

ARTICLE 4. GENERAL PROVISIONS, DISTRICTS, AND DISTRICT MAPS

Section 4-1. Organization of the Regulations

Permitted uses by right and by special exception are listed for each district. Along with these listings are basic height, area, and bulk regulations, special regulations which pertain to the area in question.

Off-street parking and loading regulations, and sign regulations along with Supplementary Regulations, appear separately.

Section 4-2. Zoning Districts Established

In order to regulate and restrict the location of trades, industries, and the location of buildings erected or altered for specific uses, to regulate and limit the height of and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the Town of North East is hereby divided into base zoning districts of which there shall be eleven (11) in number, known as:

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| "R-1" | Single-Family Residential District |
| "R-2" | Two-Family Residential District |
| "R-3" | Multiple-Family Residential District |
| "R-4" | Mixed Use Residential District |
| "RO" | Residential-Office District |
| "VC" | Village Commercial District |
| "VM" | Village Marine District |
| "GC" | General Commercial District |
| "HC" | Highway Commercial District |
| "LI" | Light Industrial District |
| "HI" | Heavy Industrial District |
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In addition to the base zoning districts enumerated above, this Ordinance includes special purpose zoning districts of which there shall be seven (7) in number, known as:

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| "CAO" | Critical Area Overlay District |
| "GA" | Growth Allocation Floating Zone District |

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| "PRD" | Planned Residential Development District |
| "IDOD" | Infill Development Overlay District |
| "HCOD" | Highway Corridor Overlay District |
| "MPC" | Master Planned Community Floating Zone District |
| "FP" | Floodplain Overlay District |

For the purpose of reference hereafter in this Ordinance, unless specifically provided to the contrary, the term "Residential District" shall include all Single-Family, Two-Family, Multiple-Family, and mixed residential districts as well as the "RO" Residential-Office Districts and the term "Commercial District", shall include all Commercial Districts, the "VC" Village Commercial District and the "VM" Village Marine Districts, the term "Industrial District" shall include all Industrial Districts and the term "Planned Residential Development" shall include all Planned Residential Development and Master Planned Community areas.

Section 4-3. Official Maps for the Town of North East

1. District Maps Established

Such land and the district classification thereof, shall be as shown on the maps designated as the "Zoning District Maps of the Town of North East, Maryland", dated and signed by the Mayor and attested by the Town Clerk, upon adoption. These Zoning District Maps, and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Town Clerk. Said Maps shall be available for public inspection in the office of the Town Clerk, and any later alterations of these Maps adopted by amendment as provided in this Ordinance shall be similarly dated, filed, promptly noted on the Maps, and made available for public reference. Official maps shall include the followings:

- a. Official Zoning Maps 1 through 4 (See Appendix B)
- b. North East Habitat Protection Maps 1 through 7 (See Appendix B)
- c. North East Critical Area Maps 1 through 7 (See Appendix B)

These Maps, together with subsequent applicable amendments, shall be conclusive as to the current zoning status of land. Copies of official zoning maps are available for inspection in the Town Hall.

2. Official Critical Area Overlay District Maps

- a. Official Critical Area Overlay District Maps shall be prepared and maintained in force as part of the Official Zoning Maps of the Town. Copies of official Critical Area maps are available for inspection in the Town Hall. They shall delineate the extent of the

Critical Area Overlay District ("CAO") that shall correspond to the Chesapeake Bay Critical Area. Within the designated Critical Area, all land shall be assigned one of the following land use management classifications:

- (1) Intensely Developed Area (IDA)
- (2) Limited Development Area (LDA)
- (3) Resource Conservation Area (RCA)

The land use management classification shall be as designated in the Town of North East Chesapeake Bay Critical Area Program, as amended. The Critical Area Overlay District Maps may be amended by the Town Commissioners in compliance with amendment provisions in this ordinance, the Maryland Critical Area Law and Critical Area Criteria.

- a. The Critical Area shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
 - (1) 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;
 - (2) 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
 - (3) Modification to these areas through inclusions or exclusions proposed by the Town of North East and approved by the Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
 - b. The Town Commissioners may elect to adjust the Critical Area Boundary to delete areas of the Town from the Critical Area District only at such time as new Official Wetland Maps are adopted by the State of Maryland or an area of the Critical Area has been approved for exclusion by the Critical Area Commission. The Town Commissioners may also elect to add areas to the Critical Area at any time. Such changes shall be treated as amendments to the Critical Area Overlay District ("CAO") on the Official Critical Area Overlay District Map for the Town of North East and shall require approval by the Critical Area Commission.
3. Floodplain Maps

Section 4-4. Interpretation of District Boundaries

1. A district name or letter or letter-number combination shown on the District Maps indicates that the regulations pertaining to the district designated by that name or letter, or letter-number combination extend throughout the District except as otherwise provided by this section.
2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Maps accompanying and made a part of this Ordinance, the following rules shall apply:
 - a. In cases where a boundary line is given a position within a street or alley, easement, canal, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-away of the street, alley, easement, canal, or stream, and if the actual location of such street, alley, easement, canal, or stream varies slightly from the location as shown on the Zoning District Maps, then the actual location shall control.
 - b. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - c. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way. Distances shown as measured from a railroad shall be measured from the center of the designated track.
 - d. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks or lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the Maps accompanying and made a part of this Ordinance are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the Maps or by Ordinance.
 - e. In unsubdivided property, unless otherwise indicated, the district boundary line on the Maps accompanying and made a part of this Ordinance shall be determined by the use of scale contained on such Map.
 - f. Boundaries indicated as approximately following town or county limits shall be construed as following town or county limits.
 - g. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of

streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

Section 4-5. Application of District Regulations - General Provisions

The regulations set by this Ordinance within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereinafter be used, occupied, or changed in use, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, expanded, moved, or structurally altered internally or externally, unless in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or if any other manner contrary to the provisions of this Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be located in any setback, buffer, easement, right of way or any other setback requirements as set forth in the Zoning Ordinance Subdivision Regulations. In the case of an approved re-development, off-street parking may be located three feet from the property line.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimal requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. No accessory building shall be constructed upon a lot until construction is completed on the main building. Only one (1) accessory building per lot is permitted. Either two accessory buildings or two utility buildings, but not both, may be permitted on one contiguous property provided that the property is greater than four (4) acres in area.
6. For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the

- lists or other regulations of this Ordinance, uses not specifically listed are prohibited.
7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.
 8. Roads shall be located to avoid disturbances to "Habitat Protection Areas" as described in the Town of North East Critical Area Program. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Area the developer shall demonstrate how impacts to Habitats have been minimized and that no feasible alternative location of such infrastructure exists.
 9. Unless otherwise permitted by the Planning Commission, and except in the case of waterfront property, the front facade of all principal residential units shall front on and face the adjacent street. In the case of corner lots residential units shall face the highest order street as determined by the Planning Commission.
 10. Swimming pools shall be subject to a rear yard set back of ten feet from the rear lot line. Side yard setbacks shall be applicable per the zoning district in which it is located. Swimming pool may not be installed forward of the front façade of the principal structure on a residential property. (ADOPTED PER ORDINANCE 2009-05-01)
 11. Pods, dumpsters and storage containers shall be allowed by permit on a property for a limit of one month, with a one-time extension of thirty days. This regulation is not applicable to construction dumpsters which are permitted with an authorized, permitted construction activity. (ADOPTED PER ORDINANCE 2009-05-01)

Section 4-6. Special Taxing District

The Mayor and Commissioners may create a special taxing district to provide financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration, or acquisition of adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, and other infrastructure improvements as necessary in accordance with the authority granted in the Annotated Code of Maryland.

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