

1 ARTICLE I

2
3 GENERAL

4
5 SECTION 101 TITLE

6
7 These regulations shall be known and may be cited as the ZONING ORDINANCE OF
8 THE TOWN OF EASTON. The Ordinance includes both the text of the regulations and
9 the Official Zoning Map which is located in the Office of the Town Planner, Town
10 Office, Easton, Maryland.

11
12 SECTION 102 LEGISLATIVE AUTHORITY

13
14 These regulations are established in accordance with the provisions of Article 66B of the
15 Annotated Code of Maryland.

16
17 SECTION 103 STATEMENT OF LEGISLATIVE INTENT

18
19 A. These regulations are adopted with the intent that they will implement the policies
20 of the Comprehensive Plan; will control congestion in the streets; will secure the
21 public safety; will promote health and the general welfare; will provide adequate
22 light and air; will promote the conservation of natural resources; will prevent
23 undue concentration of population; and will facilitate the adequate provision of
24 transportation, water, sewerage, schools, recreation, soil conservation,
25 landscaping, parks, and other public facilities and services. In addition, this
26 Ordinance is intended to:

- 27
28 1. help accomplish the coordinated, adjusted, and harmonious development of the Town
29 and its environs in accordance with present and future needs;
30
31 2. promote health, safety, morals, order, convenience, prosperity, and general welfare;
32 including among other things, adequate provisions for traffic, the promotion of
33 public safety, adequate provision for light and air, conservation of natural
34 resources, the prevention of environmental pollution, and the promotion of the
35 healthful and convenient distribution of population;
36
37 3. encourage and, where necessary, require land use development and uses which
38 exemplify good civic design and arrangement and the stewardship of the
39 Chesapeake Bay and the land as a universal ethic;
40
41 4. encourage the conservation of resources, including a reduction in resource
42 consumption;
43
44 5. locate development in locations suitable for it given existing and reasonably

1 foreseeable development; and

2
3 6. encourage appropriate and sustainable economic growth.

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5
6 B. These regulations are made with reasonable consideration of, among other things,
7 the character of the Town; the suitability of its various areas for particular uses;
8 the desire to enhance the value of buildings and encourage the orderly
9 development; and the most appropriate use of land throughout the jurisdiction.

10
11 SECTION 104 JURISDICTION

12
13 These regulations shall apply to all properties within the corporate limits of the Town of
14 Easton, Maryland.

15
16 SECTION 105 SEPARABILITY CLAUSE

17
18 Other than as noted in this section, if any section or provision of this Ordinance is
19 declared by the courts to be unconstitutional or invalid, such decision shall not affect the
20 validity of the Ordinance as a whole, or any part thereof other than the part so declared to
21 be unconstitutional or invalid. However, if any court declares any portion of any
22 provision of this Ordinance relating to any planned redevelopment and/or floating zone
23 district (§ 601, § 801, § 901) unconstitutional or invalid, such decision shall render the
24 entire section invalid and the uses permitted hereunder as floating zone uses shall not be
25 permitted in the Town unless and until such unconstitutionality or invalidity has been
26 corrected by legislative action by the Town Council.

27
28 SECTION 106 EFFECTIVE DATE AND DISPOSITION OF PENDING MATTERS

29
30 A. The provisions of this Ordinance were adopted on 02\21\06 and became effective
31 on 03\15\06. Ordinance Number 396 (previous Zoning Ordinance) and all
32 amendments thereto shall as of the effective date of this Ordinance be of no
33 further effect or validity, except as to the extent that specific continuing rights are
34 granted by the terms of this Zoning Ordinance. Except as expressly provided in
35 the remaining provisions of this Section, this Ordinance shall take effect and be
36 enforced immediately upon its passage.

37
38 B. Construction may be begun and/or completed under the terms of a building permit
39 issued prior to the effective date of this Section, if such permit was in force and
40 fully valid on that date. Such construction is subject to (1) all terms of the permit,
41 (2) the Ordinance under which it was issued and (3) if applicable, the provisions
42 of Subsection D below.

43
44 C. Any of the following matters filed prior to the effective date of this Section shall

1 be processed and/or decided in accordance with the Ordinance in effect on the
2 date on which the particular matter was filed:

- 3
- 4 (1) Applications for a building permit for the construction and/or modification
5 of a single family home;
- 6
- 7 (2) Applications for subdivision approval, if such application received
8 preliminary approval by the Planning Commission prior to the effective
9 date of this Ordinance;
- 10
- 11 (3) Applications for site plan approval, if such application received
12 preliminary approval prior to the effective date of this Ordinance;
- 13
- 14 (4) Any planned redevelopment or floating zone map amendment application
15 which has received approval from the Town Council but has not received
16 final site plan and/or subdivision approval from the Planning and Zoning
17 Commission.
- 18

19 D. A project may be begun and/or completed in accordance with preliminary site
20 plan approval given prior to the effective date of this Ordinance or in accordance
21 with Subsection 106 C (3), under the terms of the Ordinance governing such
22 approval. However, any such approval shall expire at the later of (a) two years
23 from the effective date of this Section or (b) two years from the date of such final
24 approval. On written application of the owner prior to the time of such expiration,
25 the Planing Commission may grant an extension for a specified period of not
26 more than two years from the expiration date provided in this Subsection. The
27 Planning Commission shall not grant an extension unless it finds that the owner
28 has not effectively abandoned the project, such as, for example, where
29 construction has not been completed for reasons beyond the control of the owner
30 and his contractors and agents.

31

32 E. With respect to any building permit or pending matters referred to in Subsections
33 B, C, and D above, nothing in this Section shall be construed (a) to affect the
34 status of any use or structure involved in any such permit, application, approval or
35 pending matter as a nonconforming use or structure under this Ordinance; (b) to
36 extend, enlarge or otherwise affect the provisions of any prior Ordinance relating
37 to the duration, expiration or termination of any such permit, application, approval
38 or pending matter; or (c) to revive or give any other effect to any permit,
39 application, approval or pending matter which has been, or is hereafter deemed to
40 be, abandoned or terminated under the provisions of this Ordinance or any prior
41 Ordinance which is applicable.

42

43

1 SECTION 107 Official Zoning Map

- 2
- 3 A. The incorporated areas of the Town are hereby divided into zones, as shown on
- 4 the Official Zoning Map which, together with all explanatory matter thereon, is
- 5 hereby adopted by reference and declared to be a part of this Ordinance.
- 6
- 7 B. The Official Zoning Map shall be identified by the signature of the Mayor and
- 8 Council attested by the Town Clerk, and bearing the seal of the Town under the
- 9 following words: "This is to certify that this is the Official Zoning Map referred
- 10 to in Section 107 of the Zoning Ordinance of the Town of Easton, Maryland,"
- 11 together with the date of the adoption of this ordinance.
- 12
- 13 C. If changes are made in zone boundaries or other matter portrayed on the Official
- 14 Zoning Map, such changes shall be made or noted by ordinance number on the
- 15 Official Zoning Map promptly after the amendment has been approved by the
- 16 Mayor and Town Council, together with an entry in the amending ordinance as
- 17 follows: "On (date), by official action of the Town Council, the following
- 18 (change or changes) were made in the Official Zoning Map: (brief description of
- 19 nature of change)," which entry shall be signed by the Mayor and Council and
- 20 attested by the Town Clerk.
- 21
- 22 D. No changes of any nature shall be made in the Official Zoning Map or matter
- 23 shown thereon except in conformity with the procedures set forth in this
- 24 ordinance. Any unauthorized change of whatever kind by any person or persons
- 25 shall be considered a violation of this ordinance and punishable as provided under
- 26 Section 1308 of this Ordinance.
- 27
- 28
- 29 E. Regardless of the existence of purported copies of the Official Zoning Map which
- 30 may from time to time be made or published, the Official Zoning Map, which
- 31 shall be located in the office of the Town Planner, shall be the final authority as
- 32 the current zoning status of land and water areas, buildings, and other structures in
- 33 the Town.
- 34
- 35

36 SECTION 108 Replacement of Official Zoning Map

- 37
- 38 A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or
- 39 difficult to interpret because of the nature or number of changes and additions, the
- 40 Town Council may by resolution adopt a new Official Zoning Map which shall
- 41 supersede the prior Official Zoning Map.

- 1
2 B. The new Official Zoning Map may correct drafting or other errors or omissions in
3 the prior Official Zoning Map, but no such correction shall have the effect of
4 amending the original zoning map or ordinance or any subsequent amendment
5 thereof. The Planning Commission shall certify as to the accuracy of the new
6 Official Zoning Map prior to its adoption by the Mayor and Council. The new
7 Official Zoning Map shall be identified by the signatures of the Mayor and
8 Council attested by the Town Clerk, and bearing the seal of the Town under the
9 following words: "This is to certify that this Official Zoning Map supersedes and
10 replaces the Official Zoning Map adopted (date of adoption of map being
11 replaced) as part of the Zoning Ordinance of the Town of Easton, Maryland."
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14 SECTION 109 Official Critical Area Overlay District Maps
15

- 16 A. Official Critical Area Overlay District Maps shall be prepared and maintained as
17 part of the Official Zoning Map of the Town. They shall delineate the extent of
18 the Critical Area Overlay District ("CAO") that shall correspond to the
19 Chesapeake Bay Critical Area. Within the designated Critical Area District, all
20 land shall be assigned one of the following land use management classifications:
21 Intensely Developed Area (IDA), Limited Development Area (LDA), and
22 Resource Conservation Area (RCA). The Critical Area Overlay District Maps
23 may be amended by the Town in compliance with the amendment provisions in
24 this Ordinance, the Maryland Critical Area Law and Critical Area Criteria,
25 contained in COMAR 14.15 or its successor regulations.
26
27 B. The Town may elect to adjust the Critical Area Boundary to delete areas of the
28 Town from the Critical Area Overlay District only at such times as new Official
29 Wetland Maps are adopted by the State of Maryland or an area of the Critical Area
30 has been approved for exclusion by the Critical Area Commission. The Town
31 may also elect to add areas to the Critical Area at any time. Such changes shall be
32 treated as amendments to the Critical Area Overlay District ("CAO") on the
33 Official Critical Area Overlay District Maps for the Town.
34
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37 SECTION 110 LIMITS ON THE NUMBER OF ACTIVE APPLICATIONS
38

39 At no time may an applicant/property owner submit an application for any property for
40 which another application has been submitted and is being reviewed. In order to have a
41 different application reviewed by the Town, any applicable preceding application must
42 either (1) expire (if approved) or (2) be formally withdrawn by the applicant. These

1 provisions shall also apply to applications to subdivide land under the provisions of the
2 Town's Subdivision Regulations. This provision shall not apply to applications that are
3 complimentary, for example a site plan review and a Special Exception request.
4

5 SECTION 111 Rules for Interpretations of District Boundaries
6

7 Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning
8 Map, the following rules shall apply:
9

- 10 A. Boundaries indicated as approximately following the center lines of streets,
11 highways, or alleys shall be construed to follow such center lines;
12
- 13 B. Boundaries indicated as approximately following platted lot lines shall be
14 construed as following such lot lines;
15
- 16 C. Boundaries indicated as approximately following town limits shall be construed as
17 following town limits;
18
- 19 D. Boundaries indicated as following railroad lines shall be construed to be midway
20 between the main tracks;
21
- 22 E. Boundaries indicated as following shore lines shall be construed to follow such
23 shore lines, and in the event of change in the shore line shall be construed as
24 moving with the actual shore line; boundaries indicated as approximately
25 following the center lines of streams, rivers, creeks, lakes, or other bodies of water
26 shall be construed to follow such center lines;
27
- 28 F. Boundaries indicated as parallel to or extensions of features indicated in
29 subsections 110 A through 110 E above shall be so construed. Distances not
30 specifically indicated on the Official Zoning Map shall be determined by the scale
31 of the map;
32
- 33 G. Where a lot of one acre or less is divided by one or more zone boundary lines, and
34 where more than fifty percent of said lot lies within a more intensive use district,
35 the lot shall be considered as entirely within the more intensive use district. This
36 provision shall not be interpreted to rezone any area to a less intensive use. This
37 provision shall not apply to any lot of more than one acre, and in such cases, the
38 provisions of each zoning district shall apply.¹
39

¹ Note: The use of contiguous lots can have the effect of causing the lots to be considered merged for the purposes of administering the Zoning Ordinance and the Town's Subdivision Regulations. See *Remes v. Montgomery County*, 387 MD 52 (2005).

1 H. If all rules for the interpretation of zoning boundaries as outlined above have been
2 exhausted and it is still unclear as to what the zoning classification is for a parcel
3 or a portion thereof, said zoning shall be deemed to be A-1 until such time as the
4 Town Council may affix the appropriate classification thereto. Such
5 determination by the Town Council shall be made after first referring the matter to
6 the Planning and Zoning Commission for recommendation and holding a public
7 hearing advertised in accordance with the provisions of Section 1403 of this
8 Ordinance.
9

10 SECTION 112 Application of Regulations
11

12 The regulations set by this Ordinance within each zone shall be minimum regulations and
13 shall apply uniformly to each class or kind of structure or land, and particularly, except as
14 hereinafter provided:
15

16 A. No building, structure, or land shall hereinafter be used or occupied, and no building
17 or structure or part thereof shall hereafter be erected, constructed, reconstructed,
18 moved, or structurally altered internally or externally, unless in conformity with all
19 the regulations herein specified for the zone in which it is located.
20

21 B. No building or other structure shall hereafter be erected or altered:
22

23 (1) to exceed the height;

24 (2) to accommodate or house a greater number of families;

25 (3) to occupy a greater percentage of lot area;

26 (4) to have more narrow or smaller rear yards, front yards, side yards, or other
27 open spaces;
28

29 than herein required; or in any manner contrary to the provisions of this Ordinance.
30
31

32 C. No part of a yard, or other open space, or off-street parking or loading space
33 required about or in connection with any building for the purpose of complying with
34 this Ordinance, shall be included as part of a yard, open space, or off-street parking
35 or loading space similarly required for any other building, except in accordance with
36 Sections 1001 and 1002.
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41 D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in
42 dimension or area below the minimum requirements set forth herein. Yards or lots
43 created after the effective date of this Ordinance shall meet at least the minimum
44 requirements established by this Ordinance.

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3 SECTION 113 INTERPRETATIONS
4

5 For the purposes of this Ordinance, certain terms or words used herein shall be interpreted
6 as follows:

- 7
- 8 A. The word person includes a firm, association, organization, partnership, trust,
9 company, or corporation as well as an individual.
- 10
- 11 B. The present tense includes the future tense, the singular number includes the
12 plural, and the plural number includes the singular; words of the masculine gender
13 will include the feminine and the neuter gender will refer to any gender unless the
14 context plainly indicates the contrary.
- 15
- 16 C. The word shall is mandatory, the word may is permissive.
- 17
- 18 D. The words used or occupied include the words intended, designed, or arranged to
19 be used or occupied.
- 20
- 21 E. The word lot includes the words plot or parcel.
- 22
- 23 F. The word Town means the Town of Easton, Maryland.
- 24
- 25 G. A building or structure includes any part thereof.
- 26
- 27 H. Unless it is plainly evident from the context that a different meaning is intended, a
28 regulation which involves two or more items, conditions, provisions, or events
29 connected by the conjunction and, or, or either/or, the use of the conjunction is
30 defined as follows:
- 31
- 32 (1) And means that all the connected items, conditions, provisions and events
33 apply together and not separately.
- 34
- 35 (2) Or means that the connected items, conditions, provisions, or events apply
36 separately or in any combination.
- 37
- 38 (3) Either/or means that the connected items, conditions, provisions or events
39 shall apply separately but not in combination.
- 40
- 41 I. The word includes does not limit a term to the specified examples, but is intended
42 to extend the term's meaning to all other instances or circumstances of like kind or
43 character.

1
2 **SECTION 114 DEFINITIONS**
3

4 In this Ordinance, the following specific terms are used as defined unless otherwise
5 apparent from the context:
6

7 **Abutting** - Having property or zoning lines in common.
8

9 **Accessory Use or Structure** - A structure or use that: a) is clearly incidental to and
10 customarily found in connection with a principal building or use; b) is subordinate to and
11 serves a principal building or a principal use; c) is subordinate in area, extent, or purpose
12 to the principal building or principal use served; d) contributes to the comfort,
13 convenience, or necessity of occupants, business, or industry in the principal building or
14 principal use served; and e) is located on the same lot as the principal building or use
15 served.
16

17 **Adjacent** - A property abutting or directly across a street, highway, road, alley,
18 watercourse or right-of-way.
19

20 **Afforestation** - means the establishment of a tree crop on an area from which it has
21 always or very long been absent, or the planting of open areas that are not presently in
22 forest cover.
23

24 **Agriculture** - The use of land for the purposes of farming, dairying, pasturing,
25 agriculture, horticulture, floriculture, fish culture, and animal and poultry husbandry as
26 well as the customary accessory buildings for the storage of agriculture products and
27 equipment. The processing, packaging or manufacture of agricultural products is not
28 included.
29

30 **Airport** - Any area of land or water designed and set aside for the landing and take-off of
31 aircraft, including all necessary facilities for the housing and maintenance of aircraft and
32 any accessory structures or uses.
33

34 **Alley** - A public way affording a secondary means of access to the rear or sides of the lot.
35

36 **Alteration** - Any change, addition, or modification in construction or occupancy of an
37 existing structure.
38

39 **Alteration, structural** - Any change in the supporting members of a building or
40 structure, such as bearing walls, columns, beams, or girders; provided, however, that the
41 application of any exterior siding to an existing building for the purpose of beautifying
42 and modernizing shall not be considered a structural alteration.

1
2 **Anadromous fish** - means fish that travel upstream (from their primary habitat in the
3 ocean) to freshwater in order to spawn.
4

5 **Antenna** – Any exterior transmitting or receiving devices mounted on a tower, building
6 or structure and used in communications that radiate or capture electromagnetic waves,
7 digital signals, analog signals, radio frequencies (excluding radar signals), wireless
8 telecommunications signals or other communication signals.
9

10 **Bar and/or cocktail lounge** - (See also **Restaurant, Nightclub** and **Tavern**) Any
11 premises wherein alcoholic beverages are sold at retail for consumption on the premises
12 and minors are excluded therefrom by law. It shall not mean a premises wherein such
13 beverages are sold in conjunction with the sale of food for consumption on the premises
14 and the sale of said beverages comprises less than twenty-five (25%) percent of the gross
15 receipts.
16

17 **Bed and Breakfast Inn** - A single family owner occupied dwelling which is used for the
18 lodging of overnight guests, none of whom shall remain for more than fifteen (15)
19 consecutive nights.
20

21 **Bedroom** - A room in a dwelling unit planned and intended for sleeping separable from
22 other rooms by a door.
23

24 **Boarding House** - An establishment with lodging where meals are regularly prepared and
25 served for compensation and where food is placed upon the table family style, without
26 service or ordering of individual portions from a menu.
27

28 **Brew pub** – A restaurant that also possesses a State of Maryland Class 7 micro-brewery
29 license or a Class 6 pub-brewery license.
30

31 **Buffer** (spelled with a capital B) - means a naturally vegetated area established or
32 managed to protect aquatic, wetland shoreline, and terrestrial environments from man-
33 made disturbances. In the Critical Area Overlay District ("CAO"), the minimum Buffer is
34 a continuous area located immediately landward of tidal waters (measured from the Mean
35 High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a
36 minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the
37 minimum depth to include certain sensitive areas as per requirements established in the
38 Zoning Ordinance.
39

40 **Buffer Exemption Area** - means areas within the designated Buffer which are largely or
41 totally developed and which include lots less than 200 feet deep the development of
42 which is grandfathered under the provisions of COMAR 14.15.02.07.

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Buffer area or yard - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building area - The area of a lot remaining after all setback lines are established.

Building envelope - That area within the required setback lines for the given lot.

Building Inspector - The governmental official of the Town of Easton charged with administering the Town's Building Code and issuing building permits, or his or her designee.

Building line - The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

Business Services - Services rendered to a business establishment or individual on a fee or contract basis including actuarial, advertising, credit reporting, janitorial, office or business equipment rental or leasing, photofinishing, telecommunications, window cleaning, blue-printing and photocopying, and other such services.

Car wash - An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Club - Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Cluster development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

Commercial - When used in conjunction with a use shall mean the use is open to the general public and a fee is charged by the owner, lessee, or licensee for a service or a product.

Community piers - means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

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Condominium - An estate in real property consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment or office, established pursuant to Section 11-101 of the Maryland Annotated Code Real Property Article. A condominium may include, in addition, a separate interest in other portions of such real property.

Conservation easement - means 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.

Construction Supply and Services – A business which provides the products normally associated with heavy construction and infrastructure such as sewer, water and gas pipes, culverts, cable, etc. Such an establishment typically deals with contractors as opposed to the general public.

Convenience store - Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of 5,000 square feet or less.

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

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
- b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission - means the Maryland Chesapeake Bay Critical Area Commission.

Cul-de-sac - A local street, one end of which is closed and consists of a circular turn around.

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Day Care Center - Small Group - Any arrangement that provides day care for children on a regular basis, with not less than nine (9) and not more than twelve (12) clients including any relatives of the care provider.

Day Care Center - Group - Any arrangement that provides day care for children on a regular basis, with thirteen (13) or more clients including any relatives of the care provider.

Day Care Facility - Family - Any arrangement that provides day care for children on a regular basis for eight (8) or fewer clients including any relatives of the care provider.

Deck - An open air structure above grade, but not more than thirty (30) inches above grade, and immediately adjacent or attached to the principal structure.

Density - means the number of dwelling units per acre of gross area of a development tract.

Development - Any activity, other than normal agricultural activities, which materially affects the existing condition or use of any land, or any structure.

Developed Woodlands - means 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.

Development activities - means 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.

Disability - A mental or physical impairment that substantially limits one or more major life activities. The meaning of “disability” extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities. It is the intent of this Ordinance that “disability” shall have the meaning afforded to it by the Americans With Disabilities Act and regulatory and judicial interpretations of that Act.

District - (See **Zone**).

1 **Domiciliary Care** - Any premise which admits aged or disabled persons for a fee to a
2 protective environment, who, because of advanced age or physical or mental disability,
3 are not gainfully employed.
4

5 **Drainage Ways** - are defined as minor watercourses that are defined either by soil type or
6 by the presence of intermittent or perennial streams or topography that indicates a swale
7 where surface sheet flows join.
8

9 **Dwelling** - Any building or portion thereof occupied or intended to be occupied
10 exclusively for residence purposes, but not including a tent or room in a hotel or motel.
11

12 **Dwelling, multi-family** - A building designed for or used by three (3) or more families
13 provided that the number of families does not exceed the number of units provided.
14 Multi-family dwelling shall also include any "large group homes" for individuals
15 suffering from a "mental disorder" as those terms are defined in the General Health
16 Article of the Maryland Annotated Code.
17

18 **Dwelling, single-family, detached** - A residential building containing not more than one
19 (1) dwelling unit used by one family entirely surrounded by yards. Single family
20 dwelling shall also include any "group home" or "small group home" for, respectively,
21 persons affected by "developmental disabilities" or individuals suffering from a "mental
22 disorder" as those terms are defined in the Health General Article of the Maryland
23 Annotated Code.
24

25 **Dwelling, two-family** - A detached building designed for or used by not more than two
26 (2) families or housekeeping units. Included in this definition are what are commonly
27 known as duplexes.
28

29 **Dwelling unit** - One or more rooms physically arranged so as to create an independent
30 housekeeping establishment for occupancy by one family with separate toilets and
31 facilities for cooking and sleeping.
32

33 **Easement** - A grant of one or more of the property rights by the owner to, or for the use
34 by, the public, a corporation, or another person or entity.
35

36 **Environmental Assessment** - means a comprehensive report that describes the natural
37 features and characteristics of a proposed development site, the changes that will occur as
38 the result of proposed development activities on this site, the anticipated environmental
39 impacts and consequences of the proposed development, and mitigation measures to be
40 taken to minimize undesirable impacts to the environment.
41

1 **Exclusion** - means an act of the Mayor and Council, approved by the Critical Area
2 Commission that exempts an area of the Town from the Zoning and Subdivision
3 provisions applicable only to the Critical Area Overlay District ("CAO").
4

5 **Exemption** - means an act of the Mayor and Council, approved by the Critical Area
6 Commission that relieves certain areas of the Town from the Buffer provisions of the
7 Critical Area Overlay District ("CAO").
8

9 **Facade** - The exterior elevation of a building exposed to public view or that wall viewed
10 by persons not within the building.
11

12 **Family** - An individual, or two or more persons related by blood or marriage, or a group
13 of not more than three persons not related by blood or marriage, living together as a
14 single housekeeping group in a dwelling unit.
15

16 **Fence** - Any artificially constructed barrier of any material or combination of materials
17 erected to enclose or screen areas of land.
18

19 **Fisheries activities** - means commercial water dependent fisheries facilities including
20 structures for the packing, processing, canning, or freezing of finfish, crustaceans,
21 mollusks, and amphibians and reptiles and also including related activities such as
22 wholesale and retail sales, product storage facilities, crab shedding, off-loading docks,
23 shellfish culture operations, and shore-based facilities necessary for aquaculture
24 operations.
25

26 **Floodplain** - Floodplain or flood-prone area means any land area susceptible to being
27 inundated by water from any source.
28

29 **Floor area, gross** - The sum of the areas of the several floors of a building, including
30 areas used for human occupancy in basements, attics, and penthouses, as measured from
31 the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics
32 not used for human occupancy, or any floor space in accessory buildings or in the main
33 building intended and designed for the parking of motor vehicles in order to meet the
34 parking requirements of this Ordinance, or any such floor space intended and designed for
35 accessory heating and ventilating equipment. It shall include the horizontal area at each
36 floor level devoted to stairwells and elevator shafts.
37

38 **Forest** - means a biological community dominated by trees and other woody plants
39 covering a land area of one (1) acre or more. This also includes forests that have been cut
40 but not cleared.
41

1 **Forest management** - means the protection, manipulation, and utilization of the forest to
2 provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

3
4 **Forest practice** - means the alteration of the forest either through tree removal or
5 replacement in order to improve the timber, wildlife, recreational, or water quality values.
6

7 **Funeral home** - A building or part thereof used for human funeral services. Such
8 building may contain space and facilities for:

- 9
10 a. embalming and the performance of other services used in preparation of
11 the dead for burial;
12
13 b. the performance of autopsies and other surgical procedures;
14
15 c. the storage of caskets, funeral urns, and other related funeral supplies; and
16
17 d. the storage of funeral vehicles.
18

19 Funeral homes shall not include facilities for cremation. Where a funeral home is
20 permitted, a funeral chapel shall also be permitted.
21

22 **Garage, private** - A building for the private use of the owner or occupant of a principal
23 building situated on the same lot of the principal building for the storage of motor
24 vehicles with no facilities for mechanical service or repair of a commercial or public
25 nature.
26

27 **Garage, public** - A building designed and used for the storage of automotive vehicles
28 operated as a business enterprise with a service charge or fee being paid to the owner or
29 operator for the parking or storage of privately owned vehicles.
30

31 **Garage, repair** - A building designed and used for the storage, care, repair, or refinishing
32 of motor vehicles including both minor and major mechanical overhauling, paint, and
33 body work.
34

35 **Grade** - The average of the finished ground level at the center of all walls of a building.
36 In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall
37 be measured at the sidewalk.
38

39 **Grandfathered** - Describes the status accorded certain properties and development
40 activities that are of record prior to the date of adoption of the Zoning Ordinance or
41 provisions of the Zoning Ordinance.
42

1 **Granny Flat** – A second dwelling unit either in or added to an existing single-family
2 detached dwelling, or in a separate accessory structure on the same lot as, and attached to,
3 the principal dwelling, for use as a complete, independent living facility with provision
4 within the accessory unit for cooking, eating, sanitation, and sleeping. Such a dwelling is
5 clearly accessory to the use of the main or principal dwelling.
6

7 **Group Home** - Any residential structure used to provide assisted community living for
8 persons with physical, mental, emotional, familial or social difficulties. More specific
9 definitions for Group Homes are given below:
10

11 **Group Home For Developmentally Disabled Persons** - A home designed to
12 accommodate up to eight developmentally disabled persons which is licensed by
13 the State of Maryland as a "public group home", a "non-profit private group
14 home" or an "alternative living unit" pursuant to Maryland Annotated Code
15 Health General Article Section 7-101 et seq.
16

17 **Large Private Group Home For Persons Suffering From a Mental Disability** -
18 A home designed to accommodate between nine and sixteen persons suffering
19 from a mental disability which is licensed by the State of Maryland as a "large
20 private group home" pursuant to Maryland Annotated Code Health General
21 Article Section 10-101 et seq.
22

23 **Small Private Group Home For Persons Suffering From a Mental Disability** -
24 A home designed to accommodate between four and eight persons suffering from
25 a mental disability which is licensed by the State of Maryland as a "small private
26 group home" pursuant to Maryland Annotated Code Health General Article
27 Section 10-101 et seq.
28

29 **Specialized Group Home** - A residential structure (other than those defined
30 above) used to provide assisted community living for persons with physical,
31 mental, emotional, familial or social difficulties and operated by a non-profit
32 organization.
33

34 **Gross leasable area** - The total floor area designed for tenant occupancy and exclusive
35 use, including basements, mezzanines, and upper floors, if any, expressed in square feet
36 and measured from the center line of joint partitions and from outside wall faces.
37

38 **Ground Coverage** - (See lot coverage).
39

40 **Growth Allocation** - means:
41

- 1 a. A fixed area of land within the Town's Critical Area Overlay District
2 which may be converted to more intense management areas to
3 accommodate land development; also
4
5 b. An act of the Mayor and Council, which provides for conversion of a
6 property or properties located in a Resource Conservation Area (RCA)
7 and/or the Limited Development Area (LDA) in the "CAO" Critical Area
8 Overlay District to another land management classification which allows
9 an increase in the permitted density.
10

11 **Habitat Protection Areas** - includes the Buffer, Non-Tidal Wetlands, Habitats of
12 Threatened and Endangered Species, Plant and Wildlife Habitats, Anadromous Fish
13 Spawning Propagation Waters and Habitats of Species in Need of Conservation, as
14 defined in COMAR 14.15.09.
15

16 **Hazardous substances** - Any substances or materials that, by reason of their toxic,
17 caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or
18 deleterious to the health of any persons handling or otherwise coming into contact with
19 such material or substance, or any substance defined as a Hazardous Substance by State
20 or Federal Law.
21

22 **Hedge** - A group of plants, planted in a row or grouping designed to have the same effect
23 as a fence.
24

25 **Height** - The vertical distance to the highest point of the structure measured from grade.
26

27 **Helipad** - An area, whether open land or part of a building, used for the landing and take-
28 off of helicopters.
29

30 **Highly erodible soils** - Soils with a slope greater than 15 percent; or those soils with a K
31 value greater than 0.35 with slopes greater than 5 percent.
32

33 **Historic District** - shall mean a significant concentration, linkage, or continuity of sites,
34 structures, or objects united historically, architecturally, archeologically, or culturally by
35 plan or physically development. An historic district shall include all property within its
36 boundaries as defined and designated by the Mayor and Town Council. Definitions
37 pertaining specifically to the Historic District are given below:
38

39 **Alteration** - shall mean any exterior change that would affect the historic,
40 archeological, or architectural significance of a designated site or structure,
41 any portion of which is visible or intended to be visible from a public way,
42 including, but not limited to, construction, reconstruction, moving, or

1 demolition.

2
3 **Appurtenances and environmental settings** - shall mean all that space of
4 grounds and structures thereon which surrounds a designated site or structure
5 and to which it relates physically or visually. Appurtenances and
6 environmental settings shall include, but not be limited to, walkways and
7 driveways (whether paved or not), trees, landscaping, pastures, croplands,
8 waterways, open space, setbacks, parks, public spaces, and rocks.

9
10 **Certificate of Appropriateness** - shall mean a certificate issued by the
11 Historic District Commission indicating its approval of plans for construction,
12 alteration, reconstruction, moving, or demolition of an individually designated
13 landmark, site, or structure or of a site or structure within a designated
14 preservation district.

15
16 **Demolition by neglect** - shall mean any willful neglect in the maintenance
17 and repair of an individually designated landmark, site, or structure, or a site
18 or structure within a designated preservation district, not including any
19 appurtenances and environmental settings, that does not result from an
20 owner's financial inability to maintain and repair such landmark, site, or
21 structure, and which results in any of the following conditions:

22
23 The deterioration of the foundations, exterior walls, roofs, chimneys,
24 doors, or windows, so as to create or permit a hazardous or unsafe
25 condition to exist; or

26
27 The deterioration of the foundations, exterior walls, roofs, chimneys,
28 doors, or windows, the lack of adequate waterproofing, or the
29 deterioration of interior features which will or could result in
30 permanent damage, injury, or loss of or loss to foundations, exterior
31 walls, roofs, chimneys, doors, or windows.

32
33 **Exterior features** - shall mean the architectural style, design, and general
34 arrangement of the exterior of an historic structure, including the nature and
35 texture of building material, and the type and style of all windows, doors, light
36 fixtures, signs, or similar items found on or related to the exterior of an
37 historic structure.

38
39 **Historic Area Work Building Permit** - shall mean a permit issued by the
40 Building Department upon receiving a Certificate of Appropriateness from the
41 Commission for all projects that the Town conducts, assists, licenses, or
42 permits that affect properties within a designated district or individually

1 designated sites or landmarks.

2
3 **Landmark** - shall mean any designated site or structure outside the
4 boundaries of a preservation district that is of exceptional historic,
5 archeological, or architectural significance.

6
7 **Reconstruction** - shall mean the process of reproducing by new construction
8 the exact form and detail of a vanished structure, or part thereof, as it appeared
9 at a specific period of time.

10
11 **Restoration** - shall mean the process of accurately recovering the form and
12 details of a property as it appeared at a specific period of time by means of
13 removal of later work and the replacement of work missing from that period.

14
15 **Site** - shall mean the location of an event of historic significance or a
16 structure, whether standing or ruined, which possesses historic, architectural,
17 archeological, or cultural significance.

18
19 **Structure** shall mean a combination of material to form a construction that is
20 stable, including but not limited to buildings, stadiums, reviewing stands,
21 platforms, stagings, observation towers, radio towers, water tanks and towers,
22 trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters,
23 fences, and display signs, visible or intended to be visible from a public way.
24 The term “structure” shall be construed as if followed by the words, “or part
25 thereof.”

26
27 **Home-based business** – A specialized type of Home Occupation with negligible or no
28 impact on the neighborhood in which it is located. Such an operation has no vehicular
29 traffic, no special deliveries, and has no sign to indicate that such a business is located on
30 the premises. Examples of home-based businesses include the situation whereby the
31 resident uses a home computer, telephone, and/or fax machine for such routine business
32 practices as billing, scheduling, and placing orders.

33
34 **Home occupation** - An occupation, profession, activity, or use that is clearly a
35 customary, incidental, and secondary use of a residential dwelling unit and which does
36 not alter the exterior of the property or affect the residential character of the
37 neighborhood. Included in this definition are home professional offices whereby the
38 office of an artist, writer, doctor, lawyer, dentist, architect, engineer, accountant, real
39 estate or insurance agent, salesman, surveyor or other similar offices is located within the
40 home of the practitioner.

1 **Homeowners association** - A private, nonprofit corporation of homeowners for the
2 purpose of owning, operating, and maintaining commonly owned properties.

3
4 **Hospital** - An institution specializing in giving clinical, temporary, and emergency
5 services of a medical or surgical nature to human patients and injured persons, and
6 licensed by state law to provide facilities and services in surgery, obstetrics, and general
7 medical practice.

8
9 **Hotel** (See also **motel**) - A facility offering transient lodging accommodations on a daily
10 rate to the general public and providing additional services, such as restaurants, meeting
11 rooms, and recreational facilities.

12
13 **Houses of worship** - A structure that people regularly attend to participate in or hold
14 religious services, meetings, and other activities.

15
16 **Hydric soils** - means soils that are wet frequently enough to periodically produce
17 anaerobic conditions, thereby influencing the species composition or growth, or both, of
18 plants on those soils.

19
20 **Impervious surface** - A surface that has been compacted or covered with a layer of
21 material so that it is highly resistant to infiltration by water. It includes surfaces such as
22 compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs,
23 sidewalks, parking lots, and other similar structures.

24
25 **Indoor Recreation Facility** - A building or group of buildings whereby the primary
26 activity involved is the practice of such recreational activities as basketball, tennis,
27 racquetball, weight lifting, aerobics, swimming, etc.

28
29 **Industrial park** - A planned, coordinated development of a tract of land with two or
30 more separate industrial buildings. Such development is planned, designed, constructed,
31 and managed on an integrated and coordinated basis with special attention given to on-
32 site vehicular circulation, parking, utility needs, building design and orientation, and open
33 spaces and screening.

34
35 **Industry, heavy** – A use engaged in the basic processing and manufacturing of materials
36 or products predominately from extracted or raw materials, or a use engaged in storage of,
37 or manufacturing processes using flammable or explosive materials, or storage or
38 manufacturing processes that potentially involve hazardous or commonly recognized
39 offensive conditions.

40
41 **Industry, light** – A use engaged in the manufacture, predominately from previously
42 prepared materials, of finished products or parts, including processing, fabrication,

1 assembly, treatment, packaging, incidental storage, sales, and distribution of such
2 products, but excluding basic industrial processing.

3
4 **Junk** - Articles that have outlived their usefulness in their original form, and are
5 commonly gathered up and sold to be converted into another product, either of the same
6 or of a different kind.

7
8 **Junk Yard** - Any land or building or part thereof used for the abandonment, sale,
9 storage, collecting or baling of paper, rags, scrap metals, other scrap or discarded
10 materials, or the abandonment, demolition, dismantling, storage, salvaging or sale of
11 automobiles or other vehicles not in running condition, or machinery, or parts thereof.

12
13 **Kennel** - Any building or buildings or land (and associated fencing) designed or arranged
14 for the care of dogs and/or cats belonging to the owner of the principal use, kept for
15 purposes of show, hunting, or as pets.

16
17 **Kennel, commercial** - An establishment licensed to operate a facility housing dogs, cats,
18 or other household pets and where grooming, breeding, boarding, training, or selling of
19 animals is conducted as a business.

20
21 **Land Clearing** - means any activity that removes the vegetative ground cover.

22
23 **Landfill** - A type of operation in which refuse and earth or other suitable cover material
24 are deposited in alternate layers of specified depth in accordance with a definite plan on a
25 specified portion of open land, with each layer being compacted by force applied by
26 mechanical equipment.

27
28 **Liquor Store** – A business that sells alcoholic beverages for consumption off-premises.
29 For the purposes of this Ordinance, the term “liquor store” does not include grocery stores
30 or convenience stores in which beer and/or wine is offered for sale as a minor part of an
31 overall larger inventory of goods. It shall also not include a restaurant that is otherwise
32 operating in accordance with its approved liquor license and all other provisions of this
33 Ordinance.

34
35 **Lot** - A parcel of land undivided by any street and occupied by, or designated to be
36 developed for, one (1) building or principal use and the accessory buildings or uses
37 customarily incidental to such building, use, or development, including such open spaces
38 and yards as are designed and arranged or required by this Ordinance for such building,
39 use, or development. (See Figure 1.1).

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Figure

1.1

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Lot area - The total horizontal area within the lot lines of a lot.

Lot, corner - A lot having continuous frontage on two or more intersecting streets. Notwithstanding any other provision of this Ordinance, corner lots shall be deemed to have two fronts, two sides and no rear for the purpose of meeting setback requirements.

Lot coverage - The maximum area of a lot which may be covered by all buildings and structures. Lot coverage is determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surfaces of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot depth - The average horizontal distance between the front and rear lot lines.

Lot, flag - A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot frontage - The front of a lot shall be construed to be the portion nearest to any public street or way. For the purpose of determining setback requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot, interior - An interior lot is a lot other than a corner lot.

Lot line - The boundary line of a lot (See Figure 1.1).

Lot line, front (See also **yard, front**) - The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more easements, the front lot line shall be the nearest street line (See Figure 1.1).

Lot line, rear - That lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line (See Figure 1.1).

Lot line, side - Any lot line not a front or rear lot line (See Figure 1.1).

Lot of record - A lot which is part of a subdivision recorded in the office of the Clerk of Circuit Court, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through - A lot having its front and rear yards each abutting on a street.

1 **Lot, width** - The horizontal distance between the side lot lines of a lot measured at the
2 minimum front and rear setback lines (for corner lots, it is the distance between each front
3 and side setback line) (See Figure 1.1).
4

5 **Maintenance guarantee** - A guarantee of facilities or work to ensure the correction of
6 any failures of any improvements required pursuant to this Ordinance and regulation, or
7 to maintain same.
8

9 **Major Retail** – A retail establishment in a single building, occupying more than 25,000
10 gross square feet of floor area.
11

12 **Mall** – A large enclosed collection of independent retail stores and services, with
13 associated shared parking areas, constructed and maintained by a management firm as a
14 unit.
15

16 **Manufactured housing** (See also **mobile home**) - A factory built, single-family structure
17 that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National
18 Manufactured Home Construction and Safety Standards Act, is transportable in one or
19 more sections, is built on a permanent chassis, and is used as a place of human habitation;
20 but which is not constructed with a permanent hitch or other device allowing transport of
21 the unit other than for the purpose of delivery to a permanent site, and which does not
22 have wheels or axles permanently attached to its body or frame.
23

24 **Manufactured housing park** - A parcel of land under single ownership that has been
25 planned and improved for the placement of manufactured housing for dwelling purposes.
26

27 **Marina** - means any facility for the mooring, berthing, storing, or securing of watercraft,
28 but not including community piers and other non-commercial boat docking and storage
29 facilities.
30

31 **Medical Services** - Facilities primarily engaged in furnishing outpatient medical, mental
32 health, surgical and other personal health services. These include: medical, dental and
33 psychiatric offices (counseling services by other than medical doctors or psychiatrists are
34 included under the use "Offices"); medical and dental laboratories; out-patient care
35 facilities; emergency room services; and allied health services. Associations or groups
36 primarily engaged in providing medical or other health services to members are included.
37

38 **Mega-Church** – A large, specialized type of house of worship which includes such non-
39 traditional accessory uses as retail sales, residential uses, amusement parks, and sports
40 and entertainment facilities, as an integrated part of the development.
41

42 **Mean High Water Line** - means the average level of high tides at a given location.

1
2 **Micro-brewery** – A facility in which beer is brewed for distribution and consumption
3 off-premises and which possesses the appropriate license from the State of Maryland
4

5 **Mini-warehouse** – Storage facilities located within a totally enclosed structure(s) used
6 for the storage of nonflammable or non-explosive materials. Such facilities shall
7 primarily serve the overflow storage needs of residents.
8

9 **Mobile home** (See also **manufactured housing**) - A transportable, factory-built home,
10 designed to be used as a year-round residential dwelling and built prior to the enactment
11 of the Federal Manufactured Housing Construction and Safety Standards Act of 1974,
12 which became effective June 15, 1976.
13

14 **Mobile Medical Facility** - A temporary use which involves a trailer or mobile
15 unit which houses medical equipment which is customarily moved from location
16 to location when needed.
17

18 **Multiple use** (See also **shopping center**) - Two or more uses contained either within one
19 building or in more than one building on an approved lot provided that if any commercial
20 uses are involved, the total is less than 10,000 square feet gross floor area.
21

22 **Motel** (See also **hotel**) - A building or group of detached or connected buildings designed
23 or used primarily for providing sleeping accommodations for automobile travelers and
24 having a parking space adjacent to a sleeping room.
25

26 **Natural Vegetation** - means plant communities that develop in the absence of human
27 activities.
28

29 **Natural features** - means components and processes present in or produced by nature,
30 including but not limited to soil types, geology, slopes, vegetation, surface water,
31 drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.
32

33 **Nonconforming lot** - A lot which lawfully existed prior to the adoption, revision, or
34 amendment of this Ordinance, but which fails by reason of such adoption, revision, or
35 amendment to conform to the use in which it is located.
36

37 **Nonconforming structure** - An otherwise legal building or structure that does not
38 conform with the lot area, yard, height, lot coverage, or other area regulations of this
39 Ordinance, or is designed or intended for use that does not conform to the use regulations
40 of this Ordinance, for the district in which it is located either at the effective date of this
41 Ordinance or as a result of subsequent amendments to the Ordinance.
42

1 **Nonconforming use** - A lawful use of land that does not comply with the use regulations
2 for its zoning district but which complied with applicable regulations at the time the use
3 was established.

4
5 **Non-tidal wetland** (See also **wetland**) - A wetland that is not influenced by tides.

6
7 **Nursing Home (or Rest Home, Convalescent Home, or Home for the Aged)** - A place
8 devoted primarily to the maintenance and operation of facilities for the treatment and care
9 of any person suffering from illness, disease, deformities, or injuries who do not require
10 extensive or intensive care such as provided in a general or other specialized hospital. A
11 nursing home provides medical, nursing, convalescent, or chronic care in addition to
12 room and board.

13
14 **Office(s)** - A building or portion of a building wherein services are performed involving
15 predominantly administrative, professional, or clerical operations.

16
17 **Offsets** - means structures or actions that compensate for undesirable impacts.

18
19 **Open space** - Undeveloped land used for recreation, resource protection, amenity, and/or
20 buffers and protected from future development.

21
22 **Open space, common** - Open space within or related to a development, not in
23 individually owned lots or dedicated for public use, but which is designed and intended
24 for the common use or enjoyment of the residents of the development.

25
26 **Open storage** - Outdoor storage that is neither screened nor buffered from view from any
27 public way.

28
29 **Open Water** - Tidal waters of the State that do not contain tidal wetlands and/or
30 submerged aquatic vegetation.

31
32 **Outdoor recreation area** - An area where such recreational activities as golf, tennis,
33 swimming, etc., are pursued out of doors.

34
35 **Outdoor or Outside storage** - The keeping, in an unroofed area, of any goods, junk,
36 material, merchandise, or inoperable vehicles in the same place for more than 24 hours.
37 Goods or materials kept at an active construction site or automobiles, trailers, boats, etc.,
38 whose display is an essential part of the business shall not be considered outside storage.

39
40 **Pad, development** - The area of a lot, within a larger overall lot area that is devoted to
41 structures and septic systems. In general, where a development pad is prescribed the
42 remaining area of the lot must be maintained in natural vegetation.

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Park - Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking lot or parking area - An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. The parking area includes the required maneuvering space but not the ancillary access drive.

Parking, shared - The development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.

Parking space - An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

Performance guarantee (See also **maintenance guarantee**) - A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, the Subdivision Regulations, and the approved plans and specifications of a development.

Personal Services - Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; massage therapy; and laundromats and dry cleaning stations serving individuals and households.

Photocopy service - A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

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

Planned unit development (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planning and Zoning Commission (or Planning Commission) - The Easton Planning and Zoning Commission.

Portable on demand storage – (PODS) aluminum or steel cargo crates that can be delivered to a location, loaded up, and hauled away to a warehouse for storage.

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Principal building - A building in which the primary use of the lot on which the building is located is conducted.

Principal use - The main use of land or structures, as distinguished from a secondary or accessory use.

Print shop - A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Private Clubs and Lodge - Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the general public.

Public Utility - Any activity or use which provides and offers such services to the general public as vehicular and pedestrian circulation systems, storm sewers, water, sewerage, sewage treatment, electricity, gas, or communications. Excluded from this definition are the general offices for any entity which provides such services.

Recycling collection station - A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Recycling processing center - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored flattened, crushed, or bundled. Such materials may then be transported off site to be recycled or they may be recycled, reprocessed, and treated on site to return such products to a condition in which they may again be used for production.

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

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

Restaurant, carry-out/delicatessen- An establishment that sells prepared food and/or beverages that are delivered to and/or consumed by customers off the premises.

Restaurant, fast food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Fast food restaurants may also include drive-thru windows.

1
2 **Restaurant, nightclub** (See also **Bar** and **Tavern**) - A commercial establishment
3 dispensing alcoholic beverages for consumption on the premises which also serves at
4 least two (2) complete meals per day and in which dancing is permitted or entertainment
5 is provided.
6

7 **Restaurant, sit down** - A business establishment whose principal business is the selling
8 of unpackaged food to the customer in a ready-to-consume state, in individual servings,
9 or in nondisposable containers, and where the customer consumes these foods while
10 seated at tables or counters located within the building.
11

12 **Retirement Community** - A residential facility for four or more elderly persons (aged 62
13 or older) within which are provided living and sleeping facilities, meal preparation,
14 laundry services, and room cleaning. Such facilities may also provide other services such
15 as transportation for routine social and medical appointments, and counseling.
16

17 **Right-of-way** - A strip or area of land occupied or intended to be occupied by a
18 crosswalk, railroad, utilities, private or public ways of access, or other special uses.
19

20 **Road, public** - All public property reserved or dedicated for street traffic.
21

22 **Road, private** - A way open to vehicular ingress and egress established as a separate tract
23 for the benefit of certain, adjacent properties. This definition shall not apply to private
24 driveways.
25

26 **Satellite dish antenna** - a round parabolic antenna intended to receive signals from
27 orbiting satellites and other sources.
28

29 **School** - A facility that provides a curriculum of elementary and secondary academic
30 instruction, including kindergartens, elementary schools, junior high schools, and high
31 schools.
32

33 **Screening** (See also **buffer area**) - The method by which a view of one site from another
34 adjacent site is shielded, concealed, or hidden. Screening techniques include fences,
35 walls, hedges, berms, or other features.
36

37 **Service station** (See also **garage, repair**) - Any premises where gasoline and other
38 petroleum products are sold and/or light maintenance activities such as engine tuneups,
39 lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall
40 not include premises where heavy automobile maintenance activities such as engine
41 overhauls, automobile painting, and body fender work are conducted.
42

1 **Setback** - A line beyond which no building or structure is permitted to extend. All
2 setbacks extend from property line to property line.

3
4 **Shopping center** – A group of three (3) or more architecturally unified commercial
5 establishments with a total gross floor area of more than 10,000 square feet which are
6 planned, constructed, and managed as a total entity with customer and employee parking
7 provided on-site. A shopping center may either be a strip center or a campus-style center.
8 Strip centers describe all existing centers in Easton as of the year 2000 and new ones shall
9 be prohibited. Existing ones may be redeveloped and in the event that downtown-scale
10 and character commercial development is defined as a strip center, it shall be permitted.

11
12 **Sign** - A structure or device designed or intended to convey information to the public in
13 written or pictorial form. **More specific sign definitions are given below.**

14 **banner** - Any sign of lightweight fabric or similar material.

15
16 **building sign** - Any sign attached to any part of a building, as contrasted to a
17 freestanding sign.

18
19 **commercial message** - Any sign wording, logo, or other representation that,
20 directly or indirectly, names, advertises, or calls attention to a business, product,
21 service, or other commercial activity.

22
23 **decorative flag** - A specific type of flag which is distinguished from the general
24 definition of "flag" in that it does not relate to any government, political
25 subdivision, or other entity. Such a flag shall contain no generally recognized
26 commercial symbol and no written message.

27
28 **flag** - Any fabric, banner, or bunting containing distinctive colors, patterns, or
29 symbols, used as a symbol of government, political subdivision, or other entity.

30
31 **freestanding sign** - A self-supporting sign not attached to any building, wall, or
32 fence, but in a fixed location. This does not include portable or trailer type signs.

33
34 **incidental sign** - A sign, generally informational, that has a purpose secondary to
35 the use of the zone lot on which it is located, such as "no parking," "entrance,"
36 "loading only," "telephone," and other similar directives. No sign with a
37 commercial message legible from a position off the zone lot on which the sign is
38 located shall be considered incidental.

1 **multiple signs** - A group of signs clustered together in a single structure or
2 compositional unit. Multiple signs are used to advertise several occupants of the
3 same building or building complex.
4

5 **nonconforming sign** - Any sign that does not conform to the requirements of this
6 Section.
7

8 **pennant** - Any lightweight plastic, fabric, or other material, whether or not
9 containing a message of any kind, suspended from a rope, wire, or string, usually
10 in series, designed to move in the wind.
11

12 **portable sign** - Any sign not permanently attached to the ground or other
13 permanent structure, or a sign designed to be transported, including, but not
14 limited to, signs designed to be transported by means of wheels; balloons used as
15 signs; umbrellas used for advertising; and signs attached to or painted on vehicles
16 parked and visible from the public right-of-way, unless said vehicle is used in the
17 normal day-to-day operations of the business.
18

19 **projecting sign** - Any sign affixed to a building or wall in such a manner that its
20 leading edge extends more than six (6) inches beyond the surface of such building
21 or wall.
22

23 **roof sign** - Any sign affixed to or erected and constructed wholly on and over the
24 roof of a building or supported by the roof structure. The roof structure shall also
25 include fake roof structures.
26

27 **sidewalk sign** - A freestanding sign of six (6) square feet or less designed to
28 convey information to pedestrian rather than vehicular traffic. Such sign shall not
29 extend out from the building line more than three (3) feet and in no case nearer to
30 the curb than six (6) feet; and provided further that no sign having sharp or
31 dangerous projections shall be permitted.
32

33 **street frontage** - The lineal distance for which a building fronts on lot line of a
34 zone lot adjoins a public street, from one lot line intersecting said street to the
35 furthest distant lot line intersecting the same street.
36

37 **temporary sign** - Any sign that is used only temporarily and is not permanently
38 mounted.
39

40 **wall sign** - Any sign attached parallel to, but within six inches of, a wall, or
41 erected and confined within the limits of an outside wall of any building or

1 structure, which is supported by such wall or building, and which displays only
2 one sign surface.

3
4 **window sign** - Any sign, pictures, symbol, or combination thereof, designed to
5 communicate information about an activity, business, commodity, event, sale, or
6 service, that is placed inside a window or upon the window panes or glass and is
7 visible from the exterior of the window. This definition shall not include the
8 display of merchandise provided that such display does not contain any
9 advertising.

10
11 **Site plan** - A plan, prepared to scale, showing accurately and with complete
12 dimensioning, the boundaries of a site and the location of all buildings, structures, uses,
13 and principal site development features proposed for a specific parcel of land.

14
15 **Sketch plan** - A conceptual plan prepared in accordance with the provisions of the Town
16 of Easton Subdivision Regulations, whose purpose is to provide the applicant with an
17 opportunity to resolve problems early in the development review process and to make
18 necessary modifications and revisions prior to incurring the expense of preparing a
19 preliminary and final plat.

20
21 **Special Exception** - A grant of a specific use that would not be appropriate generally or
22 without restriction and shall be based upon a finding that certain conditions governing
23 special exceptions as detailed in this Ordinance exist, that the use conforms to the
24 Comprehensive Plan for the Town of Easton and is compatible with the existing
25 neighborhood.

26
27 **Special Office Use** - The use of certain historically and architecturally significant
28 structures for offices under the conditions outlined in Section 1008.4.A.3 of this
29 Ordinance.

30
31 **Stadium** – A large, oval, round, or U-shaped, usually open structure, used for sports and
32 other entertainment events, with tiers of seating for thousands of spectators (as
33 differentiated from merely erecting bleachers at a park or ball field).

34
35 **Steep slopes** - means slopes of 15 percent or greater incline.

36
37 **Story** - That portion of a building included between the surface of any floor and the
38 surface of the floor next above it, or if there be no floor above it, the space between such
39 floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over
40 six (6) feet above the average level of the finished ground surface adjoining the exterior
41 walls of such story, or if it is used for business or dwelling purposes.

1 **Street** - A public way which provides a means of access to abutting property. The term
2 shall include road, street, avenue, drive, circle, highway, or similar term. **More specific**
3 **street definitions may be found in the Town of Easton's Subdivision Regulations.**
4

5 **Street line** - The line dividing a street from a lot.
6

7 **Structure** - Anything constructed or erected with a fixed location on the ground, or
8 attached to something having a fixed location on the ground. Among other things,
9 structures include buildings, mobile homes, walls, billboards, poster panels and fences in
10 excess of forty-eight (48) inches in height.
11

12 **Subdivision** - The division of a lot, tract, or parcel of land into two (2) or more lots, plats,
13 sites, or other divisions of land for the purpose, whether immediate or future, of sale or of
14 building development. It includes resubdivision and, when appropriate to the context,
15 relates to the process of resubdividing or to the land or territory subdivided.
16

17 **Tavern** (See also **bar and Restaurant, nightclub**) - An establishment serving alcoholic
18 beverages in which the principal business is the sale of such beverages at retail for
19 consumption on the premises and where sandwiches and snacks are available for
20 consumption on the premises.
21

22 **Temporary use** - A prospective use, intended for limited duration, to be located in a
23 zoning district not permitting such use, and not continuing a nonconforming use or
24 building.
25

26 **Tidal Wetlands** - State wetlands that are defined as any land under the navigable waters
27 of the state below the Mean High Water Line, affected by the regular rise and fall of tide,
28 and private wetlands that defined as any land not considered "state wetlands" bordering or
29 lying beneath tidal waters, that is subject to regular or periodic tidal action and supports
30 aquatic growth. Private wetlands includes wetlands transferred by the state by a valid
31 grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the
32 Constitution to the extent of the interest transferred. The term "regular or periodic tidal
33 action" means the rise and fall of the sea produced by the attraction of the sun and moon
34 uninfluenced by the wind or any other circumstance.
35

36 **Topography** - The existing configuration of the earth's surface including the relative
37 relief, elevations, and position of land features.
38

39 **Tower** (See also **antenna**) - A structure on which is attached antennas intended for
40 transmitting or receiving television, radio, telephone communications.
41

1 **Townhouse** - One of three or more residential buildings having a common or party wall
2 separating dwelling units.

3
4 **Town** - The Town of Easton.

5
6 **Town Engineer** - The Easton Engineer or his or her designee.

7
8 **Town Planner/Codes Administrator (or Town Planner or Planner)** - The designee of
9 the Town Engineer charged with the responsibility for administering the Town's planning
10 and zoning programs.

11
12 **Tributary streams** - Perennial and intermittent streams in the Critical Area that are so
13 noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle
14 maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of
15 Easton.

16
17 **Variance** - A modification only of density, bulk, or area requirements where such
18 modification will not be contrary to the public interest and where owing to conditions
19 peculiar to the property, and not the results of any action taken by the applicant, a literal
20 enforcement of this Ordinance would result in unnecessary hardship or practical
21 difficulty.

22
23 **Warehouse** - A building used primarily for the storage of goods and materials.

24
25 **Warehousing and distribution** - A use engaged in storage, wholesale, and distribution
26 of manufactured products, supplies, and equipment, but excluding bulk storage of
27 materials that are inflammable or explosive or that create hazardous or commonly
28 recognized offensive conditions.

29
30 **Water-dependent facilities** - Structures or works associated with industrial, maritime,
31 recreational, educational, or fisheries activities which the Town of Easton has determined
32 require location at or near the shoreline within the Buffer.

33
34 **Wayside Stand** - A structure of 400 square feet or less of floor area used seasonally for
35 the display and sale of locally grown agricultural products and containing no space for
36 customers within said structure.

37
38 **Wetland** - An area that is inundated or saturated by surface water or groundwater at a
39 frequency and duration sufficient to support, and that, under normal circumstances, does
40 support, a prevalence of vegetation typically adapted for life in saturated soil conditions,
41 commonly known as hydrophytic vegetation.

1 **Wildlife corridor** - A strip of land having vegetation that provides habitat and a safe
2 passageway for wildlife.

3
4 **Yard** - Any open space located on the same lot with a building, unoccupied and
5 unobstructed from the ground up, except for accessory buildings, or such projections as
6 are expressly permitted in these regulations. The minimum depth or width of a yard shall
7 consist of the horizontal distance between the lot line and the nearest point of the
8 foundation wall of the main building. (See Figure 1.3).

9
10 **Yard, Front** - A yard extending across the front of a lot between the side lot lines and
11 being the minimum horizontal distance between the street line and the main building or
12 any projections thereof. On corner lots, the front yard shall be considered as parallel to
13 all streets.

14
15 **Yard, rear** - A yard extending across the full width of the lot and lying between the rear
16 lot line and the nearest line of the building. Rear-yard depth shall be measured at right
17 angles to the rear line of the lot.

18
19 **Yard, side** - A yard between the side line of the lot and the nearest line of the building
20 and extending from the front yard to the rear yard, or in the absence of either of such front
21 or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right
22 angles to side lot lines.

23
24 **Zero lot line** - The location of a building on a lot in such a manner that one or more of
25 the building's sides rests directly on a lot line.

26
27 **Zone** - A portion of the territory of the Town, exclusive of streets, alleys, and other public
28 ways, within which certain uses of land, premises, and buildings are not permitted and
29 within which certain yards and open spaces are required and certain height limits are
30 established for buildings.

31
32 **Zoning Administrator (or Zoning Inspector)** - The governmental official of the Town
33 of Easton charged with administering the Easton Zoning Ordinance or his or her designee.
34