

**ST. MARY'S COUNTY  
DEPARTMENT OF LAND USE AND GROWTH  
MANAGEMENT**



**FREQUENTLY ASKED QUESTIONS**

## FREQUENTLY ASKED QUESTIONS (FAQs)

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*Revised 6/20/06*



## **St. Mary's County**

### **Department of Land Use and Growth Management**

### **Frequently Asked Questions**

As part of our continuing effort to enhance customer service, we are pleased to present this series of responses to our most frequently asked questions. We intend these to be general guides which will apply in most situations. References are provided should you wish to obtain further information from the appropriate ordinance or regulation. These documents are available:

On-line at [www.co.saint-marys.md.us/Formsanddocuments.asp](http://www.co.saint-marys.md.us/Formsanddocuments.asp)

In the reference section of all County Public Libraries

At the Department of Land Use and Growth Management located at  
23150 Leonard Hall Drive in Leonardtown

As always our staff is available to provide additional information and assistance at  
301-475-4200 ext. 1500.

#### Zoning Districts:

Rural Preservation District (RPD)  
Rural Service Center (RSC)  
Rural Commercial Limited (RCL)  
Residential Low Density (RL)  
Residential High Density (RH)  
Residential Neighborhood Conservation (RNC)  
Residential Mixed Use (RMX)  
Village Center Mixed Use (VMX)  
Town Center Mixed Use (TMX)  
Downtown Core Mixed Use (DMX)  
Corridor Mixed Use (CMX)  
Office Business Park (OBP)  
Industrial (I)  
Commercial Marine (CM)

*Revised 1/23/04*

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## **FAQ #1: May I have unregistered vehicles on my property?**

Our ordinance regulates abandoned vehicles which are defined as any motor vehicle, trailer or semi-trailer, or watercraft that

- is inoperative and left unattended, or
- has remained illegally on public or private property, or
- has remained on public or private property and does not display valid registration plates registered to that vehicle

Abandoned vehicles are to be removed from view from any public street or stored in a fully enclosed structure or approved enclosed area (CZO Section 81.2.1.b).

### Related Issues

Violations may be reported (not anonymously) to the inspections division at 301-475-4200 ext 1580.

*Revised 1/6/04*

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## **FAQ #2: What is the acreage requirement for a home?**

There is no minimum acreage requirement for a home. Many subdivision lots of less than ¼ acre were created before the County implemented subdivision regulations in 1978. Each of these lots has a building right. However, where a septic system is required, the size of the home or the ability to obtain a building permit at all can be affected by the size of the lot. Where building restriction lines limit the footprint of a proposed dwelling, the applicant may obtain permission from the adjoining property owner(s) to reduce the required side or rear yard setback to zero. This is documented by recording a Zoning Yard Reduction Agreement (CZO Section 61.7.4.e.5). The applicant may also seek a variance from required building restriction lines.

New lots created by subdivision will need to meet current density (average lot size) requirements (CZO Schedules 32.1 and 40.5).

A density parcel restricting development on the parent parcel may be used to create a smaller subdivision lot that would otherwise have been permitted. In other words, in lieu of subdividing five acres from a parent parcel, a one acre lot could be created with a four acre density parcel reserved from future development of the parent parcel.

### Related Issues

Parcels created by deed on or after March 15, 1978 may not have a building right. Subdivision regulations effective March 15, 1978 required new lots to be approved by the Department of Planning and Zoning and subsequently recorded in the Office of Land Records. This was often not done and the resulting parcels are referred to as non-parcels-of-record which do not have a building right. Farmstead lots (15 acres or more) are parcels of record and have a building right if created by deed prior to February 1, 1987 or prior to December 1, 1985 if within the critical area.

See also [FAQ #8](#): Can I build a home on this property?

*Revised 6/13/06*

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### **FAQ #3: What is needed for an addition to my home?**

A permit is required. The proposed construction must comply with principal structure setbacks. The required side or rear yard setback for any principal or accessory structure may be reduced to zero by recording a zoning yard reduction agreement (CZO Section 61.7.4.e.5). This agreement must be executed by adjoining property owners. The addition must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some circumstances.

A site plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the addition, existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

See Customer Assistance Guides [# 1](#) and [2](#) for application requirements and an overview of the permit approval process.

For properties outside the Critical Area served by public water and sewer, an “on-demand” permit may be issued. See Customer Assistance Guide [# 3](#) for application requirements.

The size of a proposed addition may be limited by Critical Area regulations which restrict the area of the lot which can be covered by impervious surface (through which water can not drain). See Customer Assistance Guide [# 10](#) for building permit application requirements in the Critical Area.

*Revised 6/13/06*

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## **FAQ #4: How will I get an address for my new home?**

Addresses are assigned to new lots at the time the subdivision plat is recorded. You may obtain a copy of the plat at the Office of Land Records located in the Circuit Court building in Leonardtown. The Department of Land Use and Growth Management can provide the address if you know the legal description of the property including the tax map number and parcel number as well as the name of the subdivision and the lot number (if applicable), or the tax account ID number. Old lots or parcels may have never been assigned an address. In this case, an address will be assigned upon request or when a building permit is issued (CZO Section 66.4.3).

### Related Issues

Private road names may be changed by petitioning the Board of County Commissioners. The owners of at least 51% of the properties on the road must sign the petition (BOCC Resolution Z-94-15 Section 2.2.d.4.a). The Planning Director may approve a road name change if all of the owners of properties abutting the road sign the petition (CZO Section 66.3.2).

The house number of your address should be placed on your home in a visible (from the road) location. Owners of homes not visible from the road or that are more than 50 feet from the road should post their house number at the driveway entrance and on the home.

*Revised 6/13/06*

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## **FAQ #5: Do I need a permit to build a barn?**

A permit is not required to construct a building for agricultural purposes if the structure is to be located outside the Critical Area. The building must comply with required setbacks of at least 5 feet from the side and rear property lines (CZO Schedule 32.1 footnote 4) and be separated from all other structures by at least 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. It must be located at least 10 feet away from a septic system/easement and at least 15 feet away from any well. Septic and well setbacks may be reduced by the Health Department in some circumstances.

An environmental permit is required to construct an agricultural building if the structure is to be located in the Critical Area.

A private stable (not related to the ordinary operation of a farm), is considered an agricultural building for permitting purposes. A minimum lot size of 3 acres is required. The structure must be located at least 100 feet from side or rear lot lines (CZO Section 51.3.119).

### Related Issues

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

Any electrical work must be done by a St. Mary's County Master Electrician.

*Revised 6/13/06*

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## **FAQ #6: How many animals may I have on my property?**

Our zoning ordinance does not regulate the number of animals kept for agricultural activities. However, animal husbandry operations must maintain adequate fencing or other means of confinement (CZO Section 51.3.3.a.1).

Animals kept for personal enjoyment are not regulated by the zoning ordinance except when shelter is provided for hooved animals. A stable requires at least three acres of land. If a stable is provided, two “large animals” per acre are permitted (CZO Section 51.3.119). “Large animal” is not defined.

### Related Issues

Commercial enterprises such as kennels and boarding facilities require site plan approval (CZO Section 51.3.38&39).

*Revised 6/13/06*

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## **FAQ #7: What is the Board of Appeals?**

The Board of Appeals for St. Mary's County consists of five members appointed by the County Commissioners. The Board was established in accordance with Section 4.07 of Article 66B of the Annotated Code of Maryland to perform the following functions (CZO Section 20.3.4):

- a) To hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made in regard to the administration or enforcement of the Zoning Ordinance
- b) To grant (or deny) a variance from the terms of the Zoning Ordinance
- c) To adopt and publish rules and regulations necessary to conduct its hearings
- d) To hear and act upon Conditional Use applications

### Related Issues

Appeal of a decision must be made (by filing an application for Board of Appeals review) within 30 days of the decision date (CZO Section 23.1.2).

A decision of the Board of Appeals may be appealed to the Circuit Court for St. Mary's County (CZO Section 23.5).

*Revised 12/24/03*

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## **FAQ #8: Can I build a home on this property?**

Whether or not a home may be built on a particular property can only be determined by obtaining building permit approval. Several factors may limit the potential of a property and should therefore be considered before pursuing a building permit.

Dwellings are permitted in all zoning districts except in the Community Commercial (CC) or Industrial (I) districts. They are permitted only as part of a Planned Unit Development (PUD) in the Office Business Park (OBP) district (CZO Section 44.6).

Parcels created by deed on or after March 15, 1978 may not have a building right. Subdivision regulations effective March 15, 1978 required new lots to be approved by the Department of Planning and Zoning and subsequently recorded in the Office of Land Records. This was often not done and the resulting parcels are referred to as non-parcels-of-record which do not have a building right. Farmsteads (15 acres or more) are parcels of record and have a building right if created by deed prior to February 1, 1987 or prior to December 1, 1985 if within the Critical Area. A parcel of less than 15 acres in size is a parcel-of-record if created prior to March 15, 1978. All deeds dating from the present to March 15, 1978 should be examined to determine when a parcel was created and if it has a building right. Copies of deeds may be obtained from the Office of Land Records. Parcels-of-record have a building right subject to building permit approval.

A lot in a recorded subdivision is considered to have a building right subject to building permit approval. Copies of subdivision plats may be obtained from the Office of Land Records.

A soil percolation (“perc”) test is required to determine if the property can support a private septic system, unless it is served by public sewer. Check with our Health Department (301-475-4321) to see if a property has been perc tested, what the results of the test were, and if the test results remain valid.

The property line setbacks (building restriction lines) determine where a dwelling could be sited. Property line setbacks are determined by the zoning district (CZO Schedule 32.1). Environmentally sensitive areas and road right-of-ways may increase these setbacks (CZO Section 32.3.2).

*Revised 6/13/06*

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## **FAQ #9: What Construction Codes are in effect? Where can I view copies?**

Residential building code: International Residential Code 2003 (IRC 2003)

Non-residential building code: International Building Code 2003 (IBC 2003)

Electric code: National Electrical Code 1999 (NEC 99)

Plumbing code: Maryland State Plumbing Code (National Standard Plumbing Code 1993 Edition with 1994 and 1995 supplements)

Copies are available at our public libraries.

Local amendments to the IRC 2003 and IBC 2003 are available on-line at:  
<http://lhi5.umbc.edu/dhcd/amendments/bcode/StMarys02.htm>

*Revised 6/13/06*

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## **FAQ #10: What do I need to submit for a building permit?**

Your completed permit application form.

A contract of sale or written notarized permission to apply if you are not the property owner. If you have settled on the property less than three months ago, provide a copy of your recorded deed.

If the property is not in a recorded subdivision, provide copies of all deeds reflecting ownership from the present through at least March 15, 1978. Copies of deeds may be obtained from the Office of Land Records which is located in the Circuit Court building on Courthouse Drive, one block beyond the square in Leonardtown.

Provide a site plan for the proposed construction. For other than new home construction, the plan may be hand drawn (to scale). It must accurately show the size and location of the proposed construction in relation to the existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

New home construction requires a site plan prepared by a Maryland licensed surveyor or engineer. However, when replacing an existing dwelling, a hand drawn site plan as described above may be submitted.

If the property is located within the Critical Area, additional environmental features must be shown on your site plan. See Customer Assistance Guide [# 10](#).

Provide a floor plan showing interior room locations with each room use labeled. Dimensions are not required.

A \$15.00 application fee, in cash or by check. Please make checks payable to "St. Mary's County Commissioners".

*Revised 6/13/06*

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## **FAQ #11: How long will my building permit remain valid?**

Your permit will remain valid so long as you do not cease construction for a period of 12 months or longer. The best evidence of on-going construction is to have an inspection performed. If you are unable to begin construction within the first year, you may request an extension. Your written request must be received prior to the permit expiration date. A one-time one year extension will be granted with a \$15.00 additional fee.

*Revised 12/30/04*

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## FAQ #12: What fees can I expect to pay for my permit?

Application fee (all permits)	\$ 15.00
New home including basement/attached garage	\$ .12/sq. ft.
New home Economic Impact Fee	\$4,500.00
Pegg Road Impact Fee (Westbury Subdivision)	\$ 600.00
Residential addition	\$ .12/sq. ft.
Detached residential accessory structure	\$ .02/sq. ft.
Private swimming pool	\$ 15.00
Deck	\$ .12/sq. ft.
Pier, bulkhead or revetment	\$ 15.00
Renovation	\$ 15.00
Demolition	\$ No Fee
Sign	\$ 60.00 up to 32 square feet; \$ 110.00 for over 32 square feet
Change of occupancy	\$ 15.00
Home occupation	\$ 15.00
Farmers market exhibitor	\$ 15.00
Minimum permit fee	\$ 15.00
Permit revision fee	\$ 15.00
Permit extension fee	\$ 15.00
Permit transfer fee	\$ 60.00
Environmental permit review fee	\$ 25.00
Other fees:	
Health Department review fee	\$ 20.00 to \$ 75.00
Soil Conservation District review fee	\$ 20.00
Metcom Connection Fees (water & sewer)	Call 301-373-4733
Entrance Permit (bond)	\$1,200.00 or \$1,900.00
Building Inspection fees	\$ 55.00 to \$300.00+ (see Customer Assistance Guide <a href="#">#22</a> ) \$ 120.00 per over lot grading inspection

*Revised 6/13/06*

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## **FAQ #13: How long will it take to get my permit?**

Many permits for projects outside of the Critical Area are “on-demand” and may be obtained the same day you apply. These include permits for:

- A deck, or open/screened porch
- A pool
- An attached garage, carport or breezeway
- Renovating an unfinished basement or other floor when no additional bedrooms are created
- Renovating interior finished living space when no additional bedrooms are created
- An addition which does not create additional bedrooms
- A detached accessory structure of more than 300 square feet without plumbing
- Any renovation or addition (even if additional bedrooms are created) on property served by public sewer
- A change of occupancy permit
- A farmers market permit.

“Drop-off” permit applications require additional review time. These include applications for:

- Any proposed construction or disturbance within the Critical Area (60-90 days)
- A single family, two family, or accessory dwelling (30-60 days)
- Any renovation or addition which creates additional bedrooms if the property is not served by public sewer (30-60 days)
- A detached accessory structure with plumbing (30-60 days)
- A soil percolation (perc) test (scheduled by Health Department)
- Clearing your land (30-60 days)
- A home occupation permit (7-14 days)
- A sign (7-14 days)

Incomplete applications or changes to an application in process will extend the period for review.

*Revised 10/18/03*

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## **FAQ #14: Where do I get a business license? Do I need a home occupation permit?**

A business or traders license may be obtained from the office of the Clerk of the Circuit Court located in the courthouse building on Courthouse Drive in Leonardtown (phone: 301-475-4563). However, they will require a permit from LUGM before any license can be issued. The permit may be a Certificate of Use and Occupancy or a Change of Occupant permit for a building in commercial use or a Home Occupation permit for a business to be operated from the home.

To operate a business from your home a Home Occupation permit is required. Tenants must provide written notarized permission from the property owner(s) to apply for the permit. Home occupations are allowable in all zoning districts except for the RCL, CC, I, and OBP districts (CZO Schedule 50.4.112). The area used for the home occupation may not exceed 200 square feet except in the RPD and RSC districts where it may be up to 500 square feet (CZO Section 51.3.112.a.2).

Equipment used for the home occupation is not to be visible from adjoining roadways or parcels in residential use (CZO Section 51.3.112.a.3). The home occupation may not generate noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the boundaries of the lot (CZO Section 51.3.112.a.7).

Funeral homes, motor vehicle repair, auto body work, animal sales and services (except animal grooming within the home) and food and beverage sales shall not be permitted as home occupations (CZO Section 51.3.112.a.9).

The fee for a home occupation permit is \$15.00.

### Related Issues

If there will be customer traffic to the home, the applicant must submit a plan showing an “accessible route” to and from the “area of public accommodation” for disabled individuals. A renovation permit may be required to construct ramps or widen doorways.

If the property is not a lot in a recorded subdivision, a copy of the current deed (and potentially copies of all deeds dating to March 15, 1978) must be submitted with the application. Farmers’ market permits for exhibitors at the Charlotte Hall flea market are issued by LUGM. The permit fee is \$15.00.

*Revised 6/13/06*

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## **FAQ #15: Do I need a permit for a deck?**

A permit is required. If the property is not located in the Critical Area, an on demand permit would be issued. A deck would need to comply with the principal structure setbacks. However, without a roof and walls, an open deck may project 6 feet into any required setback (CZO Section 61.7.4.a). A ten foot separation is required between the deck and any detached accessory structure(s) (CZO Section 51.2.4.c). It must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some cases.

A plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the deck in relation to existing structures, property lines, well and septic system. A house location survey (normally received at settlement of the property) is a good basis for your plan.

### Related Issues:

#### Footing specifications:

- The bottom of the footing must be at least 20 inches below grade. Each post hole must be nearly level at the bottom with the soil solid and undisturbed.
- The footing must be a minimum of 6 inches thick with a diameter of at least three times the width of the support post.

See Customer Assistance Guide [# 4](#) for other construction requirements.

*Revised 6/13/06*

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## **FAQ #16: Do I need a permit for a fence? How close to the property line?**

A permit is not normally required for the installation of a fence. An environmental permit is required for a property in the Critical Area only if trees are to be removed.

There are no required setbacks from property lines for fences (CZO Section 61.7.4.a). It is advisable to be certain of your property lines by having them marked by a licensed surveyor. It is also a good idea to install a fence a short distance from property lines to avoid ownership disputes and facilitate maintenance.

Related issues:

Specific fencing requirements apply to swimming pools. See Customer Assistance Guide [#5](#).

Animal husbandry operations require areas of animal confinement to be adequately fenced (CZO 51.3.3.a).

*Revised 12/1/03*

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## **FAQ #17: Do I need a permit for a detached garage or carport?**

A permit is required assuming that the garage or carport will be larger than 300 square feet. Where a principle structure exists on the property, the location of the detached structure must comply with required setbacks of 5 feet from the side and rear property lines (CZO Schedule 32.1 footnote 4) and be separated from all other structures by 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. The cumulative building coverage (footprint) may not in total occupy more than 25% of a required side or rear yard (the area between the principal structure setback line and the property line) (CZO Section 61.7.4.d). The structure must be located at least 10 feet away from a septic system/easement and at least 15 feet away from any well. Septic and well setbacks may be reduced by the Health Department in some cases. Recorded easements may further restrict the location of a garage or carport. The permit would be “on-demand” if no plumbing is to be installed and the property is not within the Critical Area.

See Customer Assistance Guides [# 1](#) and [# 3](#) for application requirements and an overview of the permit approval process.

### Related Issues

In general, for properties outside the Critical Area a detached accessory structure such as a shed, garage, or gazebo of less than 300 square feet without plumbing is exempt from a permit if the structure is 300 square feet or less, and at least 10 feet from any other structure, and at least 5 feet away from side and rear property lines, and not in the front yard setback, and not encroaching on any recorded easements.

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

An accessory structure to be constructed on vacant land must comply with the principle structure setbacks (CZO Section 11.2.4.b).

The required side or rear yard setback for any principal or accessory structure may be reduced to zero by recording a side yard reduction agreement (CZO Section 61.7.4.e.5).

Any electrical work is to be done by a St. Mary's County Master Electrician or the homeowner after passing the electrical exam.

An attached (to the principle structure) garage must comply with principal structure setbacks (CZO Section 61.7.2).

*Revised 6/13/06*

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## **FAQ #18: Can I have a horse on my property?**

Horses are regulated by our zoning ordinance only with respect to their shelter. A private stable is described as an accessory structure, not related to the ordinary operation of a farm, for housing hoofed animals (CZO Schedule 50.4 Use Type 119).

A private stable is a permitted accessory use in the RPD, RSC, RNC, VMX, and TMX zoning districts (same reference as above).

A minimum lot size of 3 acres is required. The stable must be located at least 100 feet from side or rear lot lines. Two “large animals” per acre of land are permitted (CZO Section 51.3.119).

Therefore, one may have a horse anywhere in the county unless they want to provide it with shelter. Stabling triggers the above zoning restrictions.

### Related Issues

A building permit is not required to construct a stable as it is considered an agricultural building. Plumbing and/or electric must be installed by the appropriate licensed contractor.

See Use Type 39 (Animal Boarding, Stable) for commercial applications.

*Revised 6/13/06*

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## FAQ #19: How much is the impact fee? When is it paid?

The Economic Impact Fee is \$4,500.00 per dwelling unit. The funds are allocated as follows:

- \$3,375.00 for schools
- \$ 450.00 for roads\*
- \$ 675.00 for parks and recreation\*\*

The impact fee is due when the building permit is issued.

### Related Issues

Property transferred from parent or grandparent to child or grandchild is exempt from the impact fee. There is a maximum of three exemptions.

Replacement of a legally existing habitable dwelling is exempt from the impact fee.

The impact fee will be charged for an accessory dwelling unit.

See Ordinance 2000-18 and Ordinance 2000-29 for further information.

\*Pegg Road (Westbury Subdivision) properties are subject to an additional \$600.00 road fee.

\*\*Wildewood properties are exempt from the parks and recreation fee.

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## **FAQ #20: Are there any noise regulations?**

Our zoning ordinance provides for maximum noise levels which can be detected at property lines. The levels range from 60-70 decibels according to the zoning district (CZO Schedule 61.4.1). These noise standards are modified by as much as 10 decibels depending upon the frequency and time of occurrence (CZO Section 61.4.2).

An exemption from noise regulations is provided for detached single family homes (CZO Section 61.1). However, a home occupation is not to create any disturbance detectable beyond lot lines (CZO Section 51.3.112.a.7).

In the Rural Preservation District (RPD), mandatory noise reductions may not be imposed upon agricultural operations (CZO Section 53.2.2).

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## **FAQ #21: How do I apply for a perc test?**

A soil percolation (perc) test is conducted to determine the suitability of soils for an on-site sewage disposal system (septic system). Application for a perc test is made with the Department of Land Use and Growth Management. The actual test will be administered by the St. Mary's County Health Department.

The application fee is \$215.00. In addition to the fee, the applicant must also arrange for a licensed septic installer with backhoe to be on site for the test.

Most perc tests are conducted during the wet season in late winter or early spring. However, the Health Department may test selected areas of the County at any time of the year. Contact the Health Department at 301-475-4321 to determine when a property could be tested.

### Related Issues

The perc test history and results for any property are available at the St. Mary's County Health Department. The Health Department can also determine if an older perc test remains valid.

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## **FAQ #22: May I have a pier on my residential property? What permits are required?**

One private pier securing 4 or fewer watercraft is permitted on a waterfront parcel or lot in the RPD, RCL, RL, RNC and TMX zoning districts (CZO Schedule 50.4.109). Piers are prohibited on individual lots in a subdivision which has a community pier (CZO Section 71.9.1).

Extended property lines restrict the location of a pier (CZO Section 71.9.6). No portion of a pier or associated mooring piles shall be constructed within 25 feet of the extended property lines (CZO Section 71.9.6.h). Extended property line setbacks may be reduced by obtaining an agreement in recordable form from the adjoining property owner(s) (CZO Section 71.9.7).

Two permits are required for the construction of a pier. The first is a General Tidal Wetlands License from the Maryland Department of the Environment which is a joint state and federal approval. You may order an application by calling 410-414-3400 or you may download the application at:

[www.mde.state.md.us/assets/document/permit/alter.pdf](http://www.mde.state.md.us/assets/document/permit/alter.pdf)

The second permit is a Critical Area Environmental Permit issued by our office.

### Related Issues

A single 3' wide path is permitted for access to a pier (CZO Section 71.9.8.j). A pier may be fixed or floating with no more than six mooring piles and a maximum of four slips or boatlifts (CZO Section 51.3.109.a.1.a).

Existing piers may be repaired without a permit providing there is no replacement of pilings and no soil disturbance on the property.

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## FAQ #23: Do I need a permit for a pool?

A permit is required if the pool is designed to contain more than 2 feet of water or if the property is within the Critical Area. If the property is not located in the Critical Area, an on demand permit would be issued. A pool must be sited as least 10 feet from the side and rear property lines (in ground pool setbacks are measured from the water's edge). A pool may not be located within the front yard setback (CZO Section 51.3.118.a.1&3). Pools and associated decks and enclosures are prohibited in the Critical Area Buffer. Variances for these structures within the Buffer cannot be granted (CZO Section 51.3.118.a.2). A ten foot separation is required between the pool and any other structure(s) (CZO Section 51.2.4.c). It must also be sited at least 10 feet away from a septic system/easement and 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some cases. A pool attached to the principal structure must comply with the principal structure setbacks.

A site plan for the proposed construction is required to be submitted with your building permit application. The plan may be hand drawn (to scale) and must show the size and location of the pool in relation to existing structures, property lines, well and septic system/easement. A house location survey (normally received at settlement of the property) is a good basis for your site plan.

### Related Issues:

Detached accessory structures and other permitted obstructions may not in total occupy more than 25 % of a required side or rear yard (the principal structure setback) (CZO Section 61.7.4.d).

Specific fencing/enclosure requirements must be met for safety purposes. See Customer Assistance Guide [#5](#).

Electrical service must be installed by a St. Mary's County Master Electrician or the homeowner after passing the "homeowners examination" administered by the St. Mary's County Board of Electrical Examiners.

The factory installed electric service wire on the pool pump is usually a no. 14 grounding type attachment cord for testing purposes which must be replaced in most cases with a flex cord not more than 3 feet in length having a copper equipment grounding conductor not smaller than no. 12 with a grounding-type attachment cord.

*Revised 6/13/06*

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## **FAQ #24: May I build a second home/accessory apartment on my property?**

Subject to the allowable density (number of dwellings per acre) of the zoning district in which the property is located, it is sometimes possible to have an additional home as a principal structure. See CZO Schedule 32.1 for allowable densities. See also CZO schedule 40.5 for allowable densities within the Critical Area. However, financing the construction will normally require the loan or mortgage to be secured by the new home on its own lot. As a result, it would be necessary to subdivide the property.

An alternative to a second home is an accessory dwelling unit. An accessory dwelling unit may be part of the principal dwelling or in a detached accessory structure (CZO Section 51.3.105.a.1). If part of the principal dwelling, it must be at least 300 square feet but may not exceed 30 % of the gross floor area. If in an accessory structure, the dwelling unit may contain no more than 2 bedrooms and may not exceed 50% of the gross floor area of the accessory structure (CZO Section 51.3.105.a.2).

Accessory dwelling units are permitted in all zoning districts except in the CC, I and OBP districts (CZO Schedule 50.4.105).

Accessory dwelling units are not subject to density limitations except in the RCA Critical Area overlay where they are considered a principal dwelling unit (reference to be provided). Thus, properties outside the RCA Critical Area are permitted "by right" to an accessory dwelling unit provided a building permit is obtained. There may be only one accessory dwelling unit per lot or parcel (CZO Section 51.3.105.a.3).

### Related Issues

Contact the Health Department at 301-475-4321 for well and septic system requirements.

*Revised 6/13/06*

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## FAQ #25: Do I need a permit for a shed or gazebo?

An environmental permit is required for a shed or gazebo in the Critical Area. Outside the Critical Area, a shed or gazebo of 300 square feet or less without plumbing would not require a permit. The location of the structure must still comply with required setbacks of 5 feet from the side and rear property lines (CZO Schedule 32.1 footnote 4) and be separated from all other structures by 10 feet (CZO Section 51.2.4.c). It may not be located in the required front yard setback. The structure and other permitted obstructions combined may not occupy more than 25% of a required side or rear yard (the principal structure setback) (CZO Section 61.7.4.d). It must be located at least 10 feet away from a septic system/easement and at least 15 feet away from a well. Septic and well setbacks may be reduced by the Health Department in some circumstances. Recorded easements may further restrict the location of a shed or gazebo.

### Related Issues

In general, for properties outside the Critical Area a detached accessory structure such as a shed, garage or gazebo (but not a pool) of less than 300 square feet without plumbing is exempt from a permit if the structure is 300 square feet or less, and at least 10 feet from any other structure, and at least 5 feet away from side and rear property lines, and not in the front yard setback, and not encroaching on any recorded easements. A permit is required for a pool if it is designed to contain more than 2 feet of water or if the property is within the Critical Area.

Any electrical work is to be done by either a St. Mary's County Master Electrician or the homeowner after passing the electrical exam.

The maximum allowable height of a detached accessory structure is 40 feet in most zoning districts (CZO Section 51.2.4.b and Schedule 32.1).

The required side or rear yard setback for any principal or accessory structure may be reduced to zero by recording a side yard reduction agreement (CZO Section 61.7.4.e.5).

An accessory structure to be constructed on vacant land must comply with the principle structure setbacks (CZO Section 11.2.4.b).

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