



# TOWN OF NORTH EAST

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## TOWN OF NORTH EAST PUBLIC NOTICE

The North East Planning Commission shall conduct a public hearing on June 2, 2026 for the purpose of receiving public comment and forming a recommendation to the Mayor and Commissioners regarding Ordinance 2026-06-01, to amend the North East Zoning Ordinance. The Mayor and Commissioners shall conduct a public hearing on June 10, 2026. Both public hearings shall be conducted at 7:00 p.m. at the North East Town Hall Meeting Room, 106 South Main Street, North East, Maryland. The Public is invited to attend.

### **ORDINANCE 2026-06-01**

An Ordinance of the Mayor and Commissioners of the Town of North East for the purpose of amending the Town of North East Zoning Ordinance:

Article 3. Definitions. To revise the definition of Group Home; to add a definition for Adaptive Reuse Development and amending Assisted Living Facility.

Article 5. District Regulations. Part 1-Zoning Districts;

Section 5-6. "VC" Village Commercial District Regulations:

Opening paragraph: change provide to provided. Change insure to ensure. Amending paragraph 2. Uses permitted by right: increasing the square footage of non-residential uses to 1200 square feet; sub-paragraph b. Removing bakery from this paragraph, sub-paragraph 2.d. Adding pet grooming parlor. Sub-paragraph f. Adding types of offices into permitted uses, sub-paragraph j. Adding light food service and other small scale specialty shops and uses if the use does not require hood ventilation; sub-paragraph g. Adding one accessory dwelling unit; sub-paragraph h. Adding government buildings, sub-paragraph i. Adding type 2 home occupations; sub-paragraph j. Adding small or large private group homes; sub-paragraph k. Adding non-profit museums or art galleries. Paragraph 3. Uses permitted as special exceptions: deleting: sub-paragraph a. Accessory dwelling unit, sub-paragraph b. Government buildings, sub-paragraph c. Non-profit museums or art galleries, sub-paragraph f. Type 2 home occupations, sub-paragraph g. Deleting accessory community care services; deleting sub-paragraph h. Referencing offices and square footage; sub-paragraph i. Amending the square footage of floor area to greater than 1200 square feet; adding to sub-paragraph j. Restaurants where a hood ventilation system is required. Sub-paragraph k. Amending the size of parking lots and their buffers. Adding paragraph 3.a. To address applications for adaptive reuse development and identifying how the applications will be processed. Paragraph 4. Community Appearance Standards. Sub-paragraph a. Deleting infill and providing for re-development and adaptive reuse development; sub-paragraph c. Parking: amending paragraph to refer to section 6-8. Parking regulations; amending the minimum land area requirement to 4,000 square feet and the area required per dwelling unit to 1,500 square feet, amending lot width to 40 feet. Adding sub-paragraph d. To provide for landscape buffers, islands and screening of parking areas. Amending Footnotes: paragraph (1) for clarification of front yard setbacks and delete paragraph (2) and (3) side and rear yards.

Section 5-7. "VM" Village Marine District Regulations.

Adding Paragraph 2.a. To provide for adaptive reuse development and to identify how the applications will be processed.

Section 5-8. "GC" General Commercial District Regulations.

Amending paragraph 1.d. To delete "clinics" and replace with offices. Adding paragraph 2.a. To address applications for adaptive reuse development and identifying how the applications will be processed.

Amending Paragraph 3. Minimum land area requirements per lot to 4,000 square feet and the minimum area requirement per dwelling unit to 1,500 square feet.

Amending Article 6. Supplemental Regulations. Section 6-8. Parking Regulations. Paragraph 1: Adding a reference to Section 4-5 and re-numbering of paragraph 1 into two paragraphs for clarification. Revising parking requirements for Institutional Assisted Living, Small and Large Private Group Homes; revising paragraph 8. Interpretation of the Parking Requirements, adding paragraph 8.b, to provide for adaptive reuse development approvals; and revising paragraph 4. Fee-in lieu parking provisions, to add adaptive reuse provision to paragraph b.

Section 6-13. Fences. Paragraph 3. Height Limitations-Residential Districts. Paragraph a. Adding provision for residential fences in the "R-4" and "MPC" zoning districts. Adding sub-paragraph k. Paragraph 5. To provide for wire fencing of 14 gauge or thicker when used with a split rail fence.

Section 6-19. Restaurants. Adding provision for special exceptions when a hood ventilation system is required by the county or state.

Section 6-29. Assisted Living Facilities/Group Homes: rescinding Section 6-29 in its entirety and enacting A new title and regulations which comply with the current Maryland State Regulations for: Small and Large group homes and Institutional Assisted Living Facilities: adding definitions, permitted locations, requirements, exclusions, associated services and parking requirements.

Article 9. Administrative Mechanisms. Section 9-5. Powers and Duties of the Planning Commission. Re-lettering paragraph 1. Sub paragraph f.-g. And adding provision for the Planning Commission to make recommendations to the Mayor and Commissioners concerning adaptive reuse development applications. Section 9-25. Notice of hearing. Adding provision to notify adjoining property owners of zoning hearings.

Amending the Table of Contents, paragraph re-lettering and re-numbering, page numbers and index pages to reflect changes to the text.

Implementing a \$250.00 fee for Administrative Re-Use Development Applications.

A copy of the draft Ordinance is available for public inspection Monday through Friday from 8:30 a.m. until 4:30 p.m. at the Town Hall, Town of North East, 106 South Main Street, North East, Maryland. A copy is also available on the Town of North East website at [www.northeastmd.org](http://www.northeastmd.org)

**ADA NOTICE** – The Town of North East is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a public hearing or public meeting announced by the Town of North East, and who wishes to receive auxiliary aids, services or accommodations is invited to contact the Town at least 48 hours in advance, by calling 410-287-5801 or through the Maryland Relay Service (1-800-735-2258 TTY/Voice).

Melissa B. Cook-MacKenzie,  
Zoning Administrator



**MAYOR AND COMMISSIONERS OF THE  
TOWN OF NORTH EAST, MARYLAND**

**ORDINANCE NO. 2026-06-01**

AN ORDINANCE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST FOR THE PURPOSE OF AMENDING THE TOWN OF NORTH EAST ZONING ORDINANCE.

ARTICLE 3. DEFINITIONS. TO AMEND THE DEFINITION OF ASSISTED LIVING FACILITY AND GROUP HOME; TO ADD A DEFINITION FOR ADAPTIVE REUSE DEVELOPMENT.

ARTICLE 5. DISTRICT REGULATIONS. PART 1-ZONING DISTRICTS;

SECTION 5-6. "VC" VILLAGE COMMERCIAL DISTRICT REGULATIONS:

OPENING PARAGRAPH: CHANGE PROVIDE TO PROVIDED. CHANGE INSURE TO ENSURE. AMENDING PARAGRAPH 2. USES PERMITTED BY RIGHT: INCREASING THE SQUARE FOOTAGE OF NON-RESIDENTIAL USES TO 1200 SQUARE FEET; SUB-PARAGRAPH B. REMOVING BAKERY FROM THIS PARAGRAPH, SUB-PARAGRAH 2.D. ADDING PET GROOMING PARLOR. SUB-PARAGRAPH F. ADDING TYPES OF OFFICES INTO PERMITTED USES, SUB-PARAGRAPH J. ADDING LIGHT FOOD SERVICE AND OTHER SMALL SCALE SPECIALTY SHOPS AND USES IF THE USE DOES NOT REQUIRE HOOD VENTILATION; SUB-PARAGRAPH G. ADDING ONE ACCESSORY DWELLING UNIT; SUB-PARAGRAPH H. ADDING GOVERNMENT BUILDINGS, SUB-PARAGRAPH I. ADDING TYPE 2 HOME OCCUPATIONS; SUB-PARAGRAPH J. ADDING SMALL OR LARGE PRIVATE GROUP HOMES; SUB-PARAGRAPH K. ADDING NON-PROFIT MUSEUMS OR ART GALLERIES. PARAGRAPH 3. USES PERMITTED AS SPECIAL EXCEPTIONS: DELETING: SUB-PARAGRAPH A. ACCESSORY DWELLING UNIT, SUB-PARAGRAPH B. GOVERNMENT BUILDINGS, SUB-PARAGRAPH C. NON-PROFIT MUSEUMS OR ART GALLERIES, SUB-PARAGRAPH F. TYPE 2 HOME OCCUPATIONS, SUB-PARAGRAPH G. DELETING ACCESSORY COMMUNITY CARE SERVICES; DELETING SUB-PARAGRAPH H. REFERENCING OFFICES AND SQUARE FOOTAGE; SUB-PARAGRAPH I. AMENDING THE SQUARE FOOTAGE OF FLOOR AREA TO GREATER THAN 1200 SQUARE FEET; ADDING TO SUB-PARAGRAPH J. RESTAURANTS WHERE A HOOD VENTILATION SYSTEM IS REQUIRED. SUB-PARAGRAPH K. AMENDING THE SIZE OF PARKING LOTS AND THEIR BUFFERS. ADDING PARAGRAPH 3.A. TO ADDRESS APPLICATIONS FOR ADAPTIVE REUSE DEVELOPMENT AND IDENTIFYING HOW THE APPLICATIONS WILL BE PROCESSED. PARAGRAPH 4. COMMUNITY APPEARANCE STANDARDS. SUB-PARAGRAPH A. DELETING INFILL AND PROVIDING FOR RE-DEVELOPMENT AND ADAPTIVE REUSE DEVELOPMENT; SUB-PARAGRAPH C. PARKING: AMENDING PARAGRAPH TO REFER TO SECTION 6-8. PARKING REGULATIONS; ADDING SUB-PARAGRAPH D. TO PROVIDE FOR LANDSCAPE BUFFERS, ISLANDS AND SCREENING OF PARKING AREAS. PARAGRAPH 5. AMENDING THE MINIMUM LAND AREA REQUIREMENT TO 5,000 SQUARE FEET AND THE AREA REQUIRED PER DWELLING UNIT TO 1,500 SQUARE FEET, AMENDING LOT WIDTH TO 40 FEET. AMENDING FOOTNOTES: PARAGRAPH (1) FOR CLARIFICATION OF FRONT YARD SETBACKS AND DELETE PARAGRAPH (2) AND (3) SIDE AND REAR YARDS.

SECTION 5-7. "VM" VILLAGE MARINE DISTRICT REGULATIONS.

ADDING PARAGRAPH 2.A. TO PROVIDE FOR ADAPTIVE REUSE DEVELOPMENT AND TO IDENTIFY HOW THE APPLICATIONS WILL BE PROCESSED.

SECTION 5-8. "GC" GENERAL COMMERCIAL DISTRICT REGULATIONS.

AMENDING PARAGRAPH 1.D. TO DELETE "CLINICS" AND REPLACE WITH OFFICES. ADDING PARAGRAPH 2.A. TO ADDRESS APPLICATIONS FOR ADAPTIVE REUSE DEVELOPMENT AND IDENTIFYING HOW THE APPLICATIONS WILL BE PROCESSED.

AMENDING PARAGRAPH 3. MINIMUM LAND AREA REQUIREMENTS PER LOT TO 5,000 SQUARE FEET AND THE MINIMUM AREA REQUIREMENT PER DWELLING UNIT TO 1,500 SQUARE FEET.

AMENDING ARTICLE 6. SUPPLEMENTAL REGULATIONS.

SECTION 6-8. PARKING REGULATIONS. PARAGRAPH 1: ADDING PARKING SHALL NOT BE LOCATED IN A SETBACK, ADDING A REFERENCE TO SECTION 4-5 AND RE-NUMBERING OF PARAGRAPH 1 INTO TWO PARAGRAPHS FOR CLARIFICATION. REVISING PARKING REQUIREMENTS FOR INSTITUTIONAL ASSISTED LIVING, SMALL AND LARGE PRIVATE GROUP HOMES; REVISING PARAGRAPH 8. OF INTERPRETATION OF THE PARKING REQUIREMENTS, ADDING PARAGRAPH 8.B, TO PROVIDE FOR ADAPTIVE REUSE DEVELOPMENT APPROVAL; PARAGRAPH 4. FEE-IN LIEU PARKING PROVISIONS, AMENDING PARAGRAPH B. TO ADD ADAPTIVE REUSE.

SECTION 6-13. FENCES. PARAGRAPH 3. HEIGHT LIMITATIONS-RESIDENTIAL DISTRICTS. SUB-PARAGRAPH A. ADDING PROVISION FOR RESIDENTIAL FENCES IN THE "R-4" AND "MPC" ZONING DISTRICTS. PARAGRAPH 5. MATERIALS AND COMPOSITION, ADDING SUB-PARAGRAPH K. PROVISION FOR WIRE FENCING OF 14 GAUGE OR THICKER WHEN USED WITH A SPLIT RAIL FENCE.

SECTION 6-19. RESTAURANTS. ADDING REQUIREMENT FOR A SPECIAL EXCEPTION IN "VC" VILLAGE COMMERCIAL ZONING DISTRICT AND "VM" VILLAGE MARINE ZONING DISTRICT WHEN A HOOD VENTILATION SYSTEM IS REQUIRED BY THE COUNTY OR STATE

SECTION 6-29. ASSISTED LIVING FACILITIES/GROUP HOMES. RESCINDING SECTION 6-29 IN ITS ENTIRETY AND ENACTING NEW TITLE AND REGULATIONS WHICH COMPLY WITH THE CURRENT MARYLAND STATE REGULATIONS FOR: SMALL AND LARGE GROUP HOMES AND INSTITUTIONAL ASSISTED LIVING FACILITY: ADDING DEFINITIONS, PERMITTED LOCATIONS, REQUIREMENTS, EXCLUSIONS, ASSOCIATED SERVICES AND PARKING REQUIREMENTS.

ARTICLE 9. ADMINISTRATIVE MECHANISMS. SECTION 9-5. POWERS AND DUTIES OF THE PLANNING COMMISSION. RE-LETTERING PARAGRAPH 1. SUB PARAGRAPH F.-G. AND ADDING PROVISION FOR THE PLANNING COMMISSION TO MAKE RECOMMENDATIONS TO THE MAYOR AND COMMISSIONERS CONCERNING ADAPTIVE REUSE DEVELOPMENT APPLICATIONS. SECTION 9-25. NOTICE OF HEARING. ADDING PROVISION TO NOTIFY ADJOINING PROPERTY OWNERS OF ZONING HEARINGS.

TO SET A \$250.00 FILING FEE FOR ADAPTIVE REUSE DEVELOPMENT APPLICATIONS.

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that the following amendments are made:

**BOLDED LETTERING:** ADDED TEXT  
~~STRIKETHROUGH:~~ DELETED TEXT

Amending ARTICLE 3. DEFINITIONS:

**Adaptive Reuse Development.** A change granted by a legislative body under Article 5. Section 5-6; Article 5. Section 5-7 and Article 5. Section 5-8 of this ordinance to the use restrictions in a zoning classification, as those restrictions are applied to a particular improved property. For purposes of adaptive reuse development, improved property is property that has or had a structure or property that is served with public water/sewer or has a public water main adjacent to said property.

~~Assisted Living Facility, Institutional. (See Section 6-29) A residential facility-based program licensed by the State of Maryland that provides housing and supportive services, supervision, personalized assistance, health related services or a combination of these services to meet the needs of the residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a way that promotes optimum dignity and independence for the residents. (See Section 6-29) This definition is further defined as follows:~~

- ~~A. Residential Assisted Living Facility—A residential group home or assisted living facility serving 8 or less clients/residents.~~
- ~~B. Small Institutional Assisted Living Facility—A small institutional group home or assisted living facility serving between 9 and 15 clients/residents.~~
- ~~C. Large Institutional Assisted Living Facility—A group home or assisted living facility serving 16 clients/residents or more districts.~~

~~Private Group Home. (See Section 6-29) A facility providing housing facilities and/or rehabilitation in a single-family dwelling for not more than eight (8) persons, including support personnel, for persons who need specialized housing, treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal half way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that involves behavior related to violent felony crime.~~

Amending ARTICLE 5. DISTRICT REGULATIONS. PART 1-ZONING DISTRICTS;  
Section 5-6 "VC" Village Commercial District Regulations;

Opening paragraph: change provide to provided. Change insure to ensure.

Amending paragraph 2. The following uses are permitted by provided by right if the **non-residential** use does not exceed **1200 800** square feet of gross floor area. . .

Sub-paragraph b. ~~Deleting and bakery, with sales of bakery products on the premises,~~

Sub-paragraph 2.d. Adding **pet grooming parlor**.

Sub-paragraph f. adding: **Offices for professional or business purposes, including, but not limited to medical office, law office, real estate office, insurance office, manufacturer representatives' offices.**

Sub-paragraph j. adding: **Light food service such as a small scale specialty shops including, but not limited to a bakery, donut shop, coffee shop, sandwich shop, taco sales, pizza sales, ice cream/juice and smoothie shops, temporary food truck sales. Limited seating is permitted with these uses. If the use requires a hood ventilation system by the County or State, the use will require a Special Exception in accordance with Section 5-6. Par. 3.**

Adding Sub-paragraph g. **one accessory dwelling unit subject to the requirements of Section 6-27;**

Adding sub-paragraph h. **Government buildings,**

Adding sub-paragraph i. **Type 2 home occupation subject to the requirements of Section 6-28,**

Adding sub-paragraph j. **Small or Large Private Group Homes (See Section 6-29);**

Adding sub-paragraph k. **Non-profit museums or art galleries.**

Paragraph 3. Uses permitted as special exceptions:

Deleting sub-paragraph a. ~~Accessory dwelling unit,~~

Deleting sub-paragraph b. ~~Government buildings,~~

Deleting sub-paragraph e. ~~Non profit museums or art galleries,~~

Deleting sub-paragraph f. ~~Type 2 home occupations,~~

Deleting sub-paragraph g. ~~accessory community care services;~~

Deleting sub-paragraph h. ~~Offices for professional or business purposes including but not limited to medical, law, real estate, insurance and manufacturer's representatives' offices limited to 1,000 square feet gross floor area. The 1,000 square feet gross floor area limit does not apply to buildings with an existing footprint of the building which is in excess of 1,000 square feet. (AMENDED PER ORDINANCE 2010 09 02);~~

Amending sub-paragraph i: All uses outlined in Section 5-6; paragraph 2. above, which encompass greater than **1,200 800** square feet of gross floor area.

Amending sub-paragraph j. **Fast Food Restaurants, Fast Food/Cafeteria Restaurant, Food truck sales, Limited Restaurant, and light food services when the use requires a hood ventilation system by the County or State.**

Amending Sub-paragraph k. **Public or private parking lot or facility for vehicles. ,not exceeding twenty (20) spaces. Parking lot or facility shall have a minimum horizontal buffer distance of 100 feet to any similar independent, stand alone parking lot or facility. The horizontal buffer may contain uses (other than private or public parking lots) which are consistent with the "VC" Village Commercial District Regulations.**

**Adding paragraph 3.a. Adaptive Reuse Development**

1. **Uses not outlined above in paragraphs 1, and 2 are permitted after approval of an Adaptive Reuse Development application ("application").**
2. **On application by a property owner, a legislative body ("Mayor Commissioners") may authorize how the uses allowed in a zoning classification are to be applied to a particular improved property by granting an adaptive reuse. Before granting an adaptive reuse development application, the Mayor and Commissioners shall make specific findings, supported by facts in the record, that:**
  - a. **the change is consistent with the plan for the local jurisdiction;**
  - b. **the change is in the public interest and provides a positive benefit to the community; and**
  - c. **literal enforcement of the zoning classification would deprive the owner of all reasonable economically viable use of the property.**
3. **Applications for Adaptive Reuse Development**
  - a. **A written application for an Adaptive Reuse Development shall be filed with the Zoning Administrator accompanied by the filing fee set by the Mayor and Commissioners.**
  - b. **The administration of the procedures for application for an approval of Adaptive Reuse Development shall be vested in the Mayor and Commissioners of the Town of North East after receiving a recommendation from the Planning Commission. In addition, the Mayor and Commissioners shall, refer all tentative, preliminary and final development plans to the Planning Commission for their review, comment and approval.**
  - c. **A hearing of the Planning Commission shall be set within sixty (60) of receiving a completed application. The Mayor and Commissioners will hold a hearing on the application after receiving a recommendation from the Planning Commission.**
  - d. **All hearings shall be given in accordance with Section 9-25.**
  - e. **A written opinion shall be issued by the Zoning Administrator of the Boards decision within thirty (30) days of the date of the public hearing.**

Paragraph 4. Community Appearance Standards.

Sub-Paragraph a. All new construction and re-development and **adaptive reuse development** in the VC District, ~~except infill development approved as per the requirements of Section 5-14,~~ shall be subject to the Community Appearance Standards **outlined** in Section 6-32.

Amending Sub-Paragraph c. **Parking: (See Section 6-8. Parking Regulations) Parking: Compliance with off street parking requirements is encouraged but shall not be required if the use is 800 square feet or less. Uses greater than 800 square feet are encouraged to provide on site parking, however, applicant may utilize Article 6-8. Parking Regulations. Paragraph 2. Joint Use and Off Site Facilities.**

Adding Sub-Paragraph d. **Landscape buffers, landscape islands and screening of a parking lot: If it is determined that the requirements for the landscape islands or landscape buffers cannot be met, applicant shall submit their proposed screening plan. The location and type of screening shall be determined by the Zoning Administrator.**

Amending Sub-Paragraph 5. Height, Area and Bulk Regulations. **Land Area requirement per lot: 6,500 5,000 square feet and amending land area requirement per family 6,500 1500 square feet, lot width 50 40 sq. ft.**

Amending Side yard width and Rear Yard depth: ~~None, except as noted.~~

Amending Footnotes:

(1) Front yards shall ~~conform to the average front yard along the block face as determined by the Planning Commission and~~ in no case shall be less than five (5) feet **from the inside of the front yard pedestrian**

sidewalk, or in the event the property does not have a pedestrian sidewalk, front yard setback shall be ten (10) feet from the curb to reserve room for a pedestrian sidewalk to be constructed with the re-development project.

~~(2) There shall be a side yard not less than ten (10) feet in width on any side adjoining a residential zoning district.~~

~~(3) There shall be a rear yard not less than twenty (20) feet in depth on the rear adjoining a residential district.~~

Section 5-7 "VM" Village Marine District Regulations

Adding paragraph 2a.:

1. Uses not outlined above in paragraphs 1, and 2 are permitted after approval of an Adaptive Reuse Development application ("application").
2. On application by a property owner, a legislative body ("Mayor Commissioners") may authorize how the uses allowed in a zoning classification are to be applied to a particular improved property granting an adaptive reuse. Before granting an adaptive reuse development application, the Mayor and Commissioners shall make specific findings, supported by facts in the record, that:
  - a. the change is consistent with the plan for the local jurisdiction;
  - b. the change is in the public interest and provides a positive benefit to the community; and
  - c. literal enforcement of the zoning classification would deprive the owner of all reasonable economically viable use of the property.
3. Applications for Adaptive Reuse Development
  - b. A written application for an Adaptive Reuse Development shall be filed with the Zoning Administrator accompanied by the filing fee set by the Mayor and Commissioners.
  - c. The administration of the procedures for application for an approval of Adaptive Reuse Development shall be vested in the Mayor and Commissioners of the Town of North East after receiving a recommendation from the Planning Commission. In addition, the Mayor and Commissioners shall, refer all tentative, preliminary and final development plans to the Planning Commission for their review, comment and approval.
  - d. A hearing of the Planning Commission shall be set within sixty (60) of receiving a completed application. The Mayor and Commissioners will hold a hearing on the application after receiving a recommendation from the Planning Commission.
  - e. All hearings shall be given in accordance with Section 9-25.
  - f. A written opinion shall be issued by the Zoning Administrator of the Boards decision within thirty (30) days of the date of the public hearing.

Section 5-8 "GC" General Commercial District Regulations

Amending Paragraph 1. Sub-paragraph d. ~~clinics offices.~~

Adding paragraph 2a

1. Uses not outlined above in paragraphs 1, and 2 are permitted after approval of an Adaptive Reuse Development application ("application").
2. On application by a property owner, a legislative body ("Mayor Commissioners") may authorize how the uses allowed in a zoning classification are to be applied to a particular improved property by granting an adaptive reuse. Before granting an adaptive reuse development application, the Mayor and Commissioners shall make specific findings, supported by facts in the record, that:
  - d. the change is consistent with the plan for the local jurisdiction;
  - e. the change is in the public interest and provides a positive benefit to the community; and
  - c. literal enforcement of the zoning classification would deprive the owner of all reasonable economically viable use of the property.
3. Applications for Adaptive Reuse Development
  - f. A written application for an Adaptive Reuse Development shall be filed with the Zoning Administrator accompanied by the filing fee set by the Mayor and Commissioners.

- g. The administration of the procedures for application for an approval of Adaptive Reuse Development shall be vested in the Mayor and Commissioners of the Town of North East after receiving a recommendation from the Planning Commission. In addition, the Mayor and Commissioners shall, refer all tentative, preliminary and final development plans to the Planning Commission for their review, comment and approval.
- h. A hearing of the Planning Commission shall be set within sixty (60) of receiving a completed application. The Mayor and Commissioners will hold a hearing on the application after receiving a recommendation from the Planning Commission.
- i. All hearings shall be given in accordance with Section 9-25.
- j. A written opinion shall be issued by the Zoning Administrator of the Boards decision within thirty (30) days of the date of the public hearing.

Amending Paragraph 3. Height, Area and Bulk Regulations:

**Minimum Land Area Residential: ~~6,500~~ 5,000 square feet; Per dwelling: ~~6,500~~ 1,500 square feet.**

**ARTICLE 6. SUPPLEMENTARY DISTRICT REGULATIONS**

Section 6-8. Parking Regulations. Amending Paragraph 1.

- 1. Off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall not be located in any **setback**, buffer or perimeter drainage easement, as set forth in the Zoning Ordinance or Subdivision Regulations. (See Section 4-5. Paragraph 3.) [AMENDED PER ORDINANCE 2010-02-01]
- 2. Except ....

Parking Table: Assisted Living/Group Home category:

Spaces Required per Basic Measuring Unit	Additional Parking
Residential Group Home: See One Family Dwelling	<del>Residential Group Home: See One Family Dwelling, Townhouses or Multiple dwelling parking category</del>
<b>Small Private Group Home: See One Family Dwelling</b>	*****
<b>Large Private Group Home: See Townhouses or Multiple dwelling parking category</b>	Small Institutional — 1.5 spaces per employee
*****	Large Institutional — 2 spaces per employee
<del>Small or Large</del>	<b>Large Private Group Home: 1 space per 3 employees</b>
<b>Institutional Assisted Living Facility - 1 space per 2 occupants</b>	<b>Institutional Assisted Living Facility: 1 space per 3 employees</b>

Interpretation of the above parking requirements:

Amending Sub-Paragraph 8.

Compliance with off-street parking requirements, as noted in paragraph 7 above, shall not be required in the in the "VC" Village Commercial District and "GC" General Commercial District if:

- a. there is no change in the building footprint
- b. The project has received "adaptive reuse" approval**

Amending Paragraph 4. Fee-in-Lieu Parking Provisions

- b. Applicability - The provisions of this section apply to all infill, **adaptive reuse** development and redevelopment in the "GC" and "VC" Districts required to construct parking spaces according to provisions Section 6.8.

Section 6-13. Fences

Paragraph 3. Height Limitations.

Amending Sub-Paragraph a. R-1", "R-2", "R-3", "**R-4**". "MPC" and "VC" districts – No fence shall be more than eight (8) feet in height at the rear of the principal structure and extend forward of the rear most extent of the principal structure. Fences or portions of fences located elsewhere shall not be greater than four (4) feet in height.

Amending Paragraph 5. Materials and Composition.

**Adding Sub-Paragraph k. When a wire fence is used in conjunction with a split rail fence, the wire fencing accompanying the split rail fence may be a 14 gauge wire, or thicker, and shall be located inside of the split rail fence.**

Section 6-19. Restaurants.-

Adding paragraph to end of Section 6-19: **When uses outlined in this section are located within the "VC" Village Commercial Zoning District or the "VM" Village Marine Zoning District, and will require a hood ventilation system by the County or State, they shall be permitted as a Special Exception by the Board of Appeals.**

Rescinding: Section 6-29. Assisted Living Facilities/Group Homes

~~For purposes of this Ordinance there shall be three types of group home or assisted living facility, residential, small institutional or large institutional as follows:~~

- ~~1. Residential A residential group home or assisted living facility servicing eight (8) or less clients/residents shall be permitted in all base residential districts. (AMENDED PER ORDINANCE 2014 03 01)~~
- ~~2. Small Institutional Small institutional group homes or assisted living facilities serving between 9 and 15 clients/residents may be permitted by the Board of Appeals as a Special Exception in all base residential districts.~~
- ~~3. Large Institutional Large institutional Large institutional group homes or assisted living facilities serving 16 clients/residents or more may be permitted as a special exception by the Board of Appeals in the "HC" Highway Commercial, "LI" Light Industrial or "HI" Heavy Industrial districts.~~
- ~~4. Small or large institutional group homes or assisted living facilities shall be subject to the following conditions: (AMENDED PER ORDINANCE 2014 03 01)~~
  - ~~a. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements.~~
  - ~~b. Treatment and counseling shall be limited to the residents of the dwelling or facility.~~
  - ~~c. There are no other small or large institutional group homes or assisted living facilities within fifteen hundred (1,500) feet of any property line.~~
  - ~~d. Permitted Signs: See Article 7. Signs.~~

Enacting Section 6-29. Institutional Assisted Living Facility/Private Group Homes

**SMALL PRIVATE GROUP HOME**

A small private group home is identified in the State of Maryland Regulations.

**Permitted locations:** Small private group homes are permitted within a single-family dwelling and within all base residential districts.

**Requirements:** See State of Maryland Regulatory Standards. Evidence of a license issued by the State of Maryland Regulatory Agency(s) shall be provided to the Planning Office. An approved Zoning Authorization from the Town of North East shall be required.

**Associated Services.** Associated services which may be provided for the residents of a small private group home may include physicians, nursing staff, counseling, physical therapy, Reiki, Music Therapy Services and similar entities. Treatment and counseling shall be limited to the residents of the small private group home.

**Parking:** Consistent with a single-family home, two parking spaces per Article 6-8. Parking Regulations.

**LARGE PRIVATE GROUP HOME**

A large private group home is defined in the State of Maryland Regulations.

**Permitted Locations:** Large group homes are permitted in zones of similar density, meaning residential high-density and multi-family districts, and/or apartment buildings and within the Village Commercial District.

**Requirements:** See State of Maryland Regulatory Standards. Evidence of a license issued by the State of Maryland Regulatory Agency(s) shall be provided to the Planning Office. An approved Zoning Authorization from the Town of North East shall be required.

**Associated services.** Associated services permitted with a large private group home: Physical Therapy services, Reiki, Music Therapy Services, Salon Services, Coffee shop and small-scale sales of retail items, subject to County and State requirements. These services may come to the site as determined by the needs of the group home, or, this group home may establish a permanent business within their home which could be utilized by the both the tenants and/or the general public.

**Parking:** At a minimum, parking shall be provided in accordance with Article 6-8. If commercial business uses are provided for the general public, parking shall meet the requirements of Article 6-8.

**Exclusions:**

A group home does not include the following:

- A foster home that is the domicile of the foster parent,
- A facility that is owned or leased to the State or any public Agency
- A facility that is regulated by the Department of Juvenile Services or the Developmental Disabilities Administration
- Organized wholly or partially to make a profit.
- See also, Maryland State Regulatory Standards

**INSTITUTIONAL ASSISTED LIVING FACILITY**

An institutional assisted living facility is defined in the Maryland State Regulatory Standards and is considered a business. Typically, the institutional assisted living facility meets the following criteria:

- A foster home that is the domicile of the foster parent,
- A facility that is owned or leased to the State or any public Agency
- A facility that is regulated by the Department of Juvenile Services or the Developmental Disabilities Administration
- Organized wholly or partially to make a profit.
- See also, Maryland State Regulations

**Locations permitted:** Institutional Assisted Living Facilities are permitted in the following zoning districts: "HC" Highway Commercial or "HI" Heavy Industrial.

**Requirements:** See State of Maryland Regulatory Standards. Evidence of a license issued by the State of Maryland Regulatory Agency(s) shall be provided to the Planning Office. An approved Commercial License Authorization from the Town of North East shall be required.

**ARTICLE 9. ADMINISTRATIVE MECHANISMS.**

Section 9-5. Powers and Duties of the Planning Commission

Paragraph 1. Adding new language to sub-paragraph f. and re-lettering sub-paragraphs f.-h. and

- (f) Make recommendations to the Mayor and Commissioners concerning Adaptive Reuse Development applications.
- (g) Prepare and forward to the Mayor and Commissioners an annual report in accordance with Article 66B of the Annotated Code of Maryland.
- (h) Exercise any other powers as set forth in Article 66B of the Annotated Code of Maryland.

Section 9-25. Notice of Hearing.

Amending Paragraph 2. Notice shall be given to the appellant or applicant and ~~any other person who makes a written request for such notice by mailing to such persons a written notice sent via first class postage prepaid mail before the hearing.~~ **to all adjoining property owners via first class mail before the hearing.**

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East, **THE Adaptive Reuse Development Application Fee of \$250.00 per application is hereby implemented.**

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that THE TABLE OF CONTENTS, PARAGRAPH RE-NUMBERING AND RE-LETTERING, PAGE NUMBERS AND INDEX PAGES shall be amended to reflect all amendments.

BE IT ALSO ORDAINED AND ESTABLISHED THAT THIS Ordinance is adopted this \_\_\_\_ day of \_\_\_\_\_, 2026, and shall become effective ten (10) calendar days after its adoption.

BE IT FURTHER ENACTED that all acts or ordinances or parts of acts or ordinances are hereby repealed to the extent of such inconsistency; and that the adoption of the Ordinance shall not effect or prevent any pending or future prosecution of, or action to abate, any existing violation of said existing Zoning Ordinance as amended, if the violation is also a violation of the provisions of this Ordinance.

\_\_\_\_\_  
Kelly A. Benson, Mayor

\_\_\_\_\_  
Kimberly A. Davis, Vice-Mayor

\_\_\_\_\_  
Catherine Bernard-Dutton, Commissioner

\_\_\_\_\_  
Hilary A. Crothers-Moore, Commissioner

Attested by:

\_\_\_\_\_  
Neil M. DeMatt, IV, Commissioner

\_\_\_\_\_  
Melissa B. Cook-Mac Kenzie

MAYOR AND COMMISSIONER INTRODUCTION: May 27, 2026

PLANNING COMMISSION PUBLIC HEARING: June 2, 2026

MAYOR AND COMMISSIONERS PUBLIC HEARING: June 10, 2026

MAYOR AND COMMISSIONERS VOTE: June 10, 2026: \_\_\_\_\_

IF APPROVED, EFFECTIVE DATE: June 10, 2026 (10 days after approval)