

ARTICLE 3. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined.

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.
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 nearest "integral foot". If a fraction is one-half foot or more, the "integral foot" next above shall be taken. If a fraction is one-half foot or less, the "integral foot" next below shall be taken.
 - f. Words and terms not defined herein shall be interpreted in accord with their Webster's Unabridged Dictionary meaning.

Abatement. The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity. (ADOPTED PER ORDINANCE 2025-09-01)

Accessory Dwelling Unit. A residential living unit that provides complete independent living, sleeping, eating, cooking and sanitation on the same parcel/lot as the owner-occupied single family dwelling in which it is contained but may have a separate entrance. (See Section 6-27)

Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. Accessory buildings are 200 square feet or greater and are subject to setback regulations. An accessory building shall include but not be limited to temporary utility building and/or garage, canopy carports, carports, roof with rafters. An accessory building, attached or detached, may not be converted to an accessory dwelling unit. (AMENDED PER ORDINANCE 2012-11-01)

Accessory Structure. A structure that is:

- (a) Detached from the principal structure;
 - (b) Located on the same lot as the principal structure; and
 - (c) Customarily incidental and subordinate to a principal structure.
- (ADOPTED PER ORDINANCE 2025-09-01)

Accessory Use. An accessory use is one, which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "Accessory Use".

Acre. A commonly referred to measurement of area which equals 43,560 square feet.

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

Adaptive Reuse Development. A use 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. (ADOPTED PER ORDINANCE 2026-06-01)

Addition. Newly constructed area that increases the size of a structure. (ADOPTED PER ORDINANCE 2025-09-01)

Adult Bookstores, Adult Entertainment Centers. Adult bookstores and/or adult entertainment centers shall be defined as an establishment including but not limited to], the principal use of which is to offer for sale or viewing books, magazines, printed material, films, tapes, peep shows, DVDs, internet sites or transmissions, electronic devices and live acts which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" or establishments with a segment or section devoted to the sale or display of such material. (See Section 6-26)

Adult Day Care. A structured group program that provides health, social, and related support services to functionally disabled adults, age 16 and older.

Adult Oriented Commercial Enterprises. Business activities such as adult bookstores, adult entertainment, escort services, massage parlors, tattoo studios, body piercing or branding studios, pawnbrokers, pawnshops, palm readers, fortune teller or soothsayer. (See Section 6-26)

Alley. A narrow public thoroughfare which provides only a secondary means of access to properties and is not intended for general traffic circulation.

Afforestation. The establishment of a tree crop on areas from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover. (ADOPTED ORDINANCE 2008-03-01)

Agricultural Best Management Practice. An agronomic, conservation, or pollution control practice, installation, or structure that manages soil loss, nutrients, animal wastes, or agricultural chemicals so as to minimize their movement into State waters. (ADOPTED PER ORDINANCE 2025-09-01)

(a) "Agricultural best management practice" includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management, and stream protection practices such as fencing, stream crossings, and remote watering devices.

(b) "Agricultural best management practice" does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04.

Agriculture. An activity related to the production or management of livestock, crops, vegetation, or soil. (ADOPTED PER ORDINANCE 2025-09-01)

(a) "Agriculture" includes:

- (i) Tillage, harvest, fertilization, pest management, cropping, pasturing, or production of an agricultural product, including livestock, poultry, plants, trees, sod, food, feed, and fiber; and
- (ii) An activity that directly contributes to the production, conversion, processing, storage, or sale of agricultural products primarily generated on-site.

Agricultural easement. A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses. (ADOPTED PER ORDINANCE 2025-09-01)

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

Anadromous Fish Propagation Waters. Those streams that are tributary to the Chesapeake Bay and Atlantic Coastal bays where spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources. (ADOPTED PER ORDINANCE 2025-09-01)

Apartment House. Same as "Dwelling, Multiple-Family".

Aquaculture. The commercial rearing of fish or aquatic plants for sale, trade, barter, or shipment. (ADOPTED PER ORDINANCE 2025-09-01)

Assisted Living Facility, Institutional. (See Section 6-29)
(AMENDED PER ORDINANCE 2026-06-01)

Awning. A structure made of cloth, plastic, metal, wood or other material with a frame projecting from the building.

Automobile Filling Station. See Section 6-23

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one half of its height below grade.

Bed and Breakfast. A building, other than a hotel, motel, rooming house or restaurant, in which five (5) or less guest rooms may be offered to the traveling public for temporary occupancy not exceeding 30 days at any one visit and where lodging and meals are provided for guests. All such operations shall have a resident family living on the premises and shall be approved for such use by the Cecil County Health Department and Fire Marshal. Guestrooms may be permitted in an existing principal residential structure.

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.

Big Box Retail Establishment. Large industrial-style buildings or stores with footprints greater than 25,000 square feet. Examples include, but are not limited to Target, Wal-Mart, Kmart, Circuit City, Office Depot, Sports Authority, Toys "R" Us, Nordstrom Rack, J.C. Penney Outlet, Burlington Coat Factory, Costco Wholesale, Pace, Sam's Club, Lowe's and Home Depot. (ADOPTED PER ORDINANCE 2007-08-01)

Board. The Board of Appeals of the Town of North East.

Boarding House. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for three or more persons, but not exceeding twenty (20) persons.

Bonafide 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.

Breezeway. A structure entirely open except for roof and supporting columns which connect a residence and an accessory building on the same lot.

Buffer (spelled with a capital B).

- (a) An area that:
 - (i) Based on conditions present at the time of development, is immediately landward from mean high water of tidal waters, the edge of each bank of a tributary stream, or the landward boundary of a tidal wetland; and
 - (ii) Exists or may be established in natural vegetation to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.
- (b) "Buffer" includes an area of:
 - (i) At least 110 feet, even if that area was previously disturbed by human activity; and
 - (ii) Expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, Nontidal wetland, or a Nontidal

Wetland of Special State Concern as defined in COMAR 26.23.01.01
(AMENDED PER ORDINANCE 2025-09-01)

Buffer Management Plan. A narrative, graphic description, or plan of the Buffer that is necessary when an applicant proposes a development activity that will:

- (i) Affect a portion of the Buffer;
- (ii) Alter Buffer vegetation; or
- (iii) Require the establishment of a portion of the Buffer in vegetation.

(a) "Buffer Management Plan" includes a major Buffer Management Plan, a minor Buffer Management Plan, or a Simplified Buffer Management Plan as described in this ordinance. (AMENDED PER ORDINANCE 2025-09-01)

Bufferyard. An area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Modified Buffer Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits. (ADOPTED PER ORDINANCE 2025-09-01)

Buildable Width. The width of that part of a lot not included within the required setbacks and open spaces herein required.

Building. Any structure having a roof supported by columns, posts or walls for the housing or enclosure of persons or property of any kind.

Building, Detached. A building surrounded by open space on the same lot.

Building Line. A line beyond which the foundation wall and/or any porch, vestibule, or other portion of a building shall not project, unless otherwise provided for in this Ordinance.

Building, Main. Any building which is not an accessory building.

Café. A restaurant where only meals and drinks on a limited menu are served.

Cannabis. Cannabis shall be defined as outlined in the MD CODE ANN., ALCOHOLIC BEVERAGES AND CANNABIS §1-101, as amended from time to time. (ADOPTED PER ORDINANCE 2024-04-01)

Cannabis Grower. An entity licensed under Maryland Cannabis Administration that cultivates, or packages cannabis and is authorized by the Maryland Cannabis Administration to provide cannabis to other cannabis licensees and registered independent laboratories. (ADOPTED PER ORDINANCE 2024-04-01)

Cannabis Independent Testing Laboratory. A facility, an entity, or a site registered with the Maryland Cannabis Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis. (ADOPTED PER ORDINANCE 2024-04-01)

Cannabis On-Site Consumption Establishment. An entity licensed under §36-401(c)(4) of the Maryland Cannabis Administration to distribute cannabis products for on-site consumption other than consumption by smoking indoors. (ADOPTED PER ORDINANCE 2024-04-01)

Cannabis Processor. An entity licensed under Maryland Cannabis Administration that transforms cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the Maryland Cannabis Administration to provide cannabis to licensed dispensaries and register independent testing laboratories. (ADOPTED PER ORDINANCE 2024-04-01)

Canopy. A roof-like structure made of cloth, plastic, metal, wood or other similar material which may be free-standing or projected from a wall of a building or its own supports.

Canopy Tree. A tree that, when mature, reaches a height of at least 35 feet. (ADOPTED PER ORDINANCE 2025-09-01)

Child Care Center. Any place, home or institution, approved by appropriate authorities or agencies, which receives children under the age of fourteen (14) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation provided that this definition shall not include public or private schools organized, operated, or approved under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities, or meetings. This definition is further defined as follows:

- A. Residential Child Care Center – A home-based child care center serving eight (8) or less children.
- B. Small Institutional Child Care Center – A child care center serving between 9 and 15 children.
- C. Large Institutional Child Care Center - A child care center serving more than 15 children.

Cigar Shop. A cigar shop is a commercial establishment which exclusively sells cigars, full sized cigars, hand rolled cigars, cigar accessories and cigar equipment. A cigar shop is not permitted to sell items outlined in Article 6. Section 6-26. Smoking shop/Smoke Shop, Smoke lounge. A cigar shop is permitted to have an on-premises cigar lounge and on-premises cigar tasting. (ADOPTED PER ORDINANCE 2024-04-02.)

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. (ADOPTED PER ORDINANCE 2025-09-01)

Climate resiliency. The capacity of a natural system to maintain function in the face of stresses imposed by climate change. Climate resiliency includes adapting a natural system to be better prepared for future climate impacts including sea level rise, saltwater intrusion, wetland migration, storm surge, precipitation-induced flooding, and other extreme weather events. (ADOPTED PER ORDINANCE 2025-09-01)

Clinic. See Section 6-34 [AMENDED PER ORDINANCE 2012-09-02]

Clinic Services. See Section 6-34 [ADOPTED PER ORDINANCE 2012-09-02]

Club, Private. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which accrues to any individual and not primarily to render a service which is customarily carried on as a business.

Cluster Development. A residential development to which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder. (ADOPTED PER ORDINANCE 2008-03-01)

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

COMAR. The Code of Maryland Regulations, as from time to time amended, including any successor provisions. (ADOPTED PER ORDINANCE 2025-09-01)

Commercial Apartment. A dwelling unit that is located above the first floor of a commercial, business, or office structure.

Commercial Harvesting. A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain. (ADOPTED PER ORDINANCE 2025-09-01)

Commission. The Planning Commission of the Town of North East.

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. (See Section 12-2)

Community Piers. Boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers or a mooring are excluded from this definition. (AMENDED PER ORDINANCE 2025-09-01)

Comprehensive Plan. "The Comprehensive Plan of the Mayor and Commissioners". A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present, and future trends of the Town including, but not limited to, its population, land use, water resources and their use, transportation facilities, and public facilities and intended to guide the physical development of the Town of North East.

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.

Conforming. A parcel or lot that meets all Critical Area and/or Town requirements.

- (a) "Conforming" does not include a parcel or lot:
 - (i) For which a Critical Area variance is sought or has been issued; or
 - (ii) That is located in the Resource Conservation Area and is less than twenty acres. (ADOPTED PER ORDINANCE 2025-09-01)

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.

Consistent with. A standard or factor will further, and not be contrary to, the following items in the comprehensive plan:

- (i) Policies;
 - (ii) Timing of the implementation of the plan, of development, and of rezoning;
 - (iii) Development patterns;
 - (iv) Land uses; and
 - (v) Densities or intensities.
- (ADOPTED PER ORDINANCE 2025-09-01)

Consolidation. A combination of any legal parcels of land or recorded, legally buildable lots into fewer parcels or lots.

- (a) "Consolidation" includes any term used by a local jurisdiction for a development application that proposes to combine legal parcels of land or recorded, legally buildable lots into fewer parcels or lots than the number that existed before the application, such as a subdivision, lot line abandonment, boundary line adjustment, replating request, or lot line adjustment. (ADOPTED PER ORDINANCE 2025-09-01)

Convalescent Home (see Nursing Home).

Country Inn. A building containing not more than fifteen (15) individual rooms or suites of rooms for the purpose of providing overnight lodging facilities not to exceed 30 consecutive days to the general public for compensation which also offers dining facilities.

Courtyard. An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

Coverage. The percentage of the lot covered by buildings and structures.

Craft or Specialty Shop. A retail store serving as the main outlet for sale of very limited types of inter-related goods produced or handcrafted in whole or part on the store premises, including but not limited to: handcrafted leather accessories, basket weaving, ornaments, etc. These operations are distinguished by their small scale and low intensity manufacturing process, provided that such uses shall be subject to the site plan review requirements of this Ordinance.

Critical Area. (AMENDED PER ORDINANCE 2025-09-01)

- (a) The Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area except areas excluded under Natural Resources Article, §8-1807(d), Annotated Code of Maryland.

(b) "Critical Area" includes:

- (i) The initial planning area of the Chesapeake Bay Critical Area consisting of all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article;
- (ii) The initial planning area of the Atlantic Coastal Bays Critical Area consisting of all waters of and lands under the coastal bays and their tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article;
- (iii) Except in accordance with (iv), all water and land 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;
- (iv) All water and land areas within 1,000 feet beyond the landward boundaries of State or private wetlands as shown on the Statewide Base Map in accordance with Ch. 119, Acts of 2008, where the process of transition from reliance on the State wetlands maps to the Statewide base maps has occurred and these maps were approved by the Commission; and
- (v) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Natural Resources Article, §8-1807, Annotated Code of Maryland.

Critical Area Commission. The Maryland Chesapeake Bay Critical Area Commission. The State of Maryland Critical Area Commission, Chesapeake and Atlantic Coastal Bays.

Cross-Dock Facility. A building with receiving docks and shipping (dispatching) docks where incoming goods enter from one side, and are separated and mixed as required and loaded directly into outbound trucks, trailers or rail cars. No reserve storage of the goods occurs, and staging occurs only for the short periods required to assemble a consolidated, economical load for immediate onward carriage via the same mode as the receipt or a different mode. (ADOPTED PER ORDINANCE 2017-02-01)

Daycare. See Child Care Center.

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 North East.

Deduction. The total number of growth allocation acres that are necessary for approval of a growth allocation project and, after approval by the Commission, are subtracted from the growth allocation reserves of the local jurisdiction in which the project is located. (ADOPTED PER ORDINANCE 2025-09-01)

Density. The number of dwelling units per acre of gross area of development tract.

Developed woodlands. Areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Developer. A person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the Criteria of the Critical Area Commission. (ADOPTED PER ORDINANCE 2008-03-01)

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.

Development Envelope. Developed portion of a parcel or tract of land that encompasses all lots, structures, required buffers exclusive of the tidal water buffer if it is at least 300 deep, impervious surfaces, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use as active recreation areas, and any additional acreage needed to meet the development requirements of the North East Critical Area Program.

Dispensary. A Dispensary is:

1. Any entity licensed under the Maryland Cannabis Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including but not limited to, edibles, tinctures, aerosols, oils, and ointments, related supplies, and educational materials for the use by qualifying patients, caregivers, or consumers through a storefront or delivery service based on licensed type.; or
2. Any other entity that acquires, possesses, repackages, transports, sells, distributes or dispenses any hemp-derived product, or any other product that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from cannabis sativa, intended for human consumption. (ADOPTED PER ORDINANCE 2024-04-01)

District (Zone). Any section of the Town of North East within which the zoning regulations are uniform.

Disturbance. An alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include does not include gardening or maintenance of an existing grass lawn. (ADOPTED PER ORDINANCE 2025-09-01)

Dog Kennel, Commercial. The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes except in an animal hospital, dog beauty parlor, or pet shop as permitted by these regulations, or the keeping of five or more dogs, six months or older, for any purpose.

Drainageways. Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

Drive-in or Drive Thru Restaurant. See Section 6-19.

Driveway. The portion of a lot which is intended to provide vehicular access from a public or private street or alley to private property.

Duplex (Two Family Dwelling). A building on one lot arranged and designed to be occupied by two (2) families living independently of each other. For purposes of this definition a building of two or more stories that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule shall be known as a duplex. A building that is divided vertically by a common wall above and below the finished grade into two dwelling units each of which has an independent entrance either directly or through a common vestibule shall be known as a semi-detached dwelling.

Dwelling. Any building or portion thereof, designed or used for residential purposes, but not trailers or mobile homes.

Dwelling, Detached. See Dwelling, Single Family. Dwelling, Semi-Detached. See Duplex.

Dwelling, Single-Family. A building designed for use, or occupied exclusively by one family. A building containing one (1) dwelling unit, not attached to any other dwelling units.

Dwelling, Two-Family. A building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family. A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling Unit. A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes living quarters for a domestic or other employee or tenant, an in-law or accessory apartment or dwelling unit, a guest house, or a caretaker residence.

Ecosystem. A more or less self-contained biological community together with the physical environment in which the community's organisms occur. (ADOPTED PER ORDINANCE 2025-09-01)

Endangered Species. A species of flora or fauna whose continued viability is determined to be in jeopardy, in accordance with the provisions of:

- (a) The federal Endangered Species Act of 1973, 16 U.S.C. §§1531—1544;

- (b) Natural Resources Article, Title 4, Subtitle 2A or Title 10, Subtitle 2A, Annotated Code of Maryland; or
- (c) COMAR 08.03.08.
(AMENDED PER ORDINANCE 2025-09-01)

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.

Erect. To build, construct, attach, hang, place, suspend or affix.

Establishment. The planting or regeneration of native vegetation throughout the Buffer. (ADOPTED PER ORDINANCE 2025-09-01)

Excess Stormwater Runoff. All increases in stormwater resulting from:

- (a) An increase in the lot coverage on the site, including all additions to buildings, roads, and parking lots;
- (b) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- (c) Alteration of drainageways or regrading of slopes;
- (d) Destruction of forest; or
- (e) Installation of collection systems to intercept street flows or to replace swales or other drainageways.
(ADOPTED PER ORDINANCE 2025-09-01)

Family. One or more persons living together in a single housekeeping unit.
(AMENDED PER ORDINANCE 2012-11-01)

Fast Food/Cafeteria Restaurant. See Section 6-19 Fast Food/Carry-out

Restaurant. See Section 6-19 Fast Food Restaurant. See Section 6-19

Fences. Any structure, regardless of composition, which is erected and maintained for the purpose of enclosing a piece of land or to divide a piece of land in two distinct portions.

Financial assurance. A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the Town.
(ADOPTED PER ORDINANCE 2025-09-01)

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.

Floor Area.

- A. Commercial business and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
- B. Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Forest. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. (AMENDED PER ORDINANCE 2025-09-01)

(a) "Forest" includes:

- (i) Areas that have at least 100 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5 feet above the ground; and

(ii) Forest areas that have been cut, but not cleared.

(b) Forest does not include orchards.

Forest Interior Dwelling Birds. Species of birds that require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest Management. The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

Forest Practice. The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Frontage.

- A. Street frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is a dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- B. Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

Fully Established. The Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration. (ADOPTED PER ORDINANCE 2025-09-01)

Garage or Yard Sale. A public sale conducted by an individual on his or her own premises for the purpose of selling personal property.

Grade.

- A. For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- B. For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to or within ten degrees of being parallel to, and not more than 15 feet from a street line, is to be considered as adjoining the street. Sidewalk grades shall be established by the Town Engineer.

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

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

Grocery Store. See Section 6-21

Growth Allocation. The number of acres of land in the Critical Area that the County may use, or allocate to municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is five percent of the total Resource Conservation Area acreage in the County at the time the Critical Area Commission approved the County's original Critical Area Program, not including tidal wetlands or land owned by the federal government. (AMENDED PER ORDINANCE 2025-09-01)

Growth Allocation Envelope. All of the proposed components of a growth allocation that are necessary to serve the proposed development, including an individually owned lot, lot coverage, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, an active recreation area, and additional acreage needed to meet the development requirements of the Critical Area criteria. (ADOPTED PER ORDINANCE 2025-09-01)

Group Home. (See Section 6-29)

Habitat Protection Areas.

- (a) An area that is designated for protection:
 - (i) Under Natural Resources Article, §8-1806, Annotated Code of Maryland, regulations adopted under that authority, or a local program; or
 - (ii) By the Secretary of Natural Resources.

(b) "Habitat protection area" includes:

- (i) The Buffer as described in COMAR 27.01.01.01B(8);
- (ii) A nontidal wetland as defined in COMAR 26.24.01.02B;
- (iii) A habitat of a threatened species as defined in COMAR 27.01.09.03A;
- (iv) A habitat of an endangered species as defined in COMAR 27.01.09.03A;
- (v) A habitat of a species in need of conservation as defined in COMAR 27.01.09.03A;
- (vi) A plant habitat as defined in COMAR 27.01.09.04A;
- (vii) A wildlife habitat as defined in COMAR 27.01.09.04A; and
- (viii) Anadromous fish propagation waters as defined in COMAR 27.01.09.05A.

(ADOPTED PER ORDINANCE 2025-09-01)

Habitat Protection Plan. A plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the Plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the Plan is adequate to provide for long-term conservation and can be effectively implemented on the specific site. (ADOPTED PER ORDINANCE 2025-09-01)

Hazardous Tree. A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion; or

- (a) Based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion.
- (b) "Hazardous tree" does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished:
 - (i) With routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning; or
 - (ii) By relocation of property that is likely to be damaged.

(ADOPTED PER ORDINANCE 2025-09-01)

Health Spa. A place of business with equipment and facilities for exercising and improving physical fitness.

Height of Building. The vertical distance from the grade to (a) the highest point of the coping of a flat roof; (b) the deck line of a mansard roof; (c) to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs.

Heliport. An area, either at ground level or elevated upon a structure, that is used or intended to be used for the landing and taking off of helicopters and including helicopter support facilities such as for fueling, repair, maintenance, parking or hangers, administrative offices, cargo loading, and waiting facilities.

Helistop. An area on a roof or on the ground where helicopters or other steep-gradient aircraft land or hover for the purpose of picking up or dispersing passengers or cargo, but not including fueling service, maintenance or overhaul.

Highly Erodible Soils. Soils with a slope greater than 15 percent; or those soils with a K value greater than 0.35 with slopes greater than 5 percent. "K value" means the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

Historic Waterfowl Staging and Concentration Area. An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are "historic" in the sense that their location is common knowledge and because these areas have been used regularly during recent times

Home Improvement. The addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building; or an improvement to land adjacent to the building. Home improvement includes construction, improvement, or replacement, on land adjacent to the building, of a driveway, fall-out shelter, fence, garage, landscaping, deck, pier, porch, or swimming pool; a shore erosion control project, as defined under § 8-1001 of the Natural Resources Article, for a residential property; connection, installation, or replacement, in the building or structure, of a dishwasher, disposal, or refrigerator with an icemaker to existing exposed household plumbing lines; installation in the building or structure, of an awning, fire alarm, or storm window; and work done on individual condominium units. (ADOPTED PER ORDINANCE 2025-09-01)

Home Occupation. Any business, occupation, or activity undertaken for financial gain within a residential structure or accessory dwelling unit in which the resident is the operator that is incidental and secondary to the use of that structure as a dwelling unit. (See Section 6-28)

Hospital. A building or group of buildings, having room facilities for one or more overnight 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 department, 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 and lodging are provided for more than twenty (20) persons, 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. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment house which are herein separately defined. 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 "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats). (ADOPTED PER ORDINANCE 2025-09-01)

Immediate Family. A father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter or sibling. (ADOPTED PER ORDINANCE 2025-09-01)

Impervious Surface. Any man-made surface that is resistant to the penetration of water.

Infill. The development of vacant, abandoned, passed over or underutilized land within built-up areas of North East that are located in the "IDOD" Infill Development Overlay District. (See Section 5-14)

In-kind replacement. The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, and length. (ADOPTED PER ORDINANCE 2025-09-01)

Intensely Developed Area. An area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre. (ADOPTED PER ORDINANCE 2025-09-01)

Intrafamily Transfer. A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member. (ADOPTED PER ORDINANCE 2025-09-01)

Invasive Species. A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health. (ADOPTED PER ORDINANCE 2025-09-01)

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer. (See Section 6-33)

Junk Yard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage and sale of dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled or displayed.

K Factor. The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value, that is experimentally determined. (ADOPTED PER ORDINANCE 2025-09-01)

Land-Based Aquaculture. The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body. (ADOPTED PER ORDINANCE 2025-09-01)

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

Landforms. Feature of the earth's surface created by natural causes. (ADOPTED PER ORDINANCE 2025-09-01)

Landward Edge. The limit of a site feature that is farthest away from a tidal water, tidal wetland, or tributary stream. (ADOPTED PER ORDINANCE 2025-09-01)

Large Shrub. A shrub that, when mature, reaches a height of at least six feet. (ADOPTED PER ORDINANCE 2025-09-01)

Legally Developed. All physical improvements to a property that existed before Critical Area Commission approval of a local Program, or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction. (ADOPTED PER ORDINANCE 2025-09-01)

Limit of Disturbance. The area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance. (ADOPTED PER ORDINANCE 2025-09-01)

Limited Development Area. (ADOPTED PER ORDINANCE 2025-09-01)

(a) An area:

- (i) That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat: and

- (ii) Where the quantity of runoff has not been substantially altered or impaired.

(b) “Limited development area” includes an area:

- (i) With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;
- (ii) With a public water or sewer system;
- (iii) That is not dominated by agricultural land, wetland, forest, barren land, surface water, or open space; or
- (iv) That is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Chapter.

Limited Restaurant. See Section 6-19. (ADOPTED PER ORDINANCE 2009-05-01)

Live-Work Unit. A dwelling, such as a loft, in which the occupant both lives and conducts a business.

Living Shoreline. A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.
(ADOPTED PER ORDINANCE 2025-09-01)

Loading Space or Loading Berth. A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum area of 540 square feet, minimum dimension of 12 by 35 feet and a vertical clearance of at least 14.5 feet.

Local Significance. Development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the Town; and is not considered to be major development as defined in this chapter. (ADOPTED PER ORDINANCE 2025-09-01)

Locally Significant Habitat. A plant or wildlife habitat that may not be of Statewide significance but, in a local jurisdiction’s Critical Area program, is considered to be significant in a local or regional context because the habitat contains a species:

- (a) Uncommonly found or of limited occurrence in that area; or
- (b) With an unusually high concentration in that area.

(ADOPTED PER ORDINANCE 2025-09-01)

Local Vineyard. A vineyard within Cecil County, utilized for the growing, fermentation and/or processing of grapes, berries, and other fruit(s) grown on or off premises for the production of wine or juice; packaging, bottling, re-fermentation of still-wine into sparkling wine, and storage of wine; the sample and sale of—at wholesale or retail—wine, gifts, food, and associated activities and related items; promotional events, guided tours, tasting rooms and festivals.”
(ADOPTED PER ORDINANCE 2013-06-01)

Lot. A parcel of land which may include one or more platted lots or portion thereof, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, yard areas and parking spaces required by this Ordinance meeting coverage requirements and

having its principal frontage upon a street or upon an officially approved place
See Diagram A for illustration of lot types.

Lot, Area. The total horizontal area within the lot lines of the lot.

Lot, Corner. A lot located at the intersection of two or more streets.
(See Diagram A)

Lot Coverage. The percentage of a total lot or parcel that is:
(ADOPTED PER ORDINANCE 2025-09-01)

- A. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or
 - B. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any other manmade material.
- (a) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.
- (b) "Lot coverage" does not include:
- (i) A fence or wall that is less than one foot in width that has not been constructed with a footer;
 - (ii) A walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier;
 - (iii) A wood mulch pathway; or
 - (iv) A deck with gaps to allow water to pass freely.

Lot, Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot, Interior. A lot other than a corner lot with only one frontage on a street other than an alley.

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

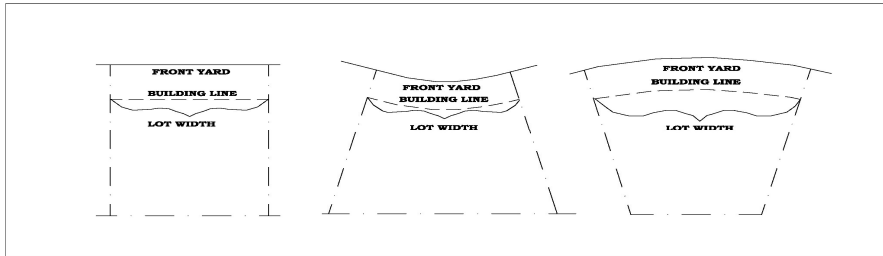
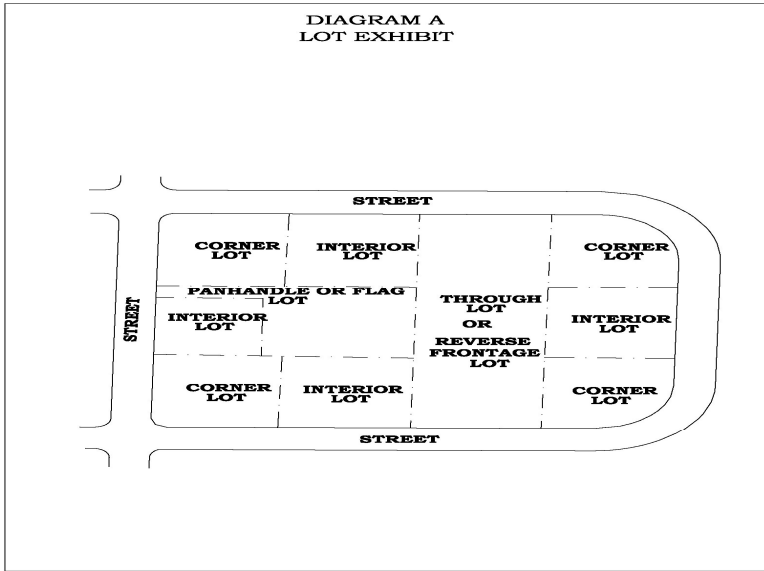
Lot Line. The boundary line of a lot.

Lot, Panhandle. A division of land with such a configuration that the building area conforming to minimum lot area requirements for the district is connected to a road by a narrow strip. Also known as a "flag lot". (See Diagram A)

Lot, Through. An interior lot having frontage on two streets. Also known as a "reverse frontage" lot. (See Diagram A)

Lot Width. The distance between the side lot lines measured at the required front yard setback line. (See Diagram B)

DIAGRAM B LOT WIDTH



Major Buffer Management Plan. A type of Buffer Management Plan and all supporting documentation required under this Ordinance.
(ADOPTED PER ORDINANCE 2025-09-01)

Major Development. Development of a scale that may cause State-wide, regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This development includes, but is not limited to, airports, power plants, major solar energy generating systems, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities, and any development or project authorized by the Public Service Commission under a Certificate of Public Convenience and Necessity.

(ADOPTED PER ORDINANCE 2025-09-01)

Marina. Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

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

Mini-Market. See Section 6-21

Minerals. Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The term does not include coal.
(ADOPTED PER ORDINANCE 2025-09-01)

Minor Buffer Management Plan. A type of Buffer Management Plan and all supporting documentation required under this Ordinance.
(ADOPTED PER ORDINANCE 2025-09-01)

Mitigation. An action taken to compensate for adverse impacts to the environment resulting from a development activity or a change in land use or intensity.
(ADOPTED PER ORDINANCE 2025-09-01)

Mobile Home or Trailer. A moveable or portable dwelling built on a chassis connected to utilities and designed with or without permanent foundation for year-round living.

Mobile Home Park. An area where one or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for one or more families.

Modified Buffer Area.

- (a) An area of land:
 - (i) Where a pattern of residential, industrial, commercial, or recreational development existed in the 100-foot Buffer on December 1, 1985 in the Chesapeake Bay Critical Area or on June 1, 2002 in the Atlantic Coastal Bays Critical Area; and
 - (ii) That, as part of a local program approved by the Commission, is shown on a map maintained on file by the local jurisdiction and is subject to modified development provisions.
- (b) "Modified buffer area" includes an area referred to by a local jurisdiction as a buffer exemption area, buffer exempted area, buffer modification area, buffer management area, buffer management overlay, buffer modified area, special buffer management area, special buffer area, or any other similar term that has the same substantive meaning as modified buffer area.
(ADOPTED PER ORDINANCE 2025-09-01)

Motel, Motor Court, Motor Hotel. Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

Motor Vehicle Dealership. A building, structure, or area of land used for the storage or display for sale of motor vehicles but not used for the storage of

dismantled or wrecked motor vehicles.

Motor Vehicle Repair and Maintenance Shop. See Section 6-24

Native Plant. A species that is indigenous to the physiographic area in Maryland where the planting is proposed. (ADOPTED PER ORDINANCE 2025-09-01)

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. (ADOPTED PER ORDINANCE 2025-09-01)

Natural Forest Vegetation. Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this ordinance shall resemble the structure and species composition of natural forests. (ADOPTED PER ORDINANCE 2025-09-01)

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. (ADOPTED PER ORDINANCE 2008-03-01)

Natural Regeneration. The natural establishment of trees and other vegetation with at least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity. (ADOPTED PER ORDINANCE 2025-09-01)

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

Nature-Dominated. A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities. (ADOPTED PER ORDINANCE 2025-09-01)

News Center. Small retail facility predominantly selling newspapers, magazines, and other published materials.

New Development. That for purposes of implementing specific provisions of this ordinance, new development (as opposed to redevelopment) is a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985. (ADOPTED PER ORDINANCE 2025-09-01)

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform with the use regulations of the district in which it is located.

Nonpoint 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 ground water seepage rather than by deliberate discharge. Nonpoint source pollution is not generally corrected by "end-of-pipe" treatment, but rather, by changes in land management practices. (ADOPTED PER ORDINANCE 2025-09-01)

Commented [MG1]: Moved to correct place alphabetically.

Non-Tidal Wetlands. An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation;

- (a) Is determined according to the Federal Manual;
- (b) Does not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.
(ADOPTED PER ORDINANCE 2025-09-01)

Nonwater-Dependent Project. A temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on, or over State or private wetlands. (ADOPTED PER ORDINANCE 2025-09-01)

- (a) “Nonwater-dependent project” includes:
 - (i) A dwelling unit on a pier;
 - (ii) A restaurant, a shop, an office, or any other commercial building or use on a pier;
 - (iii) A temporary or permanent roof or covering on a pier;
 - (iv) A pier used to support a nonwater-dependent use; and
 - (v) A small-scale renewable energy system on a pier, including:
 - (aa) A solar energy system and its photovoltaic cells, solar panels, or other necessary equipment;
 - (bb) A geothermal energy system and its geothermal heat exchanger or other necessary equipment; and
 - (cc) A wind energy system and its wind turbine, tower, base, or other necessary equipment.
- (b) “Non-water dependent project” does not include:
 - (i) A fuel pump or other fuel-dispensing equipment on a pier;
 - (ii) A sanitary sewage pump or other wastewater removal equipment on a pier; or
 - (iii) An office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.

Nursing Home. A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illness, disease, deformities, or injuries who do not require extensive care such as is normally provided in a general or other specialized hospital; includes rest homes, convalescent homes, and homes for the aged. A nursing home does provide medical, nursing, physical therapy, convalescent, or chronic care in addition to room and board.

Occupancy, Certificate of. The certificate issued by the Cecil County Building Official which permits the use of a building.

Office, General. An office for the use of (a) professional people such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, real estate companies, etc., but not including State Licensed Medical Clinics, Clinics, or Clinic Services as defined herein or any kind of retail or wholesale store or warehouse, except as otherwise provided herein.
(AMENDED PER ORDINANCE 2012-09-02)

Offsets. Structures or actions that compensate for undesirable impacts.

Open Space. Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state.

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

Overburdened Community. The meaning stated in §1-701 of the Environment Article. (ADOPTED PER ORDINANCE 2025-09-01)

Pad, Development. The area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

Parking Lot for Vehicles: A standalone public or private parking facility for vehicles, not directly connected to or directly attached to a specific use. Vehicles exceeding 15,000 pounds of gross vehicle weight shall be prohibited from using parking facility. Vehicles shall not be parked for a period greater than 24 hours.
(ADOPTED PER ORDINANCE 2012-11-01)

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley and having an area of not less than 9 feet x 18 feet, plus necessary maneuvering space, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.
(AMENDED PER ORDINANCE 2014-03-01)

Parkway. A wide road, usually divided, with an area of grass and trees on both sides and in the middle.

Permanent Disturbance. A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. (ADOPTED PER ORDINANCE 2025-09-01)

- (a) "Permanent disturbance" includes:
 - (i) Construction or installation of any material that will result in lot coverage;
 - (ii) Construction of a deck;
 - (iii) Except under §B(18-2)(b)(iii) of this regulation, grading;
 - (iv) Except under §B(18-2)(b)(ii) of this regulation, clearing of a tree, forest, or developed woodland; and
 - (v) A septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required.
- (b) "Permanent disturbance" does not include a septic system on a lot

created before local program approval if the septic system is located in existing grass or clearing is not required.

Person. An individual, partnership, corporation, contractor, property owner, or any other person or entity. (ADOPTED PER ORDINANCE 2025-09-01)

Pier. Any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure.

(a) "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands. (ADOPTED PER ORDINANCE 2025-09-01)

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

Place of Worship. A building or premises where persons regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship.

Plant Habitat. A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.
(ADOPTED PER ORDINANCE 2025-09-01)

Port. A facility or area established or designated by the State or local jurisdiction for the purpose of waterborne commerce.
(ADOPTED PER ORDINANCE 2025-09-01)

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

Principal Structure. The one primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification.

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

Program Amendment. Any change or proposed change to an adopted Critical Area program that is not determined by the Critical Area Commission chairman to be a program refinement. (ADOPTED PER ORDINANCE 2008-03-01)

Program Refinement. Any change or proposed change to an adopted Critical Area program that the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include: (ADOPTED PER ORDINANCE 2008-03-01)

1. A change to an adopted program that results from State law.
2. A change to an adopted program that affects local processes and procedures.
3. A change to a local ordinance or code that clarifies an existing provision; and
4. A minor change to an element of an adopted program that is clearly consistent with the provisions of this subtitle and all the criteria of the Commission.

Project Approvals. The approval of development and redevelopment, other than development and redevelopment by a State or local government agency, in the Chesapeake Bay Critical Area by the appropriate local approval authority. 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.

Promenade. A public walkway designed to give access to the waterfront within the Town may include sidewalks and boardwalks adjacent to and over the water. Property Owner. A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

Property Owner. A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.
(ADOPTED PER ORDINANCE 2025-09-01)

Publicly Owned. Land and/or structures solely belonging to an entity of Federal, State, County or municipal government.

Public Water-Oriented Recreation. Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.
(ADOPTED PER ORDINANCE 2025-09-01)

Reclamation. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding areas, including ponds. (ADOPTED PER ORDINANCE 2025-09-01)

Reconfiguration. A change of the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lots.
(ADOPTED PER ORDINANCE 2025-09-01)

- (a) "Reconfiguration" includes any term used by a local jurisdiction for a development application that proposes to change the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lot that existed before the application, such as a subdivision, lot line adjustment, boundary line adjustment, replatting request, or a revision of acreage to increase density.

Recycling Center. A facility used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

Redevelopment.

- A. Construction in previously developed areas which may include the demolition of existing principle structures and building new principle structures, or the substantial renovation of existing principle structures. Redevelopment projects tend to be somewhat larger and more complex than infill projects.
- B. The reuse of previously used, non-agricultural land.

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

Resource Conservation Area. An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres. (ADOPTED PER ORDINANCE 2025-09-01)

Resource Utilization Activities. Any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities. (ADOPTED PER ORDINANCE 2025-09-01)

Restaurant. See Section 6-19

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

Road. A public thoroughfare under the jurisdiction of the State, a county, a municipal corporation, or any other public body. "Road" does not include a drive aisle or driveway. (ADOPTED PER ORDINANCE 2025-09-01)

Rooming House. Same as Boarding House.

Satellite Dish Antennas. See Section 6-12

Satellite Simulcast Betting / Off - Track Betting. See Section 6-16

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.

Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations. (ADOPTED PER ORDINANCE 2025-09-01)

Semi-public. A use owned or operated by a nonprofit, religious or philanthropic institution and providing education, cultural, recreational, religious, or similar types of public programs.

Senior Housing Facilities. Development comprised of apartments designed for occupancy by persons over the age of 55 years. Said facilities shall have a minimum of 40 units. Senior housing facilities are permitted to have street level dwellings. In the case of senior housing facilities consisting of efficiency, one bedroom, and two-bedroom apartment developments designed specifically for occupancy by not more than one or two persons, the Board of Appeals may grant, as an additional condition of the special exception, that each efficiency, one bedroom and two-bedroom apartment be considered equivalent to 0.50 family dwelling unit and the lot area and number of parking spaces required per unit determined accordingly. In any case, all other density and lot area requirements provided in the Zoning Ordinance shall be met. Such projects frequently include nonresidential facilities such as stores, garages, dining rooms, recreation

facilities, chapels, health and related services and functions to provide for the needs of residents.

Service Facilities. Accessory facilities incidental to the use of the land and structures and used to provide a service to the structure or use. The definition includes such things as dumpsters, heating and cooling equipment, and electric generators.

Setback. The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a public right-of-way.

Shopping Centers and Malls. See Section 16-19

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

- A. Nonstructural - Creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods;
 - (1) Vegetation - Planting an existing shore with a wide band of vegetation;
 - (2) Bank Sloping/Vegetation – Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
 - (3) Contained Beach - Filling along shore with sand
- B. Structural materials, grading, and containing the new beach to eliminate tidal water contact with the bank.
 - (1) Revetment - Facing laid on a sloping shore to reduce wave energy and contain shore materials;
 - (2) Bulkhead - Excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
 - (b) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

Sign. See Article 7 for sign definitions

Significantly Eroding Areas. Areas that erode two feet or more per year. (ADOPTED PER ORDINANCE 2025-09-01)

Simplified Buffer Management Plan. A type of Buffer Management Plan and all supporting documentation required under this Ordinance. (ADOPTED PER ORDINANCE 2025-09-01)

Site Plan. A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions of Article 10.

Site Plan, Tentative. A simplified diagram of a proposed development that shows the major development components and outlines the proposed approach that applicant will take to address existing site conditions and applicable regulatory requirements. May also be known as a “concept” or “sketch” plan.

Small Shrub. A shrub that, when mature, reaches a height of up to six feet. (ADOPTED PER ORDINANCE 2025-09-01)

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 plants that indicate:

- A. How the landowner plans to treat a farm unit;
- B. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
- C. The schedule for applying Best Management Practices.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Species in Need of Conservation. A species of fauna determined by the Secretary of Natural Resources to be in need of conservation measures for its continued ability to sustain itself successfully, in accordance with the provisions of:

- (a) Natural Resources Article, Title 4, Subtitle 2A, or Title 10, Subtitle 2A, Annotated Code of Maryland; or
 - (b) COMAR 08.03.08.
- (AMENDED PER ORDINANCE 2025-09-01)

Spoil pile. The overburden and reject materials as piled or deposited in surface mining. (ADOPTED PER ORDINANCE 2025-09-01)

Standard Restaurant. See Section 6-19

State Licensed Medical Clinic. See Section 6-34 [ADOPTED PER ORDINANCE 2012-09-02]

Steep Slopes. Slopes of 15 percent or greater incline.

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 eliminated pollutants that might otherwise be carried by surface runoff.

Story. That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floors and the ceiling next above it.

Story, Half. A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than sixty (60) percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Streams.

- A. Stream, Intermittent. 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, the Cecil County Soil Survey, or field located. (See Section 12-1)
- B. Stream, Perennial. A stream containing surface water throughout an average rainfall year as shown on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States, the Cecil County Soil Survey, or field located. (See Section 12-1)
- C. Stream, Tributary. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of North East.

Street. A public thoroughfare which affords the principal means of access to property abutting thereon.

Street Line. A dividing line between a lot, trace, or parcel of land and a contiguous street.

Structure. Anything, other than a fence or retaining wall, constructed or erected, which requires location of the ground or attached to something having a location on the ground, including but not limited to advertising signs, billboards, buildings, posterboards, and mobile homes.

Structural Alterations. Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Substantial Renovation. The renovation of a major component or substantial structural part of real property that materially increases the value of the property,

substantially prolongs the useful life of the property, or adapts the property to a new or different use. This definition is generally interpreted to mean any improvements to an existing structure resulting in 500 square feet or more new floor area to a principal structure or major improvements to the exterior of any principal structure.

Surface Mining.

- (a) "Surface mining" means:
 - (i) The breaking of surface soil located in the Critical Area in order to extract or remove a mineral;
 - (ii) An activity or process that is part of the method of extraction or removal of a mineral from its original location in the Critical Area; and
 - (iii) The extraction or removal of sand, gravel, rock, stone, earth, or fill from a borrow pit for the purpose of constructing a road or another public facility.
- (b) "Surface mining" includes:
 - (i) An activity related to the processing of a mineral at the site of extraction or removal;
 - (ii) Extraction or removal of overburden and mining of a limited amount of a mineral when done for the purpose of prospecting, to the extent necessary, for the purpose of determining the location, quantity, or quality of a natural deposit; and
 - (iii) A mining activity.
- (c) "Surface mining" does not include an activity or process that is excluded under the provisions of Environment Article, §15-807, Annotated Code of Maryland, or COMAR 26.21.01.08.
(ADOPTED PER ORDINANCE 2025-09-01)

Super Market. See Section 6-21

Survey, Boundary. A metes and bounds description prepared by a registered Maryland surveyor delineating the property lines encompassing a given property.

Survey, Location. A metes and bounds description prepared by a registered Maryland surveyor delineating the footprint of existing buildings on a property shown in context with the bounding property lines.

Temporary Disturbance. A short-term change in the landscape that occurs as part of a development or redevelopment activity.

- (a) "Temporary disturbance" includes:
 - (i) Storage of materials that are necessary for the completion of the development or redevelopment activity;
 - (ii) Construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition;
 - (iii) Grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and

- (iv) Locating a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required.
 - (b) "Temporary disturbance" does not include:
 - (i) A septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required; and
 - (ii) A violation.
- (ADOPTED PER ORDINANCE 2025-09-01)

Threatened Species. A species of flora or fauna that appears likely within the foreseeable future to become endangered, including a species determined to be a threatened species in accordance with the provisions of:

- (a) The federal Endangered Species Act of 1973, 16 U.S.C. §§1531—1544;
- (b) Natural Resources Article, Title 4, Subtitle 2A, or Title 10, Subtitle 2A, Annotated Code of Maryland; or
- (c) COMAR 08.03.08. (AMENDED PER ORDINANCE 2025-09-01)

Tidal Wetlands. State wetlands that are defined as any land under the navigable water of the state below the Mean High-Water Line, affected by the regular rise and fall of tide, and private wetlands that defined as any land not considered "state wetlands" bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands include wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

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

Tot Lot. Open space area with playground equipment suitable for children up to age 5.

Townhouse. A single-family dwelling forming one of a series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

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".

Trailer or Trailer House. Same as "Mobile Home".

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.

Transportation Facilities. Anything that is built, installed, or established to provide a means of transport from one place to another. (ADOPTED PER ORDINANCE 2025-09-01)

Tree. A large, woody plant having 1 or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity. (ADOPTED PER ORDINANCE 2025-09-01)

Tributary Streams. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 ½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions. More detailed studies shall include field delineation and verification.

Truck Stop. An independent facility catering predominantly to tractor trailers and other large highway vehicles in which highway services such as fuel, food, repair and similar items are provided.

Travel Plaza. A complete integrated facility servicing the motoring public located near an interstate highway, including overnight accommodations, restaurants, fuel, servicing and other necessary items required by all sectors of the motoring public including automobiles, buses, and trucks, and which do not cater predominantly to tractor trailers and other large highway vehicles.

Underserved community. As stated in §1-701 of the Environment Article.

(a) "Underserved community" means any census tract in which, according to the most recent U.S. Census Bureau Survey:

- (i) At least 25% of the residents qualify as low-income;
- (ii) At least 50% of the residents identify as nonwhite; or
- (iii) At least 15% of the residents have limited English proficiency.

(ADOPTED PER ORDINANCE 2025-09-01)

Understory. The layer of forest vegetation typically located underneath the forest canopy. (ADOPTED PER ORDINANCE 2025-09-01)

Understory Tree. A tree that, when mature, reaches a height of 12 and 35 feet. (ADOPTED PER ORDINANCE 2025-09-01)

Unwarranted Hardship. That without a variance an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Upland Boundary. The landward edge of a tidal wetland or nontidal wetland. (ADOPTED PER ORDINANCE 2025-09-01)

Use. The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

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 Building. See Section 6-14

Utility Transmission Facilities. Fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines. (ADOPTED PER ORDINANCE 2025-09-01)

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 the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Vessel. Every description of watercraft, including an ice boat but not including a seaplane, that it used or capable of being used as a means of transportation on water or ice. Vessel includes the motor, spars, sails, and accessories of a vessel. (ADOPTED PER ORDINANCE 2025-09-01)

Water-Dependent Facilities. A structure or activity that, by reason of its intrinsic nature or operation or because of its association with an industrial, maritime, recreational, educational, aquaculture, or fishery activity, is dependent on the water and requires location al or near the shoreline or in the buffer.

- (a) "Water-dependent facility or activity" includes:
- (i) A port;
 - (ii) An intake or outfall structure;
 - (iii) A marina, another boat-docking facility, or a structure or activity that is essential to the operation of the water-dependent facility, structure, or activity;
 - (iv) A fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier, and an office on a pier for managing marina operations, such as monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations;
 - (v) A public beach and any other public water-oriented recreation area; and
 - (vi) Any other water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.
- (AMENDED PER ORDINANCE 2025-09-01)

Waterfowl. A species of birds that frequents and often swims in water, nests and raises its young near water, and derive at least part of its food from aquatic plants and animals. (ADOPTED PER ORDINANCE 2025-09-01)

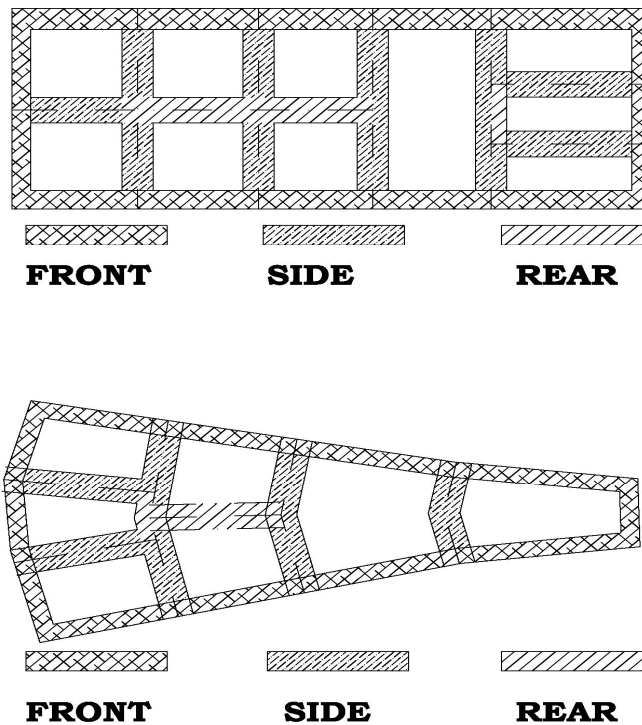
Waterfowl Staging and Concentration Area. An area of open water and adjacent marshes where, as documented by the Department of Natural Resources, waterfowl gather during migration and throughout the winter season. (ADOPTED PER ORDINANCE 2025-09-01)

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

Wildlife Habitat. A plant community and physiographic features that provide food, water, cover, nesting, and foraging or feeding condition necessary to maintain a population of animals in the Critical Area, as described in COMAR 27.01.09.04. (ADOPTED PER ORDINANCE 2025-09-01)

Yard. An open space other than a courtyard, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. (See Diagram C for illustration of required yards)

Diagram C Required Yards



Yard, Front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance-ways.

Yard, Side. A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

Zoning Administrator. Shall be used interchangeably throughout this Ordinance with the terms “building inspector” and “zoning inspector”. In the absence of a Zoning Administrator, the Town Administrator shall assume the responsibilities of the Zoning Administrator.

Zoning Overlay District. A district which is placed over the existing zoning district that imposes additional restrictions, e.g., the Critical Area Overlay District.