

ARTICLE 3. DEFINITIONS

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

1. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.
2. To amplify and clarify all provisions of this Ordinance, the following rules shall apply:
 - a. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
 - b. The word "shall" is mandatory and not discretionary.
 - c. The word "may" is permissive.
 - d. The word "lot" shall include the words "piece", "parcel" and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for".
 - e. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or more, the "integral foot" next above shall be taken. If a fraction is one-half foot or less, the "integral foot" next below shall be taken.
 - f. Words and terms not defined herein shall be interpreted in accord with their Webster's Unabridged Dictionary meaning.

Accessory Dwelling Unit. A residential living unit that provides complete independent living, sleeping, eating, cooking and sanitation on the same parcel/lot as the owner-occupied single family dwelling in which it is contained but may have a separate entrance. (See Section 6-27)

Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. Accessory buildings are 200 square feet or greater and are subject to setback regulations. An accessory building shall include but not be limited to temporary utility building and/or garage, canopy carports, carports, roof with rafters. An accessory building, attached or detached, may not be converted to an accessory dwelling unit. (AMENDED PER ORDINANCE 2012-11-01)

Accessory Use. An accessory use is one, which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "Accessory Use".

Acre. A commonly referred to measurement of area which equals 43,560 square feet.

Acreage. A parcel of land, regardless of area, described by metes and bounds, which is not a numbered lot on any recorded subdivision.

Adult Bookstores, Adult Entertainment Centers. Adult bookstores and/or adult entertainment centers shall be defined as an establishment including but not limited to], the principal use of which is to offer for sale or viewing books, magazines, printed material, films, tapes, peep shows, dvds, internet sites or transmissions, electronic devices and live acts which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" or establishments with a segment or section devoted to the sale or display of such material. (See Section 6-26)

Adult Day Care. A structured group program that provides health, social, and related support services to functionally disabled adults, age 16 and older.

Adult Oriented Commercial Enterprises. Business activities such as adult bookstores, adult entertainment, escort services, massage parlors, tattoo studios, body piercing or branding studios, pawnbrokers, pawnshops, palm readers, fortune teller or soothsayer. (See Section 6-26)

Alley. A narrow public thoroughfare which provides only a secondary means of access to properties and is not intended for general traffic circulation.

Afforestation. The establishment of a tree crop on areas from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover. (ADOPTED ORDINANCE 2008-03-01)

Anadromous Fish. Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Apartment House. Same as "Dwelling, Multiple-Family".

Assisted Living Facility. A residential facility-based program licensed by the State of Maryland that provides housing and supportive services, supervision, personalized assistance, health-related services or a combination of these services to meet the needs of the residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a way that promotes optimum dignity and independence for the residents. (See Section 6-29) This definition is further defined as follows:

- A. Residential Assisted Living Facility - A residential group home or assisted living facility serving 8 or less clients/residents.
- B. Small Institutional Assisted Living Facility- A small institutional group home or assisted living facility serving between 9 and 15 clients/residents.
- C. Large Institutional Assisted Living Facility – A group home or assisted living facility serving 16 clients/residents or more districts.

Awning. A structure made of cloth, plastic, metal, wood or other material with a frame projecting from the building.

Automobile Filling Station. See Section 6-23

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one half of its height below grade.

Bed and Breakfast. A building, other than a hotel, motel, rooming house or restaurant, in which five (5) or less guest rooms may be offered to the traveling public for temporary occupancy not exceeding 30 days at any one visit and where lodging and meals are provided for guests. All such operations shall have a resident family living on the premises and shall be approved for such use by the Cecil County Health Department and Fire Marshal. Guestrooms may be permitted in an existing principal residential structure.

Best Management Practices (BMPs). Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Big Box Retail Establishment. Large industrial-style buildings or stores with footprints greater than 25,000 square feet. Examples include, but are not limited to Target, Wal-Mart, Kmart, Circuit City, Office Depot, Sports Authority, Toys “R” Us, Nordstrom Rack, J.C. Penney Outlet, Burlington Coat Factory, Costco Wholesale, Pace, Sam’s Club, Lowe’s and Home Depot. (ADOPTED PER ORDINANCE 2007-08-01)

Board. The Board of Appeals of the Town of North East.

Boarding House. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for three or more persons, but not exceeding twenty (20) persons.

Bonafide Intra-family Transfer. A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

Breezeway. A structure entirely open except for roof and supporting columns which connect a residence and an accessory building on the same lot.

Buffer (spelled with a capital B). A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area Overlay District ("O"), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred ten (110) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Buffer Management Plan. A plan designed and intended to describe methods and means used to achieve and enhance the water quality and habitat functions of the Buffer.

Buildable Width. The width of that part of a lot not included within the required setbacks and open spaces herein required.

Building. Any structure having a roof supported by columns, posts or walls for the housing or enclosure of persons or property of any kind.

Building, Detached. A building surrounded by open space on the same lot.

Building Line. A line beyond which the foundation wall and/or any porch, vestibule, or other portion of a building shall not project, unless otherwise provided for in this Ordinance.

Building, Main. Any building which is not an accessory building.

Café. A restaurant where only meals and drinks on a limited menu are served.

Canopy. A roof-like structure made of cloth, plastic, metal, wood or other similar material which may be free-standing or projected from a wall of a building or its own supports.

Child Care Center. Any place, home or institution, approved by appropriate authorities or agencies, which receives children under the age of fourteen (14) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation provided that this definition shall not include public or private schools organized, operated, or approved under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by blood or

marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities, or meetings. This definition is further defined as follows:

- A. Residential Child Care Center – A home-based child care center serving eight (8) or less children.
- B. Small Institutional Child Care Center – A child care center serving between 9 and 15 children.
- C. Large Institutional Child Care Center - A child care center serving more than 15 children.

Clinic. See Section 6-34 [AMENDED PER ORDINANCE 2012-09-02]

Clinic Services. See Section 6-34 [ADOPTED PER ORDINANCE 2012-09-02]

Club, Private. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which accrues to any individual and not primarily to render a service which is customarily carried on as a business.

Cluster Development. A residential development to which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder. (ADOPTED PER ORDINANCE 2008-03-01)

Colonial Nesting Water Birds. Herons, egrets, terns, and glossy ibis are birds that for the purpose of nesting congregate (that is, “colonize”) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

Commercial Apartment. A dwelling unit that is located above the first floor of a commercial, business, or office structure.

Commission. The Planning Commission of the Town of North East.

Common Area. Any open space, private road or other land, structure or improvement, which is designed or reserved for the common use or benefit of the owners of two or more lots. "Common area" does not include any public road or other land, structure or improvement owned by the Town or the State of Maryland or any other governmental agency. (See Section 12-2)

Community Piers. Boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Comprehensive Plan. “The Comprehensive Plan of the Mayor and Commissioners”. A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present, and future trends of the Town including, but not limited to, its population, land use, water resources and their use, transportation facilities, and public facilities and intended to guide the physical development of the Town of North East.

Condominium. A form of ownership consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with separate interest in space in a building, such as a townhouse, apartment or office, established pursuant to Maryland law. A condominium may include, in addition, a separate interest in other portions of such real property.

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

Convalescent Home (see Nursing Home).

Country Inn. A building containing not more than fifteen (15) individual rooms or suites of rooms for the purpose of providing overnight lodging facilities not to exceed 30 consecutive days to the general public for compensation which also offers dining facilities.

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

Coverage. The percentage of the lot covered by buildings and structures.

Craft or Specialty Shop. A retail store serving as the main outlet for sale of very limited types of inter-related goods produced or handcrafted in whole or part on the store premises, including but not limited to: handcrafted leather accessories, basket weaving, ornaments, etc. These operations are distinguished by their small scale and low intensity manufacturing process, provided that such uses shall be subject to the site plan review requirements of this Ordinance.

Critical Area. All lands and water defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- A. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
- B. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

- C. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission. The Maryland Chesapeake Bay Critical Area Commission. The State of Maryland Critical Area Commission, Chesapeake and Atlantic Coastal Bays.

Daycare. See Child Care Center.

Deed Restriction. A private legal restriction and/or covenant on the use of land, contained within a deed of property or otherwise formally recorded in the Land Records of Cecil County, Maryland. These restrictions or covenants are designed to control the use of specific property and enforcement of these is through private civil action. Deed restrictions are not enforced by the Town of North East.

Density. The number of dwelling units per acre of gross area of development tract.

Developed woodlands. Areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Developer. A person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the Criteria of the Critical Area Commission. (ADOPTED PER ORDINANCE 2008-03-01)

Development or Development Activities (includes the term "develop"). Any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land or action that results in construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

Development Envelope. Developed portion of a parcel or tract of land that encompasses all lots, structures, required buffers exclusive of the tidal water buffer if it is at least 300 deep, impervious surfaces, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use as active recreation areas, and any additional acreage needed to meet the development requirements of the North East Critical Area Program.

District (Zone). Any section of the Town of North East within which the zoning regulations are uniform.

Dog Kennel, Commercial. The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes except in an animal hospital,

dog beauty parlor, or pet shop as permitted by these regulations, or the keeping of five or more dogs, six months or older, for any purpose.

Drainageways. Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

Drive-in or Drive Thru Restaurant. See Section 6-19

Driveway. The portion of a lot which is intended to provide vehicular access from a public or private street or alley to private property.

Duplex (Two Family Dwelling). A building on one lot arranged and designed to be occupied by two (2) families living independently of each other. For purposes of this definition a building of two or more stories that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule shall be known as a duplex. A building that is divided vertically by a common wall above and below the finished grade into two dwelling units each of which has an independent entrance either directly or through a common vestibule shall be known as a semi-detached dwelling.

Dwelling. Any building or portion thereof, designed or used for residential purposes, but not trailers or mobile homes.

Dwelling, Detached. See Dwelling, Single Family.

Dwelling, Semi-Detached. See Duplex.

Dwelling, Single-Family. A building designed for use, or occupied exclusively by one family. A building containing one (1) dwelling unit, not attached to any other dwelling units.

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

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

Dwelling Unit. A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes living quarters for a domestic or other employee or tenant, an in-law or accessory apartment or dwelling unit, a guest house, or a caretaker residence.

Endangered Species. Any species of fish, wildlife, or plants which have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy.

This includes any species determined to be "endangered" species pursuant to the federal Endangered Species Act, 16 USC. §1531 et seq., as amended. (See Section 13-1)

Environmental Assessment. A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Erect. To build, construct, attach, hang, place, suspend or affix.

Family. One or more persons living together in a single housekeeping unit. (AMENDED PER ORDINANCE 2012-11-01)

Fast Food/Cafeteria Restaurant. See Section 6-19

Fast Food/Carry-out Restaurant. See Section 6-19

Fast Food Restaurant. See Section 6-19

Fences. Any structure, regardless of composition, which is erected and maintained for the purpose of enclosing a piece of land or to divide a piece of land in two distinct portions.

Fisheries Activities. Commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Floor Area.

- A. Commercial business and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
- B. Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Forest. A biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that

have been cut but not cleared.

Forest Interior Dwelling Birds. Species of birds that require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest Management. The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

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

Frontage.

- A. Street frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is deadended, then all the property abutting on one side between an intersecting street and the deadend of the street.
- B. Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

Garage or Yard Sale. A public sale conducted by an individual on his or her own premises for the purpose of selling personal property.

Grade.

- A. For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- B. For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to or within ten degrees of being parallel to, and not more than 15 feet from a street line, is to be considered as adjoining the street. Sidewalk grades shall be established by the Town Engineer.

Golf Course. An area publicly or privately owned, on which the game of golf is played, containing at least 9 holes; together with such necessary and usual accessory uses as a club house, caretakers' dwellings, dining and refreshment facilities, and other such uses, provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

Grandfathered. Describes the status accorded certain properties and development activities that are of record prior to the date of adoption of this Zoning Ordinance or provisions of this Zoning Ordinance.

Grocery Store. See Section 6-21

Growth Allocation.

- A. An area of land calculated as five (5%) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that the County may convert to more intense management areas to accommodate land development; also
- B. An act of the Town Commissioners, which provides for conversion of a property or properties located in a Resource Conservation Area (RCA) and/or the Limited Development Area (LDA) in the Critical Area Overlay District ("O") to another land management classification which allows an increase in the permitted density.

Group Home. A facility providing housing facilities and/or rehabilitation in a single family dwelling for not more than eight (8) persons, including support personnel, for persons who need specialized housing, treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal half-way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that involves behavior related to violent felony crime. (See Section 6-29)

Habitat Protection Areas. Threatened and Endangered Species, Species in Need of Conservation, and Plant and Wildlife Habitats, Non-tidal Wetlands, the Buffer and Anadromous Fish Propagation Waters as designated in the Critical Area Program.

Height of Building. The vertical distance from the grade to (a) the highest point of the coping of a flat roof; (b) the deck line of a mansard roof; (c) to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs.

Heliport. An area, either at ground level or elevated upon a structure, that is used or intended to be used for the landing and taking off of helicopters and including helicopter support facilities such as for fueling, repair, maintenance, parking or hangaring, administrative offices, cargo loading, and waiting facilities.

Helistop. An area on a roof or on the ground where helicopters or other steep-gradient aircraft land or hover for the purpose of picking up or dispersing passengers or cargo, but not including fueling service, maintenance or overhaul.

Health Spa. A place of business with equipment and facilities for exercising and improving physical fitness.

Highly Erodible Soils. Soils with a slope greater than 15 percent; or those soils with a K value greater than 0.35 with slopes greater than 5 percent. "K value" means the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

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

Home Occupation. Any business, occupation, or activity undertaken for financial gain within a residential structure or accessory dwelling unit in which the resident is the operator that is incidental and secondary to the use of that structure as a dwelling unit. (See Section 6-28)

Hospital. A building or group of buildings, having room facilities for one or more overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices, providing, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel. A building in which lodging or boarding and lodging are provided for more than twenty (20) persons, primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house which are herein separately defined. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

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

Impervious Surface. Any man-made surface that is resistant to the penetration of water.

Infill. The development of vacant, abandoned, passed over or underutilized land within built-up areas of North East that are located in the "IDOD" Infill Development Overlay District. (See Section 5-14)

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building,

structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer. (See Section 6-33)

Junk Yard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage and sale of dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled or displayed.

Land Clearing. Any activity that removes the vegetative ground cover.

Limited Restaurant. See Section 6-19. (ADOPTED PER ORDINANCE 2009-05-01)

Live-Work Unit. A dwelling, such as a loft, in which the occupant both lives and conducts a business.

Loading Space or Loading Berth. A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum area of 540 square feet, minimum dimension of 12 by 35 feet and a vertical clearance of at least 14.5 feet.

Local Vineyard. A vineyard within Cecil County, utilized for the growing, fermentation and/or processing of grapes, berries, and other fruit(s) grown on or off premises for the production of wine or juice; packaging, bottling, re-fermentation of still-wine into sparkling wine, and storage of wine; the sample and sale of—at wholesale or retail—wine, gifts, food, and associated activities and related items; promotional events, guided tours, tasting rooms and festivals.” (ADOPTED PER ORDINANCE 2013-06-01)

Lot. A parcel of land which may include one or more platted lots or portion thereof, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, yard areas and parking spaces required by this Ordinance meeting coverage requirements and having its principal frontage upon a street or upon an officially approved place See Diagram A for illustration of lot types.

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

Lot, Corner. A lot located at the intersection of two or more streets. (See Diagram A)

Lot, Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot, Interior. A lot other than a corner lot with only one frontage on a street other than an alley.

Lot, Reversed Frontage. A lot in which the frontage is at right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See Diagram A)

Lot Line. The boundary line of a lot.

Lot, Panhandle. A division of land with such a configuration that the building area conforming to minimum lot area requirements for the district is connected to a road by a narrow strip. Also known as a “flag lot”. (See Diagram A)

Lot, Through. An interior lot having frontage on two streets. Also known as a “reverse frontage” lot. (See Diagram A)

Lot Width. The distance between the side lot lines measured at the required front yard setback line. (See Diagram B)

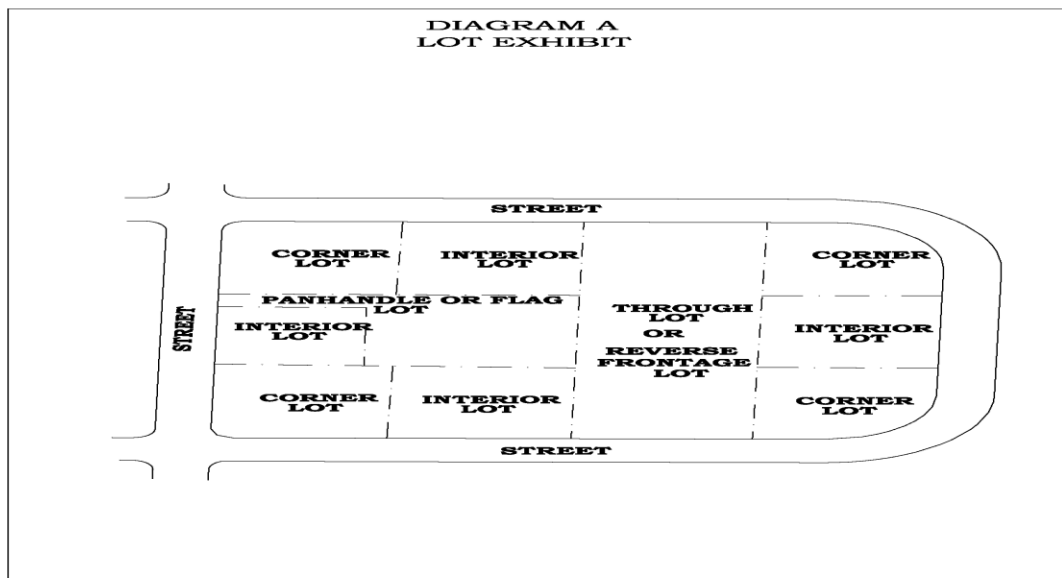
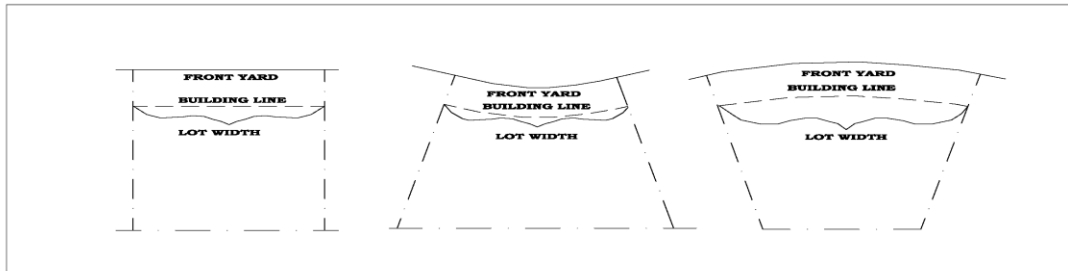


DIAGRAM B LOT
WIDTH



Marina. Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

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

Mini-Market. See Section 6-21

Mobile Home or Trailer. A moveable or portable dwelling built on a chassis connected to utilities and designed with or without permanent foundation for year-round living.

Mobile Home Park. An area where one or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for one or more families.

Motel, Motor Court, Motor Hotel. Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Motor Vehicle Dealership. A building, structure, or area of land used for the storage or display for sale of motor vehicles but not used for the storage of dismantled or wrecked motor vehicles.

Motor Vehicle Repair and Maintenance Shop. See Section 6-24

Natural Heritage Area. Any communities of plants or animals which are considered to be among the best statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources. (ADOPTED PER ORDINANCE 2008-03-01)

Natural Vegetation. Plant communities that develop in the absence of human activities.

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

News Center. Small retail facility predominantly selling newspapers, magazines, and other published materials.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform with the use regulations of the district in which it is located.

Non-tidal Wetlands. Refers to those lands in the Critical Area (excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland) farm ponds and other man-made bodies of water whose purpose is to impound water for agriculture, water supply, recreation, or waterfowl habitat where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and that are usually characterized by one or both of the following:

- A. At least periodically, the lands support predominantly hydrophytic vegetation; and/or
- B. The substrate is predominantly un-drained hydric soils.

Nursing Home. A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illness, disease, deformities, or injuries who do not require extensive care such as is normally provided in a general or other specialized hospital; includes rest homes, convalescent homes, and homes for the aged. A nursing home does provide medical, nursing, physical therapy, convalescent, or chronic care in addition to room and board.

Occupancy, Certificate of. The certificate issued by the Cecil County Building Official which permits the use of a building.

Office, General. An office for the use of (a) professional people such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, real estate companies, etc., but not including State Licensed Medical Clinics, Clinics, or Clinic Services as defined herein or any kind of retail or wholesale store or warehouse, except as otherwise provided herein. [AMENDED PER ORDINANCE 2012-09-02]

Offsets. Structures or actions that compensate for undesirable impacts.

Open Space. Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state.

Open Water. Tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

Pad, Development. The area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

Parking Lot for Vehicles: A stand alone public or private parking facility for vehicles, not directly connected to or directly attached to a specific use. Vehicles exceeding 15,000 pounds of gross vehicle weight shall be prohibited from using parking facility. Vehicles shall not be parked for a period greater than 24 hours. (ADOPTED PER ORDINANCE 2012-11-01)

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley and having an area of not less than 9 feet x 18 feet, plus necessary maneuvering space, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles. (AMENDED PER ORDINANCE 2014-03-01)

Parkway. A wide road, usually divided, with an area of grass and trees on both sides and in the middle.

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

Place of Worship. A building or premises where persons regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship.

Premises. A lot, together with all buildings and structures thereon.

Principal Structure. The one primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification.

Private Pier. A privately owned pier that is no more than six (6) feet wide.

Program Amendment. Any change or proposed change to an adopted Critical Area program that is not determined by the Critical Area Commission chairman to be a program refinement. (ADOPTED PER ORDINANCE 2008-03-01)

Program Refinement. Any change or proposed change to an adopted Critical Area program that the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

1. A change to an adopted program that results from State law.
2. A change to an adopted program that affects local processes and procedures.

3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted program that is clearly consistent with the provisions of this subtitle and all the criteria of the Commission. (ADOPTED PER ORDINANCE 2008-03-01)

Project Approvals. The approval of development and redevelopment, other than development and redevelopment by a State or local government agency, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats, building permits and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits.

Promenade. A public walkway designed to give access to the waterfront within the Town may include sidewalks and boardwalks adjacent to and over the water.

Publicly Owned. Land and/or structures solely belonging to an entity of Federal, State, County or municipal government.

Recycling Center. A facility used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

Redevelopment.

- A. Construction in previously developed areas which may include the demolition of existing principle structures and building new principle structures, or the substantial renovation of existing principle structures. Redevelopment projects tend to be somewhat larger and more complex than infill projects.
- B. The reuse of previously used, non-agricultural land.

Reforestation. The establishment of a forest through artificial reproduction or natural regeneration.

Restaurant. See Section 6-19

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

Rooming House. Same as Boarding House.

Satellite Dish Antennas. See Section 6-12

Satellite Simulcast Betting / Off - Track Betting. See Section 6-16

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

Semi-public. A use owned or operated by a nonprofit, religious or philanthropic institution and providing education, cultural, recreational, religious, or similar types of public programs.

Senior Housing Facilities. Development comprised of apartments designed for occupancy by persons over the age of 55 years. Said facilities shall have a minimum of 40 units. Senior housing facilities are permitted to have street level dwellings. In the case of senior housing facilities consisting of efficiency, one bedroom, and two bedroom apartment developments designed specifically for occupancy by not more than one or two persons, the Board of Appeals may grant, as an additional condition of the special exception, that each efficiency, one bedroom and two bedroom apartment be considered equivalent to 0.50 family dwelling unit and the lot area and number of parking spaces required per unit determined accordingly. In any case, all other density and lot area requirements provided in the Zoning Ordinance shall be met. Such projects frequently include nonresidential facilities such as stores, garages, dining rooms, recreation facilities, chapels, health and related services and functions to provide for the needs of residents.

Service Facilities. Accessory facilities incidental to the use of the land and structures and used to provide a service to the structure or use. The definition includes such things as dumpsters, heating and cooling equipment, and electric generators.

Setback. The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a public right-of-way.

Shopping Centers and Malls. See Section 16-19

Shore Erosion Control Measures. Any of number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

- A. Nonstructural - Creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods;
 - (1) Vegetation - Planting an existing shore with a wide band of vegetation;
 - (2) Bank Sloping/Vegetation - Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and

- (3) Contained Beach - Filling along shore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

B. Structural

- (1) Revetment - Facing laid on a sloping shore to reduce wave energy and contain shore materials;
- (2) Bulkhead - Excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
 - (b) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

Sign. See Article 7 for sign definitions

Site Plan. A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions of Article 10.

Site Plan, Tentative. A simplified diagram of a proposed development that shows the major development components and outlines the proposed approach that applicant will take to address existing site conditions and applicable regulatory requirements. May also be known as a “concept” or “sketch” plan.

Soil Conservation and Water Quality Plans. Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plants that indicate:

- A. How the landowner plans to treat a farm unit;
- B. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
- C. The schedule for applying Best Management Practices.

Special Buffer Areas. An area officially mapped by the Town and approved by the Critical Area Commission as a Special Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial commercial, institutional or recreational development in the Critical Area

prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Species in Need of Conservation. Fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resource Article 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

Standard Restaurant. See Section 6-19

State Licensed Medical Clinic. See Section 6-34 [ADOPTED PER ORDINANCE 2012-09-02]

Steep Slopes. Slopes of 15 percent or greater incline.

Stormwater Management.

- a. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
- b. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminated pollutants that might otherwise be carried by surface runoff.

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

Story, Half. A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than sixty (60) percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Streams.

- A. Stream, Intermittent. A stream in which surface water is absent during part of the year. Intermittent streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States, the Cecil County Soil Survey, or field located. (See Section 12-1)

- B. Stream, Perennial. A stream containing surface water throughout an average rainfall year as shown on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States, the Cecil County Soil Survey, or field located. (See Section 12-1)
- C. Stream, Tributary. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of North East.

Street. A public thoroughfare which affords the principal means of access to property abutting thereon.

Street Line. A dividing line between a lot, trace, or parcel of land and a contiguous street.

Structure. Anything, other than a fence or retaining wall, constructed or erected, which requires location of the ground or attached to something having a location on the ground, including but not limited to advertising signs, billboards, buildings, posterboards, and mobile homes.

Structural Alterations. Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Substantial Renovation. The renovation of a major component or substantial structural part of real property that materially increases the value of the property, substantially prolongs the useful life of the property, or adapts the property to a new or different use. This definition is generally interpreted to mean any improvements to an existing structure resulting in 500 square feet or more new floor area to a principle structure or major improvements to the exterior of any principle structure.

Super Market. See Section 6-21

Survey, Boundary. A metes and bounds description prepared by a registered Maryland surveyor delineating the property lines encompassing a given property.

Survey, Location. A metes and bounds description prepared by a registered Maryland surveyor delineating the footprint of existing buildings on a property shown in context with the bounding property lines.

Threatened Species. Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be "threatened" species pursuant to the federal Endangered Species Act, 16 U.S.C., 1531 et seq., as amended.

Tidal Wetlands. State wetlands that are defined as any land under the navigable water of the state below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that defined as any land not considered "state wetlands" bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

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

Tot Lot. Open space area with playground equipment suitable for children up to age 5.

Townhouse. A single-family dwelling forming one of a series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

Tract. A lot (see definition). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

Trailer or Trailer House. Same as "Mobile Home".

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

Tributary Streams. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions. More detailed studies shall include field delineation and verification.

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

Travel Plaza. A complete integrated facility servicing the motoring public located near an interstate highway, including overnight accommodations, restaurants, fuel, servicing and other necessary items required by all sectors of the motoring

public including automobiles, buses, and trucks, and which do not cater predominantly to tractor trailers and other large highway vehicles.

Unwarranted Hardship. That without a variance an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Use. The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, permitted. A use which may be lawfully established in a particular district or districts provided it conforms with all regulations, requirements, and standards of such district.

Utility Building. See Section 6-14

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

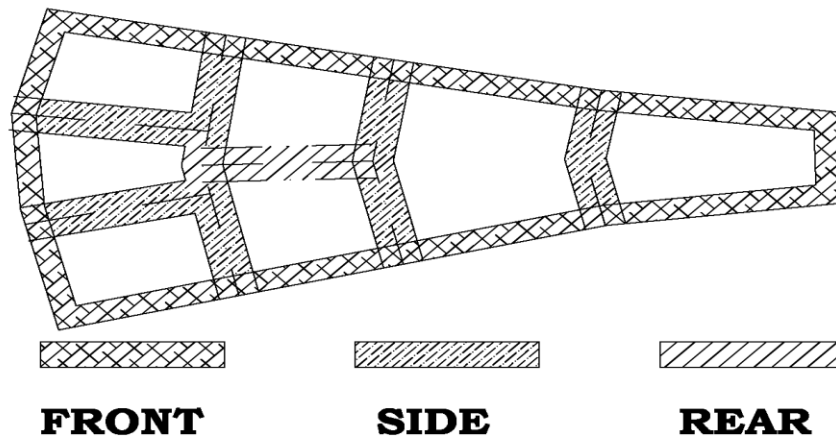
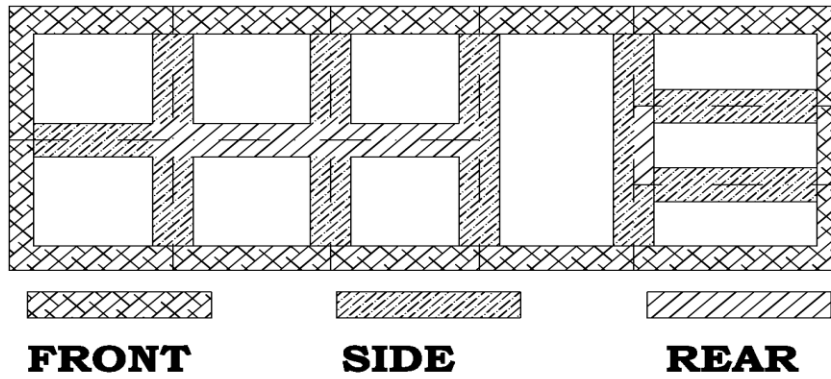
Water-dependent Facilities.

- A. Those structures or works associated with industrial, maritime, recreational, educational and fisheries activities that require location at or near the shoreline within the required Critical Area Buffer.
- B. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other public water-oriented recreation areas and fisheries activities.
- C. Excluded from this regulation are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision which provides community piers.

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

Yard. An open space other than a courtyard, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. (See Diagram C for illustration of required yards)

Diagram C
Required Yards



Yard, Front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance-ways.

Yard, Side. A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

Zoning Administrator. Shall be used interchangeably throughout this Ordinance with the terms “building inspector” and “zoning inspector”. In the absence of a Zoning Administrator, the Town Administrator shall assume the responsibilities of the Zoning Administrator.

Zoning Overlay District. A district which is placed over the existing zoning district that imposes additional restrictions, e.g., the Critical Area Overlay District.

ARTICLE 3. DEFINITIONS 1