

ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

Part I Definitions

Section 1. Definitions of Basic Terms

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.

To amplify and clarify all provisions of this Ordinance, the following rules shall apply:

1. 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.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. 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".
5. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the "integral foot" next above shall be taken.

Abattoir. A commercial slaughter house.

Accessory Apartment. (See Article XII, Section 1)

Accessory Use. A use which is clearly incidental and subordinate to a principle use of a structure and which is on the same lot or on a contiguous lot under the same ownership. (See Article X, Section 4 Accessory Uses) (Amended effective September 8, 2009, Ordinance 8-2009)

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

Activity. Any business, industry, trade, occupation, vocation, profession, or other use conducted or carried on either within a building or covered area, or outdoors on any tract or parcel of land. For zoning purposes, an activity shall be considered separately from any building or structure in which such activity may be conducted.

Administrator. (See Article III, Section 13)

Adult Bookstore/Adult Entertainment Center/Massage and Conversation/Relaxation Studios. An establishment, store, shop, cocktail lounge, theatre, etc., the principal use of which is to offer for sale or viewing items such as books, printed materials, photographs, films, tapes, video tapes, video disks, peep shows, and live acts which depict, describe or relate to sexual activities or specified anatomical areas which are less than completely and opaquely covered. Sexual activities and specified anatomical areas are further defined below.

Sexual activities such as:

1. Human Genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical areas are defined as:

1. Human genitals, pubic region;
2. Buttocks;
3. Female breast below a point immediately above the top of the areola.

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.

Agricultural Easement. A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

Agriculture. Agriculture, including horticultural chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, turf, trees, and shrubs, and in general all uses commonly classified as agricultural, and including use of heavy cultivating machinery, spray planes, or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds, or poultry, and including structures for processing and sale of products raised on the premises.

Airport. An area of land or water which is used, or intended for private or public use, for the landing and take off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereof.

Alley. A right of way that provides secondary service access for vehicles to the side or rear of abutting properties.

Alteration. Any change in the total floor area, use adaptability or external appearance of an existing structure.

Amend or amendments. Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto.

Amenity space. Space required and other space devoted to such uses as uncovered open space for public enjoyment consisting of such things as, but not limited to, green areas, gardens, malls, plazas, walks, pathways, promenades, arcades, lawns, fountains, decorative plantings, passive or active recreational areas. Such space shall not include parking or maneuvering areas for vehicles.

Area devoted to this purpose shall be easily and readily accessible to the public or residents of the development. In areas where pedestrian walkways are shown on an approved and adopted master plan such area within the percentage required for amenity space as is necessary shall be devoted to the provision of pedestrian walkways or paths for general public use.

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

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment. A part of a building containing independent sleeping, bathroom, cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family.

Aquaculture.(a) The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. (b) Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. (c) Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and sub-tidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

Automobile Dismantling and Storage Yard (Automobile Graveyard). Any lot or place which is exposed to the weather and upon which motor vehicles of any kind, incapable of being operated, are placed, located, or found.

Automobile Service Station. (See Gas sales)

Barren Land. Unmanaged land having sparse vegetation.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

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

Bed and Breakfast Home. "Bed and breakfast home" or "tourist home" means a single-family, owner-occupied dwelling that is used not more than twelve days in any month for the lodging of up to four transient guests for monetary compensation at any one time, none of whom remain for more than seven consecutive nights each, and that provide no food or beverage service for the transient guests other than for breakfast provided in the area of the dwelling that are generally used by the resident family for the consumption of food.

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.

Billboard. (See Sign.) A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located, not including painted walls.

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

Boarding House. A residential use consisting of at least one dwelling unit together with two or more rooms that are rented or are designed or intended to be rented but, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed and breakfast home or a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Bona Fide Intrafamily 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.

Building. A structure designed to be used as a place of occupancy, storage, or shelter.

Building, Accessory. A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

Building, floor area of. The total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

Building, height of. The vertical distance from the highest point of a structure, excepting chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

Building line. A line beyond which the foundation wall and/or any porch, vestibule, or other portion of a building shall not project (except as provided in Article XIII).

Building, Main. The principal structures housing the principal use on the lot.

Building Permit. A permit issued by the Building Inspector.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Buffer (Critical Area). 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, 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.

Buffer Management Plan. A plan designed and intended to describe methods and means used to protect, manipulate and utilize the buffer which provides multiple benefits.

Camper Park. Any site, lot, parcel or tract of land which is improved, used or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping or recreational purposes.

Canopy. A roof-like structure of a permanent nature which may be free-standing or projected from a wall of a building or its supports.

Cargo Trailer and Closed Body Trucks. A vehicle with a cargo storage space of at least twenty (20) feet in length in which material is stored and/or from which commercial operations and sales activities are conducted (See Article XII, Section 13).

Certify. Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clearcutting. The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.

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

Combination Use. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Article X, Section 8. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Article X, Section 8 for more information. In addition, when two or more separately owned or separately operated enterprises occupy the same lot and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Commission. The Town of Elkton Planning Commission.

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.

Community Piers. Boat docking facilities associated with subdivisions and other similar residential areas, condominiums, and apartments. Private piers are excluded from this definition.

Conditional Use (Special Exception). A use listed as such in this Ordinance and which may be permitted in a specified district under certain conditions to be determined in each case by the

terms of this Ordinance and by the Elkton Board of Appeals after a report by the Planning Commission in accordance with the procedures specified by this Ordinance and applicable state law.

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, Nursing or Rest Home. Any institution however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for two or more non-related persons admitted thereto for the purpose of nursing care given because of prolonged illness or defect or during the recovery from injury or disease, and includes any and all of the procedures commonly employed in waiting on the sick, such as administration of medicine, preparation of special diets, giving of bedside care, application of dressing and bandages, and the carrying out of treatments prescribed by duly licensed practitioner of medicine.

Convenience Service Area. Services offered to persons living within a particular development, e.g., a coin operated laundry, to be confined inside of a building within a particular development, limited to an area not to exceed one percent of the total gross floor space within said building, and for the sole use of the particular development.

Convenience Store. A one-story, retail store containing less than 4,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon a large volume of, stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "High's," "7-11," and "Dash In" chains.

Covenant. A written undertaking by an owner which is required by this Ordinance or imposed by the Planning Commission in accordance with authorization contained in this Ordinance.

Covenantor. A person who owns legal or equitable title to any land which is affected in any manner by a covenant and includes a person who holds any mortgage, deed of trust or other lien or encumbrance on any such land.

Cover Crop. The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat, or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

Critical Area. 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 map, 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 local jurisdictions and approved by the Critical Area 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.

Day Care Center. A licensed commercial or public establishment designed to provide care for children, elderly, or handicapped persons during the daytime hours without overnight provisions.

Day Care Home. A residence in which care is given to a child in place of parental care, for less than 24 hours a day, in a residence other than the child's, for which the day care provider is paid. No more than two children under age two and no more than six children, including the provider's own, may be provided for.

Dedication. The transfer of property from private to public ownership as may be required to provide for the public health, safety, or welfare.

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 Elkton, unless it is the Town of Elkton, Maryland that records said deed restrictions.

Density. The number of dwelling units that may be constructed per acre or per square foot of a zoned lot area.

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 is responsible for any undertaking that requires a zoning permit, conditional-use permit, sign permit, site plan, or subdivision approval.

Development Envelope. Developed portion of a parcel or tract of land that encompasses all lots, structures, required buffers exclusive of the tidewater buffer if it is at least 300 feet 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 Elkton Critical Area Program.

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. Excavation or clearing in Buffer is not permissible, even if a grading permit is not required.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District. A part, zone, or geographic area within the municipality within certain zoning regulations.

Disturbed Area. Any man-made disturbance to existing vegetation and/or soil, including the area of a site where natural cover has been removed and/or grading has occurred for the construction of buildings, placement of septic systems or shared facilities, drives, roads, parking areas, etc., and not replaced.

Documented Breeding Bird Areas. Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

Drive-in establishment. A place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or beverage obtained from a carry-out window in automobiles or elsewhere on the premises.

Driveway. That portion of the vehicle accommodation area that consists of a paved travel lane bounded on either side by an area that is not part of the vehicle accommodation area. Driveway slope shall not exceed 15 percent.

Duplex. See Residence, Duplex.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings (not including hotels and motels).

Dwelling, attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Multi-Family. A structure arranged or designed to be occupied by three or more families on a single parcel or on contiguous parcels under the same ownership.

Dwelling, Two-Family (Duplex). A structure arranged or designed to be occupied by two families, the structure having two dwelling units totally separated from each other.

Dwelling Unit. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used, or held ready for use, as a permanent residence by one family.

Ecosystem. A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

Elderly or Handicapped People.

1. People who are 62 years of age or over.

2. Families where either the husband or wife is 62 years of age or older.
3. Handicapped people under 62 years of age if determined to have physical impairments which (1) are expected to be of long continued and indefinite duration, (2) substantially impede the ability to live independently, and (3) are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

Emergency Services. Fire, rescue, ambulance and police services including related structures and activities.

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.

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.

Essential Service. Any utility facility needed to provide basic services such as water, sewer, electric, telephone, and cable television to the individual users.

Family. One or more persons living together as a single housekeeping unit.

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.

Fishery. A parcel or building where commercial water dependent fishery facilities are located, including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, amphibians and reptiles, 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.

Floodplain. Any land area susceptible to be inundated by water from the base flood. As used in this Ordinance, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the Town Hall.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this Ordinance, the term refers to that area designated as a floodway on the "Flood Insurance Rate Map" prepared by the Federal Emergency Management Agency, a copy of which is on file in the Town Hall.

Forest. For purposes of the Critical Area, forest is defined as 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. For purposes of the Forest Conservation provisions of this Ordinance, a forest is defined as:

- a.** "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.
- b.** "Forest" includes:
 - (1)** Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and
 - (2)** Areas that have been cut but not cleared.
- c.** "Forest" does not include orchards.

Forest Interior Dwelling Birds. Species of birds which 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. The length of all property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street; or, if dead-ended, then all of the property abutting on one side between an intersection street and dead end of the same.

Frontage Zoning Lot. The length of all the property of such zoning lot fronting on a street measured between side lot lines.

Garage, private. A garage used for storage purposes only and having a capacity of not more than four (4) vehicles.

Garage, service. A building, or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Garage, storage. A building, or portion thereof, designed or used exclusively for storage of motor-driven vehicles and where motor-driven vehicles are not equipped, hired, or sold.

Garden Apartments. Multi-family housing units that may share a common outside access. Ownership is not a factor in this type of unit, which may be either rental or condominium.

Gas Sales. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed, such as ignition service, tire repair, repair and replacement of minor parts, such as pumps and filter, brake service, and the like. "Gas sales" does not include a repair or body

shop, but shall include self-service filling stations and any convenience store accessory to or associated with such gas sales.

Golf Course. An area publicly or privately owned, on which the game of golf is played, containing at least nine (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.

Golf Driving Range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing Body. The Mayor and Town Commissioners of Elkton, Maryland.

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

Gross Developable Area. (Total site acreage) minus (tidal wetland acreage) equals (gross developable area).

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Residential Density. For the total site, excluding areas designated as tidal wetlands, gross residential density shall not exceed the average number of dwelling units per acre as permitted.

Group Home/Halfway House. A home for not more than eight people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two people providing supervision and other services to such persons, all of whom live together as a single housekeeping unit. Such use may also provide housing for up to 24 months and case management services to help homeless households achieve stable, permanent housing and economic self-sufficiency.

Group Home/Handicapped or Infirm Home. A residence within a single dwelling unit for at least four but not more than eight people who are physically or mentally handicapped or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

Group Home, Private. "Group home" means a residence in which individuals who have been or are under treatment for a mental disorder may be provided care or treatment in a homelike environment. A **large** private group home admits at least nine but not more than sixteen individuals; a **small** private group home admits at least four but not more than eight individuals.

Growth Allocation.

1. An area of land calculated as five (5) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that may be converted to more intense management areas to accommodate land development; also

2. An act of the Town Commissioners, approved by the Critical Area Commission, that provides for conversion of a property or properties located in Resource Conservation Areas (RCAs) and/or Limited Development Areas (LDAs) in the Critical Area District to another land management classification that may allow an increase in the permitted density to the level permitted by the base zoning classification.

Guest House. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling unless permitted by the terms of this Ordinance.

Guest, Permanent. A person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

Guest Room. A room which is intended, arranged or designed to be occupied or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Habitat Protection Area (HPA). The Buffer, Non-Tidal Wetlands, Threatened and Endangered Species, Plant and Wildlife Habitats, Anadromous Fish Spawning Propagation Waters and Species in Need of Conservation, i.e. colonial nesting waters, historic waterfowl staging and concentration areas, habitat of local significance, as defined in Elkton Critical Area Program.

Heliport. An area, either at ground level or elevated on a structure, that is used or intended to be used with regularity for the landing and taking off of helicopters and includes major helicopter support facilities such as for fueling, maintenance, parking or hangaring, administration offices, cargo loading, and waiting room. Heliports may be public or private. Before operation, existing heliports shall obtain new occupancy permits.

Helistop. An area, either at ground level or elevated on a structure, that is used or intended to be used with regularity for the landing or taking off of helicopters but without major helicopter support facilities. An area is a helistop if helicopters land and take off more than 10 times per week or use the site for more than 30 days. Helistops may have minor support facilities, such as a small sheltered waiting or loading area and a small administrative office, if necessary, but shall not have major support facilities for fueling, maintenance, parking or hangaring, major cargo loading area, large waiting room or major administrative offices. Helistops may be public or private. Before operation, existing helistops shall obtain new occupancy permits.

Helistop Temporary. An area, either at ground level or elevated on a structure, whether public or private, that may be used for the landing and taking off of helicopters on an occasional or temporary basis, but without helicopter support facilities. An area is a temporary helistop if helicopters land and take off no more than 10 times per week or use the site not more than 30 days, or if helicopters land and take off on only sporadic occasions or during emergencies. If a site is used more than 10 times per week or is used for more than 30 days, regardless of frequency of use the site shall be considered either a helistop or a heliport, depending upon the type of use, and shall be required to meet the standards and requirements of whichever shall apply. Temporary helistops shall not need new occupancy permits.

Highly Erodible Soils and Erodible Soils. Soils with a slope greater than 15 percent or soils with a "K" value greater than 0.35 and 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. A home occupation is an activity carried out for financial gain in a residential dwelling and is subordinate to the residential use of the property (Article XII, Section 26).

Hospital. A building or group of buildings having room facilities for one or more abiding 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 departments, 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 are provided for more than 20 people, 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. 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.

Hydrophytic Vegetation. Those plants cited in "National List of Plant Species That Occur in Wetlands: Maryland, 1988" which are described as growing in water or on substrate that is at least periodically deficient in oxygen as a result of excessive water (plants typically found in water habitats).

Immediate Family Member. Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, step-children, or step-parents.

Impervious Surface. Any manmade surface that is resistant to the penetration of water. (Note: Additional information concerning what constitutes an impervious surface can be obtained from the Town).

Intensely Developed Areas. Areas of at least 20 adjacent acres or the entire upland portion of the Critical Area within the boundary of a municipality, whichever is less, where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat occurs. These areas shall have had at least one of the following features as of December 1, 1985:

- a. Housing density equal to or greater than four dwelling units per acre;
- b. Industrial, institutional, or commercial uses are concentrated in the area; or

- c. Public Sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

Intermediate Care Home. A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution. An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermittent Stream. 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 and shall be identified in the field and accurately drawn on all development plans.

Junk (or salvage) yard. An open area where waste or scrap materials (including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard and the storage of inoperable vehicles, but does not include uses established entirely within enclosed buildings.

Kennel. A commercial operation that (1) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (2) engages in the breeding of animals for sale, or (3) any place where more than two adult animals (over 6 months) are kept for a boarding or other fee, or (4) any place where more than five adult animals are kept for any purpose.

K Value. The soils erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

Land-Based Aquaculture. The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

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

Limited Development Areas. Areas which are currently developed in low or moderate intensity uses which contain areas of natural plant and animal habitats, and in which the quality of runoff has not been substantially altered or impaired. These areas shall have had at least one of the following features as of December 1, 1985:

- a. Housing density ranging from one (1) dwelling unit per five (5) acres up to four (4) dwelling units per acre;
- b. Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
- c. Areas having public sewer or public water, or both.

- d. Areas meeting the definition of Intensely Developed Areas above, less than 20 acres in size.

Livestock Market. A commercial establishment wherein livestock is collected for sale and auctioned off.

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Article XVII, Part 1, Section 11.

Lot. A parcel of land whose boundaries have been established by some legal instrument such as recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Lot Area. The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.

Lot, Corner. A lot situated at the intersection of two (2) or more streets, the interior angle of such intersection not exceeding 135 degrees. (See Lot Line, Front and Yard, Front definitions.)

Lot Coverage. The computed ground area occupied by all buildings and other impervious surfaces within a lot.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

Lot, Double Frontage. A lot having frontage on two (2) streets.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Line, Front. That boundary of a lot which is along an existing dedicated public street. All lots shall have frontage on an improved public street. In the case of a corner lot, both boundaries along a public way shall be considered front lot lines.

Lot Line, Rear. Any boundary of a lot which is not a front lot line nor a side lot line.

Lot Lines. The property lines bounding the lot.

Lot Line, Side. Any boundary of a lot which is not a front lot line nor a rear lot line.

Lot of Record. A parcel of land which has been legally recorded in the land records of Cecil County.

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

Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the front and rear setback lines. The front and rear setback lines shall be at least the minimum required by the Zoning Ordinance, but may be greater.

Low-Volume Traffic Generation. Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Manufacture, Manufacturing. The process of converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purpose.

Marina. A place for docking four (4) or more pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and provisions of lodging, goods, beverages, and entertainment as accessory uses. A yacht or boat club shall be considered as a marina.

Marquee. A roof-like structure of a permanent nature which projects from the wall of a building or its supports and may overhang the public way.

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

Mobile Home. A dwelling unit that: (1) is not constructed in accordance with the standards set forth in the Town's building code applicable to site-built homes, and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (3) exceeds 40 feet in length and 8 feet in width.

Mobile Home, Class A. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home has a length not exceeding four times its width, which may be calculated using the measurements of a carport or an enclosed porch;
2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition,

appearance, and durability to the exterior siding commonly used in standard residential construction;

4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Mobile Home, Class B. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

Mobile Home, Park. A residential use in which more than one mobile home is located on a single lot.

Modular Home. A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Motel, Motor Court, Motor Hotel, Lodge, or Inn. The same as "Hotel" except it is designed to accommodate any number of guests, the building or buildings are designed primarily to serve tourists traveling by automobile, and ingress and egress to rooms need not be through a lobby or office.

Motor Vehicle Sales. Storage and display for sale of more than one (1) motor vehicle or any type of trailer provided the trailer is unoccupied.

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.

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.

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

Neighborhood, Essential Services. Any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

Nonconforming Lot. A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum width, depth, and/or area requirement of the district in which the lot is located.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Situation. A situation that occurs when, on the effective date of this Ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article VIII but shall be governed by the provisions of Article XVI, Section 17.

Nonconforming Structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for use that does not conform to the use regulations for this Ordinance, for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use). The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Non-Point Source Pollution. Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather, by changes in land management practices.

Non-renewable Resources. Resources that are not naturally regenerated or renewed.

Non-Tidal Wetlands. An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and is determined according to the Corps of Engineers Wetland Delineation Manual, 1987, as amended.

Nursing Care Home. A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than eight persons.

Nursing Care Institution. An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than eight persons.

Occupancy, Certificate of. The certificate issued by the Building Official, after approval by the Administrator, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of the law for the use and occupancy of the building as specified in the Building Code and in this Ordinance.

Office, General. An office for the use of (1) professional people such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

Office Park. A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designated, planned, constructed and managed on an integrated and coordinated basis

Office, Professional, Non-residential. A single-family structure used for professional office purposes by any member of a recognized profession, such as, but not limited to, doctors, lawyers, architects, accountants, veterinarians and engineers but not including medical or dental clinics or veterinarian clinics. Professional offices do not include general business offices, such as the offices of insurance companies, trade associations, manufacturing companies, investment concerns, banks or real estate companies.

Office, Professional, Residential. Rooms and/or buildings used for office purposes by not more than one (1) member of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarians, etc., but not including medical or dental clinics or veterinary clinics, provided that such use shall be incidental to and subordinate to residential use and not one involving a commercial enterprise. Such use shall preclude manufacturing or sale of any hardware product, except those remedial devices that are prescribed as a direct result of the specific service rendered on the premises and that devices cannot be obtained by the client from any commercial establishment.

Offsets. Structures or actions that compensate for undesirable impacts.

Off-Street Parking Area. Space provided for vehicular parking not on a street or roadway.

Open Space, Useable. That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.

Open space may include, but not be limited to, buffers and bufferyards, lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveways, parking lots, or drainage areas, as to have no substantial value for the purpose stated in this definition.

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

Outbuilding. A separate accessory building or structure not physically connected to the principal building.

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.

Parapet. The extension of the main walls of a building above the roof.

Lot Lines. The property lines bounding the lot.

Parking Area Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Area, Lot, or Structure. A structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

Parking, Floor Area. The floor area of a structure as defined herein less storage and warehouse areas used principally for non-public purposes of said structure. Any basement or cellar space used for retailing shall be included in the parking floor area for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle. At a minimum each parking space shall measure 9' x 18'.

Perennial Stream. A stream containing surface water throughout an average rainfall year. Perennial streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

Person. An individual, trustee, executor, other fiduciary, corporation firm, partnership, association, organization, or other entity acting as a unit.

Pharmacy. A place where drugs and medicines are prepared and dispensed.

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

Planned Unit Development. A development constructed on a tract of at least five acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both, all developed in accordance with Article XI.

Port. A facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

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

Primary Highway. A highway designated as a State Primary Highway or U.S. Highway by the Maryland Department of Transportation.

Private Harvesting. The cutting and removal of trees for personal use.

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

Private Tidal Wetlands. Include:

1. Land not considered State wetland bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth;
2. Tidal wetlands transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred; and
3. Tidal waters created by the excavation of upland unless conveyed to the State.

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. In the context of the Critical Area provisions of this Ordinance, 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.

Property Lines. The lines bounding a zoning lot, as defined herein.

Public Utilities. Uses or structures for the public purpose of power transmission and distribution (but not power generation); fuel transmission and distribution (but not manufacturing or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities (but not utility truck terminal facilities); radio and television facilities (not including broadcasting studios); and rail or highway rights-of-way (not including stations or terminals).

Public Water and Sewerage Systems. A water or sewerage system owned and operated by a municipality or county or an authority or owned and operated by the governing body and permitted by the State of Maryland, and subject to special regulations.

Public Way. Any sidewalk, street, alley, highway, or other public thoroughfare.

Public Water-Oriented Recreation. Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

Reclamation. The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

Recreation Facility. A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

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

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

Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

Renewable Resource. A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

Residence, Commercial Apartment. A multi-family residence located above the principal commercial use.

Residence, Duplex. A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Multi-Family. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, Multi-Family Apartments. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

Residence, Multi-Family Conversion. A multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Residence, Multi-Family Townhouses. A multi-family resident use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Primary with Accessory Apartment. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Residence, Single-Family Detached, More Than One Dwelling Per Lot. A residential use consisting of two or more single-family detached dwelling units on a single lot.

Residence, Single-Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Residence, Two-Family. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Residence, Two-Family Apartment. A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, Two-Family Conversion. A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Resource Conservation Areas. Areas characterized by nature-dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). These areas shall have had at least one of the following features as of December 1, 1985:

- a. Density is less than one (1) dwelling unit per five (5) acres; or
- b. Dominant land use is in agriculture, wetland, forest, barren land, surface water, or open space.

Restaurants

1. **Restaurant, standard** - A food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
2. **Restaurant, fast food** - an establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.
3. **Restaurant, fast food cafeteria** - any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.
4. **Restaurant, fast food carry-out** - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so it can readily be eaten away from the premises as there are no facilities for on premises consumption of food.
5. **Restaurant, drive-in or drive-thru** - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

Retail Store. Stores selling one kind or various kinds of goods, as distinct from services, such as, but not limited to, drug stores, grocery stores, department stores, camera shops, book stores, and record shops.

Right of Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, and bridges.

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

Road. All ways used to provide motor vehicle access to (1) two or more lots or (2) two or more distinct areas or buildings in unsubdivided developments.

Rooming House. (See Boarding House).

Satellite Dish (Receive-Only Earth Station). A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite, typically up to twelve feet in diameter, in the shape of a shallow dish or parabola.

Sawmill. A permanently located mill or machine for sawing, planing, or otherwise converting logs into marketable wood products, and including any office or accessory building and storage areas.

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.

Seat. For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Secondary Highway. A highway designated as a State Secondary Highway by the Maryland Department of Transportation.

Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Sensitive Areas. Environmental protection areas identified in the Economic Growth and Resource Protection Act of 1992 for which special standards, designed to protect these areas from the adverse effects of development, have been included in this Ordinance (See Article XVIII, Part IV, Section 1). These areas include the following:

1. Streams and their buffers;
2. 100-year floodplain;
3. Habitats of threatened and endangered species;
4. Steep slopes; and
5. Any other areas determined by the Town.

Setback. The minimum distance by which any building or structure must be separated from the property boundary or right-of-way line of the street or highway upon which it fronts. The minimum setback shall be as established in this Ordinance. A greater setback may be permitted.

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

1. Structural
 - a. Revetment -- facing laid on a sloping shore to reduce wave energy and contain shore materials.
 - b. Bulkhead -- excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - 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
 - In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

2. Nonstructural - creation of an intertidal marsh channel-ward of the existing bank by one of the following methods:
 - a. Vegetation - planting an existing shore with a wide band of vegetation;
 - b. Bank Sloping/Vegetation - sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
 - c. Contained Beach - filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

Significant Shoreline Erosion. An annual rate of erosion of two (2) feet or greater.

Sign. Any device that (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (2) of this definition; and (2) is designed to attract the attention of such persons or to communicate information to them. Any sign, billboard, commercial sign or illuminated sign or other lettering or device, the intent of which is to display, illustrate or advertise the interest of any person, when it is placed out of doors in view of the general public.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.

Sign, Nonconforming. A sign that, on the effective date of this Ordinance, does not conform to one or more of the regulations set forth in this Ordinance, particularly Article XVI.

Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign Permit. A permit issued by the Zoning Administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Temporary. A sign that (1) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days and not more than 30 days in a given year. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. All existing temporary signs shall abide by this Ordinance with the date of adoption.

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.

Special Events. Circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zone, 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 use may be permitted in such zone as special exception, if specific provision for such special exception is made in this Ordinance.

Species in Need of Conservation. Those 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 Resources Article, 10-2A-03 and 4-2A-03, Annotated Code of Maryland.

Species of Concern. Rare, threatened or endangered species or species in need of conservation.

Spoil Pile. The overburden and reject materials as piled or deposited during surface mining.

State Tidal Wetland. Any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Tidal wetlands of this category which have been transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred.

Steep Slopes. Any slope with a grade of 15 percent or more covering a contiguous area of 10,000 square feet or more shall be considered a steep slope.

Storage. The keeping, either indoors (including inside a cargo trailer) or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. Storage does not include the overnight parking in residential zones of a single vehicle weighing no more than two

and one-half (2.5) tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.

Stormwater Management.

1. 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
2. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminated pollutants that might otherwise be carried by surface runoff.

Street. A public street or a street with respect to which an offer of dedication has been made.

Street, Arterial. A major street in the Town's street system that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic.

Street, Collector. A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

Street, Cul-de-sac. A street that terminates in a vehicular turn around.

Street, Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but not more than 25 dwelling units and is expected to or does handle between 75 and 250 trips per day.

Street, Marginal Access (Service Road). A service road or street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

Street, Sub-collector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 250 and 800 trips per day.

Structure. A construction extending above grade with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, carports, fences, towers, tanks, and billboards. A manufactured home, even though it may be moved from time to time, is considered to be a structure.

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

Subdivision, Major. Any subdivision other than a minor subdivision.

Subdivision, Minor. A subdivision that does not involve any of the following: (1) the creation of more than a total of three lots; (2) the creation of any new public streets, (3) the extension of a public water or sewer systems, or (4) the installation of drainage improvements through one or more lots to serve one or more other lots.

Television or satellite dish. A device or equipment used for the receiving of television or radio programming which is a subordinate use or structure customarily incidental to and located upon the same lot as the main structure, in either a side or rear yard.

Temporary Emergency, Construction or Repair Residence. A residence (which may be a mobile home) that is (1) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied for a period not exceeding six (6) months by the persons displaced by such disaster, or located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

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. All State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland's coastal barrier islands, and the Atlantic Ocean to a distance of three (3) miles offshore of the low water mark.

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

Tourist Home. A dwelling where only lodging is provided for compensation for up to fourteen persons (in contradistinction to hotels and boarding houses) and open to transients.

Tower. Any structure whose principal function is to support an antenna.

Townhouse. One of a group of attached, single-family dwellings which are designed as single structures, with each dwelling unit separated by firewalls, fire separations, or similar party wall. No more than eight (8) dwelling units shall be attached.

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".

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.

Travel Trailer. A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (2) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

Tree. For purposes of the Critical Area, a tree is defined as a woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part; a perennial shrub or herb of arborescent form. For purposes of the Forest Conservation provisions of this Ordinance, a tree is defined as a large, woody plant having one or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.

Tributary Streams. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7.5' topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the jurisdictions.

Use. The activity or function that actually takes place or is intended to take place on a lot.

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.

Use, Principal. A use listed in the Table of Permissible Uses.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by Maryland law and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas oil, or electronic signals.

Utility Facilities, Community or Regional. All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Utility Transmission Facilities. Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer lines.

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 any action taken by the applicant and where a literal enforcement of the ordinance would result in practical difficulty. As used in the Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, including number of off street parking spaces required and percentage of lot area occupied by structure. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because the presence of non-conformities in the zone or adjoining zones. A variance shall not be granted to allow expansion of a non-conforming use. A variance of a particular size, area, or height requirement may be granted without regard to where in this Ordinance the said requirement is set forth.

Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Wash Plant. A facility where sand and gravel is washed during processing.

Water-based Aquaculture. The raising of fish and shellfish in any natural, open, free-flowing water body.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow or water.

Water-Dependent Facilities. Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of Elkton has determined require location at or near the shoreline within the Buffer.

Wayside Stand, Roadside Stand, Wayside Market. Any structure designed and used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his or her family on their farm.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

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

Wooded Area. An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard. A required open space of a lot outside the building envelope unoccupied and unobstructed by any structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences and walls may be permitted in yard subject to height limitations indicated herein. A "yard" extends along a lot line and to a minimum depth or minimum width specified in the yard requirements for the zoning district in which such zoning lot is located. See Figure 1 of this Section.

Yard, Front. A yard extending along the full length of the front lot line of the zoning lot. In the case of a corner lot, both yards extending along the public streets shall be considered front yards. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation will be permitted which materially impedes vision across such yard between the height of 30 inches and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots, indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for the front yard in the zone shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the zoning inspector shall determine the front yard requirements, subject to the following limitations:

- (1) at least one front yard shall be provided having the full depth required generally in the zone;
- (2) no other front yard in such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel to each other whenever possible.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines and between the rear set back line and the rear lot line of the zoning lot. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot, to the rear line of the half-depth front yard.

Yard, Side. A yard extending along a side lot line measured from the front yard to the rear yard. Side yard set back regulations may also apply to structures located within the front or rear yards.

In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot.

In the case of corner lots with reverse frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be the side yards.

Width of required side yards shall be measured at right angles to a straight line adjoining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Yard, Interior Side. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

Yard, Transitional. That yard which must be provided on a zoning lot in a business-commercial district which adjoins a zoning lot in a residential district.

Zoning Administrator. The official designated as the official responsible for enforcing and administering all requirements of the Town of Elkton Zoning Ordinance.

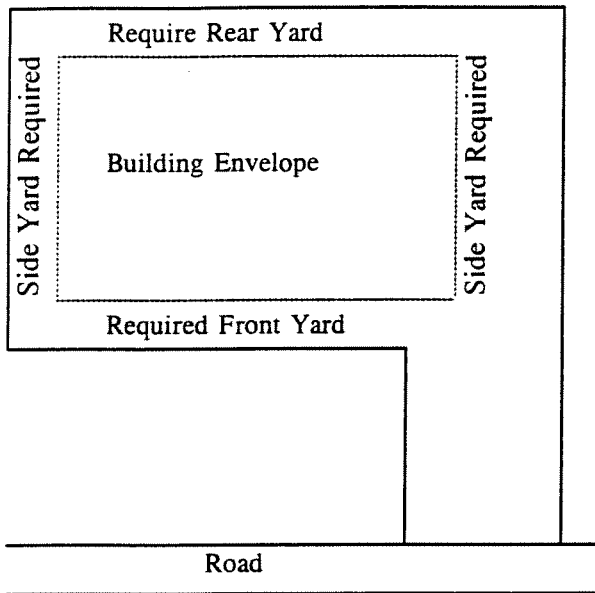
Zoning Overlay District. A district which is placed over the existing regular or parent zoning because of citing of a zoning district or imposes additional restrictions and includes all those districts listed as Special Districts in Article IX, Part II, III and IV.

Zoning Parent District. Those basic districts initially listed other than Special Districts in Article IX.

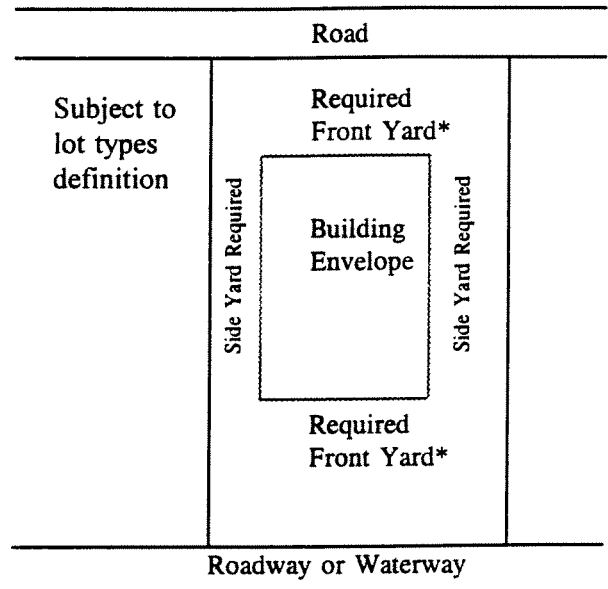
Zoning Permit. A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

Figure 1

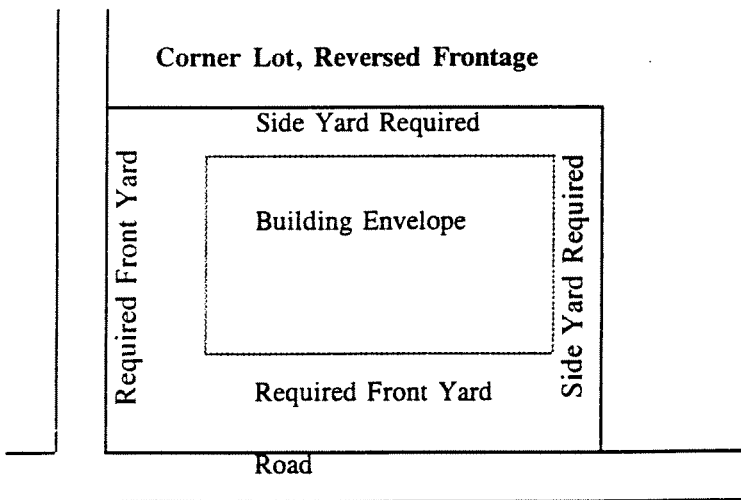
Pan-handle Lot



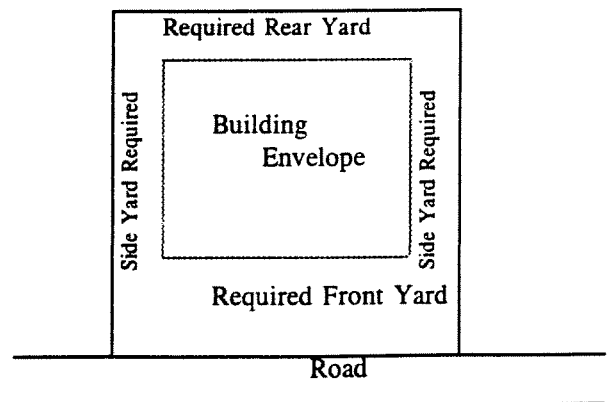
Through Lot



Corner Lot, Reversed Frontage



Interior Lot



Part II Zoning Maps

Section 1. Official Zoning Maps

1. The incorporated areas of the Town are hereby divided into zones (zoning districts), as shown on the Official Zoning Maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2. The Official Zoning Maps shall be identified by the signature of the Town Commissioners attested by the Town Administrator, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Maps referred to in Article II, Section 1 of the Zoning Ordinance of the Town of Elkton, Maryland", together with the date of the adoption of this Ordinance.
3. Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps which shall be located in the office of the Town Administrator, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town. A copy of the maps shall be located in the Building and Planning Office.
4. Official Critical Area Overlay District Maps
 - a. Official Critical Area Overlay District Maps have been prepared for the Town of Elkton and shall be maintained in force as part of the Official Zoning Maps of the Town of Elkton. They shall delineate the extent of the Critical Area Overlay District that shall correspond to the Chesapeake Bay Critical Area.
 - b. The Critical Area Overlay District 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 lands 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 inclusion or exclusion proposed by the Town of Elkton and approved by the Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
 - c. 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 Development Area (RCA)

The land use management classification shall be as designated in the Town of Elkton 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.

Section 2. Replacement of Official Zoning Maps

- 1. In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps.
- 2. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Building and Planning Office shall certify as to the accuracy of the new Official Zoning Maps and the maps shall be identified by the signature of the Town Commissioners attested by the Town Administrator, and bearing the seal of the Town under the following words: "This is to certify that these Official Zoning Maps supersedes and replaces the Official Zoning Maps adopted (date of adoption of maps being replaced) as part of the Zoning Ordinance of the Town of Elkton, Maryland."

Section 3. Zoning Districts - Established

For the purpose of this Ordinance, the Town is hereby divided into the following zoning districts:

- Resource Protection District - RP
- Town Estate - R-1
- Suburban Residential District - R-2
- Urban Residential District - R-3
- Manufactured Home Park District - MH
- Residential-Office District - R-O
- Central Business District - C-1
- Highway Commercial District - C-2
- Highway Interchange District - C-3
- Business and Industrial District - BI

Section 4. Interpretation

- 1. The regulations set by this Ordinance within each district shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, environment and natural resources, and general welfare, and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

2. It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating the use of buildings or premises, or with any private restrictions placed upon property by covenant, deed, or recorded plat, provided, however, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights or buildings or requires greater lot areas, larger yards, or other open spaces than are imposed or required by such existing provisions of law, ordinance, or resolution, or by such rules, regulations, or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

3. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the local permit official. Private deed restrictions or private covenants for a subdivision, which have not been approved by the Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the permit official.

4. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the Town prior to the date of adoption of this Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within 180 days from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been let, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit or certificate.

5. Lots Divided by District Lines
 - a. Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the large portion of the lot lies shall apply to the entire lot.

 - b. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

Section 5. Location and Boundaries of Zones

1. The location and boundaries of zones established in the districts shall be as shown on the Official Zoning Maps for the Town of Elkton. This map, sections or portions thereof,

together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on the map were fully described and incorporated herein.

- 2.** Where uncertainty exists as to the boundaries of any of the zone districts established in this Ordinance, as shown on the Official Zoning Maps, the following rules shall apply:
 - a.** Zone boundary lines are intended to follow street, alley, or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise identified on the zoning map;
 - b.** Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries;
 - c.** Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 10 feet distant therefrom, such lot lines shall be such boundaries;
 - d.** In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.
- 3.** Any area annexed to Elkton after the date of adoption shall immediately upon such annexation be automatically classified in the most nearly comparable zone until a zoning map amendment for such area has been adopted by the Town Commissioners. The Planning Commission shall recommend to the Town Commissioners appropriate zoning for the annexed area within six (6) months after the effective date of such annexation.