

ARTICLE II: Definitions

For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning.

Afforestation - the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

Alleys - are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

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

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.

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 (100) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Buffer Exemption Areas - those areas of the Town otherwise within the designated Buffer that are largely or totally developed or that include underdeveloped lots of record 200 feet or less in depth, excluding tidal

wetlands, the development of which is grandfathered under the provisions of the North East Critical Area Program and Zoning Ordinance.

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.

Controlled Access Streets - are arterial streets and highways which have only a limited number of at-grade intersections with streets and railroads, and limited access from abutting properties.

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.

Critical Area - all lands and waters 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 of Maryland; and

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.

Density - the number of dwelling units per acre of gross area of a 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.

Development or development activities - 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.

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.

Driveways - are minor ways giving access to property from the street pavement, and are considered herein to include only that part of the way which is in the street right-of-way.

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.

Exclusion - an act of the Town Commissioners, approved by the Critical Area Commission, that excepts an area of the Town from the Zoning and Subdivision provisions applicable only to the Critical Area Overlay District ("O").

Exemption - an act of the Town Commissioners, approved by the Critical Area Commission, that relieves an area of the county from the Buffer provisions of the Critical Area Overlay District ("O").

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.

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 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.

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

Growth Allocation - means:

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.

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 North East Critical Area Program.

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.

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.

Land clearing - any activity that removes the vegetative ground cover.

Local Streets - lie entirely within the Town boundaries and consist of local residential streets which connect the abutting development to the collector and arterial thoroughfares.

Limited Access Streets - are arterial highways which have no intersections at grade with other streets, railroads, and no access from abutting properties.

Major Arterials - are major thoroughfares which provide connection between municipalities and other major population/development concentrations.

Major Collectors - are designed to carry relatively high traffic volumes from neighborhoods to the arterials and provide access to major uses - industry, commercial and residential - within the Town.

Marginal Access Streets - or service roads, are minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

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.

Minor Arterials - provide connections between the center of Town and outlying activity centers, residential areas and the Interstate system.

Minor Collectors - provide direct access to abutting properties and also distribute traffic from local streets to arterials and major collectors.

Minor or Insignificant Impacts - means:

a. Any land disturbance that will affect less than 5,000 square feet of land area not located in a Habitat Protection Area identified in the North East Critical Area Program; or

b. Any land disturbance within the Buffer that will affect less than 500 square feet of land area provided such disturbance does not occur in a non-tidal wetland, a Plant and Wildlife Habitat, or a Threatened or Endangered Species of Species in Need of Conservation Habitat as identified in the North East Critical Area Program.

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.

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 undrained hydric soils.

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.

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

Redevelopment - the process of developing land that is or has been developed.

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

Resubdivision - a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. (3-9)

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 alongshore 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.

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 plans 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.

Steep slopes - slopes of 15 percent or greater incline.

Streets - the term "street" means a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, alley, avenue, boulevard, lane, place or however, otherwise designated.

Subdivision - the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Tidal wetlands - means state wetlands that are defined as any land under the navigable waters 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.

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 Town of North East.

Water-dependent facilities - structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of North East has determined require location at or near the shoreline within the Buffer.

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