

ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

Section 1. Definitions of Basic Terms

1. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance. Other terms, not defined herein but defined in the Elkton Zoning Ordinance, shall have the meaning indicated in the Elkton Zoning Ordinance.
2. To amplify and clarify all provisions of this Ordinance, the following rules shall apply:
 - a. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
 - b. The word "shall" is mandatory and not discretionary.
 - c. The word "may" is permissive.
 - d. The word "lot" shall include the words "piece", "parcel" and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for".
 - e. All "measured distances" shall be to the "integral foot".
3. Definitions

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

Administrator. The Director of the Elkton Planning Department. The term "staff" is sometimes used interchangeably with the term "administrator".

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.

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.

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.

Best Management Practices (BMPs). A structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities. 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.

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.

Buffer (Critical Area). The area that based on conditions at the time of development is immediately landward from mean high water of tidal waterways, the edge of each bank of a tributary stream, or the landward edge of a tidal wetland; and the area exists in, or is established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100-feet even if that area was previously disturbed by human activity or is currently developed and also include any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in the COMAR 26.23.01.01.

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

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.

Commission. The Town of Elkton Planning Commission.

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

- a. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide as indicated on State wetland maps;
- b. All State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
- c. 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 16 of the Environment Article, Annotated Code of Maryland; and
- d. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission. The Maryland Chesapeake Bay Critical Area Commission.

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, or subdivision approval.

Development. The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving, and excavation and the cutting or clearing of trees.

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.

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.

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.

Floodplain. Any land area susceptible to be inundated by water from the base flood as defined in the Town Floodplain Ordinance.

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.

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

Gross Developable Area. Total site area less tidal and non-tidal wetlands and other sensitive areas as defined in the Elkton Zoning Ordinance.

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.

Habitat Protection Area (HPA). The Buffer, Non-Tidal Wetlands, Threatened and Endangered Species, Significant Plant and Wildlife Habitats, Forest Interior Dwelling Bird Species Habitat and Anadromous Fish Spawning Propagation Waters as defined in Elkton Critical Area Ordinance.

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.

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.

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.

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 all 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 of the Elkton Zoning Ordinance.

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, 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, interior. A lot other than a corner or reversed corner 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 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 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 Lines. The property lines bounding the 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 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, Maryland.

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.

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 a marina.

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

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

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

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

Open Space. 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, 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.

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle.

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.

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

Private Tidal Wetlands. Include:

- a. 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;

- b. 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
- c. Tidal waters created by the excavation of upland unless conveyed to the State.

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

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

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 approved by the Maryland Department of the Environment, and subject to special regulations.

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.

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

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.

Road. A public or private thoroughfare intended to serve development as prescribed in these Regulations.

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 Article XVIII, Part IV of the Zoning Ordinance. These areas include the following:

- a. Streams and their buffers;
- b. 100-year floodplain;
- c. Habitats of threatened and endangered species;
- d. Steep slopes;
- e. Tidal and non-tidal wetlands;
- f. Waterways;
- g. Agricultural or forest land intended for resource protection or conservation; and
- f. 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 the Elkton Zoning 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.

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.

Stormwater Management.

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

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.

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

Street, Arterial. A major street that serves as an avenue for the circulation of traffic onto, out, or around the Town and 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 local 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. 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. (See the Town of Elkton's Standard Specifications, Construction Details, and General Conditions for Construction Contracts, as amended.)

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

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 public water or sewer systems, or (4) the installation of drainage improvements through one or more lots to serve one or more other lots.

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.

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".

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.

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

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 Compound. A body of water such as a pond or lake confined by a dam, dike, or floodgate or other manmade barrier.

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.

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.

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

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

