

ARTICLE I TITLE AND PURPOSE

Section 1. Short Title

This Ordinance shall be known, cited, and referred to as the Cecil County Zoning Ordinance.

Section 2. Authority

This Ordinance is enacted under the authority granted by the General Assembly of Maryland, as provided in Article 66B, Annotated Code of Maryland, as amended.

Section 3. Intent/Authority

- 1.** This Ordinance is intended to promote the orderly development of Cecil County, Maryland, in accordance with the Cecil County Comprehensive Plan, as amended, or any of the component parts thereof and in compliance with Article 66B, Code of Public General Laws of Maryland, and Natural Resources Article 8-1808 (d), as amended.

- 2.** The basic objective of this Ordinance is to provide the means to implement the Comprehensive Plan of Cecil County, as amended, and its purpose shall be interpreted as including the following:
 - a.** To make the most appropriate and balanced use of land throughout the County to the extent that both economic development and the conservation of natural resources and the environment is encouraged.

 - b.** To preserve the character and appearance of neighborhoods and to maintain property values generally throughout the County.

 - c.** To preserve the agricultural economy of the County by discouraging conversion of cropland, pastureland, and woodlands to urban uses, and to maintain farming activities without interference from other land uses.

 - d.** To conserve natural resources.

 - e.** To secure safety from fire, panic, flood, and other dangers.

 - f.** To minimize traffic congestion on streets and roads, and to provide adequate off-street parking and loading facilities.

 - g.** To provide adequate light, air, and open space, to insure adequate recreation opportunities, and to provide convenience of access to property.

- h.** To concentrate development in areas suitable for growth as designated in the Cecil County Comprehensive Plan, as amended.
 - i.** To create and preserve an environment conducive to healthful and safe living conditions.
 - j.** To make adequate provision for transportation, water and sewer, schools, police and fire protection, and other public facilities, and to economize on the costs of such public facilities by a careful phasing of development with efficient provision of public improvements.
 - k.** To regulate the intensity of land use; to fix reasonable standards to which structures and uses shall conform; and to prohibit uses and structures incompatible with the character of development or the permitted uses within specified zones.
 - l.** To protect sensitive areas, to control erosion of the land and to protect the waters in and adjacent to the County from excessive sedimentation and from pollution by pesticides, fertilizers, and liquid or solid effluent.
 - m.** To define the powers and duties of administrative officials and bodies in the administration and enforcement of this Ordinance, to establish penalties for violations and to provide for amendments.
 - n.** To protect environmentally sensitive areas from unnecessary disturbance.
- 3.** It is also the objective of this Ordinance to implement the “Visions” contained in the Maryland Economic Growth, Resource Protection and Planning Act, namely:
- a.** Development is concentrated in suitable areas.
 - b.** Sensitive areas are protected.
 - c.** In rural areas, growth is directed to existing population centers and resource areas are protected.
 - d.** Stewardship of the Chesapeake Bay and the land is a universal ethic.
 - e.** Conservation of resources, including a reduction in resource consumption, is practiced.
 - f.** To assure the achievement of a through e above, economic growth is encouraged and regulatory mechanisms are streamlined.

5. Notice shall be provided on the plat of all subdivisions that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of this section are being complied with.
6. Upon execution of a sales contract, the transferor shall provide the purchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this right to farm ordinance.
7. The establishment of buffer zones has been created in this Ordinance to protect the abutting agricultural operations from the impact of residential subdivisions hereafter approved. (see Appendix B, Bufferyard A)
8. Resolution of Disputes and Procedures for Complaints
 - a. Nuisances which affect public health
 1. A person may complain to the Cecil County Health Department to declare that a nuisance which affects public health exists.
 2. The health officer shall investigate all complaints received against an agricultural operation. The health officer shall consult with Cecil Soil Conservation District and the University of Maryland Cooperative Extension Service in determining whether the agricultural operation is being conducted in accordance with this section.
 3. After the health officer has completed his investigation, he will report his findings to the Agricultural Reconciliation Committee, to aid in their determination as to the existence of a nuisance.
 4. Controversy arising in regard to the interference in the use and enjoyment of property from an agricultural operation shall be taken to the Agricultural Reconciliation Committee.
 5. The Agricultural Reconciliation Committee shall arbitrate and mediate disputes involving agricultural operations and issue opinions on whether such agricultural operations are conducted in a manner consistent with this section.
 6. The Agricultural Reconciliation Committee shall consist of five (5) members appointed by the Board of County Commissioners. Two (2) members shall be from the agricultural community, one (1) member shall be from the Cecil County Board of Realtors, and one (1) member shall be from a homeowners' association, one (1) member shall be an at-large citizen of Cecil County. The Board of County Commissioners shall also appoint an alternate member to attend in the absence of a regular member.
 7. Decisions of the Agricultural Reconciliation Committee may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure.

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS REAL PROPERTY LOCATED IN CECIL COUNTY, MARYLAND, DESCRIBED AS

THIS STATEMENT IS A DISCLOSURE OF THE EXISTENCE OF THE CECIL COUNTY RIGHT TO FARM ORDINANCE IN COMPLIANCE WITH ARTICLE I, SECTION 4, OF THE CECIL COUNTY ZONING ORDINANCE.

BUYER'S INFORMATION

You are hereby advised that you are purchasing a parcel of ground in a rural area. Under Cecil County law, agricultural use of the land is permitted. Agricultural uses often include the use of heavy farm equipment that may occasionally operate at night or in early morning hours, as well as during the day time, and may also occasionally be on local roads causing a slowing of traffic. An agricultural operation may also involve other noises, dust, crop, spraying, and offensive odors from animal waste or manures. In addition, agricultural uses sometimes require the spraying of pesticides or herbicides. Certain offensive weeds and insects are sometimes found in or around agricultural operations.

I HAVE READ THIS DISCLOSURE STATEMENT AND UNDERSTAND THAT CECIL COUNTY HAS DETERMINED THAT INCONVENIENCES OR DISCOMFORTS ASSOCIATED WITH AGRICULTURAL OPERATIONS SHALL NOT BE CONSIDERED TO BE AN INTERFERENCE WITH THE REASONABLE USE AND ENJOYMENT OF LAND IF SUCH OPERATIONS ARE CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED AGRICULTURAL BEST MANAGEMENT PRACTICES.

Date

Purchaser

Subdivision

Lot Number

Section 5. Jurisdiction

This Ordinance shall be effective throughout the County's planning jurisdiction. The County's planning jurisdiction comprises all the unincorporated area of Cecil County, Maryland except those federal lands exempted by public law.

Section 6. Interpretation

- 1.** The regulations set by this Ordinance within each district shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, environment and natural resources, and general welfare, and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.
- 2.** It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, Ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with

any private restrictions placed upon property by covenant, deed, or recorded plat. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, or other open spaces than are imposed or required by such existing provisions of law, Ordinance, or resolution, or by such rules, regulations, or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

3. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local Ordinances, regulations, or laws, the more restrictive Ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the local permit official. Private deed restrictions or private covenants for a subdivision, which have not been approved by the Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the permit official. Conditions imposed by the Planning Commission and so noted on the record subdivision plat shall be enforced under Section 340 and any violations of such conditions shall be considered a violation of this Ordinance.
4. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal safety, pollution control or environmental protection law or regulation.
5. Nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the County prior to the date of adoption of this Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within one (1) year from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been executed, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit or certificate.

Section 7. Severability

It is hereby declared to be the intention of the County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 8. No Use or Sale of Land or Buildings Except in Conformity with Ordinance Provisions

1. Subject to Article XV of this Ordinance, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this Ordinance.
2. For the purposes of this section, the "use" or "occupancy" of a building or lands relates to anything and everything that is done to, on, or in that building or land.

Section 9. Fees

Fees established in accordance with Cecil County procedures shall be paid upon submission of a signed application or notice of appeal, unless otherwise determined by the Zoning Administrator.

Section 10. Reserved

Section 11. Reserved

ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

Part I Definitions

Section 12. Definitions of Basic Terms

Unless otherwise specifically provided, or unless clearly defined by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

To amplify and clarify all provisions of this Ordinance, the following rules shall apply:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The words "used" or "occupied" include the words "designed", or "arranged to be used or occupied".
3. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
4. The word "shall" is mandatory and not discretionary.
5. The word "may" is permissive.
6. The word "lot" shall include the words "piece", "parcel" and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for".
7. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the "integral foot" next above shall be taken.

Abandoned Vehicle. Scrap or discarded vehicles, including unlicensed, unregistered, wrecked, abandoned, scrapped, unused, inoperable or dismantled motor vehicles or motor vehicle parts.

Abutting. Having property lines in common; e.g., two lots are abutting if they share a common property line.

Accessory Structure - a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g., a shed or detached garage.

Accessory Use. A use which is clearly incidental and subordinate to a principal use of a structure and which is on the same lot or on a contiguous lot under the same ownership. (See Section 49.)

Activity. Any business, industry, trade, occupation, vocation, profession, or other use conducted or carried on either within a building or covered area, or outdoors on any tract or parcel of land. For zoning purposes, an activity shall be considered separately from any building or structure in which such activity may be conducted.

Adjacent. Having property lines directly across a road or right-of-way or abutting one another.

Administrator, Zoning. The administrative officer or his agent responsible for the administration and enforcement of this Ordinance (See Section 299).

Adult Bookstore/Adult Entertainment Center. An establishment the principal use of which is to offer for sale or viewing books, related paraphernalia, magazines, printed material, films, tapes, peep shows and live acts which depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

Specified Sexual Activities are defined as:

- a. Human Genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical areas are defined as:

- a. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Afforestation. 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 Product Sales. The retail and wholesale sale of products essential to agricultural and aquaculture operations, including feed and grain, fertilizer, plants and seeds, larvae, turf, trees and shrubs, and field crops and shall not include equipment sales.

Agriculture. Agriculture, including horticultural, chemical, or general farming, cultivation of field crops, orchards, groves, greenhouses, or nurseries for growing or propagation of plants, turf, trees, and shrubs, and in general all uses commonly classed as agricultural, and including use of heavy cultivating machinery, spray planes, or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, including structures for processing and sale of products raised on the premises.

Airport. An area of land, installation or facility from which aircraft may take off or land, discharge or receive cargo or passengers, are repaired, take on fuel, are stored, including hangars, terminal or accessory activities.

Alteration. A physical change in a building, structure or land. An alteration includes an addition, projection into yards, or change from one type of use to another.

Alley. A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

Amend or amendments. Any change, addition, or modification to the provisions of this ordinance, or to the official zoning map, which is adopted by the Board of County Commissioners pursuant to the procedures set forth in Article XVII, Part IV herein.

Amusement Park. A commercially operated park with various devices for entertainment.

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

Animal Hospital. A building or premises for the medical or surgical treatment of domestic animals or pets, including veterinary hospitals.

Animal Husbandry. The raising, boarding, and/or sale of domestic animals other than dogs or cats.

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by one or more individuals.

Aquaculture. The farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include, but are not limited to, seed or larvae development and growout facilities, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

Auction House. Establishment for the public sale of property to the highest bidder.

Base Flood. The 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this Ordinance.

Bed and Breakfast Home. A building that contains a dwelling unit and guest rooms where the guests receive a room and one meal per day. Bed and breakfast home means a single-family,

dwelling with an owner and or manager on site that may provide food and non-alcoholic and alcohol beverage service for the guests and their guests only. Bed and Breakfast homes may host events such as weddings, small business meetings and conferences.

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

Block. That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a bed and breakfast home or a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Board of Appeals. A Board established by the Cecil County Commissioners which is authorized to grant special exceptions and variances to this ordinance, and to hear certain appeals from administrative decisions.

Boat, Abandoned. Any vessel that does not have a valid Maryland use sticker displayed on or about the forward half of the vessel and does not have a valid Maryland certificate of number displayed that has remained without permission for more than thirty (30) days on public property, or any vessel that has remained outside a building for more than one hundred eighty (180) days on private property. Boats displaying a valid number issued by the federal government or another state shall not be considered abandoned. Boats being actively restored, rehabilitated, and or built shall not be considered abandoned.

Buffer (spelled with a capital B). A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances. In the Critical Area District, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum depth of one hundred and ten (110) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Buffer Management Plan. A plan designed and intended to describe methods and means used to protect, manipulate and utilize the Buffer which provides multiple benefits.

Buffer Exemption Area. Those areas of the County otherwise within the designated Buffer described herein that are largely or totally developed or that include undeveloped lots of record in single ownership that are 200 feet deep or less, excluding tidal wetlands, the development of which is grandfathered under the provisions of the Cecil County Critical Area Program and Zoning Ordinance.

Bufferyard. A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

Building. Any structure, temporary or permanent, having a roof and designed for shelter or enclosure of any person, animal or property of any kind. Excluded are storage tanks, outdoor processing or testing equipment, and other structures as determined by the Zoning Administrator.

Building, Accessory. A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

Building Coverage. The amount of land covered or permitted to be covered by a building or structure measured in terms of percentage of the lot, tract, or parcel.

Building Envelope. The area formed by the building setback lines of a lot, within which any buildings must be located unless otherwise permitted by this Ordinance.

Building, floor area of. The total number of square feet area in a building, excluding basements, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

Building, Main. The principal structures housing the principal use on the lot.

Building Permit. A permit issued by the Office of Permits and Inspections that authorizes the recipient to construct a specific structure or structures.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Building Set Back Line. A line drawn parallel to a property or boundary line at a distance equal to the minimum depth of the required yard for the district in which the property is located.

Business Service. A business that provides services primarily to other businesses as opposed to the general public.

Bus Storage. A facility where two (2) or more buses are stored, parked, or serviced, and which may include dispatching.

Campgrounds. Any area or tract of land owned by a single entity, or any area or tract of land subdivided as a campground prior to 1980 whereby units could be transferred to various owners to be used as a campground, on which accommodations for temporary and not year round occupancy are located or may be placed, including cabins, tents, recreational vehicles, and campers which are primarily used for recreational purposes and retains an open air or natural character.

Canopy. A roof-like structure of a permanent nature which may be free-standing or projected from a wall of a building or its supports.

Cemetery. A parcel of land used for burials or graves, burial plots, mausoleums, vaults, or columbariums, subject to the approval of the Maryland Department of the Environment.

Circulation Area. That portion of a parking lot used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Commercial. A type of activity where goods or services are sold or traded with the expectation of profit or gain.

Commercial Retail. An activity or use in which items, goods, or products are offered directly to the public for compensation.

Commercial Service. An establishment in which individuals or a business renders an activity to suit the needs of the public for compensation.

Commission. The Cecil County Planning Commission.

Common Open Space. A parcel of land or an area of water, or combination thereof within a designated development tract, such as a subdivision, which is designed and intended for the use of all lot owners and residents of the development tract.

Communications Tower. A structure used for the reception, relay, and transmission of radio, television, microwave, wireless communications, or utility and commercial broadcasting antenna, but do not include radio and television antenna or satellite dishes accessory to a residential use.

Community Facilities. A public or community sewerage disposal system serving three (3) or more dwelling units (see Community sewerage system and Community water supply system definitions below).

Community Piers. Boat docking facilities associated with subdivisions and other similar residential areas, condominiums, and apartments. Private piers are excluded from this definition.

Community Sewerage System. A sewage facility which serves three (3) or more individual lots, dwelling units, businesses, commercial or industrial establishments, or any combination

thereof and which is owned and maintained by an entity other than the County or a municipality including any system for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes. Community sewerage systems include shared sewer facilities.

Community Water Supply System. A source of water supply and distribution system that includes treatment and storage facilities, serving three (3) or more individual lots, dwelling units, businesses, commercial or industrial establishments, or any combination thereof and may be publicly or privately owned and/or operated.

Comprehensive Plan. For purposes of this Ordinance the Comprehensive Plan refers to the Cecil County 1990 Comprehensive Plan, as amended.

Conference Center. A structure or group of structures designed, used or intended to be used by more than fifty (50) individuals for the purpose of gathering or meeting. Excluded from the definition are schools, hospitals, public institutions, houses of worship, and fire assembly halls when the capacity is less than (400) persons.

Conservation Easement. A non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

County Administrator. The administrator to the Board of County Commissioners.

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

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

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

Day Care Center, Family. A home or facility where care is given, for a part of a twenty-four (24) hour day, to from one (1) to not more than eight (8) children, elderly or handicapped

persons, located outside of the home of the legal guardian and where compensation is paid for the care.

Day Care Center, Group. An entity, licensed by the State, where care is given for a part of a twenty-four (24) hour day, to nine (9) or more children, elderly or handicapped persons, and which operates on a regular schedule more than once a week.

Dedication. The transfer of property from private to public ownership as may be required to provide for the public health, safety, or welfare.

Deed Restriction. A private legal restriction and/or covenant on the use of land, contained within a deed of property or otherwise formally recorded in the Land Records of Cecil County, Maryland. These restrictions or covenants are designed to control the use of specific property and enforcement of these is through private civil action. Deed restrictions are not enforced by Cecil County, Maryland unless it is Cecil County, Maryland that records said deed restrictions.

Density. The number of dwelling units that may be constructed per acre or per square foot of a zoned lot area.

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

Developer. A person who is responsible for any undertaking that requires a zoning permit, conditional-use permit, sign permit, site plan, or subdivision approval. In the Chesapeake Bay Critical Area, a developer means a person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the criteria of the commission.

Development or Development Activities. Any construction, modification, extension, or expansion of buildings or structures; grading; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

Development Envelope. The area comprised of lots, structures, bufferyards, impervious surfaces, utilities, stormwater management devices, sewage disposal areas and any area subject to regular human use such as active recreation areas.

Dispensing Device. Any mechanism designed to distribute in portion, any product contained in the device. Dispensing device includes automatic teller machines.

District. A geographic area within the County subject to certain zoning regulations.

Drainageways. Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including: the land, except where areas are designated as floodplain, on either side

(Amended 3/20/07)

of and within fifty (50) feet of the centerline of any intermittent or perennial streams shown on the most recent U.S.G.S 7.5 Minute Quadrangle maps covering the unincorporated areas of Cecil County.

Driveway. That portion of a parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings (not including hotels and motels). In the Chesapeake Bay Critical Area, a dwelling means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with every day life. Dwelling unit includes living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A building containing one (1) dwelling unit on one (1) lot and detached from any other dwelling.

Dwelling, Duplex. A building containing two (2) attached dwelling units which share a common wall and which are on one (1) lot.

Dwelling, Multi-family. A building containing three (3) or more attached dwelling units having common walls and/or roof and a separate entry for each unit. This definition includes townhouses and apartments.

Dwelling, Semi-detached. A building containing two (2) attached dwelling units which share a common wall at the lot line and which are on separate lots.

Dwelling, Townhouses. A building containing three (3) or more attached dwelling units in a row having access from the front and rear of the dwelling.

Dwelling Unit. A group of rooms located within a building, not including manufactured homes or travel trailers, designed for a single family unit containing living, sleeping, cooking, washing, and toilet facilities.

Easement. A right given, sold or exchanged by an owner of land to another party for specific limited use(s) of that land.

Environmental Assessment. A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Exclusion. An act by the Board of County Commissioners of Cecil County, approved by the Chesapeake Bay Critical Area Commission, that exempts an area of the County from certain provisions of the Zoning and Subdivision Regulations applicable only to the Critical Area District.

Exemption, Buffer. An act by the Board of County Commissioners of Cecil County, approved by the Chesapeake Bay Critical Area Commission, that relieves an area of the County from the strict application of all of the Buffer provisions of the Critical Area District.

Facade. The surface area of the front elevation of a structure.

Family. One or more persons living together as a single housekeeping unit.

Farmers Markets. A retail market selling agricultural products.

Feedlot. Any tract of land or structure, pen, or corral wherein cattle, swine, poultry, sheep or goats are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence. A barrier or wall of appropriate construction materials, other than natural vegetation, intended to prevent intrusion or escape, to mark a boundary, or to enclose an area to provide screening or privacy.

Festival or Events. Occasional outdoor festivals or events, including, but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business use.

Finding of Fact. An evaluation provided by the Board of County Commissioners and/or their designee for a proposed amendment(s) to this Ordinance or official zoning maps.

Fishery. A parcel or building where commercial water dependent fishery facilities are located, including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, amphibians and reptiles, including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Flood. General and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

Floodplain. That land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

Floodproofing. Any combination of structural and non-structural changes which reduce or eliminate flood damage to improved property.

Flood-related Erosion. The collapse or subsidence of land along the shore of a body of water as a result of undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water.

Forest. In the Cecil County Critical Area a forest is defined as a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared. Elsewhere in Cecil County a forest is defined as a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest does not include orchards. Forest includes:

- a. areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground and larger; and
- b. forest areas that have been cut but not cleared.

Forest Conservation Regulation. The local program and regulations required by the Forest Conservation Act of 1991, Natural Resources Article, Sec. 5-1601 - 5-1613, Annotated Code of Maryland and as amended.

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

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

Garage. A fully enclosed building accessory to a residence, for the storage of one or more motor vehicles, not including buildings in which fuel is sold or commercial repair or other services are performed.

Golf Course. An area publicly or privately owned, on which the game of golf is played, containing at least nine (9) holes; together with such necessary and usual accessory uses as a club house, driving range, caretakers' dwellings, dining and refreshment facilities.

Golf Driving Range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing Body. The Board of County Commissioners of Cecil County, Maryland.

Grandfathered. Describes the status accorded certain properties, uses and activities that are legally existing prior to the date of adoption of this Zoning Ordinance or provisions of this Zoning Ordinance.

Greenhouse. An enclosed building, permanent or portable, which is used for growing small

plants.

Greenway. A linear park, alternative transportation route, or open space conservation area identified on the Greenways and Unofficial Bikeways Map in the Comprehensive Plan, that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

Group Home. A dwelling in which one (1) to sixteen (16) mentally or physically handicapped individual(s) or individual(s) recovering from drug and/or alcohol abuse are provided care or treatment in a homelike environment as provided for in Health-General Article 7-101, 7-603, 10-514, and 10-518 Annotated Code of Maryland.

Growth Allocation.

- a. An area of land calculated as five (5) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that the County may convert to more intense management areas to accommodate land development; also
- b. An act of the County Commissioners, approved by the Critical Area Commission, that provides for conversion of a property or properties located in Resource Conservation Areas (RCAs) and/or Limited Development Areas (LDAs) in the Critical Area District to another land management classification that allows an increase in the permitted density to the level permitted by the base zoning classification.

Guest House. A dwelling, in addition to the principal dwelling intended for temporary occupancy.

Habitat Protection Area. The Buffer, Non-Tidal Wetlands, Threatened and Endangered Species, Plant and Wildlife Habitats, Anadromous Fish Spawning Propagation Waters and Species in Need of Conservation, i.e. colonial bird nesting waters, historic waterfowl staging and concentration areas, and habitats of local significance, as defined in Cecil County Critical Area Program.

Halfway House. A home for not more than nine people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with at least one person providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Hazardous Waste. Any matter identified as a hazardous substance by the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 116, as amended. It also includes waste, substance or material designated as a hazardous substance pursuant to Natural Resources Article, Section 8-1413.2, Annotated Code of Maryland, and COMAR Title 10, Subtitle 51, as amended.

Hazardous Waste Disposal Facility. All structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow or emergency spillway areas. A hazardous waste disposal

facility may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

Hazardous Waste - Incinerator. An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

Hazardous Waste - Landfill. A disposal facility or part of a facility where hazardous waste is placed in or on land.

Hazardous Waste - Recycling. The handling of hazardous waste or hazardous material for the purpose of breaking it down to its individual components or some of its components by chemical, mechanical, electrical, or other means. This includes the storage, blending, distillation, handling and reclamation of any materials or blends of chemicals which are deemed hazardous substances or hazardous waste as defined herein.

Heavy Industry. Includes the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of materials into finished or semi-finished products, which activities may be conducted outdoors. Heavy industry includes the processing of raw materials.

Height. The vertical distance from the highest point of a structure, excepting chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

Helicopter Facility. An area, either at ground level or elevated on a structure, that is used or intended to be used for the landing and taking off of helicopters and includes major helicopter support facilities such as for fueling, maintenance, parking or hangaring, administration offices, cargo loading, and waiting room.

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

Historic Structure - a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, or a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior.

Home Occupation. A business conducted entirely within an enclosed dwelling unit, by the resident, which is incidental and secondary to residential occupancy and does not change the residential character of the dwelling.

Homeowner's Association. A non-profit corporation of property owners which may be empowered to enforce deed restrictions and other covenants in the deed and which may maintain common areas and facilities.

Hospital. A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical or surgical care of sick or injured humans and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices, providing, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel. A building offering transient housing accommodation, lodging, or boarding and lodging for the public for compensation, and which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may contain restaurants, taverns, club rooms, public banquet halls, ballrooms and meeting rooms.

House of Worship. A building wherein persons regularly assemble for religious worship, and those accessory activities as are customarily associated therewith, which building and accessory activities are maintained and controlled by a religious body organized to sustain public worship.

Hydric Soils. Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Hydrophytic Vegetation. Those plants cited in "National List of Plant Species That Occur in Wetlands: Maryland, 1988" which are described as growing in water or on substrate that is at least periodically deficient in oxygen as a result of excessive water (plants typically found in water habitats).

Immediate Family Member. Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, step-children, or step-parents.

Industrial Auction House. An establishment for the public sale of industrial related equipment, including but not limited to, trucks, backhoes, bulldozers, tractors, graders, lifts, rollers, compressors, forklifts, loaders and other construction related equipment to the highest bidder. Accessory uses to the Industrial Auction House may include merchandise display area and equipment refurbishing facilities (including washing, painting, maintenance, repair and sandblasting).

Intermittent Stream. A stream in which surface water is absent during part of the year and shown on the most recent U.S.G.S. 7.5 Minute Quadrangle maps.

Kennel, Commercial. Any land or structures (temporary or permanent) used for the sale, rental, boarding, breeding, training, or care of five (5) or more dogs or cats for compensation.

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

Landscaping. Changing, rearranging or adding to the original vegetation or scenery to produce an aesthetic effect appropriate for the use to which the land is put. It may include

preserving the original vegetation or adding vegetation. The desired effects are buffering, screening, and preservation of natural features.

Light Industry. Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

Liquor Store. A building or establishment where alcoholic beverages are sold for consumption off of the premises.

Livestock Market. A commercial establishment wherein livestock is collected for sale or auctioning.

Loading and Unloading Area. That portion of the parking area used to satisfy the requirements of Section 277.

Lot. A parcel of land recorded in the Office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded.

Lot Area. The total area within the lot lines of a lot, excluding any road right-of-way.

Lot, Corner. A lot situated at the intersection of two (2) or more streets (See Figure 1).

Lot, Interior. A lot other than a corner or reversed corner lot (See Figure 1).

Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. Unless circumstances specifically indicate the contrary, the front yard of a waterfront lot is the yard facing the waterway. A waterway for purpose of this definition is considered to be any body of water or wetland affected by tidal action (See Figure 1).

Lot Lines. The property lines bounding the lot.

Lot of Record. A parcel of land which has been legally recorded in the land records of Cecil County, Maryland.

Lot, Panhandle. A polygonal shaped lot with the appearance of a "frying pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle," when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope. The width of the handle at any point must not be less than the minimum required frontage (See Figure 1).

Lot Line, Front. A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way.

Lot Line, Rear. A line connecting the rearmost points of the side lot line.

Lot Line, Side. Any boundary of a lot which is not a front lot line nor a rear lot line.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the front and rear yard setback lines. The front and rear line shall be at least the minimum required by this Ordinance, but may be greater.

Manufacture. The process of converting raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purposes.

Manufactured Home. A transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Manufactured Home, Single-wide. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a double-wide manufactured home.

Manufactured Home, Double-wide. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

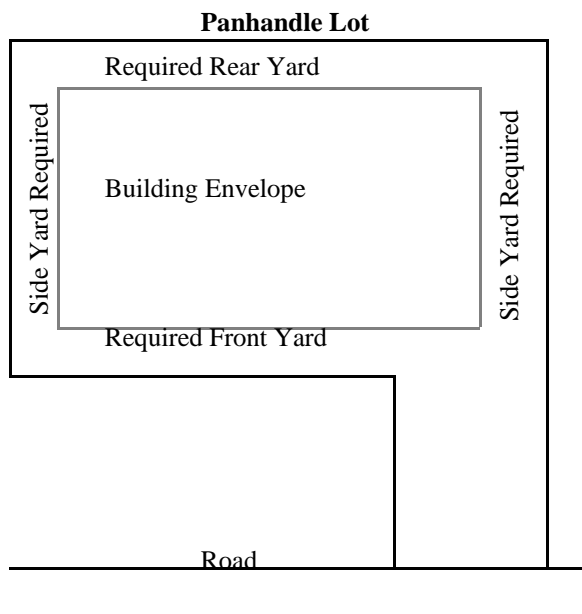
Marina. Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales or promotional events, boat and jetski rental and other uses clearly incidental to watercraft activities.

Marquee. A roof-like structure of a permanent nature which projects from the wall of a building or its supports and may overhang the public way.

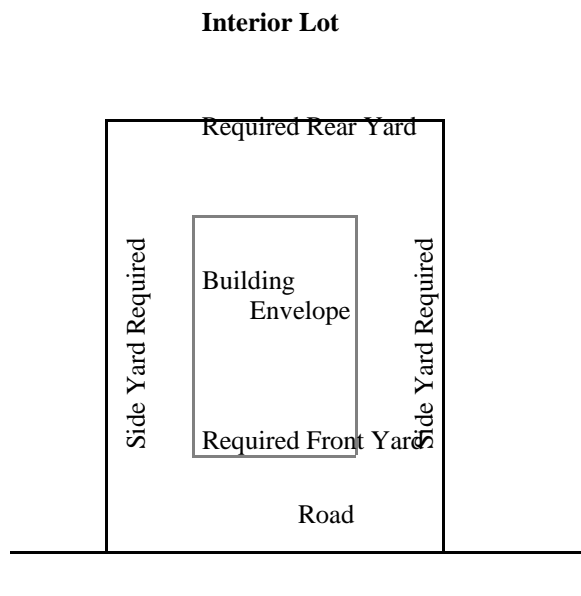
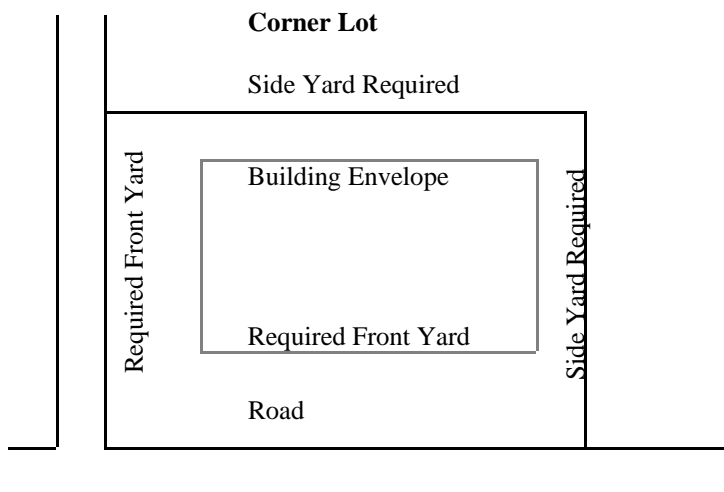
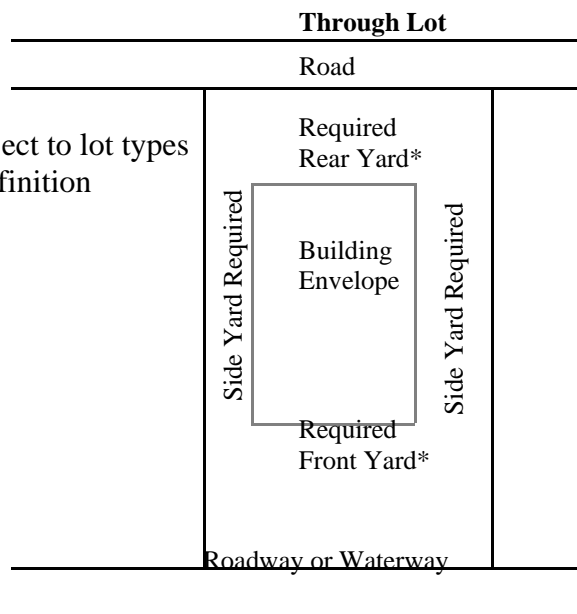
Mean High Water Line. The average level of high tides at a given location.

Metes and Bounds. A description of land prepared by a Maryland registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Figure 1



* Subject to lot types definition



Mineral Extraction. The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot by the owner of the property.

Mineral Resources. Rock, sand, gravel, clay, oil, gas, minerals, or similar non-renewable substances occurring in their natural state on or below the surface of the earth, the utilization of which requires some form of excavation.

Mini Storage. A building or group of buildings in a controlled and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Minor or Insignificant Impact. Development or redevelopment activities in the Critical Area District that result in little or no land disturbance such as second-story additions, maintenance of existing structures, or interior renovations or remodeling.

Modular Home. A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

Motel. A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

Motor Vehicle Filling Station. Any building, structure or area of land used for the retail sale of automobile fuels, oils, and accessories and where repair service, if any, is incidental; and where no more than two (2) abandoned vehicles or other motor vehicles shall be stored on the premises. Motor vehicle filling stations may include the sale of propane or kerosene as accessory uses.

Motor Vehicle Repair and Maintenance. A building or establishment where the following activities may occur: general repair, engine rebuilding, reconditioning of motor vehicles, collision repair, painting, general maintenance, and where no more than two (2) abandoned vehicles shall be stored on the premises.

Motor Vehicle Sales. Storage and display for sale of more than two (2) motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicle sales includes motor vehicle retail or wholesale sales.

Natural Features. Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

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

Neighborhood, Essential Services. Any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

New Construction. Structures for which the start of construction as herein defined commenced on or after the effective date of this Ordinance. This does not apply to any work on a structure existing prior to the effective date of these provisions.

Non-conforming. A lot, tract, parcel, area, width, use or other characteristic which fails to meet the requirements of its zoning district as described by this Ordinance.

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

Nonconforming Uses. A lawfully pre-existing use of part or all of a parcel of land or structure, which is not permitted by the applicable zone regulations of this Ordinance.

Non-Tidal Wetlands. An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and is determined according to the Corps of Engineers Wetland Delineation Manual, 1987.

Nursery. An enterprise which conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

Nursing Care Facility. A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.

Occupancy Permit. Official certification that a premise conforms to provisions of the Zoning Ordinance and may be used or occupied. Unless such a permit is issued, a structure cannot be occupied.

Office. An office for the use of (1) professional people such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations,

manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

Office, Class A. A principal building that is not necessarily the only building on the lot on which it is situated; it may be attached to another building; it is not limited in floor area by definition (although it may be so limited by bulk regulations). Class A office may include separate office buildings, supporting uses and open space designated, planned, constructed and managed on an integrated and coordinated bases.

Office, Class B. A principal building that:

- a. Is not attached to any other building; and
- b. Is the only building on the lot on which it is situated.

Office, Class C. A principal building that was originally constructed as a one family or two family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purpose of this definition, enclosure of a porch does not constitute external enlargement.

Official Cecil County Roadway Classification Map. The map approved by the County Commissioners that designates roadways in Cecil County as arterial, collector, or local roadways.

Offsets. Structures or actions that compensate for undesirable impacts.

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

One Hundred (100) Year Flood. The base flood, having a one chance in a hundred (one percent chance) of being equalled or exceeded in any year.

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

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

Outbuilding. A separate accessory building or structure not physically connected to the principal building.

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

Parapet. The extension of the main walls of a building above the roof.

Parcel. A lot or contiguous group of lots or other separately legally described land in single ownership or under single control and which may be a unit for development purposes.

Parking Area, Lot, or Structure. A structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

Parking Area Aisles. A portion of a parking area consisting of lanes providing access to parking spaces.

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

Perennial Stream. A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 Minute Quadrangle published by the United States Geologic Survey.

Permanent Construction. Any structure occupying a site for more than 180 days per year.

Permitted Use. A use by right which is specifically authorized by this ordinance to be within a particular zoning district as described by the Official Zoning map(s).

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

Planned Unit Development (PUD). A unified site design providing for density increases, clustering, and a mix of building types and land uses with increased open spaces.

Plot Plan. A sketch that includes the requirements listed in Appendix A.

Policy. A statement(s) and/or document(s) of the Board of Commissioners of Cecil County, the Board of Appeals, or the Cecil County Planning Commission that forms the basis for making decisions.

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

Principal Structure. The main building or buildings housing the principal use on the lot.

Principal Use. The primary use occurring on or within the boundaries of a lot as permitted by this Ordinance in a particular zoning district. All other uses within the lot boundaries are considered incidental or accessory.

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

Private Tidal Wetlands. Include:

- a. Land not considered State wetland bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth;
- b. Tidal wetlands transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred; and
- c. Tidal waters created by the excavation of upland unless conveyed to the State.

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

Program Amendment. Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a program refinement.

Program Refinement. Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

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

Public Utilities. Uses or structures for the public purpose of power transmission and distribution (but not power generation); fuel transmission and distribution (but not manufacturing or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities (but not utility truck terminal facilities); radio and television facilities (not including broadcasting studios); and rail or highway rights-of-way (not including stations or terminals).

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

Public Water and Sewerage Systems. A water or sewerage system owned and operated by a municipality or county or an authority or owned and operated by the governing body and permitted by the State of Maryland, and subject to special regulations.

Racetracks. A measured course where animals or machines are entered in competition against one another or against time, not including tracks that are used in the training of animals.

Recycling Facility. A parcel or facility where materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

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

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

(Amended 3/20/07)

Resort. A facility which provides special recreational amenities or is designed for access to unique natural amenities for recreation or relaxation of the users and not primarily oriented to single night lodging.

Restaurants.

- a. Restaurant, standard - A food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
- b. Restaurant, carry-out, delivery - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged, presented or delivered so it can readily be eaten away from the premises as there are no facilities for on-premises consumption of food.
- c. Restaurant, drive-thru or fast food - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

Retirement Housing Complex. A group of buildings or a development designed and operated as an entity which provides housing services and other incidental services which are typically used on a daily basis, to persons who are retired. A retirement housing complex may provide medical care to the residents.

Rezoning. An amendment to or change in the Zoning Ordinance or zoning map.

Road Frontage. That portion of a lot which abuts a County or State maintained road or a private mini-road built and designed in accordance with the Cecil County Road Code.

Roadside Stand. An area, structure or vehicle used for display and sale of agricultural produce, where the majority of the produce is produced by the owner on the premises or within the immediate neighborhood of the roadside stand.

Roadway, Arterial. A major street in the County's street system that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic. Arterial Roadways are designated on the Official Cecil County Roadway Classification Map.

Roadway, Collector. A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting

properties and is designated as a collector roadway on the Official Cecil County Roadway Classification Map.

Roadway, Local. A street whose principal function is to provide direct access to abutting properties. A local roadway shall be defined as those roadways not classified as collector or arterial roadways on the Official Cecil County Roadway Classification Map and those roadways built to serve new subdivisions.

Rubble Landfill. An area or tract of land which is used for the disposal of land clearing debris, demolition debris of a certain type, construction debris of a certain type, and other waste materials as specified in Section 153 of this Ordinance.

Salvage Yard. Any area not within a building where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled, abandoned, including the salvaging, storing, wrecking of automobiles and other vehicles, machinery or parts thereof, house wrecking yards, used lumber yards and places for storage of salvaged building or structural steel materials and equipment. Any property occupied by an unlicensed vehicle shall constitute a salvage yard unless the vehicle is stored within a building or if the vehicle is stored within 50 feet of a dwelling on the property and it falls into one of the following categories:

- a. One (1) genuine antique or classic vehicle (but not to be used for parts) which is actively being restored;
- b. Vehicles which must be held pending settlement of insurance and similar claims;
- c. A vehicle recently purchased, pending inspection, for a period not to exceed sixty (60) days; and
- d. A vehicle being advertised for sale, for a period not to exceed sixty (60) consecutive days.

For the purpose of Section 138 a vehicle shall mean a vehicle of a type subject to the licensing requirements of the Motor Vehicle Administration.

Sanitary Landfill. A land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading, compacting, and applying covering material as required.

Sawmill. A facility where raw timber is cut or stripped to produce lumber or wood products, not including the cutting of timber for use on the same lot by the owner or resident of that lot.

Screening. A barrier of appropriate natural vegetation or appropriate fencing materials intended to provide a physical and/or visual buffer between uses as specified by the Ordinances and Regulations of Cecil County.

Seat. For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

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

Sewage Sludge Composting. Sewage sludge composting is defined as a process wherein material is produced by subjecting a mixture of sewage sludge and a bulking agent, such as wood chips, to aerobic decomposition in the manner so as to destroy primary pathogenic and malodorous components.

Shopping Center. A retail and/or service commercial development designed, built, or used as an integrated use with more than one tenant or occupant and characterized by common parking, access, landscaping, and utilities.

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

a. Structural

1. Revetment -- facing laid on a sloping shore to reduce wave energy and contain shore materials.
2. Bulkhead -- excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
 - (b) In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

b. Nonstructural - creation of an intertidal marsh channelward of the existing bank by one of the following methods:

1. Vegetation -- planting an existing shore with a wide band of vegetation;

2. Bank Sloping/Vegetation -- sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
3. Contained Beach -- filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

Sign. See Article XIII.

Significant Impact. Any land disturbance not defined as a "minor or insignificant impact" in the Cecil County Critical Area Program.

Significantly Eroding Areas. Shoreline areas eroding at the rate of two (2) feet or greater per year.

Site Plan, Major or Minor. A plan, to scale, showing uses, structures, and required improvements proposed for a parcel of land as required by this Ordinance.

Sketch Plat. A plat containing the required information listed in Appendix A.

Slaughterhouse. An establishment where animals are butchered.

Sludge. The waste by-product that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the volatile solids content.

Sludge Application. Application is defined as the incorporation or injection into the root zone or soil profile of sewage sludge or wastewater solids.

Sludge Co-Landfilling. Co-landfilling is defined as the mixing and compacting of sludge with solid waste as part of a normal sanitary landfill operation.

Sludge Disposal Facility. Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-landfilling, application, or composting of stabilized sludge.

Sludge Handling. Handling in general is defined as any manner in which sewage sludge is handled, utilized, or otherwise managed or stored including incineration, composting, co-landfilling, and application.

Sludge Incineration. Incineration is defined as the combustion of sewage sludge in a closed system with adequate controls to yield a non-putrescible ash and an air effluent of quality permissible by law.

Sludge, Stabilized. The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the volatile solids content.

Sludge Surface Impoundment. A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) which is designed to hold an accumulation of solid waste in semi-solid or liquid form. Examples of surface impoundments are holding, storage settling, and aeration pits, ponds, and lagoons.

Sludge Transportation. The moving of stabilization sludge over public roads or across any areas to which the public has access.

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

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

Special District. An area described in the Zoning Ordinance or on the Official Zoning Map within which special regulations are applicable.

Special Exception. A Special Exception is a use, approved by the Board of Appeals, that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location or other factors would promote the general public health, safety, welfare, comfort, convenience, or appearance.

Species of Concern. Rare, threatened or endangered species or species in need of conservation.

State Tidal Wetland. Any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Tidal wetlands of this category which have been transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered "private tidal wetlands" to the extent of the interest transferred.

Steep Slopes. Any slope with a grade of 25 percent or more covering a contiguous area of 10,000 square feet or more shall be considered a steep slope.

Storage Trailer and Container. A trailer or container, not designed for human habitation, that is located for the storage of items and materials. Manufactured homes shall not be considered storage trailers.

Storage Trailer Facility. An area where more than one storage trailer is located for sale, rent or lease.

Stormwater Management.

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

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

Street, Marginal Access. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Structure. A construction extending above grade with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, carports, towers, tanks, and billboards. A manufactured home, even though it may be moved from time to time, is considered to be a structure.

Subdivision. The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future).

Subdivision, Major. A process of subdivision subject to review by the Technical Advisory Committee, and the Planning Commission as described by the Subdivision Regulations of Cecil County.

Subdivision, Minor. A subdivision approved by the Office of Planning and Zoning by which up to a total of five (5) lots may be created from a parcel as it existed on April 15, 1976. For purposes of this Ordinance, any remaining land shall be considered a lot.

Subdivision Regulations. County Ordinance that regulates the conversion of raw land into building lots for residential or other purposes.

Tavern. An establishment where alcoholic beverages are sold and consumed on the premises.

Television or Satellite dish. A device or equipment used for the receiving of television or radio programming which is a subordinate use or structure customarily incidental to and located upon the same lot as the main structure, in either a side or rear yard.

Tenant House. A dwelling, in addition to the principal dwelling, intended to house farm help. One tenant house may be erected per every one hundred acres without subdivision.

Tidal Wetlands. All State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland's coastal barrier islands, and the Atlantic Ocean to a distance of three (3) miles offshore of the low water mark.

Timber Harvest Plan. A plan designed to detail the commercial harvesting by cutting and removing of tree stems from a site for commercial purposes. These plans shall be prepared by a registered forester or landscape architect.

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

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

Travel Trailer or Camper. A portable structure built on a chassis, whether self-propelled or towed, to be used as temporary dwelling for travel, recreation and vacation uses where factory equipped for the road, not requiring special permits to use the road and not being in excess of 45 feet in length, excluding the tongue for towed vehicles. A travel trailer owned by the occupant of a legally existing dwelling may be stored on the premises.

Tributary Streams. Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S.G.S. 7.5 Minute Quadrangle Maps or on more detailed maps or studies at the discretion of the County.

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

Truck Terminal. A parcel where two (2) or more trucks or truck trailers are stored. Truck terminals may include parcels used for the loading or unloading of trucks and the temporary storage of goods and commodities pending transfer. Truck terminals may also include warehouse facilities for the temporary storage of goods in transit. Other uses, such as eating facilities, truck fueling and repair facilities, and sleeping quarters for truck drivers may be permitted as accessory uses only.

Use. The activity or function that actually takes place or is intended to take place on a lot.

Use, Permitted. A use which may be lawfully established in a particular district or districts provided it conforms with all regulations, requirements, and standards of such district.

Variance. A modification of zoning ordinance regulations for height, frontage, area or size of structure, or size of yards and open spaces, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the result of any action taken by the applicant, and where a literal enforcement of the Ordinance would result in unnecessary hardship.

Warehouse. A structure in which goods, materials, or other items are stored for compensation for a period of time pending transfer or sale. A warehouse may include wholesale facilities.

Water-Dependent Facilities. Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which Cecil County has determined require location at or near the shoreline within the Buffer.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

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

Wildlife Preserve. An area of significant or special environmental features wherein wildlife is protected from manmade influences and disturbances.

Yard. The required open space of a lot outside the building envelope (See Figure 2).

Yard, Front. A yard extending across the front of the lot between the side lot lines and between the front set back line and the front lot line. Unless circumstances specifically indicate the contrary, the front yard of a waterfront lot is the yard facing the waterway. A waterway for purpose of this definition is considered to be any body of water or wetland affected by tidal action.

Yard, Rear. A yard extending across the rear of the lot between the side lot lines and between the rear set back line and the rear lot line.

Yard, Side. A yard extending along the side lot line between the front and rear set back lines.

Youth camp. A facility, either publicly or privately owned, that provides indoor or outdoor activities for children, including activities such as sports, arts & crafts, entertainment, recreation, educational activities, swimming, fishing and horseback riding. The camp may include buildings, structures and sanitary facilities designed for the recreation and education of youth.

Zoning Certificate. A permit issued by the Zoning Administrator or his agent that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

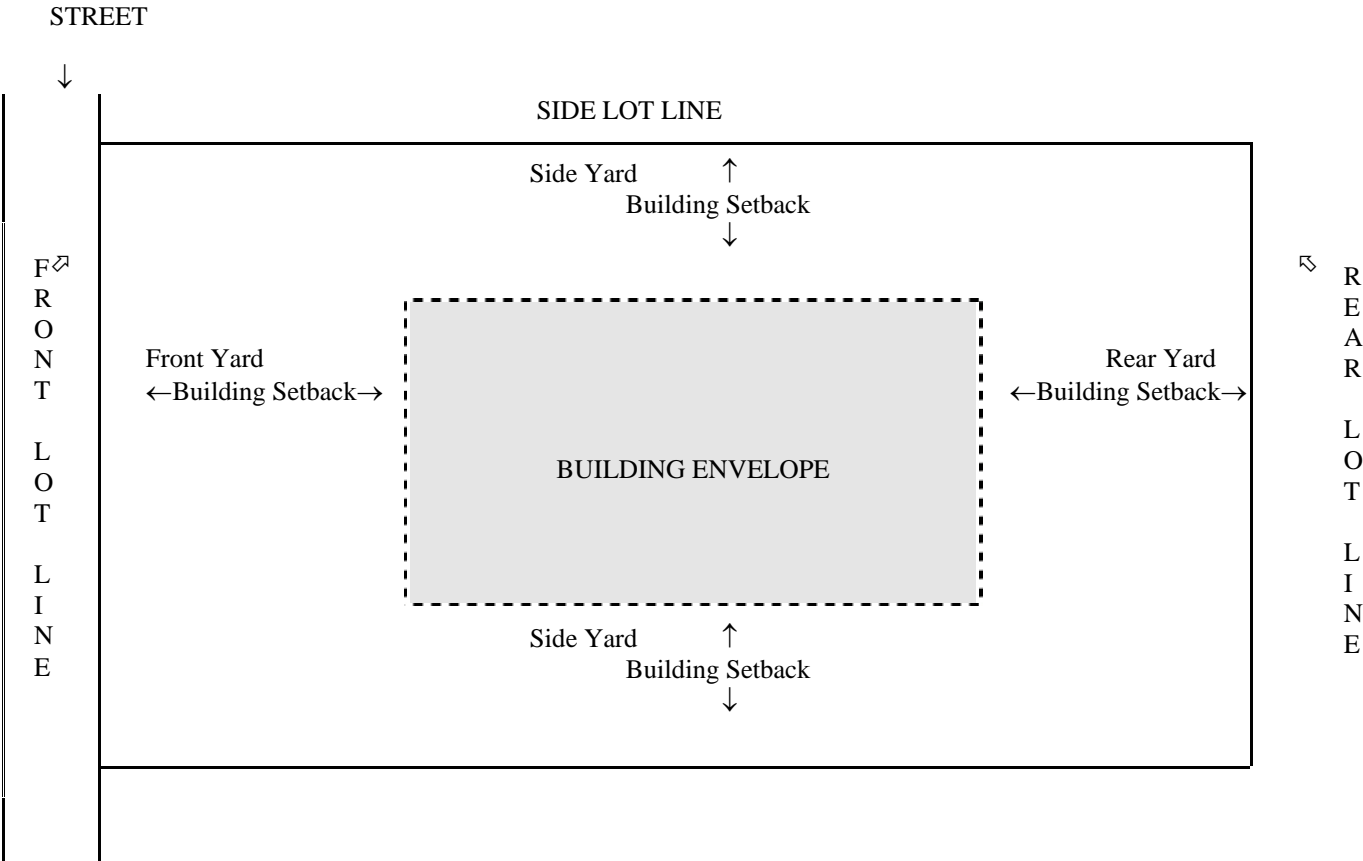
Zoning, Certificate of. Official written certification issued by the Zoning Administrator that a proposed use is in conformance with the Cecil County Zoning Ordinance by complying with the requirements of the zone within which the use is located.

Zoning Overlay District. A district which is placed over the Parent Zoning District and which is intended to supplement the regulations of the parent district to accomplish a special public purpose for which the overlay district is established.

Zoning, Parent District. Those basic districts initially listed other than overlay districts in Article XI.

Zoo. An area, building or structures which contain wild animals on exhibition for viewing by the public.

Figure 2



Part II Zoning Maps

Section 13. Official Zoning Maps

1. The unincorporated areas of the County are hereby divided into zones, as shown on the Official Zoning Maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

2. The Official Zoning Maps shall be identified by the signature of the County Commissioners attested by the County Administrator, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Maps referred to in Article II, Section 13 of the Zoning Ordinance of the County of Cecil, Maryland", together with the date of the adoption of this Ordinance.

3. Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps which shall be located in the office of the County Administrator, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the County. A copy of the maps shall be located in the Office of Planning and Zoning.

Section 14. Replacement of Official Zoning Maps

1. In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may by resolution adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps.

2. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Office of Planning and Zoning shall certify as to the accuracy of the new Official Zoning Maps and the maps shall be identified by the signature of the County Commissioners attested by the County Administrator, and bearing the seal of the County under the following words: "This is to certify that these Official Zoning Maps supersedes and replaces the Official Zoning Maps adopted (date of adoption of maps being replaced) as part of the Zoning Ordinance of the County of Cecil, Maryland."

Section 15. Location and Boundaries of Zones

1. A zoning district is represented by name in this Ordinance and by letter or letter-number combination or name-and-number combinations on the Zoning Maps. Where an area on the maps is designated as a certain district, the zoning regulations pertaining to that district shall prevail.

- 2.** The location and boundaries of zones established in the districts shall be as shown on the Official Zoning Maps for Cecil County, Maryland. These maps, sections or portions thereof, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on the maps were fully described and incorporated herein.
- 3.** Where uncertainty exists as to the boundaries of any of the zone districts established in this Ordinance, as shown on the Official Zoning Maps, the following rules shall apply:
 - a.** Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries;
 - b.** Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 10 feet distant therefrom, such lot lines shall be such boundaries;
 - c.** In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.
 - d.** Boundaries indicated as approximately following town or county limits shall be construed as following town or county limits.
 - e.** Boundaries indicated as following railroad lines shall be construed to be midway between the outside rails;
 - f.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, (except as provided in paragraph g. below) and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
 - g.** The boundary of any zone adjoining the shoreline of any water body shall be construed to incorporate within said zone any shoreline structure, including docks, piers, boathouses, loading and launching facilities;
 - h.** Boundaries indicated as parallel to or extensions of features indicated in Subsection a. through f. above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map;

County Comprehensive Plan. It is intended that this overlay designation apply to those portions of the Mineral Extraction District where there is a potential for conflict between adjacent current and future land uses and the mineral extraction activity. Permitted uses in the MEB District shall be those as specified for the underlying zone.

Section 18. Amendments to the Official Zoning Maps

1. Amendments to the Official Zoning Maps are accomplished using the same procedures that apply to other amendments to this Ordinance, as set forth in Article XVII.
2. Amendments to the Official Zoning Maps involving any land within the Critical Area District shall comply with Section 203.
3. If, in accordance with the provisions of this Ordinance and Article 66B, Title 2, Annotated Code of Maryland, changes are made in zone boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be made on the Official Zoning Maps promptly after the amendment has been approved by the County Commissioners, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the County Commissioners, the following (change) (changes) were made in the Official Zoning Map: (brief description of nature of change)", which entry shall be signed by the County Commissioners and attested by the County Administrator. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Maps. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Maps shall become effective until such change and entry has been made on said map.
4. No changes of any nature shall be made in the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 340 of this Ordinance.
5. The County shall keep copies of superseded prints of the zoning maps for historical reference.

Section 19. Reserved

Section 20. Reserved