

## **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".

*Accessory Apartment.* A dwelling unit located within a permitted detached, single-family dwelling unit and which provides complete housekeeping facilities for an individual or family. (See Article XII, Section 1)

*Accessory Use.* A use which is clearly incidental and subordinate to a principal use of a structure and which is on the same lot as the primary structure. (See Article X, Section 4 - Accessory Uses)

*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, Zoning.* The administrative officer or designee, responsible for the administration, interpretation and enforcement of this Ordinance. (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.

*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 street that provides secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access, trash and recycling pick-up, or alternate parking access to non-residential properties. Alleys may also be used for utility placements, such as electric, cable, gas, among others. Building frontage shall not be provided on an alley. An intersection between an alley and a street does not establish a corner lot as defined herein. Alleys are not intended for general traffic circulation or on-street parking. An alley right-of-way width shall be a minimum of 12 feet and maximum of 20 feet. Design width considerations include the placement of utilities, drainage, plantings, curb type, and pavement width for one or two-way traffic movement as well as service and emergency vehicles.

*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.

*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.

*Articulation.* A change in depth of the vertical building plane or a change in building material.

*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.* Any area of the building having its floor subgrade (below ground level) on all sides.

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

*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 Envelope.* The area formed by the building setback lines of a lot, within which any building must be located unless otherwise permitted by this Ordinance.

*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 dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Spires, cupolas, chimneys, antennas, water tanks, belfries, flag staffs, hose towers or other structures placed above roof level, not intended for human occupancy and necessary for the operation of the permitted use, shall not be included in the measurement of vertical dimensions.

*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 that authorizes the recipient to make use of property in accordance with the requirements of this ordinance, plus other requirements as indicated by the Administrator.

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

*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.

*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 7).

*Chamfered Corner.* Two wall planes intersecting with a diagonal cutoff such as a beveled edge.

*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.

*Clinic.* “Clinic” means a freestanding health care facility that is not licensed as a hospital, part of a hospital, or nursing home and is not administratively part of a physician’s, or osteopath’s office, but which has a separate staff functioning under the direction of a clinic administrator or health officer and is organized and operated to provide ambulatory or outpatient health services.

*Clinic Services.* “Clinic Services” means preventive, diagnostic, therapeutic, rehabilitative or palliative items or services furnished by or under the direction of a licensed physician in a Clinic.

*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.

*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 Store.* A one-story, retail store containing less than 5,000 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.

*Cornice:* The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

*Counseling Facility.* Mental health treatment facility for the practice of mental health counseling, practice of marriage and family therapy, pregnancy counseling, anger management, drug and alcohol abuse, and/or practice of clinical social work on a non-intensive outpatient basis only. This use strictly prohibits the on-site dispensing of both medicinal and non-medicinal drugs. (amended Ordinance 01-2018)

*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.

*Cover Crop.* The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from the 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.

*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 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. This definition includes the cutting and/or clearing of trees.

*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 10 percent.

*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 building containing three (3) or more attached dwelling units which share common walls and/or roof and a separate entry for each unit. This definition includes townhouses and apartments.

*Dwelling, 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.

*Dwelling, Duplex.* A building containing two (2) attached dwelling units which share a common wall at the lot line and which are on one lot.

*Dwelling, Semi-detached.* A building containing two (2) attached dwelling units which share a common wall at the lot line and which are on separate lots.

*Dwelling, Townhouse.* A building containing three (3) or more attached dwelling units in a row, having access from the front and rear of the dwelling.

*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.

*Elderly or Handicapped People.*

1. People who are 62 years of age or over.
2. Families where either partner is 62 year of age or older, where the term 'partner' refers to lawfully married individuals.
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.

*Façade.* The exterior walls of a building facing a frontage line.

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

*Farmers Market.* Temporary or occasional outdoor retail sales of farm produce and prepared food from vehicles or temporary stands.

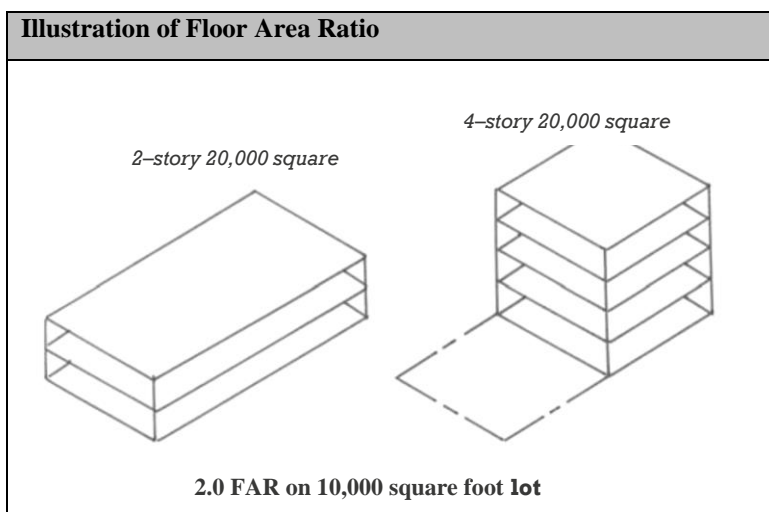
*Fisheries Activities.* Commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, 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 defined in the Town Floodplain Ordinance.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. When shown on the FIRM, the floodway is referred to as the "designated floodway".

*Floor Area Ratio.* "Floor area ratio or "F.A.R." means the floor area of the building or buildings on a lot, divided by the area of that lot for "Floor area" is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls and shall exclude the following: all horizontal surfaces, such as balconies, courts, decks, porches, and terraces.





*Forest.* A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having a two-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

*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.

*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.

*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 area less tidal and non-tidal wetlands and other sensitive areas as defined in the Elkton Zoning Ordinance.

*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 sensitive environmental areas (e.g., tidal and nontidal wetlands, floodplain, steep slopes, stream buffers and habitats of rare, threatened or endangered species), gross residential density shall not exceed the average number of dwelling units per acre as permitted.

*Group Home.* A home for not more than 16 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 as high a level of economic self-sufficiency as possible.

*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.

*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.

*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.

*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.

*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.

*Homeless Shelter.* A facility which provides temporary housing (six months or less) for homeless individuals or families and may involve supplemental services. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children, vocational rehabilitation and other similar activities. This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

*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.* Spouse, 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).

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

*Large Mixed Use Planned Unit Development (Large PUD).* Development of land on a tract of at least 100 acres. Said acreage does not need to be contiguous; however, must be under single ownership at the time of the PUD Concept Plan Application, shall not be separated by more than ¼ mile, may not consist of more than (2) noncontiguous parcels of land. Said property is to be developed with a primary focus on creating a mix of residential and non-residential uses within the Large PUD. Said non-residential uses shall primarily serve the residents of the region surrounding the Large PUD.

*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 plat 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. In the case of a corner lot, both boundaries along a public way shall be considered front lot lines. All lots shall have frontage on an improved public road.

*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 the 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.

*Mixed-Use Building.* A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

*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 eight 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 Fuel 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.

*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.

*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.

*Nontidal Wetlands.* See State of Maryland Nontidal Wetlands Act; Natural Resources Article, Code of Maryland Regulations (COMAR)

*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 for no more than eight (8) 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 Zoning 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.

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

*Portico.* A covered walk or porch that is supported by columns or pillars; also known as colonnade.

*Public Parking Facility.* Any parking area that is available to the public at all times.

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

*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.



*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.* Reserved.

*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.

*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.* (Critical Area) 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.

*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.

*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.

*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.

*Roadside Stand .* 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.

*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.

*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.

*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. Tidal and nontidal wetlands and their buffers;
5. Waterways;
6. Agricultural or forest land intended for resource protection or conservation;
7. Steep slopes; and
8. 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.

*Shore Erosion Control Measures.* Any number of structural and nonstructural methods or techniques used to control the erosion of shoreline areas.

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

*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.

*Small Mixed Use Planned Unit Development (Small PUD).* Development of land on a tract of at least 50 acres, but not more than 100 acres of contiguous property and said property must be under single ownership at the time of the PUD Concept Plan application. Said property is to be developed with a primary focus on no less than two types of housing units and low impact commercial uses. Said non-residential uses shall primarily serve the residents of the Small PUD.

*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:

1. How the landowner plans to treat a farm unit;
2. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
3. 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 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.

*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, Annotated Code of Maryland.

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

*State Tidal Wetland.* All State and private tidal 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 3 miles offshore of the low water mark. 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 System.* Means natural areas, Environmental Site Design practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

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

*Street, Arterial.* A street 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. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*Street, Cul-de-sac.* A street that terminates in a vehicular turn around. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*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. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*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. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*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. (See Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*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. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

*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 from the original lot of record at the time of the original adoption of this Ordinance; (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.

*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.

*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".

*Transit Facility.* A freestanding structure located on a bus or train route, which is designed to accommodate embarking and disembarking transit passengers.

*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.

*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.

*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.

*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.* The required open space of a lot located outside the building envelope. See Figure 1.

*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 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 setback regulations may also apply to structures located within the front or rear yards.<sup>7</sup>

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.

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

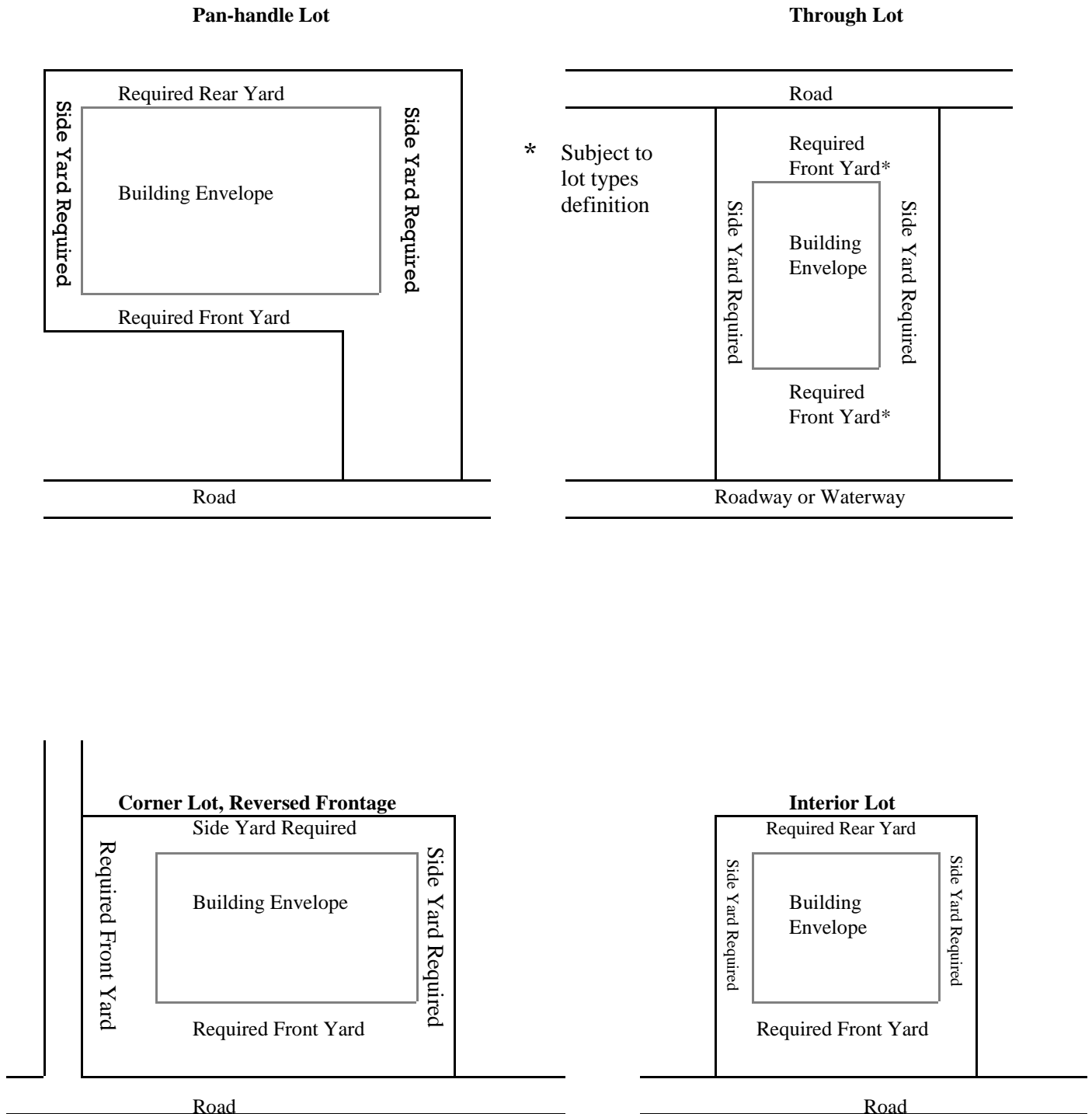


*Zoning Overlay District.* A district which is placed over the existing regular or parent zoning because of citing of a zoning district or imposes additional restrictions and includes all those districts listed as Special Districts in Article IX, Part II, III and IV.

*Zoning Parent District.* Those basic districts initially listed other than Special Districts in Article IX of the Elkton Zoning Ordinance.

*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.



## **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 Zoning 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 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 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 supersede and replace 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  
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  
Town Center District - TC

## **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 Zoning Administrator. 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 Zoning Administrator.
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. Boundaries indicated as approximately following lot lines and Town boundary lines shall be construed as following such lines, limits of 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.