

1 **ARTICLE I**
2 **GENERAL**

3
4 **SECTION 28 – 101 TITLE**
5

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

10 **SECTION 28 – 102 LEGISLATIVE AUTHORITY**
11

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

15 **SECTION 28 – 103 STATEMENT OF LEGISLATIVE INTENT**
16

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

- 26 1. help accomplish the coordinated, adjusted, and harmonious development of
27 the Town and its environs in accordance with present and future needs;
28
- 29 2. promote health, safety, morals, order, convenience, prosperity, and general
30 welfare; including among other things, adequate provisions for traffic, the
31 promotion of public safety, adequate provision for light and air, conservation
32 of natural resources, the prevention of environmental pollution, and the
33 promotion of the healthful and convenient distribution of population;
34
- 35 3. encourage and, where necessary, require land use development and uses
36 which exemplify good civic design and arrangement and the stewardship of
37 the Chesapeake Bay and the land as a universal ethic;
38
- 39 4. encourage the conservation of resources, including a reduction in resource
40 consumption;
41
- 42 5. locate development in locations suitable for it given existing and reasonably
43 foreseeable development; and
44
- 45 6. encourage appropriate and sustainable economic growth.
46

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

6 **SECTION 28 – 104 JURISDICTION**
7

8 These regulations shall apply to all properties within the corporate limits of the Town of Easton,
9 Maryland.
10

11 **SECTION 28 – 105 SEPARABILITY CLAUSE**
12

13 Other than as noted in this section, if any section or provision of this Ordinance is declared by
14 the courts to be unconstitutional or invalid, such decision shall not affect the validity of the
15 Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or
16 invalid. However, if any court declares any portion of any provision of this Ordinance relating to
17 any planned redevelopment and/or floating zone district (§ 28 – 601, § 28 – 801, § 28 – 901)
18 unconstitutional or invalid, such decision shall render the entire section invalid and the uses
19 permitted hereunder as floating zone uses shall not be permitted in the Town unless and until
20 such unconstitutionality or invalidity has been corrected by legislative action by the Town
21 Council.
22

23 **SECTION 28 – 106 EFFECTIVE DATE AND DISPOSITION OF PENDING MATTERS**
24

- 25 A. The provisions of this Ordinance were adopted on 02\21\06 and became effective on
26 03\15\06. Ordinance Number 396 (previous Zoning Ordinance) and all amendments
27 thereto shall as of the effective date of this Ordinance be of no further effect or
28 validity, except as to the extent that specific continuing rights are granted by the
29 terms of this Zoning Ordinance. Except as expressly provided in the remaining
30 provisions of this Section, this Ordinance shall take effect and be enforced
31 immediately upon its passage.
32
- 33 B. Construction may be begun and/or completed under the terms of a building permit
34 issued prior to the effective date of this Section, if such permit was in force and fully
35 valid on that date. Such construction is subject to (1) all terms of the permit, (2) the
36 Ordinance under which it was issued and (3) if applicable, the provisions of
37 Subsection D below.
38
- 39 C. Any of the following matters filed prior to the effective date of this Section shall be
40 processed and/or decided in accordance with the Ordinance in effect on the date on
41 which the particular matter was filed:
42
- 43 1. Applications for a building permit for the construction and/or modification of
44 a single-family home;
 - 45 2. Applications for subdivision approval, if such application received
46

1 preliminary approval by the Planning Commission prior to the effective date
2 of this Ordinance;

3
4 3. Applications for site plan approval, if such application received preliminary
5 approval prior to the effective date of this Ordinance;

6
7 4. Any planned redevelopment or floating zone map amendment application
8 which has received approval from the Town Council but has not received final
9 site plan and/or subdivision approval from the Planning and Zoning
10 Commission

11
12 D. A project may be begun and/or completed in accordance with preliminary site plan
13 approval given prior to the effective date of this Ordinance or in accordance with
14 Subsection 28 – 106 C (3), under the terms of the Ordinance governing such
15 approval. However, any such approval shall expire at the later of (a) two years from
16 the effective date of this Section or (b) two years from the date of such final approval.
17 On written application of the owner prior to the time of such expiration, the Planning
18 Commission may grant an extension for a specified period of not more than two years
19 from the expiration date provided in this Subsection. The Planning Commission shall
20 not grant an extension unless it finds that the owner has not effectively abandoned the
21 project, such as, for example, where construction has not been completed for reasons
22 beyond the control of the owner and his contractors and agents.

23
24 E. With respect to any building permit or pending matters referred to in Subsections B,
25 C, and D above, nothing in this Section shall be construed (a) to affect the status of
26 any use or structure involved in any such permit, application, approval or pending
27 matter as a nonconforming use or structure under this Ordinance; (b) to extend,
28 enlarge or otherwise affect the provisions of any prior Ordinance relating to the
29 duration, expiration or termination of any such permit, application, approval or
30 pending matter; or (c) to revive or give any other effect to any permit, application,
31 approval or pending matter which has been, or is hereafter deemed to be, abandoned
32 or terminated under the provisions of this Ordinance or any prior Ordinance which is
33 applicable.

34
35 **SECTION 28 – 107 OFFICIAL ZONING MAP**

36
37 A. The incorporated areas of the Town are hereby divided into zones, as shown on the
38 Official Zoning Map which, together with all explanatory matter thereon, is hereby
39 adopted by reference and declared to be a part of this Ordinance.

40
41 B. The Official Zoning Map shall be identified by the signature of the Mayor and
42 Council attested by the Town Clerk, and bearing the seal of the Town under the
43 following words: "This is to certify that this is the Official Zoning Map referred to in
44 Section 28 – 107 of the Zoning Ordinance of the Town of Easton, Maryland," together
45 with the date of the adoption of this ordinance.

- 1 C. If changes are made in zone boundaries or other matter portrayed on the Official
2 Zoning Map, such changes shall be made or noted by ordinance number on the
3 Official Zoning Map promptly after the amendment has been approved by the Mayor
4 and Town Council, together with an entry in the amending ordinance as follows: "On
5 (date), by official action of the Town Council, the following (change or changes)
6 were made in the Official Zoning Map: (brief description of nature of change),"
7 which entry shall be signed by the Mayor and Council and attested by the Town
8 Clerk.
9
- 10 D. No changes of any nature shall be made in the Official Zoning Map or matter shown
11 thereon except in conformity with the procedures set forth in this ordinance. Any
12 unauthorized change of whatever kind by any person or persons shall be considered a
13 violation of this ordinance and punishable as provided under Section 28 – 1308 of
14 this Ordinance.
15
- 16 E. Regardless of the existence of purported copies of the Official Zoning Map which
17 may from time to time be made or published, the Official Zoning Map, which shall be
18 located in the office of the Town Planner, shall be the final authority as the current
19 zoning status of land and water areas, buildings, and other structures in the Town.
20

21 **SECTION 28 – 108 REPLACEMENT OF OFFICIAL ZONING MAP**
22

- 23 A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or
24 difficult to interpret because of the nature or number of changes and additions, the
25 Town Council may by resolution adopt a new Official Zoning Map which shall
26 supersede the prior Official Zoning Map.
27
- 28 B. The new Official Zoning Map may correct drafting or other errors or omissions in the
29 prior Official Zoning Map, but no such correction shall have the effect of amending
30 the original zoning map or ordinance or any subsequent amendment thereof. The
31 Planning Commission shall certify as to the accuracy of the new Official Zoning Map
32 prior to its adoption by the Mayor and Council. The new Official Zoning Map shall
33 be identified by the signatures of the Mayor and Council attested by the Town Clerk,
34 and bearing the seal of the Town under the following words: "This is to certify that
35 this Official Zoning Map supersedes and replaces the Official Zoning Map adopted
36 (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town
37 of Easton, Maryland."
38

39 **SECTION 28 – 109 OFFICIAL CRITICAL AREA OVERLAY DISTRICT MAPS**
40

- 41 A. Official Critical Area Overlay District Maps shall be prepared and maintained as part
42 of the Official Zoning Map of the Town. They shall delineate the extent of the
43 Critical Area Overlay District ("CAO") that shall correspond to the Chesapeake Bay
44 Critical Area. Within the designated Critical Area District, all land shall be assigned
45 one of the following land use management classifications: Intensely Developed Area
46 (IDA), Limited Development Area (LDA), and Resource Conservation Area (RCA).

1 The Critical Area Overlay District Maps may be amended by the Town in compliance
2 with the amendment provisions in this Ordinance, the Maryland Critical Area Law
3 and Critical Area Criteria, contained in COMAR 14.15 or its successor regulations.
4

- 5 B. The Town may elect to adjust the Critical Area Boundary to delete areas of the Town
6 from the Critical Area Overlay District only at such times as new Official Wetland
7 Maps are adopted by the State of Maryland or an area of the Critical Area has been
8 approved for exclusion by the Critical Area Commission. The Town may also elect
9 to add areas to the Critical Area at any time. Such changes shall be treated as
10 amendments to the Critical Area Overlay District ("CAO") on the Official Critical
11 Area Overlay District Maps for the Town.
12

13 **SECTION 28 – 110 LIMITS ON THE NUMBER OF ACTIVE APPLICATIONS**
14

15 At no time may an applicant/property owner submit an application for any property for which
16 another application has been submitted and is being reviewed. In order to have a different
17 application reviewed by the Town, any applicable preceding application must either (1) expire (if
18 approved) or (2) be formally withdrawn by the applicant. These provisions shall also apply to
19 applications to subdivide land under the provisions of the Town's Subdivision Regulations. This
20 provision shall not apply to applications that are complimentary, for example a site plan review
21 and a Special Exception request.
22

23 **SECTION 28 – 111 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**
24

25 Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the
26 following rules shall apply:
27

- 28 A. Boundaries indicated as approximately following the center lines of streets, highways,
29 or alleys shall be construed to follow such center lines;
30
31 B. Boundaries indicated as approximately following platted lot lines shall be construed
32 as following such lot lines;
33
34 C. Boundaries indicated as approximately following town limits shall be construed as
35 following town limits;
36
37 D. Boundaries indicated as following railroad lines shall be construed to be midway
38 between the main tracks;
39
40 E. Boundaries indicated as following shore lines shall be construed to follow such shore
41 lines, and in the event of change in the shore line shall be construed as moving with
42 the actual shore line; boundaries indicated as approximately following the center lines
43 of streams, rivers, creeks, lakes, or other bodies of water shall be construed to follow
44 such center lines;
45
46 F. Boundaries indicated as parallel to or extensions of features indicated in subsections

1 28 – 110 (A) through 28 – 110 (E) above shall be so construed. Distances not
2 specifically indicated on the Official Zoning Map shall be determined by the scale of
3 the map;
4

5 G. Where a lot of one acre or less is divided by one or more zone boundary lines, and
6 where more than fifty percent of said lot lies within a more intensive use district, the
7 lot shall be considered as entirely within the more intensive use district. This
8 provision shall not be interpreted to rezone any area to a less intensive use. This
9 provision shall not apply to any lot of more than one acre, and in such cases, the
10 provisions of each zoning district shall apply.¹
11

12 H. If all rules for the interpretation of zoning boundaries as outlined above have been
13 exhausted and it is still unclear as to what the zoning classification is for a parcel or a
14 portion thereof, said zoning shall be deemed to be A-1 until such time as the Town
15 Council may affix the appropriate classification thereto. Such determination by the
16 Town Council shall be made after first referring the matter to the Planning and
17 Zoning Commission for recommendation and holding a public hearing advertised in
18 accordance with the provisions of Section 28 – 1403 of this Ordinance.
19

20 **SECTION 28 – 112 APPLICATION OF REGULATIONS**

21

22 The regulations set by this Ordinance within each zone shall be minimum regulations and shall
23 apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter
24 provided:
25

26 A. No building, structure, or land shall hereinafter be used or occupied, and no building
27 or structure or part thereof shall hereafter be erected, constructed, reconstructed,
28 moved, or structurally altered internally or externally, unless in conformity with all
29 the regulations herein specified for the zone in which it is located.
30

31 B. No building or other structure shall hereafter be erected or altered:
32

33 1. to exceed the height;

34 2. to accommodate or house a greater number of families;

35 3. to occupy a greater percentage of lot area;

36 4. to have more narrow or smaller rear yards, front yards, side yards, or other
37 open spaces;
38

39 than herein required; or in any manner contrary to the provisions of this Ordinance.
40
41
42

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
2
3 C. No part of a yard, or other open space, or off-street parking or loading space required
4 about or in connection with any building for the purpose of complying with this
5 Ordinance, shall be included as part of a yard, open space, or off-street parking or
6 loading space similarly required for any other building, except in accordance with
7 Sections 28 – 1001 and 28 – 1002.
8

9 D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in
10 dimension or area below the minimum requirements set forth herein. Yards or lots
11 created after the effective date of this Ordinance shall meet at least the minimum
12 requirements established by this Ordinance.
13

14 **SECTION 28 – 113 INTERPRETATIONS**
15

16 For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as
17 follows:
18

19 A. The word person includes a firm, association, organization, partnership, trust,
20 company, or corporation as well as an individual.
21

22 B. The present tense includes the future tense, the singular number includes the plural,
23 and the plural number includes the singular; words of the masculine gender will
24 include the feminine and the neuter gender will refer to any gender unless the context
25 plainly indicates the contrary.
26

27 C. The word shall is mandatory, the word may is permissive.
28

29 D. The words used or occupied include the words intended, designed, or arranged to be
30 used or occupied.
31

32 E. The word lot includes the words plot or parcel.
33

34 F. The word Town means the Town of Easton, Maryland.
35

36 G. A building or structure includes any part thereof.
37

38 H. Unless it is plainly evident from the context that a different meaning is intended, a
39 regulation which involves two or more items, conditions, provisions, or events
40 connected by the conjunction and, or, or either/or, the use of the conjunction is
41 defined as follows:
42

- 43 1. And means that all the connected items, conditions, provisions and events
44 apply together and not separately.
45

1 2. Or means that the connected items, conditions, provisions, or events apply
2 separately or in any combination.

3
4 3. Either/or means that the connected items, conditions, provisions or events
5 shall apply separately but not in combination.

6
7 I. The word includes does not limit a term to the specified examples, but is intended to
8 extend the term's meaning to all other instances or circumstances of like kind or
9 character.

10
11 **SECTION 28 – 114 DEFINITIONS**

12
13 In this Ordinance, the following specific terms are used as defined unless otherwise apparent
14 from the context:

15
16 **Abatement** – The act of putting an end to a land alteration or development activity or
17 reducing the degree or intensity of the alteration or activity.

18
19 **Abutting** – Having property or zoning lines in common.

20
21 **Accessory Use or Structure** - A structure or use that: a) is clearly incidental to and
22 customarily found in connection with a principal building or use; b) is subordinate to and
23 serves a principal building or a principal use; c) is subordinate in area, extent, or purpose
24 to the principal building or principal use served; d) contributes to the comfort,
25 convenience, or necessity of occupants, business, or industry in the principal building or
26 principal use served; and e) is located on the same lot as the principal building or use
27 served.

28
29 **Addition** – Newly constructed area that increases the size of a structure.

30
31 **Adjacent** – A property abutting or directly across a street, highway, road, alley,
32 watercourse or right-of-way.

33
34 **Adult Day Care Center** – A nonresidential center that:

- 35
36 a. Serves the elderly, medically handicapped adults, or victims of Alzheimer's
37 disease and related disorders;
38 b. Meets the definitions in Health-General Article, § 14-201(b) or § 14-301(b),
39 Annotated Code of Maryland; and
40 c. Is licensed by the Department of Health and Mental Hygiene under COMAR
41 10.12.04.

42
43 **Adult Oriented Business** – means any business, operation, or activity, a significant
44 amount of which consists of:

- i. the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar restaurant, club or lodge, or other establishment; or
- ii. the sale, provision, rental, or promotion of adult entertainment or material, in any format, form, or medium, including, but not limited to, books, magazines, videos, DVDs, CDs, movies, photographs, and/or coin operated or pay-per-view viewing devices, including, but not limited to, the operation of an adult book or video store or viewing booth.

For the purposes of this definition, the term “significant” shall have the meaning set forth in § 30-1 of the Easton Town Code. Additional definitions pertinent to Adult Oriented Businesses are as follows:

Adult entertainment or material – shall have the meaning set forth in § 30-1 of the Easton Town Code.

Adult book or video store – shall have the meaning set forth in § 30-1 of the Easton Town Code.

Live Viewing Booth – means any booth, cubicle, stall or room of less than six hundred (600) square feet of floor space or area to which patrons may gain admittance, wherein the following are regularly featured:

- i. persons who appear in a state of semi-nudity; and/or
- ii. live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities

Viewing booth – means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

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

Agricultural Cultivation – Services or activities performed in connection with the cultivation of soil or the raising, harvesting, handling, planting, drying, packing, packaging, processing, grading, or storing or delivering to storage or to market or to a carrier for transportation to market an agricultural or horticultural commodity in its unmanufactured state, including without limitation grains, fibers, hay, silage, fruit and

1 truck crops, but excluding livestock and poultry. These services or activities include
2 tillage, plowing, seeding, fertilization, pest control, harvesting, and maintenance of best
3 management practices.
4

5 **Agricultural easement** – A non-possessory interest in land which restricts the
6 conversion of use of the land, preventing non-agricultural uses.
7

8 **Agriculture** – All methods of production and management of livestock, crops,
9 vegetation, and soil. This includes, but is not limited to, the related activities of tillage,
10 fertilization, pest control, harvesting, and marketing. It also includes, but is not limited
11 to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy
12 cows, sheep, goats, hogs, horses, and poultry and handling their by-products, except
13 where prohibited by other Town Codes. The processing, packaging or manufacturing of
14 agricultural products is not included in the use “Agriculture.”
15

16 **Agriculture, controlled-environment** – The practice of agriculture either wholly or
17 partially within a structure in which such factors as temperature, light and humidity can
18 be regulated.
19

20 **Airport** – Any area of land or water designed and set aside for the landing and take-off
21 of aircraft, including all necessary facilities for the housing and maintenance of aircraft
22 and any accessory structures or uses.
23

24 **Alley** – A public way affording a secondary means of access to the rear or sides of the
25 lot.
26

27 **Alteration** – Any change, addition, or modification in construction or occupancy of an
28 existing structure.
29

30 **Alteration, structural** - Any change in the supporting members of a building or
31 structure, such as bearing walls, columns, beams, or girders; provided, however, that the
32 application of any exterior siding to an existing building for the purpose of beautifying
33 and modernizing shall not be considered a structural alteration.
34

35 **Ambulance Service** – A facility housing ambulance or medical emergency vehicles and
36 attendant staff, including offices and supply storage.
37

38 **Anadromous fish** – means fish that travel upstream (from their primary habitat in the
39 ocean) to freshwater in order to spawn.
40

41 **Anadromous fish propagation waters** – those streams that are tributary to the
42 Chesapeake Bay and Atlantic Coastal Bays in which the spawning of anadromous species
43 of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring)
44 occurs or has occurred. The streams are identified by the Department of Natural
45 Resources.
46

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

6 **Aquaculture** –
7

- 8 a. Farming or culturing of finfish, shellfish, other aquatic plants or animals or both,
9 in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or
10 impoundments;
11
12 b. Activities include hatching, cultivating, planting, feeding, raising, and harvesting
13 of aquatic plants and animals and the maintenance and construction of necessary
14 equipment, buildings, and growing areas; and
15
16 c. Cultivation methods include, but are not limited to, seed or larvae development
17 and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed
18 floats and the culture of clams and oysters on tidelands and subtidal areas. For the
19 purpose of this definition, related activities such as wholesale and retail sales,
20 processing and product storage facilities are not considered aquacultural practices.
21

22 **Assisted Living Facility** – A facility providing room, board and living assistance to
23 persons requiring assistance, but who do not require nursing home or hospital care.
24

25 **Bar and/or cocktail lounge** – (See also **Restaurant, Nightclub** and **Tavern**) Any
26 premises wherein alcoholic beverages are sold at retail for consumption on the premises
27 and minors are excluded therefrom by law. It shall not mean a premises wherein such
28 beverages are sold in conjunction with the sale of food for consumption on the premises
29 and the sale of said beverages comprises less than twenty-five (25%) percent of the gross
30 receipts.
31

32 **Barren Land** – Unmanaged land having sparse vegetation.
33

34 **Bed and Breakfast Inn** - A single family owner occupied dwelling which is used for the
35 lodging of overnight guests, none of whom shall remain for more than fifteen (15)
36 consecutive nights.
37

38 **Bedroom** – A room in a dwelling unit planned and intended for sleeping separable from
39 other rooms by a door.
40

41 **Best Management Practices (BMPs)** – conservation practices or systems of practices
42 and management measures that control soil loss and reduce water quality degradation
43 caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but
44 are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal
45 waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and
46 proper nutrient application measures.

1 **Bistro** – An establishment possessing a Talbot County Class I Alcoholic Beverages
2 License where wine and/or beer is sold for consumption both on premises and off-
3 premises, and where light food service is provided consisting of hors d'oeuvres,
4 appetizers, small savory dishes such as chesses, breads, and cured meats, cold
5 sandwiches, desserts and/or similar light fare.
6

7 **Boarding House** – An establishment with lodging where meals are regularly prepared
8 and served for compensation and where food is placed upon the table family style,
9 without service or ordering of individual portions from a menu.
10

11 **Brew pub** – A restaurant that also possesses a State of Maryland Class 7 micro-brewery
12 license or a Class 6 pub-brewery license.
13

14 **Buffer** – Area that based on conditions at the time of development is immediately
15 landward from mean high water of tidal waterways, the edge of each bank of a tributary
16 stream, or the landward edge of a tidal wetland; and the area exists in, or is established in,
17 natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial
18 environments from human disturbance. The Buffer includes an area of at least 100-feet
19 even if that area was previously disturbed by human activity or is currently developed
20 and also includes any expansion for contiguous sensitive areas, such as a steep slope,
21 hydric soil, highly erodible soil, non-tidal wetland, or a Non-tidal Wetland of Special
22 State Concern as defined in the COMAR 26.23.01.01. In non-Critical Area contexts, see
23 “Buffer Area or Yard” below.
24

25 **Buffer Exemption Area** – means areas within the designated Buffer which are largely or
26 totally developed and which include lots less than 200 feet deep the development of
27 which is grandfathered under the provisions of COMAR 14.15.02.07.
28

29 **Buffer Management Area (BMA)** – an area officially mapped by the Town of Easton
30 and approved by the Critical Area Commission as a Buffer Management Area, where it
31 has been sufficiently demonstrated that the existing pattern of residential, industrial,
32 commercial, institutional, or recreational development prevents the Buffer from fulfilling
33 its water quality and habitat functions, and where development in accordance with
34 specific Buffer Management Area provisions can be permitted in the Buffer without a
35 variance.
36

37 **Buffer Management Plan** – Includes a major Buffer management plan, a minor Buffer
38 management plan, and a simplified Buffer management plan.
39

40 **Bufferyard** – in the Critical Area, means an area at least 25 feet wide, located between
41 development activity and tidal waters, tidal wetlands, or a tributary stream, planted with
42 vegetation consisting of native canopy trees, understory trees, shrubs, and perennial
43 herbaceous plants that is used in Buffer Management Areas to provide water quality and
44 habitat benefits. This area is to be managed and maintained in a manner that optimizes
45 these benefits.
46

1 Outside the Critical Area, “Bufferyard” or “Buffer Area” means a landscaped area
2 intended to separate and partially obstruct the view of two adjacent land uses or
3 properties from one another.
4

5 **Building area** – The area of a lot remaining after all setback lines are established.
6

7 **Building envelope** – That area within the required setback lines for the given lot.
8

9 **Building Inspector** – The governmental official of the Town of Easton charged with
10 administering the Town's Building Code and issuing building permits, or his or her
11 designee.
12

13 **Building line** – The line, parallel to the street line that passes through the point of the
14 principal building nearest the front lot line.
15

16 **Business Services** – Services rendered to a business establishment or individual on a fee
17 or contract basis including actuarial, advertising, credit reporting, janitorial, office or
18 business equipment rental or leasing, photofinishing, telecommunications, window
19 cleaning, blue-printing and photocopying, and other such services.
20

21 **Caliper** – The diameter of a tree measured at two inches above the root collar.
22

23 **Canopy tree** – means a tree that when mature commonly reaches a height of at least 35
24 feet.
25

26 **Car wash** – An area of land and/or a structure with machine- or hand-operated facilities
27 used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
28

29 **Cemetery** – Land used or intended to be used for the burial of the dead and dedicated for
30 cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries
31 when operated in conjunction with and within the boundaries of such cemetery.
32

33 **Clearcutting** – the removal of the entire stand of trees in one cutting with tree
34 reproduction obtained by natural seeding from adjacent stands or from trees that were cut
35 from advanced regeneration or stump sprouts or from planting of seeds or seedlings by
36 man.
37

38 **Club** – Buildings or facilities owned or operated by a corporation, association, or persons
39 for a social, educational, or recreational purpose; but not primarily for profit or to render
40 a service that is customarily carried on as a business.
41

42 **Cluster development** – A residential development to which dwelling units are
43 concentrated in a selected area or selected areas of the development tract so as to provide
44 natural habitat or other open space uses on the remainder.
45

1 **Colonial nesting water birds** – Herons, egrets, terns, and glossy ibis. For the purposes
2 of nesting, these birds congregate (that is "colonize") in relatively few areas, at which
3 time, the regional populations of these species are highly susceptible to local
4 disturbances.

5
6 **COMAR** – The Code of Maryland Regulations, as from time to time amended, including
7 any successor provisions.

8
9 **Commercial** – When used in conjunction with a use shall mean the use is open to the
10 general public and a fee is charged by the owner, lessee, or licensee for a service or a
11 product.

12
13 **Commercial harvesting** – a commercial operation that would alter the existing
14 composition or profile, or both, of a forest, including all commercial cutting operations
15 done by companies and private individuals for economic gain.

16
17 **Community Center** – A place, structure, area, or other facility used for providing
18 religious, fraternal, social, and/or recreational programs generally open to the public and
19 designed to accommodate and serve significant segments of the community. Such
20 facilities may include meetings rooms, recreation rooms, dining & kitchen facilities and
21 day care centers. Such facilities are not operated primarily for profit.

22
23 **Community piers** – means boat docking facilities associated with subdivisions and
24 similar residential areas, and with condominium, apartment, and other multiple-family
25 dwelling units. Private piers are excluded from this definition.

26
27 **Comprehensive or Master Plan** – The duly adopted Comprehensive Plan of the Town
28 of Easton.

29
30 **Condominium** – An estate in real property consisting of an undivided interest in
31 common with other owners in a portion of a parcel of real property, together with a
32 separate interest in space in a building, such as an apartment or office, established
33 pursuant to Section 11-101 of the Maryland Annotated Code Real Property Article. A
34 condominium may include, in addition, a separate interest in other portions of such real
35 property.

36
37 **Conservation easement** – means a non-possessory interest in land that restricts the
38 manner in which the land may be developed in an effort to conserve natural resources for
39 future use.

40
41 **Consolidation** – A combination of any legal parcel of land or recorded legally buildable
42 lot into fewer lots or parcels than originally existed. An application for consolidation may
43 include a subdivision, lot line abandonment, boundary line adjustment, replatting request,
44 or lot line adjustment.

1 **Construction Supply and Services** – A business which provides the products normally
2 associated with heavy construction and infrastructure such as sewer, water and gas pipes,
3 culverts, cable, etc. Such an establishment typically deals with contractors as opposed to
4 the general public.
5

6 **Convenience store** – Any retail establishment offering for sale prepackaged food
7 products, household items, and other goods commonly associated with the same and
8 having a gross floor area of 5,000 square feet or less.
9

10 **Cover crop** – The establishment of a vegetative cover to protect soils from erosion and to
11 restrict pollutants from entering the waterways. Cover crops can be dense, planted crops
12 of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which
13 maximize infiltration and prevent runoff from reaching erosive velocities.
14

15 **Craft Beverage Manufacturing** – A facility possessing the appropriate license from the
16 State of Maryland, in which beer, wine, cider, mead, distilled spirits or other similar
17 beverages are brewed, fermented, or distilled.
18

19 **Critical Area** – all lands and waters defined in §8-1807 of the Natural Resources Article,
20 Annotated Code of Maryland. They include:
21

- 22 a. All waters of and lands under the Chesapeake Bay and Atlantic Coastal
23 Bays and its tributaries to the head of tide;
- 24 b. All State and private wetlands designated under Title 9 of the Natural
25 Resources Article, Annotated Code of Maryland;
- 26 c. All land and water areas within 1,000 feet beyond the landward
27 boundaries of State or private wetlands and the heads of tides designated
28 under Title 9 of the Natural Resources Article, Annotated Code of
29 Maryland; and
- 30 d. Modification to these areas through inclusions or exclusions proposed by
31 local jurisdictions and approved by the Commission as specified in §8-
32 1807 of the Natural Resources Article, Annotated Code of Maryland.
33

34 **Critical Area Commission** – means the Critical Area Commission for the Chesapeake
35 and Atlantic Coastal Bays.
36

37 **Cul-de-sac** – A local street, one end of which is closed and consists of a circular turn
38 around.
39

40 **Day Care Center, Group** – Any arrangement that provides day care for children on a
41 regular basis, with thirteen (13) or more clients including any relatives of the care
42 provider.
43

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

1
2 **Day Care Facility, Family** – Any arrangement that provides day care for children on a
3 regular basis for eight (8) or fewer clients including any relatives of the care provider.
4

5 **Deck** – An open-air structure above grade, but not more than thirty (30) inches above
6 grade, and immediately adjacent or attached to the principal structure.
7

8 **Density** – means the number of dwelling units per acre of gross area of a development
9 tract.
10

11 **Development** – Any activity, other than normal agricultural activities, which materially
12 affects the existing condition or use of any land, or any structure.
13

14 **Developed Woodlands** – an area of trees or of trees and natural vegetation that is
15 interspersed with residential, commercial, industrial or recreational development.
16

17 **Development** – any activity that materially affects the condition or use of dry land, land
18 under water, or any structure.
19

20 **Development activities** – means any construction, modification, extension or expansion
21 of buildings or structures; placement of fill or dumping; storage of materials; land
22 excavation; land clearing; land improvement; or any combination thereof, including the
23 subdivision of land. Any such activity may involve any residential, commercial,
24 industrial, institutional or transportation facilities or structures.
25

26 **Development envelope** – includes an individually owned lot, the lot coverage on that
27 individually owned lot, a road, a utility, a stormwater management measure, an onsite
28 sewage disposal measure, any area subject to human use such as an active recreation area,
29 any required buffers, and any additional acreage necessary to meet the requirements of
30 the Program.
31

32 **Developer** – a person who undertakes development activity as defined in this Ordinance;
33 or a person who undertakes development activity as defined in the Criteria of the
34 Commission.
35

36 **Disability** – A mental or physical impairment that substantially limits one or more major
37 life activities. The meaning of “disability” extends not only to individuals who currently
38 have a disability, but to those with a record of a mental or physical impairment that
39 substantially limits one or more major life activities, or who are perceived or regarded as
40 having a mental or physical impairment that substantially limits one or more major life
41 activities. It is the intent of this Ordinance that “disability” shall have the meaning
42 afforded to it by the Americans With Disabilities Act and regulatory and judicial
43 interpretations of that Act.
44

45 **District** – (See **Zone**).
46

1 **Disturbance** – an alteration or change to the land. It includes any amount of clearing,
2 grading, or construction activity. Disturbance does not include gardening or maintaining
3 an existing grass lawn.
4

5 **Documented breeding bird areas** – forested areas where the occurrence of interior
6 dwelling birds, during the breeding season, has been demonstrated as a result of on-site
7 surveys using standard biological survey techniques.
8

9 **Domiciliary Care** – Any premise which admits aged or disabled persons for a fee to a
10 protective environment, who, because of advanced age or physical or mental disability,
11 are not gainfully employed.
12

13 **Donation Bin** – Any container or receptacle held out to the public as a place for people
14 to drop off donated items and to store such items until they are removed.
15

16 **Drainage Ways** – are defined as minor watercourses that are defined either by soil type
17 or by the presence of intermittent or perennial streams or topography that indicates a
18 swale where surface sheet flows join.
19

20 **Dwelling** – Any building or portion thereof occupied or intended to be occupied
21 exclusively for residence purposes, but not including a tent or room in a hotel or motel.
22

23 **Dwelling, multi-family** – A building designed for or used by three (3) or more families
24 provided that the number of families does not exceed the number of units provided.
25 Multi-family dwelling shall also include any "large group homes" for individuals
26 suffering from a "mental disorder" as those terms are defined in the General Health
27 Article of the Maryland Annotated Code.
28

29 **Dwelling, single-family, detached** – A residential building containing not more than one
30 (1) dwelling unit used by one family entirely surrounded by yards. Single family
31 dwelling shall also include any "group home" or "small group home" for, respectively,
32 persons affected by "developmental disabilities" or individuals suffering from a "mental
33 disorder" as those terms are defined in the Health General Article of the Maryland
34 Annotated Code.
35

36 **Dwelling, two-family** – A detached building designed for or used by not more than two
37 (2) families or housekeeping units. Included in this definition are what are commonly
38 known as duplexes.
39

40 **Dwelling unit** – a single unit providing complete, independent living facilities for at least
41 one person, including permanent provisions for sanitation, cooking, eating, sleeping, and
42 other activities routinely associated with daily life. Dwelling unit includes a living
43 quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a
44 guest house, or a caretaker residence.
45

1 **Easement** – A grant of one or more of the property rights by the owner to, or for the use
2 by, the public, a corporation, or another person or entity.

3
4 **Ecosystem** – a more or less self-contained biological community together with the
5 physical environment in which the community's organisms occur.

6
7 **Endangered species** – means any species of fish, wildlife, or plants that have been
8 designated as endangered by regulation by the Department of Natural Resources.
9 Designation occurs when the continued existence of these species as viable components
10 of the State's resources are determined to be in jeopardy. This includes any species
11 determined to be an "endangered" species pursuant to the Federal Endangered Species
12 Act, 16 U.S.C. §et seq., as amended.

13
14 **Environmental Assessment** – means a comprehensive report that describes the natural
15 features and characteristics of a proposed development site, the changes that will occur as
16 the result of proposed development activities on this site, the anticipated environmental
17 impacts and consequences of the proposed development, and mitigation measures to be
18 taken to minimize undesirable impacts to the environment.

19
20 **Establishment** – The planting or regeneration of native vegetation throughout the Buffer.

21
22 **Excess stormwater run-off** – All increases in stormwater resulting from:

- 23
24 a. An increase in the imperviousness of the site, including all additions to
25 buildings, roads, and parking lots;
26 b. Changes in permeability caused by compaction during construction or
27 modifications in contours, including the filling or drainage of small
28 depression areas;
29 c. Alteration of drainageways, or regrading of slopes;
30 d. Destruction of forest; or
31 e. Installation of collection systems to intercept street flows or to replace
32 swales or other drainageways

33
34 **Exclusion** – means an act of the Mayor and Council, approved by the Critical Area
35 Commission that exempts an area of the Town from the Zoning and Subdivision
36 provisions applicable only to the Critical Area Overlay District ("CAO").

37
38 **Exemption** – means an act of the Mayor and Council, approved by the Critical Area
39 Commission that relieves certain areas of the Town from the Buffer provisions of the
40 Critical Area Overlay District ("CAO").

41
42 **Facade** – The exterior elevation of a building exposed to public view or that wall viewed
43 by persons not within the building.

1 **Family** – An individual, or two or more persons related by blood or marriage, or a group
2 of not more than three persons not related by blood or marriage, living together as a
3 single housekeeping group in a dwelling unit.

4
5 **Farmers Market** – An outdoor commercial establishment wherein agricultural products
6 are sold by one or more operators.

7
8 **Fence** – Any artificially constructed barrier of any material or combination of materials
9 erected to enclose or screen areas of land.

10
11 **Financial assurance** – A performance bond, letter of credit, cash deposit, insurance
12 policy, or other instrument of security acceptable to the Town of Easton.

13
14 **Fisheries activities** – means commercial water dependent fisheries facilities including
15 structures for the packing, processing, canning, or freezing of finfish, crustaceans,
16 mollusks, and amphibians and reptiles and also including related activities such as
17 wholesale and retail sales, product storage facilities, crab shedding, off-loading docks,
18 shellfish culture operations, and shore-based facilities necessary for aquaculture
19 operations.

20
21 **Floodplain** – Floodplain or flood-prone area means any land area susceptible to being
22 inundated by water from any source.

23
24 **Floor area, gross** – The sum of the areas of the several floors of a building, including
25 areas used for human occupancy in basements, attics, and penthouses, as measured from
26 the exterior faces of the exterior walls or from the center line of party walls. It does not
27 include cellars, unenclosed porches, or attics not used for human occupancy, or any floor
28 space in accessory buildings or in the main building intended and designed for the
29 parking of motor vehicles in order to meet the parking requirements of this Ordinance, or
30 any such floor space intended and designed for heating and ventilating equipment and/or
31 air exchange. It shall include the horizontal area at each floor level devoted to stairwells
32 and elevator shafts, but not other vertical floor openings such as atriums.

33
34 **Floor Area Ratio (FAR)** – The gross floor area of the building or buildings on a lot
35 divided by the area of the lot. The floor area ratio requirement as set forth in the bulk
36 regulations for a zoning district determines the maximum floor area allowable for the
37 building or buildings (total gross floor area of both principal and accessory buildings) in
38 direct ratio to the gross area of the lot on which the buildings are constructed.

39
40 **Forest** – A biological community dominated by trees and other woody plants covering a
41 land area of 10,000 square feet or greater. Forest includes areas that have at least 100
42 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5
43 feet above the ground and forest areas that have been cut, but not cleared. Forest does not
44 include orchards. Forest does include areas that have been cut but not cleared.

1 **Forest Interior Dwelling Birds** – Species of birds which require relatively large forested
2 tracts in order to breed successfully (for example, various species of flycatchers,
3 warblers, vireos, and woodpeckers).
4

5 **Forest management** – means the protection, manipulation, and utilization of the forest to
6 provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat,
7 etc.
8

9 **Forest practice** – means the alteration of the forest either through tree removal or
10 replacement in order to improve the timber, wildlife, recreational, or water quality values.
11

12 **Fully Established** – means the Buffer contains as much diverse, native vegetation as
13 necessary to support a firm and stable riparian habitat capable of self-sustaining growth
14 and regeneration.
15

16 **Funeral home** – A building or part thereof used for human funeral services. Such
17 building may contain space and facilities for:
18

- 19 a. embalming and the performance of other services used in preparation of
20 the dead for burial;
- 21 b. the performance of autopsies and other surgical procedures;
- 22 c. the storage of caskets, funeral urns, and other related funeral supplies; and
- 23 d. the storage of funeral vehicles.
24

25 Funeral homes shall not include facilities for cremation. Where a funeral home is
26 permitted, a funeral chapel shall also be permitted.
27

28 **Garage, private** – A building for the private use of the owner or occupant of a principal
29 building situated on the same lot of the principal building for the storage of motor
30 vehicles with no facilities for mechanical service or repair of a commercial or public
31 nature.
32

33 **Garage, public** – A building designed and used for the storage of automotive vehicles
34 operated as a business enterprise with a service charge or fee being paid to the owner or
35 operator for the parking or storage of privately owned vehicles.
36

37 **Garage, repair** – A building designed and used for the storage, care, repair, or
38 refinishing of motor vehicles including both minor and major mechanical overhauling,
39 paint, and body work.
40

41 **Grade** – The average of the finished ground level at the center of all walls of a building.
42 In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall
43 be measured at the sidewalk.
44

1 **Grandfathered** – Describes the status accorded certain properties and development
2 activities that are of record prior to the date of adoption of the Zoning Ordinance or
3 provisions of the Zoning Ordinance.
4

5 **Grandfathered parcel or grandfathered lot** – in the Critical Area, means a parcel of
6 land that was created or a lot created through the subdivision process and recorded as a
7 legally buildable lot prior to December 1, 1985.
8

9 **Granny Flat** – A second dwelling unit either in or added to an existing single-family
10 detached dwelling, or in a separate accessory structure on the same lot as, and attached to,
11 the principal dwelling, for use as a complete, independent living facility with provision
12 within the accessory unit for cooking, eating, sanitation, and sleeping. Such a dwelling is
13 clearly accessory to the use of the main or principal dwelling.
14

15 **Group Home** – Any residential structure used to provide assisted community living for
16 persons with physical, mental, emotional, familial or social difficulties. More specific
17 definitions for Group Homes are given below:
18

19 **Group Home For Developmentally Disabled Persons** – A home designed to
20 accommodate up to eight developmentally disabled persons which is licensed by
21 the State of Maryland as a "public group home", a "non-profit private group
22 home" or an "alternative living unit" pursuant to Maryland Annotated Code
23 Health General Article Section 7-101 et seq.
24

25 **Large Private Group Home For Persons Suffering From a Mental Disability**
26 – A home designed to accommodate between nine and sixteen persons suffering
27 from a mental disability which is licensed by the State of Maryland as a "large
28 private group home" pursuant to Maryland Annotated Code Health General
29 Article Section 10-101 et seq.
30

31 **Small Private Group Home For Persons Suffering From a Mental Disability**
32 – A home designed to accommodate between four and eight persons suffering
33 from a mental disability which is licensed by the State of Maryland as a "small
34 private group home" pursuant to Maryland Annotated Code Health General
35 Article Section 10-101 et seq.
36

37 **Specialized Group Home** – A residential structure (other than those defined
38 above) used to provide assisted community living for persons with physical,
39 mental, emotional, familial or social difficulties.
40

41 **Gross leasable area** – The total floor area designed for tenant occupancy and exclusive
42 use, including basements, mezzanines, and upper floors, if any, expressed in square feet
43 and measured from the center line of joint partitions and from outside wall faces.
44

45 **Ground Coverage** – (See **lot coverage**).
46

1 **Growth Allocation** – means the number of acres of land in the Critical Area that the
2 Town of Easton may use, or the County may allocate to municipal jurisdictions to use, to
3 create new Intensely Developed Areas and new Limited Development Areas. The
4 Growth Allocation acreage is five percent of the total Resource Conservation Area
5 acreage in Easton at the time the Critical Area Commission approved Easton’s original
6 Critical Area Program, not including tidal wetlands, plus additional acres included from
7 the County’s calculated amount [5%] of Resource Conservation Area that existed when
8 the Critical Area Commission approved Talbot County’s original Critical Area Program
9 [that the Town may request and the County may allocate].

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

25
26 **Hazardous substances** – Any substances or materials that, by reason of their toxic,
27 caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or
28 deleterious to the health of any persons handling or otherwise coming into contact with
29 such material or substance, or any substance defined as a Hazardous Substance by State
30 or Federal Law.

31
32 **Hazardous Tree** – a tree with a structural defect, such as a crack, canker, weak branch
33 union, decay, dead wood, root damage, or root disease, that decreases the structural
34 integrity of the tree and which, because of its location, is likely to fall and cause personal
35 injury or property damage, including acceleration of soil erosion; or based on its location
36 in the landscape, a healthy tree that, with continued normal growth, will damage an
37 existing permanent structure or significantly increase the likelihood of soil erosion.
38 Hazardous tree does not include a tree for which the likelihood of personal injury,
39 property damage, or soil erosion can reasonably be eliminated or significantly diminished
40 with routine and proper arboricultural practices, such as regular watering, application of
41 fertilizer or mulch, and pruning; or by relocation of property that is likely to be damaged.

42
43 **Health or Medical Clinic** – An institution providing surgical or non-surgical treatment,
44 care, examination, diagnostic, rehabilitation or preventive health services to outpatients,
45 including, without limitation, mental health, family planning, inoculation and educational
46 service.

1
2 **Healthcare Staff Housing** – A facility providing residential accommodations (including
3 cooking facilities) for physicians, nurses and other healthcare personnel employed within
4 the RH District. A Healthcare Staff Housing facility may not be owned by its
5 occupant(s).
6

7 **Healthcare Student Dormitory** – A facility providing residential accommodations
8 (including cooking facilities) for healthcare, medical or nursing students participating in
9 classes, coursework, internships, residencies or other education or training within the RH
10 District. A Healthcare Student Dormitory may not be owned by its occupant(s).
11

12 **Hedge** – A group of plants, planted in a row or grouping designed to have the same effect
13 as a fence.
14

15 **Height** – The vertical distance to the highest point of the structure measured from grade.
16

17 **Helipad** – An area, whether open land or part of a building, used for the landing and
18 take-off of helicopters.
19

20 **Highly erodible soils** – Soils with a slope greater than 15 percent; or those soils with a K
21 value greater than 0.35 and with slopes greater than 5 percent.
22

23 **Historic District** – shall mean a significant concentration, linkage, or continuity of sites,
24 structures, or objects united historically, architecturally, archeologically, or culturally by
25 plan or physically development. An historic district shall include all property within its
26 boundaries as defined and designated by the Mayor and Town Council. Definitions
27 pertaining specifically to the Historic District are given below:
28

29 **Alteration** – shall mean any exterior change that would affect the historic,
30 archeological, or architectural significance of a designated site or structure,
31 any portion of which is visible or intended to be visible from a public way,
32 including, but not limited to, construction, reconstruction, moving, or
33 demolition.
34

35 **Appurtenances and environmental settings** – shall mean all that space of
36 grounds and structures thereon which surrounds a designated site or structure
37 and to which it relates physically or visually. Appurtenances and
38 environmental settings shall include, but not be limited to, walkways and
39 driveways (whether paved or not), trees, landscaping, pastures, croplands,
40 waterways, open space, setbacks, parks, public spaces, and rocks.
41

42 **Certificate of Appropriateness** – shall mean a certificate issued by the
43 Historic District Commission indicating its approval of plans for construction,
44 alteration, reconstruction, moving, or demolition of an individually designated
45 landmark, site, or structure or of a site or structure within a designated
46 preservation district.

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Demolition by neglect – shall mean any willful neglect in the maintenance and repair of an individually designated landmark, site, or structure, or a site or structure within a designated preservation district, not including any appurtenances and environmental settings, that does not result from an owner’s financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:

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

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

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

Historic Area Work Building Permit – shall mean a permit issued by the Building Department upon receiving a Certificate of Appropriateness from the Commission for all projects that the Town conducts, assists, licenses, or permits that affect properties within a designated district or individually designated sites or landmarks.

Landmark – shall mean any designated site or structure outside the boundaries of a preservation district that is of exceptional historic, archeological, or architectural significance.

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

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

Site – shall mean the location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, architectural, archeological, or cultural significance.

1 **Structure** – shall mean a combination of material to form a construction that
2 is stable, including but not limited to buildings, stadiums, reviewing stands,
3 platforms, staging, observation towers, radio towers, water tanks and towers,
4 trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters,
5 fences, and display signs, visible or intended to be visible from a public way.
6 The term “structure” shall be construed as if followed by the words, “or part
7 thereof.”
8

9 **Historic waterfowl staging and concentration area** – means an area of open
10 water and adjacent marshes where waterfowl gather during migration and
11 throughout the winter season. These areas are historic in the sense that their
12 location is common knowledge and because these areas have been used regularly
13 during recent times.
14

15 **Home-based business** – A specialized type of Home Occupation with negligible or no
16 impact on the neighborhood in which it is located. Such an operation has no vehicular
17 traffic, no special deliveries, and has no sign to indicate that such a business is located on
18 the premises. Examples of home-based businesses include the situation whereby the
19 resident uses a home computer, telephone, and/or fax machine for such routine business
20 practices as billing, scheduling, and placing orders.
21

22 **Homeless Shelter** – A facility that provides temporary housing for individuals and
23 families who are temporarily homeless, or about to become homeless. A homeless shelter
24 also may provide meals and support services as needed to assist those who need a respite
25 from bills to save some funds so they can provide for themselves once again. These
26 services may be provided by trained staff and volunteers, and other community service
27 agencies. An individual’s length of stay is determined by their unique needs, and the
28 availability of transitional housing.
29

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

38 **Homeowners association** – A private, nonprofit corporation of homeowners for the
39 purpose of owning, operating, and maintaining commonly owned properties.
40

41 **Hospital** – An institution specializing in giving clinical, temporary, and emergency
42 services of a medical or surgical nature to human patients and injured persons, and
43 licensed by state law to provide facilities and services in surgery, obstetrics, and general
44 medical practice. Hospitals may include various accessory and ancillary activities which
45 are customarily incidental to and in direct support of the primary healthcare mission of
46 the hospital, such as laboratories, pharmacies, cafeterias, gift shops, teaching, and

1 research, diagnostic, treatment or rehabilitation facilities which are integrated with the
2 hospital facilities

3
4 **Hotel** (See also **motel**) – A facility offering transient lodging accommodations on a daily
5 rate to the general public and providing additional services, such as restaurants, meeting
6 rooms, and recreational facilities.

7
8 **Houses of worship** – A structure that people regularly attend to participate in or hold
9 religious services, meetings, and other activities.

10
11 **Hydric soils** – means soils that are wet frequently enough to periodically produce
12 anaerobic conditions, thereby influencing the species composition or growth, or both, of
13 plants on those soils.

14
15 **Hydrophytic vegetation** – means those plants cited in "Vascular Plant Species Occurring
16 in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water
17 or on a substrate that is at least periodically deficient in oxygen as a result of excessive
18 water content (plants typically found in water habitats).

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 **Immediate family** – a father, mother, son, daughter, grandfather, grandmother,
26 grandson, or granddaughter.

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

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

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

43
44 **Industry, light** – A use engaged in the manufacture, predominately from previously
45 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 **In-kind replacement** – The replacement of a structure with another structure that is
5 smaller than or identical to the original structure in footprint area, width, length, and use.
6

7 **Intensely Developed Area** – An area of at least 20 acres or the entire upland portion of
8 the Critical Area within a municipal corporation, whichever is less, where residential,
9 commercial, institutional, or industrial developed land uses predominate; and a relatively
10 small amount of natural habitat occurs. These areas include an area with a housing
11 density of at least four dwelling units per acre and/or an area with public water and sewer
12 systems with a housing density of more than three dwelling units per acre.
13

14 **Invasive species** – a species that is non-native or alien to the ecosystem under
15 consideration whose introduction causes or is likely to cause economic or environmental
16 harm or harm to human health.
17

18 **Junk** – Articles that have outlived their usefulness in their original form, and are
19 commonly gathered up and sold to be converted into another product, either of the same
20 or of a different kind.
21

22 **Junk Yard** – Any land or building or part thereof used for the abandonment, sale,
23 storage, collecting or baling of paper, rags, scrap metals, other scrap or discarded
24 materials, or the abandonment, demolition, dismantling, storage, salvaging or sale of
25 automobiles or other vehicles not in running condition, or machinery, or parts thereof.
26

27 **Kennel** – Any building or buildings or land (and associated fencing) designed or
28 arranged for the care of dogs and/or cats belonging to the owner of the principal use, kept
29 for purposes of show, hunting, or as pets.
30

31 **Kennel, commercial** – An establishment licensed to operate a facility housing dogs, cats,
32 or other household pets and where grooming, breeding, boarding, training, or selling of
33 animals is conducted as a business.
34

35 **K Value** – the soil erodibility factor in the Universal Soil Loss Equation. It is a
36 quantitative value that is experimentally determined.
37

38 **Land-based aquaculture** – the raising of fish or shellfish in any natural or man-made,
39 enclosed or impounded, water body.
40

41 **Land Clearing** – means any activity that removes the vegetative ground cover.
42

43 **Landfill** – A type of operation in which refuse and earth or other suitable cover material
44 are deposited in alternate layers of specified depth in accordance with a definite plan on a
45 specified portion of open land, with each layer being compacted by force applied by
46 mechanical equipment.

1
2 **Landforms** – Feature of the earth's surface created by natural causes.

3
4 **Large shrub** – A shrub that, when mature, reaches a height of at least six (6) feet.

5
6 **Landward Edge** – the limit of a site feature that is furthest away from a tidal water, tidal
7 wetland, or a tributary stream.

8
9 **Legally developed** – all physical improvements to a property that existed before Critical
10 Area Commission approval of a local Ordinance, or were properly permitted in
11 accordance with the provisions of the local Ordinance in effect at the time of
12 construction.

13
14 **Limit of disturbance** – the area of a development or redevelopment activity that includes
15 temporary disturbance and permanent disturbance.

16
17 **Limited Development Area** – means an area: with a housing density ranging from one
18 dwelling unit per five acres up to four dwelling units per acre; with a public water or
19 sewer system; that is not dominated by agricultural land, wetland, forests, barren land,
20 surface water, or open space; or that is less than 20 acres and otherwise qualifies as an
21 Intensely Developed Area under the definition in this Ordinance.

22
23 **Living shoreline** – means a suite of stabilization and erosion control measures that
24 preserve the natural shoreline and are designed to minimize shoreline erosion, maintain
25 coastal process, and provide aquatic habitat. Measures must include marsh plantings and
26 may include the use of sills, sand containment structures, breakwaters, or other natural
27 components.

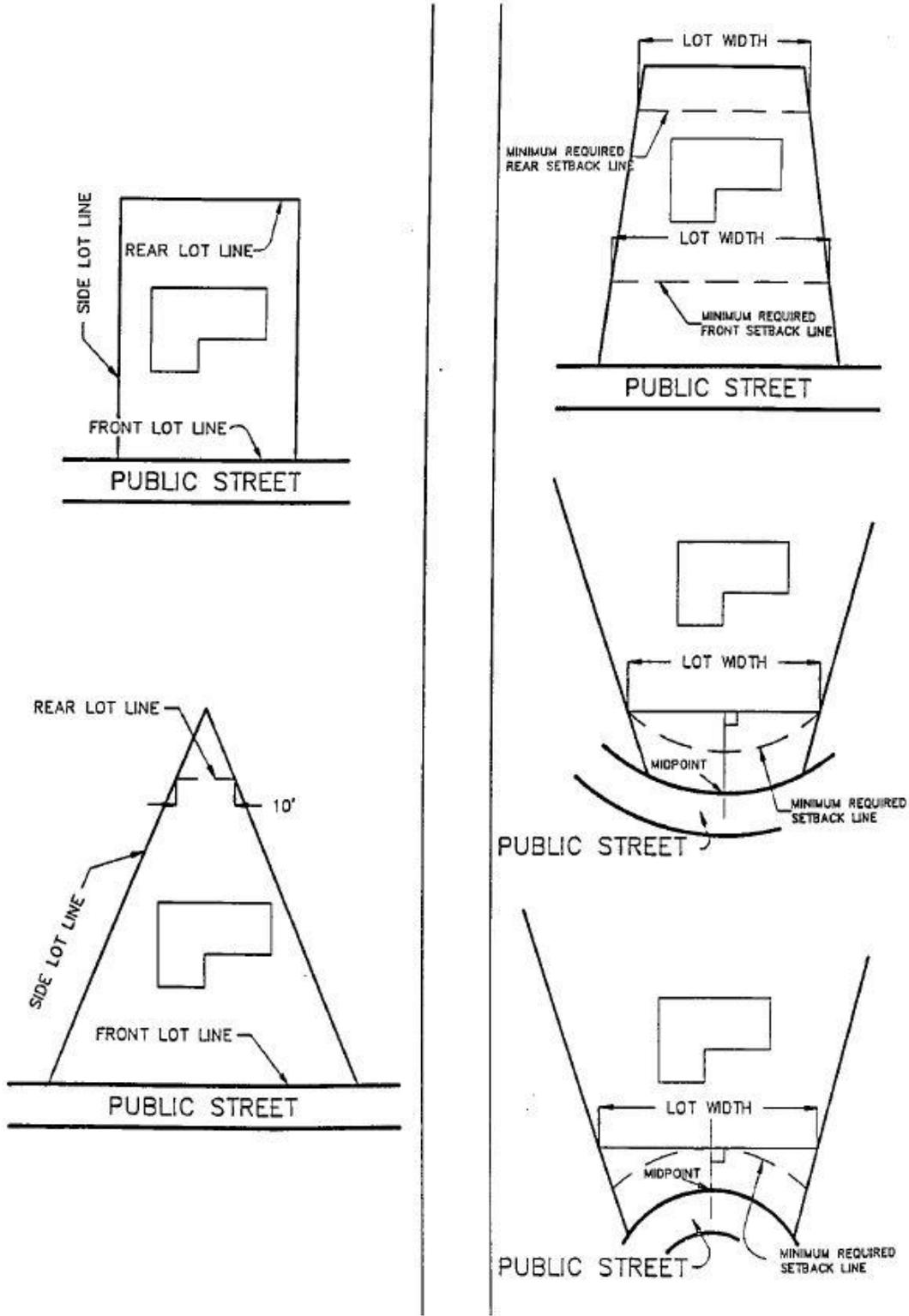
28
29 **Liquor Store** – A business that sells alcoholic beverages for consumption off-premises.
30 For the purposes of this Ordinance, the term “liquor store” does not include grocery
31 stores or convenience stores in which beer and/or wine is offered for sale as a minor part
32 of an overall larger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

35
36 **Local significance** – means development of a minor scale, which causes environmental
37 or economic consequences that are largely confined to the immediate area of the parcel of
38 land on which it is located; does not substantially affect the Critical Area Ordinance of
39 the Town of Easton; and is not considered to be major development as defined in this
40 Ordinance.

41
42 **Lot** – A parcel of land undivided by any street and occupied by, or designated to be
43 developed for, one (1) building or principal use and the accessory buildings or uses
44 customarily incidental to such building, use, or development, including such open spaces
45 and yards as are designed and arranged or required by this Ordinance for such building,
46 use, or development. (See Figure 1.1).

1
2
3

Figure 1.1



4

1 **Lot area** – The total horizontal area within the lot lines of a lot.

2
3 **Lot, corner** – A lot having continuous frontage on two or more intersecting streets.
4 Notwithstanding any other provision of this Ordinance, corner lots shall be deemed to
5 have two fronts, two sides and no rear for the purpose of meeting setback requirements.

6
7 **Lot coverage** – the percentage of a total lot or parcel that is: occupied by a structure,
8 accessory structure, parking area, driveway, walkway, or roadway; or covered with a
9 paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement,
10 or other any manmade material. Lot coverage includes the ground area covered or
11 occupied by a stairway or impermeable deck, but does not include: a fence or wall that is
12 less than one foot in width that has not been constructed with a footer; a walkway in the
13 Buffer or expanded Buffer, including a stairway, that provides direct access to a
14 community or private pier; a wood mulch pathway; or a deck with gaps to allow water to
15 pass freely.

16
17 **Lot depth** – The average horizontal distance between the front and rear lot lines.

18
19 **Lot, flag** – A lot with access provided to the bulk of the lot by means of a narrow
20 corridor.

21
22 **Lot frontage** – The front of a lot shall be construed to be the portion nearest to any
23 public street or way. For the purpose of determining setback requirements of corner lots
24 and through lots, all sides of a lot adjacent to streets shall be considered frontage.

25
26 **Lot, interior** – An interior lot is a lot other than a corner lot.

27
28 **Lot line** – The boundary line of a lot (See Figure 1.1).

29
30 **Lot line, front** (See also **yard, front**) – The line separating the front of the lot from the
31 street. When a lot or building site is bounded by a public street and one or more
32 easements, the front lot line shall be the nearest street line (See Figure 1.1).

33
34 **Lot line, rear** – That lot line opposite to the front property line. Where the side property
35 lines of a lot meet in a point, the rear property line shall be a line not less than ten (10)
36 feet long, lying within the lot and parallel to the front property line (See Figure 1.1).

37
38 **Lot line, side** – Any lot line not a front or rear lot line (See Figure 1.1).

39
40 **Lot of record** – A lot which is part of a subdivision recorded in the office of the Clerk of
41 Circuit Court, or a lot or parcel described by metes and bounds, the description of which
42 has been so recorded.

43
44 **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
3 front 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
17 structure 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 **Major development** – means development of a scale that may cause State-wide,
32 regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or
33 which may cause substantial impacts to the Critical Area of a local jurisdiction. This
34 development includes, but is not limited to, airports, powerplants, wastewater treatment
35 plants, highways, regional utility transmission facilities, prisons, hospitals, public housing
36 projects, public beaches, and intensely developed park and recreation facilities.
37

38 **Mean High Water Line (MHWL)** – the average level of high tides at a given location.
39

40 **Medical Laboratory** – Any facility that offers or performs tests or examinations in
41 connection with the diagnosis and control of human diseases or the assessment of human
42 health, nutritional, or medical conditions or in connection with job-related drug and
43 alcohol testing. Medical Laboratories may perform medical, dental, optical,
44 pharmaceutical or related research, diagnostic testing, analytical or clinical work having a
45 direct relationship to the providing of healthcare services, including, but not limited to,
46 medical research, radiology, hematology, serology, immunology, allergy, biochemistry,

1 basal metabolism, microbiology, parasitology, pathology, histology, cytology, toxicology
2 and pharmacology.

3
4 **Medical Services** – Facilities primarily engaged in furnishing outpatient medical, mental
5 health, surgical and other personal health services. These include, without limitation:
6 offices for physicians, chiropractors, dentists, optometrists, psychiatrists, nurse
7 practitioners, psychologists, home healthcare service providers (counseling services by
8 other than medical doctors, psychiatrists, or psychologists are included under the use
9 "Offices"); medical and dental laboratories; out-patient care facilities; emergency room
10 services; and allied health services. Associations or groups primarily engaged in
11 providing medical or other health services to members are included.

12
13 **Mega-Church** – A large, specialized type of house of worship which includes such non-
14 traditional accessory uses as retail sales, residential uses, amusement parks, and sports
15 and entertainment facilities, as an integrated part of the development.

16
17 **Mean High Water Line** – means the average level of high tides at a given location.

18
19 **Micro-brewery** – A facility in which beer is brewed for distribution and consumption
20 off-premises and which possesses the appropriate license from the State of Maryland.

21
22 **Mitigation** – means an action taken to compensate for adverse impacts to the
23 environment resulting from development, development activity, or a change in land use
24 or intensity.

25
26 **Mini-warehouse** – Storage facilities located within a totally enclosed structure(s) used
27 for the storage of nonflammable or non-explosive materials. Such facilities shall
28 primarily serve the overflow storage needs of residents.

29
30 **Mobile Food Use** – A food service operation that is vehicle-mounted or wheeled, a
31 portable structure, or watercraft and is capable of being readily moved. Uses that are
32 similar in nature but do not meet this definition, such as a trailer without wheels, are not
33 considered a mobile food use and therefore would be subject to the applicable use and
34 building regulations for the appropriate fixed structure.

35
36 **Mobile home** (See also **manufactured housing**) – A transportable, factory-built home,
37 designed to be used as a year-round residential dwelling and built prior to the enactment
38 of the Federal Manufactured Housing Construction and Safety Standards Act of 1974,
39 which became effective June 15, 1976.

40
41 **Mobile Medical Facility** – A temporary use which involves a trailer or mobile
42 unit which houses medical equipment which is customarily moved from location
43 to location when needed.

1 **Multiple use** (See also **shopping center**) – Two or more uses contained either within one
2 building or in more than one building on an approved lot provided that if any commercial
3 uses are involved, the total is less than 10,000 square feet gross floor area.
4

5 **Motel** (See also **hotel**) – A building or group of detached or connected buildings
6 designed or used primarily for providing sleeping accommodations for automobile
7 travelers and having a parking space adjacent to a sleeping room.
8

9 **Museum** – a building(s) and or site(s) used for the preservation, collection, restoration,
10 display, interpretation and/or demonstration of articles of cultural, historical and/or
11 scientific significance, and which may include areas devoted to galleries, exhibition halls,
12 classrooms, workshops, studios, curatorial storage and administrative offices.
13

14 **Native plant** – means a species that is indigenous to the physiographic area in Maryland
15 where the planting is proposed.
16

17 **Natural features** – means components and processes present in or produced by nature,
18 including but not limited to soil types, geology, slopes, vegetation, surface water,
19 drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and
20 wildlife.
21

22 **Natural Heritage Area** – means any communities of plants or animals which are
23 considered to be among the best Statewide examples of their kind, and are designated by
24 regulation by the Secretary of the Department of Natural Resources.
25

26 **Natural regeneration** – the natural establishment of trees and other vegetation with at
27 least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at
28 least 20 feet at maturity.
29

30 **Natural Vegetation** – means plant communities that develop in the absence of human
31 activities.
32

33 **Nature-dominated** – a condition where landforms or biological communities, or both,
34 have developed by natural processes in the absence of human activities.
35

36 **New development** – means that for purposes of implementing specific provisions of this
37 Ordinance, new developments (as opposed to redevelopment) means a development
38 activity that takes place on a property with pre-development imperviousness (in IDA) or
39 lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985.
40

41 **Nonconforming lot** – A lot which lawfully existed prior to the adoption, revision, or
42 amendment of this Ordinance, but which fails by reason of such adoption, revision, or
43 amendment to conform to the use in which it is located.
44

45 **Nonconforming structure** – An otherwise legal building or structure that does not
46 conform with the lot area, yard, height, lot coverage, or other area regulations of this

1 Ordinance, or is designed or intended for use that does not conform to the use regulations
2 of this Ordinance, for the district in which it is located either at the effective date of this
3 Ordinance or as a result of subsequent amendments to the Ordinance.

4
5 **Nonconforming use** – A lawful use of land that does not comply with the use regulations
6 for its zoning district but which complied with applicable regulations at the time the use
7 was established.

8
9 **Non-point source pollution** – pollution generated by diffuse land use activities rather than
10 from an identifiable or discrete facility. It is conveyed to waterways through natural
11 processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate
12 discharge. Non-point source pollution is not generally corrected by "end-of-pipe"
13 treatment, but rather by changes in land management practices.

14
15 **Non-renewable resources** – resources that are not naturally regenerated or renewed.

16
17 **Non-tidal wetland** (See also **wetland**) – those areas regulated under Subtitle 9 of the
18 Environment Article that are inundated or saturated by surface water or groundwater at a
19 frequency and duration sufficient to support, and that under normal circumstances does
20 support, a prevalence of vegetation typically adapted for life in saturated soil conditions,
21 commonly known as hydrophytic vegetation. The determination of whether an area is a
22 non-tidal wetland shall be made in accordance with the publication known as the
23 “Federal Manual for Identifying and Delineating Jurisdictional Wetlands,” published in
24 1989, and as may be amended. Non-tidal wetlands do not include tidal wetlands regulated
25 under Title 16 of the Environment Article of the Annotated Code of Maryland.

26
27 **Nursing Home (or Rest Home, Convalescent Home, or Home for the Aged)** – A place
28 devoted primarily to the maintenance and operation of facilities for the treatment and care
29 of any person suffering from illness, disease, deformities, or injuries who do not require
30 extensive or intensive care such as provided in a general or other specialized hospital. A
31 nursing home provides medical, nursing, convalescent, or chronic care in addition to
32 room and board.

33
34 **Office(s)** – A building or portion of a building wherein services are performed involving
35 predominantly administrative, professional, or clerical operations.

36
37 **Offsets** – means structures or actions that compensate for undesirable impacts.

38
39 **Open-section road** – a road without curb and gutter.

40
41 **Open space** – Undeveloped land and water areas used for recreation, resource protection,
42 amenity, and/or buffers and protected from future development.

43
44 **Open space, common** – Open space within or related to a development, not in
45 individually owned lots or dedicated for public use, but which is designed and intended
46 for the common use or enjoyment of the residents of the development.

1
2 **Open storage** – Outdoor storage that is neither screened nor buffered from view from
3 any public way.
4

5 **Open Water** – Tidal waters of the State that do not contain tidal wetlands and/or
6 submerged aquatic vegetation.
7

8 **Outdoor recreation area** – An area where such recreational activities as golf, tennis,
9 swimming, etc., are pursued out of doors.
10

11 **Outdoor or Outside storage** – The keeping, in an unroofed area, of any goods, junk,
12 material, merchandise, or inoperable vehicles in the same place for more than 24 hours.
13 Goods or materials kept at an active construction site or automobiles, trailers, boats, etc.,
14 whose display is an essential part of the business shall not be considered outside storage.
15

16 **Overburden** – The strata or material in its natural state, before its removal by surface
17 mining, overlying a mineral deposit, or in between mineral deposits.
18

19 **Overnight Care Facility** – A facility that provides overnight accommodation of patients
20 for recovery, rehabilitation or extended-care treatment of medical, psychiatric or
21 psychological conditions or substance abuse and/or residential hospice care for terminally
22 ill patients.
23

24 **Pad, development** – The area of a lot, within a larger overall lot area that is devoted to
25 structures and septic systems. In general, where a development pad is prescribed the
26 remaining area of the lot must be maintained in natural vegetation.
27

28 **Palustrine** – means all non-tidal wetlands dominated by trees, shrubs, persistent
29 emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal
30 areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts
31 of water.
32

33 **Park** – Any public or private land available for recreational, educational, cultural, or
34 aesthetic use.
35

36 **Parking lot or parking area** – An area not within a building where motor vehicles may
37 be stored for the purposes of temporary, daily, or overnight off-street parking. The
38 parking area includes the required maneuvering space but not the ancillary access drive.
39

40 **Parking, shared** – The development and use of parking areas on two or more separate
41 properties for joint use by the businesses on those properties.
42

43 **Parking space** – An unobstructed space or area other than a street or alley that is
44 permanently reserved and maintained for the parking of one (1) motor vehicle.
45

1 **Patient Hostel** – A residential facility primarily intended for the use of patients being
2 admitted or discharged from the hospital and their immediate families. The facility may
3 include a shared dining facility that is restricted to the use of the hostel occupants and
4 their guests.

5
6 **Performance guarantee** (See also **maintenance guarantee**) – A financial guarantee to
7 ensure that all improvements, facilities, or work required by this Ordinance will be
8 completed in compliance with the Ordinance, the Subdivision Regulations, and the
9 approved plans and specifications of a development.

10
11 **Permanent Disturbance** – a material, enduring change in the topography, landscape, or
12 structure that occurs as part of a development or redevelopment activity. Permanent
13 disturbance includes: Construction or installation of any material that will result in lot
14 coverage; Construction of a deck; grading that does not otherwise qualify as “temporary
15 disturbance”; and clearing of a tree, forest, or developed woodland that does not
16 otherwise qualify as “temporary disturbance.” Permanent disturbance does not include a
17 septic system on a lot created before local program approval if the septic system is
18 located in existing grass or clearing is not required.

19
20 **Person** – An individual, partnership, corporation, contractor, property owner, or any
21 other person or entity.

22
23 **Personal Services** – Establishments or places of business engaged in the provision of
24 frequently or recurrently needed services of a personal nature. Typical uses include
25 beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists;
26 massage therapy; and laundromats and dry cleaning stations serving individuals and
27 households.

28
29 **Photocopy service** – A business that reproduces drawings, plans, maps, or other copy by
30 means of blueprinting or photocopying.

31
32 **Physiographic features** – The soils, topography, land slope and aspect, and local
33 climate that influence the form and species composition of plant communities.

34
35 **Pier** – any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar
36 structure. Pier does not include any structure on pilings or stilts that was originally
37 constructed beyond the landward boundaries of State or private wetlands.

38
39 **Planned unit development (PUD)** – A development of land that is under unified control
40 and is planned and developed as a whole in a single development operation or
41 programmed series of development stages. The development may include streets,
42 circulation ways, utilities, buildings, open spaces, and other site features and
43 improvements.

44
45 **Planning and Zoning Commission (or Planning Commission)** – The Easton Planning
46 and Zoning Commission.

1
2 **Plant Habitat** – A community of plants commonly identifiable by the composition of its
3 vegetation and its physiographic characteristics.
4

5 **Port** – A facility or area established or designated by the State or local jurisdiction for
6 purposes of waterborne commerce.
7

8 **Portable on demand storage** – (PODS) aluminum or steel cargo crates that can be
9 delivered to a location, loaded up, and hauled away to a warehouse for storage.
10

11 **Principal building** – A building in which the primary use of the lot on which the
12 building is located is conducted.
13

14 **Principal structure** – the primary or predominant structure on any lot or parcel. For
15 residential parcels or lots, the principal structure is the primary dwelling.
16

17 **Principal use** – The main use of land or structures, as distinguished from a secondary or
18 accessory use.
19

20 **Print shop** – A retail establishment that provides duplicating services using photocopy,
21 blueprint, and offset printing equipment, including collating of booklets and reports.
22

23 **Private Clubs and Lodge** – Any building which serves as a meeting place for a selected
24 membership, together with recreation and dining facilities which are not open to the
25 general public.
26

27 **Program amendment** – any change or proposed change to an adopted Ordinance that is
28 not determined by the Chairman of the Critical Area Commission to be an Ordinance
29 refinement.
30

31 **Program refinement** – any change or proposed change to an adopted Ordinance that the
32 Chairman of the Critical Area Commission determines will result in a use of land or
33 water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a
34 manner consistent with the adopted Ordinance, or that will not significantly affect the use
35 of land or water in the Critical Area. Ordinance refinement may include:
36

- 37 a. A change to an adopted Ordinance that results from State law;
- 38 b. A change to an adopted Ordinance that affects local processes and
39 procedures;
- 40 c. A change to a local ordinance or code that clarifies an existing provision;
41 and
- 42 d. A minor change to an element of an adopted Ordinance that is clearly
43 consistent with the provisions of State Critical Area law and all the
44 Criteria of the Commission
45

1 **Project approvals** – means the approval of development, other than development by the
2 State or local government, in the Chesapeake Bay Critical Area by the appropriate local
3 approval authority. The term includes approval of subdivision plats and site plans;
4 inclusion of areas within floating zones; issuance of variances, special exceptions, and
5 conditional use permits; and issuance of zoning permits. The term does not include
6 building permits.

7
8 **Property owner** – A person holding title to a property or two or more persons holding
9 title to a property under any form of joint ownership.

10
11 **Public Utility** – Any activity or use which provides and offers such services to the
12 general public as vehicular and pedestrian circulation systems, storm sewers, water,
13 sewerage, sewage treatment, electricity, gas, or communications. Excluded from this
14 definition are the general offices for any entity which provides such services.

15
16 **Public water-oriented recreation** – Shore-dependent recreation facilities or activities
17 provided by public agencies which are available to the general public.

18
19 **Reclamation** – the reasonable rehabilitation of disturbed land for useful purposes, and
20 the protection of the natural resources of adjacent areas, including waterbodies.

21
22 **Reconfiguration** – A change of the configuration of an existing lot or parcel line of any
23 legal parcel of land or recorded legally buildable lot. An application for reconfiguration
24 may include a subdivision, a lot line adjustment, a boundary line adjustment, a replatting
25 request, or a revision of acreage to increase density.

26
27 **Recycling collection station** – A collection point for small refuse items, such as bottles
28 and newspapers, located either in a container or small structure.

29
30 **Recycling processing center** – A facility that is not a junkyard and in which recoverable
31 resources, such as newspapers, glassware, and metal cans, are collected, stored flattened,
32 crushed, or bundled. Such materials may then be transported off site to be recycled or
33 they may be recycled, reprocessed, and treated on site to return such products to a
34 condition in which they may again be used for production.

35
36 **Redevelopment** – the process of developing land which is or has been developed. For
37 purposes of implementing specific provisions of the Critical Area Chapter of this
38 Ordinance, redevelopment (as opposed to new development) means a development
39 activity that takes place on property with pre-development imperviousness (in IDA) or lot
40 coverage (in LDA and RCA) of 15 percent or greater.

41
42 **Reforestation** – The establishment of a forest through artificial reproduction or natural
43 regeneration.

44
45 **Renewable resource** – A resource that can renew or replace itself and, therefore, with
46 proper management, can be harvested indefinitely.

1
2 **Resource Conservation Area** – an area that is characterized by nature dominated
3 environments, such as wetlands, surface water, forests, and open space; and resource-
4 based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource
5 Conservation Areas include areas with a housing density of less than one dwelling per
6 five acres.

7
8 **Resource utilization activities** – any and all activities associated with the utilization of
9 natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries
10 activities.

11
12 **Restaurant, carry-out/delicatessen** – An establishment that sells prepared food and/or
13 beverages that are delivered to and/or consumed by customers off the premises.

14
15 **Restaurant, fast food** – An establishment that offers quick food service, which is
16 accomplished through a limited menu of items already prepared and held for service, or
17 prepared, fried, or griddled quickly, or heated in a device such as a microwave oven.
18 Orders are not generally taken at the customer's table, and food is generally served in
19 disposable wrapping or containers. Fast food restaurants may also include drive-thru
20 windows.

21
22 **Restaurant, nightclub** (See also **Bar** and **Tavern**) – A commercial establishment
23 dispensing alcoholic beverages for consumption on the premises which also serves at
24 least two (2) complete meals per day and in which dancing is permitted or entertainment
25 is provided.

26
27 **Restaurant, sit down** – A business establishment whose principal business is the selling
28 of unpackaged food to the customer in a ready-to-consume state, in individual servings,
29 or in nondisposable containers, and where the customer consumes these foods while
30 seated at tables or counters located within the building.

31
32 **Restoration** – the act of returning a site or area to an original state or any action that
33 reestablishes all or a portion of the ecological structure and functions of a site or area.

34
35 **Retail thrift or outlet store operated by a non-profit organization** – A retail store in
36 which donated new or used products are sold to the public at a discounted price for the
37 purpose of generating income to support the activities of a non-profit organization.

38
39 **Retirement Community** – A residential facility for four or more elderly persons (aged
40 62 or older) within which are provided living and sleeping facilities, meal preparation,
41 laundry services, and room cleaning. Such facilities may also provide other services such
42 as transportation for routine social and medical appointments, and counseling.

43
44 **Right-of-way** – A strip or area of land occupied or intended to be occupied by a
45 crosswalk, railroad, utilities, private or public ways of access, or other special uses.

1 **Riparian habitat** – a habitat that is strongly influenced by water and which occurs
2 adjacent to streams, shorelines, and wetlands.

3
4 **Road** –

- 5 a. “Public Road” means a public thoroughfare under the jurisdiction of the
6 State, a county, a municipal corporation, or any other public body.
7 b. “Private Road” means a way open to vehicular ingress and egress
8 established as a separate tract for the benefit of certain, adjacent
9 properties. This definition shall not apply to private driveways.
10 a) “Road” does not include a drive aisle or driveway. “Road” includes both
11 public and private roads.
12

13 **Satellite dish antenna** – a round parabolic antenna intended to receive signals from
14 orbiting satellites and other sources.
15

16 **School** – A facility that provides a curriculum of elementary and secondary academic
17 instruction, including kindergartens, elementary schools, junior high schools, and high
18 schools.
19

20 **Screening** (See also **buffer area**) – The method by which a view of one site from
21 another adjacent site is shielded, concealed, or hidden. Screening techniques include
22 fences, walls, hedges, berms, or other features.
23

24 **Seasonally flooded water regime** – a condition where surface water is present for
25 extended periods, especially early in the growing season, and when surface water is
26 absent, the water table is often near the land surface.
27

28 **Selection** – the removal of single, scattered, mature trees or other trees from uneven-
29 aged stands by frequent and periodic cutting operations.
30

31 **Service station** (See also **garage, repair**) – Any premises where gasoline and other
32 petroleum products are sold and/or light maintenance activities such as engine tuneups,
33 lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall
34 not include premises where heavy automobile maintenance activities such as engine
35 overhauls, automobile painting, and body fender work are conducted.
36

37 **Setback** – A line beyond which no building or structure is permitted to extend. All
38 setbacks extend from property line to property line.
39

40 **Shore erosion protection works** – those structures or measures constructed or installed
41 to prevent or minimize erosion of the shoreline in the Critical Area.
42

43 **Short-term housing** – Any lease or other transfer of the right to occupy a primary or
44 accessory dwelling unit on the parcel other than a hotel, motel, inn, or bed-and-breakfast
45 for not less than one night and not exceeding four months.
46

1
2 **Shopping center** – A group of three (3) or more architecturally unified commercial
3 establishments with a total gross floor area of more than 10,000 square feet which are
4 planned, constructed, and managed as a total entity with customer and employee parking
5 provided on-site. A shopping center may either be a strip center or a campus-style center.
6 Strip centers describe all existing centers in Easton as of the year 2000 and new ones
7 shall be prohibited. Existing ones may be redeveloped and in the event that downtown-
8 scale and character commercial development is defined as a strip center, it shall be
9 permitted.

10
11 **Sign** – A structure or device designed or intended to convey information to the public in
12 written or pictorial form. **More specific sign definitions are given below.**

13
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
35 to 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.

39
40 **multiple signs** – A group of signs clustered together in a single structure or
41 compositional unit. Multiple signs are used to advertise several occupants of the
42 same building or building complex.

43
44 **nonconforming sign** – Any sign that does not conform to the requirements of
45 this Section.

1 **pennant** – Any lightweight plastic, fabric, or other material, whether or not
2 containing a message of any kind, suspended from a rope, wire, or string, usually
3 in series, designed to move in the wind.
4

5 **portable sign** – Any sign not permanently attached to the ground or other
6 permanent structure, or a sign designed to be transported, including, but not
7 limited to, signs designed to be transported by means of wheels; balloons used as
8 signs; umbrellas used for advertising; and signs attached to or painted on vehicles
9 parked and visible from the public right-of-way, unless said vehicle is used in the
10 normal day-to-day operations of the business.
11

12 **projecting sign** – Any sign affixed to a building or wall in such a manner that its
13 leading edge extends more than six (6) inches beyond the surface of such building
14 or wall.
15

16 **Reader Board** – A portion of a sign containing changeable copy intended to
17 convey a message concerning products or services available on the premises on
18 which the sign is located. Excluded from this definition are signs displaying the
19 price of gasoline available on premise or announcements concerning or promoting
20 community or non-profit events.
21

22 **Electronic Reader Board** – a reader board that is capable of displaying
23 visual words, symbols, figures or images that can be electronically or
24 mechanically changed by remote or automatic means.
25

26 **roof sign** – Any sign affixed to or erected and constructed wholly on and over the
27 roof of a building or supported by the roof structure. The roof structure shall also
28 include fake roof structures.
29

30 **sidewalk sign** – A freestanding sign of six (6) square feet or less designed to
31 convey information to pedestrian rather than vehicular traffic. Such sign shall not
32 extend out from the building line more than three (3) feet and in no case nearer to
33 the curb than six (6) feet; and provided further that no sign having sharp or
34 dangerous projections shall be permitted.
35

36 **street frontage** – The lineal distance for which a building fronts on lot line of a
37 zone lot adjoins a public street, from one lot line intersecting said street to the
38 furthest distant lot line intersecting the same street.
39

40 **temporary sign** – Any sign that is used only temporarily and is not permanently
41 mounted.
42

43 **Video Board** – an electronic sign capable of creating the effect of motion or
44 animation
45
46

1 **wall sign** – Any sign attached parallel to, but within six inches of, a wall, or
2 erected and confined within the limits of an outside wall of any building or
3 structure, which is supported by such wall or building, and which displays only
4 one sign surface.

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

12
13 **Significantly eroding areas** – Areas that erode two feet or more per year.

14
15 **Site plan** – A plan, prepared to scale, showing accurately and with complete
16 dimensioning, the boundaries of a site and the location of all buildings, structures, uses,
17 and principal site development features proposed for a specific parcel of land.

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

24
25 **Small shrub** – A shrub that, when mature, reaches a height no greater than six feet.

26
27 **Small Wind Energy System** – A wind energy conversion system consisting of a single
28 wind turbine, a tower, and associated control or conversion electronics, which has a rated
29 capacity of not more than 20 kW and whose primary intent is to generate power to on-site
30 consumption.

31
32 **Solar Panel, Array** – Ground mounted panels in excess of 100 square feet.

33
34 **Solar Panel, Roof-Mounted** – Solar panels that are structurally mounted to the roof of a
35 building or structure

36
37 **Special Event** – Periodic temporary or recurring events such as food sales for the benefit
38 of a non-profit organization, races, and gatherings which have the potential to attract to
39 private property, either by direct participation, or as spectators/customers, a large
40 gathering of people.

41
42 The following are not special events for the purposes of this chapter:

- 43
44 a. Events conducted entirely within dedicated rights-of-way where event
45 sponsors have secured all necessary permits, if applicable, from the

1 appropriate authority (i.e. State Highways, County Roads Dept., Town
2 Public Assembly Permits, etc.)
3

- 4 b. Events conducted entirely within a building for which all necessary
5 permits have been secured; provided, that the events are within the scope
6 of the use for which the building was permitted;
7
- 8 c. Events conducted at fairgrounds or events conducted at parks or outdoor
9 spectator facilities for which the appropriate permit has been obtained,
10 provided that the outdoor event is within the scope of the permit;
11
- 12 d. An event which has **all** of the following characteristics:
13
- 14 1. Has no live amplified music,
 - 15 2. Does not involve an admission fee either for participants or
16 spectators,
 - 17 3. Is a one (1) day event conducted between the hours of seven a.m.
18 and eleven p.m.,
 - 19 4. Does not involve overnight sleeping of participants or spectators,
 - 20 5. Is not conducted more than one (1) calendar day in a thirty (30)
21 day period,
 - 22 6. Is not accompanied by newspaper, radio or television advertising
23 or printed leaflets distributed to the public at large, and
 - 24 7. Does not involve the sale of food or beverages.
25

26 **Special Exception** – A grant of a specific use that would not be appropriate generally or
27 without restriction and shall be based upon a finding that certain conditions governing
28 special exceptions as detailed in this Ordinance exist, that the use conforms to the
29 Comprehensive Plan for the Town of Easton and is compatible with the existing
30 neighborhood.
31

32 **Special Medical Treatment Facility** – A facility that has special equipment and
33 technicians to provide unique or specialized services for diagnosis or treatment of
34 patients.
35

36 **Special Office Use** – The use of certain historically and architecturally significant
37 structures for offices under the conditions outlined in Section 28 – 1007.4 (A) 6 of this
38 Ordinance.
39

40 **Species in need of conservation** – those fish and wildlife whose continued existence as
41 part of the State's resources are in question and which may be designated by regulation by
42 the Secretary of Natural Resources as in need of conservation pursuant to the
43 requirements of Natural Resources Article 10-2A-06 and 4-2A-03, Annotated Code of
44 Maryland.
45

1 **Spoil pile** – The overburden and reject materials as piled or deposited during surface
2 mining.
3

4 **Soil Conservation and Water Quality Plans** – Land-use plans for farms that show
5 farmers how to make the best possible use of their soil and water resources while
6 protecting and conserving those resources for the future. It is a document containing a
7 map and related plans that indicate:
8

- 9 a. How the landowner plans to treat a farm unit;
10 b. Which best management practices the landowners plans to install to treat
11 undesirable conditions; and
12 c. The schedule for applying those Best Management Practices.
13

14 **Stadium** – A large, oval, round, or U-shaped, usually open structure, used for sports and
15 other entertainment events, with tiers of seating for thousands of spectators (as
16 differentiated from merely erecting bleachers at a park or ball field).
17

18 **Steep slopes** – means slopes of 15 percent or greater incline.
19

20 **Storage Trailers** – Refers to the use of any trailer portion of a tractor-trailer, cargo box,
21 or similar device that is parked or placed on site for the purpose of long-term storage of
22 goods and inventory. The term shall not include Portable on Demand Storage (PODS)
23 units, unless said PODS are located on site longer than specified for that use. It also does
24 not include such things as travel trailers, boat trailers, campers or recreational vehicles, or
25 any otherwise legally permitted storage sheds.
26

27 **Story** – That portion of a building included between the surface of any floor and the
28 surface of the floor next above it, or if there be no floor above it, the space between such
29 floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over
30 six (6) feet above the average level of the finished ground surface adjoining the exterior
31 walls of such story, or if it is used for business or dwelling purposes.
32

33 **Street** – A public way which provides a means of access to abutting property. The term
34 shall include road, street, avenue, drive, circle, highway, or similar term. **More specific**
35 **street definitions may be found in the Town of Easton's Subdivision Regulations.**
36

37 **Street line** – The line dividing a street from a lot.
38

39 **Structure** – building or construction materials, or a combination of those materials that
40 are purposely assembled or joined together on or over land or water. Structure includes a
41 temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building,
42 boathouse, platform, gazebo, or shelter for the purpose of marine access, navigation,
43 working, eating, sleeping, or recreating. Among other things, structures include
44 buildings, mobile homes, walls, billboards, poster panels and fences in excess of forty-
45 eight (48) inches in height.
46

1 **Subdivision** – The division of a lot, tract, or parcel of land into two (2) or more lots,
2 plats, sites, or other divisions of land for the purpose, whether immediate or future, of
3 sale or of building development. It includes resubdivision and, when appropriate to the
4 context, relates to the process of resubdividing or to the land or territory subdivided.
5

6 **Substantial alteration** – any repair, reconstruction, or improvement of a principal
7 structure, where the proposed footprint equals or exceeds 50 percent of the existing
8 principal structure.
9

10 **Supplemental Planting Plan** – A description and landscape schedule that shows the
11 proposed species type, quantity, and size of plants to be located within a buffer if natural
12 regeneration does not meet the required stem density.
13

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

19 **Temporary Disturbance** – a short-term change in the landscape that occurs as part of a
20 development or redevelopment activity. “Temporary disturbance” includes: Storage of
21 materials that are necessary for the completion of the development or redevelopment
22 activity; Construction of a road or other pathway that is necessary for access to the site of
23 the development or redevelopment activity, if the road or pathway is removed
24 immediately after completion of the development or redevelopment activity and the area
25 is restored to its previous vegetative condition; and grading of a development site, if the
26 area is restored to its previous vegetative condition immediately after completion of the
27 development or redevelopment activity. Temporary disturbance does not include: a septic
28 system in a forest or developed woodland on a lot created before local program approval,
29 if clearing is required. Temporary disturbance also does not include a violation.
30

31 **Temporary use** – A use intended to be of limited, short-term duration (generally less
32 than one year) with the potential to pose detrimental impacts on surrounding properties if
33 allowed to proceed without Town review. Such impacts potentially cannot be determined
34 except on a case-by-case review. The duration of a temporary use varies and is relative
35 to the activity proposed. It may range from a few hours for a sale or special event to
36 several years for a construction office or staging area at a major construction project.
37

38 **Thinning** – a forest practice used to accelerate tree growth of quality trees in the shortest
39 interval of time.
40

41 **Threatened species** – Any species of fish, wildlife, or plants designated as such by
42 regulation by the Department of Natural Resources that appear likely, within the
43 foreseeable future, to become endangered, including any species of wildlife or plant
44 determined to be a “threatened” species pursuant to the federal Endangered Species Act,
45 16 U.S.C. § 1431 et seq., as amended.
46

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

10
11 **Topography** – The existing configuration of the earth's surface including the relative
12 relief, elevations, and position of land features.

13
14 **Tower** (See also **antenna**) – A structure on which is attached antennas intended for
15 transmitting or receiving television, radio, telephone communications.

16
17 **Townhouse** – One of three or more residential buildings having a common or party wall
18 separating dwelling units.

19
20 **Town** – The Town of Easton.

21
22 **Town Engineer** – The Easton Engineer or his or her designee.

23
24 **Town Planner (or Planner)** – The designee of the Town Manager charged with the
25 responsibility for administering the Town's planning and zoning programs.

26
27 **Transitional habitat** – A plant community whose species are adapted to the diverse and
28 varying environmental conditions that occur along the boundary that separates aquatic
29 and terrestrial areas.

30
31 **Transportation facilities** – Anything that is built, installed, or established to provide a
32 means of transport from one place to another.

33
34 **Tributary streams** – Perennial and intermittent streams in the Critical Area that are so
35 noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle
36 maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of
37 Easton.

38
39 **Understory** – means the layer of forest vegetation typically located underneath the
40 forest canopy.

41
42 **Understory tree** – A tree that, when mature, reaches a height between 12 and 35 feet.

43
44 **Unwarranted hardship** – Means that without a variance, an applicant would be denied
45 reasonable and significant use of the entire parcel or lot for which the variance is
46 requested.”

1
2 **Upland boundary** – The landward edge of a tidal wetland or non-tidal wetland.

3
4 **Utility transmission facilities** – Fixed structures that convey or distribute resources,
5 wastes, or both, including but not limited to electrical lines, water conduits and sewer
6 lines.

7
8 **Variance** – A modification only of density, bulk, or area requirements where such
9 modification will not be contrary to the public interest and where owing to conditions
10 peculiar to the property, and not the results of any action taken by the applicant, a literal
11 enforcement of this Ordinance would result in unnecessary hardship or practical
12 difficulty.

13
14 **Warehouse** – A building used primarily for the storage of goods and materials.

15
16 **Warehousing and distribution** – A use engaged in storage, wholesale, and distribution
17 of manufactured products, supplies, and equipment, but excluding bulk storage of
18 materials that are inflammable or explosive or that create hazardous or commonly
19 recognized offensive conditions.

20
21 **Wash plant** – A facility where sand and gravel is washed during processing.

22
23 **Water-based aquaculture** – The raising of fish and shellfish in any natural, open, free-
24 flowing water body.

25
26 **Water-dependent facilities** – Structures or works associated with industrial, maritime,
27 recreational, educational, or fisheries activities that require location at or near the
28 shoreline within the Buffer. An activity is water-dependent if it cannot exist outside the
29 Buffer and is dependent on the water by reason of the intrinsic nature of its operation.
30 Such activities include, but are not limited to, ports, the intake and outfall structures of
31 power plants, water-use industries, marinas and other boat docking structures, public
32 beaches and other public water-oriented recreation areas, and fisheries activities.

33
34 **Water-use industry** – An industry that requires location near the shoreline because it
35 utilizes surface waters for cooling or other internal purposes.

36
37 **Waterfowl** – Birds which frequent and often swim in water, nest and raise their young
38 near water, and derive at least part of their food from aquatic plants and animals.

39
40 **Wayside Stand** – A structure of 400 square feet or less of floor area used seasonally for
41 the display and sale of locally grown agricultural products and containing no space for
42 customers within said structure.

43
44 **Wetland** – An area that is inundated or saturated by surface water or groundwater at a
45 frequency and duration sufficient to support, and that, under normal circumstances, does

1 support, a prevalence of vegetation typically adapted for life in saturated soil conditions,
2 commonly known as hydrophytic vegetation.

3
4 **Wildlife corridor** – A strip of land having vegetation that provides habitat and a safe
5 passageway for wildlife.

6
7 **Wildlife habitat** – Those plant communities and physiographic features that provide
8 food, water, cover, and nesting areas, as well as foraging and feeding conditions
9 necessary to maintain populations of animals in the Critical Area.

10
11 **Winery** – The use of property for the growing, fermentation, and/or processing of
12 grapes, berries, and other fruits grown on or off premises for the production of wine or
13 juice; packaging, bottling, re-fermentation of still-wine into sparkling wine, and storage
14 of wine; the sample and sale of—at wholesale or retail—wine, gifts, food, and associated
15 activities and related items; promotional events, guided tours, tasting rooms and festivals.

16
17 **Yard** – Any open space located on the same lot with a building, unoccupied and
18 unobstructed from the ground up, except for accessory buildings, or such projections as
19 are expressly permitted in these regulations. The minimum depth or width of a yard shall
20 consist of the horizontal distance between the lot line and the nearest point of the
21 foundation wall of the main building. (See Figure 1.3).

22
23 **Yard, Front** – A yard extending across the front of a lot between the side lot lines and
24 being the minimum horizontal distance between the street line and the main building or
25 any projections thereof. On corner lots, the front yard shall be considered as parallel to
26 all streets.

27
28 **Yard, rear** – A yard extending across the full width of the lot and lying between the rear
29 lot line and the nearest line of the building. Rear-yard depth shall be measured at right
30 angles to the rear line of the lot.

31
32 **Yard, side** – A yard between the side line of the lot and the nearest line of the building
33 and extending from the front yard to the rear yard, or in the absence of either of such
34 front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at
35 right angles to side lot lines.

36
37 **Zero lot line** – The location of a building on a lot in such a manner that one or more of
38 the building's sides rests directly on a lot line.

39
40 **Zone** – A portion of the territory of the Town, exclusive of streets, alleys, and other
41 public ways, within which certain uses of land, premises, and buildings are not permitted
42 and within which certain yards and open spaces are required and certain height limits are
43 established for buildings.

1 **Zoning Administrator (or Zoning Inspector)** – The governmental official of the Town
2 of Easton charged with administering the Easton Zoning Ordinance or his or her
3 designee.