Front:** Open space extending across the full width of a lot between the front lot line or the proposed front street line and the nearest line of the building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof.

**Yard, Rear:** Open space extending across the full width of a lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building.

**Yard, Side:** Open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the front yard to the rear yard, or in the absence of either

of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection.

**Zone:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

**Zoning Administrator:** The zoning administrative officer or their authorized representative, including zoning inspector(s).

**Zoning Certificate:** A written statement issued by the Zoning Administrator or an authorized representative authorizing the construction or alteration of buildings or structures, or a change of use consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

**Zoning Map:** The Zoning Map of the City of Brunswick together with all amendments thereto subsequently adopted.