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[HISTORY: Adopted by the Town of Preston 1-3-1996; amended 4-5-2000. Subsequent amendments noted where applicable.]

ARTICLE I

General Corporate Powers

Section 101. Enumeration.

The inhabitants of the Town of Preston, within the corporate limits legally established from time to time, are hereby constituted and continued as a body corporate, by the name of "Town of Preston", with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal, and to have perpetual succession.

ARTICLE II

Corporate Boundaries

Section 201. Description of Corporate Boundaries.

The corporate boundaries are as follows:

- (A) Beginning at a concrete monument or marker set on the Southwesterly side of the right of way of the Baltimore & Eastern R.R., said monument being marked with a lead disc lettered "Preston, 1953 Cor. #1", said monument being located at Md. State Coordinate X= 1,112,559.00/Y= 319,151.85: thence: (1) North sixty degrees, twenty minutes West, (Azimuth one hundred, nineteen degrees forty minutes) one thousand seventy-seven and two tenths feet (N60 degrees 20'W (Azimuth 119 degrees 40') 1,077.2 ft.) to a concrete monument or marker set on the Northwesterly side of the Back Landing Road, marked Cor. #2, being Md. State Coordinate Z= 1,111,623.01/Y= 319,685.02; thence: (2) with the northwesterly side of the Back Landing Road, South thirty degrees, thirty four minutes West, (Azimuth thirty degrees, thirty four minutes) six hundred, fourteen and eight one hundredths feet (230 degrees 34'W (Azimuth 30 degrees 34') 614.80 ft.) to a concrete monument or marker marked Cor. #3, at Md. State Coordinate X= 1,111,310.35/ Y= 319,155.66; thence: (3) North forty eight degrees, twenty one minutes West, (Azimuth one hundred, thirty-one degrees, thirty-nine minutes) two thousand, five hundred, sixty-four and ninety one-hundredths feet (N48 degrees 21'W (Azimuth 131 degrees 39')2564.90) to a concrete monument marked Cor. #4, set at Md. State Coordinate X= 1,109,393,82/Y= 320,860.23; thence: (4) North no degrees, fifty-one minutes) three thousand, eight hundred, eighty four and ninety one hundredths feet (no degree 51'E (Azimuth 180 degrees 51') 3,884.90 ft.) to a concrete monument marked Cor. #5, set at Md. State Coordinate X= 1,109,451.45/ Y= 324,744.70; thence: (5) South eighty eight degrees, eleven minutes East (Azimuth two hundred, seventy one degrees, forty-nine minutes) eight hundred, forty-nine and thirty-two one hundredths feet (S88 degrees 11'E (Azimuth 271 degrees 49') 849.32 ft.) to a concrete monument

marked Cor. #6, set at Md. State Coordinate X= 1,110,345.32/ Y= 324,716.35; thence: (6) South thirty-nine degrees, forty-five minutes East, (Azimuth three hundred, twenty degrees, fifteen minutes) six thousand, twenty-three and ninety six one hundredths feet (S39 degrees 45'E (Azimuth 320 degrees 15') 6,023.96 ft.) to a concrete monument marked Cor. #7, set at Md. State Coordinate X= 1,114,197.28/ Y= 320,084.87; thence: (7) South sixty degrees, twenty-one minutes West, (Azimuth sixty degrees, twenty-one minutes) one thousand, eight hundred, eight-four and eighty-five one hundredths feet (S60 degrees 21'W (Azimuth 60 degrees 21') 1,884.85 ft.) to Cor. #1 and the place of beginning: the area contained within the above described boundary lines equals three hundred, forty-four and ninety-three one hundredths acres (344.93A.) and includes the entire area of the now existing corporate area of the Town of Preston. Bearings and Azimuth are true meridian based on U.S.C. & G. Survey Station "Johns", located between the Town of Preston and the Town of Federalsburg.

- (B) 1990 Annexation. Beginning for the same at a Concrete Monument found on the northerly side of the public road which leads from Wrights Wharf Road to Preston, known as Back Landing Road, said Concrete Monument being a southwesterly corner of the Corporate Limits of the Town of Preston, and from said Place of Beginning running by and with the northerly side of Back Landing Road, the following two courses and distances (1) South 39 degrees 57 minutes 48 seconds West 130.87 feet to a Concrete Monument set; thence (2) continuing South 39 degrees 57 minutes 48 seconds West 205.09 feet; thence leaving Back Landing Road (3) North 37 degrees 15 minutes 00 seconds West 343.11 feet; thence (4) North 52 degrees 45 minutes 00 seconds East 200.00 feet; thence (5) North 37 degrees 15 minutes 00 seconds West 1119.67 feet to a Concrete Monument set and the land of Albert W. Sisk and Son, Inc. (Liber 159, Folio 595); thence by and with the said Albert W. Sisk and Son, Inc. land (6) North 50 degrees 42 minutes 05 seconds East 69.68 feet to an Iron Rod found on the Town of Preston Corporate Limits; thence by and with the said Town of Preston Corporate Limits (7) South 39 degrees 38 minutes 14 seconds East 1392.12 feet to the Place of Beginning, containing 4.660 Acres of Land, more or less.
- (C) BEGINNING for the same at an iron rod set located at the intersection of the northeasternmost right-of-way line of the lands now or formerly of the Maryland Department of Transportation (66-foot-wide railroad right-of-way) with the former corporate boundary line of the Town of Preston, said point being located north 60 degrees 21 minutes 00 seconds east 67.49 feet from "Preston, 1953 Cor. #1" a concrete marker found along the southwestern side of the aforesaid railroad right-of-way; thence (1) leaving said point so fixed and binding with the former Preston corporate boundary line north 60 degrees 21 minutes 00 seconds east 297.56 feet to a point, said point being located south 38 degrees 53 minutes 12 seconds east 3.95 feet from a concrete marker found; thence leaving the former Preston corporate boundary line and running with the division lines between the lands of the Commissioners of Preston (deed reference 219/117) and the lands now or formerly of Junior Order Cemetery, Inc. (deed reference 167/128) the four following courses and distances: (2) south 38 degrees 53 minutes 12 seconds east 189.09 feet to an iron pipe, (3) south 44degrees 29 minutes 10 seconds east 173.84 feet to a concrete monument, (4) south 53 degrees 29 minutes 24 seconds east 243.89 feet to an iron pipe, and (5) north 41 degrees 02 minutes 20 seconds east 125.93 feet to a concrete monument located at the intersection of the division lines between the aforesaid Commissioners of Preston lands, the aforesaid

Junior Order Cemetery, Inc., lands, the lands now or formerly of Bethesda United Methodist Church of Preston, Maryland, Inc. (deed reference 755/531), and the lands now or formerly of Jose Cuevas (deed reference 496/619); thence (6) leaving the aforesaid Junior Order Cemetery lands and the Bethesda United Methodist Church of Preston, Maryland, Inc., lands and binding on the division line between the aforesaid Commissioners of Preston lands and the aforesaid Cuevas lands south 35 degrees 13 minutes 09 seconds west 214.99 feet to an iron pipe found at the intersection of the division lines between the lands now or formerly of the Commissioners of Preston (deed reference 169/291), the aforesaid Cuevas lands, and other lands of the Commissioners of Preston (deed reference 154/252; thence (7) binding with the southwesternmost boundary line of the aforesaid Cuevas lands and the lands now or formerly of Glenn Schmick (deed reference 220/382) south 47 degrees 00 minutes 10 seconds east 1208.10 feet to an iron pipe located at the intersection of the division line between the aforesaid Commissioners of Preston lands, the aforesaid Glenn Schmick lands, and the lands now or formerly of James and Lori Schmick (deed reference 298/680); thence leaving the aforesaid Glenn Schmick lands and binding with the southwesternmost boundary lines of the aforesaid James and Lori Schmick lands the two following courses and distances: (8) south 47 degrees 00 minutes 10 seconds east 46.50 feet to a point, and (9) south 13 degrees 57 minutes 15 seconds east 168.27 feet to a concrete monument located at the intersection of the division line between the aforesaid Commissioners of Preston lands, the aforesaid James and Lori Schmick lands, and other lands of James and Lori Schmick (deed reference 298/683), said point being further located along the western side of an old road; thence (10) leaving the first mentioned James and Lori Schmick lands and binding with the second James and Lori Schmick lands and along the western side of the aforesaid old road south 27 degrees 53 minutes 57 seconds west 128.76 feet to an iron rod located at the intersection of the westernmost boundary of the aforesaid Schmick lands and the northeasternmost right-of-way line of the aforementioned Maryland Department of Transportation lands; thence (11) leaving the aforementioned Schmick lands and binding with the northeasternmost right-of-way line of the aforementioned Maryland Department of Transportation lands north 46 degrees 18 minutes 31 seconds west 2146.09 feet to the point of beginning, containing in all 10.703 acres of land, more or less, as surveyed by Harry A. Smith, Jr., Professional Land Surveyor, in December 2011. **[Added 6-26-2012 by Res. No. 2012-06221]**

Section 202. Public Filing of Corporate Boundaries.

The courses and distances showing the exact corporate limits of the Town shall be filed at all times with the Clerk of the Circuit Court of Caroline County and the Department of Legislative Reference of the Maryland General Assembly. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the Town office and available for public inspection during normal business hours.

ARTICLE III
Town Commission

Section 301. Composition of Commission and Term of Office.

- (A) All legislative and executive powers of the Town shall be vested in a Commission consisting of five Commissioners who shall be elected as provided in this Charter. The Commissioners shall hold office for a term of five years or until their respective successors take office. **[Amended 12-28-2009 by Res. No. 122809]**
- (B) The regular term of Commissioner shall begin at 7:00 p.m. on the first Monday in May following the regular Town election and shall expire upon the seating of a successor. Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected.

Section 302. Qualifications of Commissioners. [Amended 6-7-2010 by Res. No. 2010-6]

Each candidate for Commissioner shall:

1. Reside in the Town for at least one year immediately preceding his or her election.
2. Be at least 21 years of age.
3. Be a qualified registered voter pursuant to Caroline County qualifications for at least 21 days prior to election.
4. Be a citizen of the United States.

Section 303. The President and Vice-President of the Commission.

On the first Monday in May following the regular Town election, the Commission shall elect from among its members a President who shall preside over its meetings. The Commission shall also elect, from among its members, a Vice-President, who shall preside in the absence of the President. The President and Vice-President may be reelected annually.

Section 304. The Salary of the Commissioners.

The persons serving as Commissioners of Preston will not receive any salary for their service. The persons serving as Commissioners of Preston will be entitled to reimbursement for expenses they incur in their duties as Commissioners. In lieu of the submission of vouchers or claims, the Commissioners may be entitled to payments from the Town in the amount of \$1,000 annually and President of Commissioners \$1,200.

Section 305. Vacancies in the Commission. [Amended 4-6-2020 by Ord. No. 2020-O-1]

A vacancy in the Office of Commissioner shall exist upon the death, suspension, resignation, recall or forfeiture of office by a Commissioner in accordance with the provisions of this Charter. Whenever a vacancy occurs the remaining Commissioners shall declare the office vacant and fill the office for the remainder of the unexpired term as follows: The remaining

Commissioners shall appoint a person to fill such vacancy, provided the person meets the qualifications set forth in Section 302 of this Charter. That person shall then serve until the next general election, or until a special election called under the terms of Section 512 of the Town Charter, whichever shall first occur.

Section 306. Meetings of the Commission. [Amended 10-3-2001 by Res. No. 2001-01]

- (A) The Commission shall hold a regular meeting at 7 p.m. on the first Monday of each month or at such other regular times as may be prescribed by the Commission but not less frequently than once each month. The Commission may hold work sessions once monthly or as needed. These work sessions shall be open to the public but no official actions of the Commission shall take place at work sessions. Special meetings shall be called by the Town Manager upon the request of the President or a majority of the members of the Commission. The Commission shall provide that residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.
- (B) The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and record the vote of each Commissioner upon final action on any question, resolution, or ordinance and at any other time if requested by any member of the Commission. The journal shall be open to public inspection.
- (C) All meetings of the Commission shall be open to the public unless closed by the Commission in accordance with the provisions of State law.

Section 307. Quorum. [Amended 12-28-2009 by Res. No. 122809]

Three members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the affirmative vote of three members of the Commission.

Section 308. Procedure for Enactment of Resolutions and Ordinances.

- (A) Definitions.
 - (1) Resolution shall mean a formal expression of opinion, will or intent adopted by a vote of the Commission and, unless otherwise required by law, shall not have the force of an ordinance.
 - (2) Ordinance shall mean a legislative enactment adopted in a manner prescribed by this Section that shall have the full force of law.
- (B) An ordinance or resolution may be introduced by any Commissioner at any public meeting of the Commission.
- (C) The Commission shall not act on any ordinance at the meeting at which it is introduced. The Commission may pass, amend and pass, reject, or defer consideration of an ordinance at any meeting of the Commission held not less than six (6) days nor more than sixty (60) days after the meeting at which the ordinance was introduced.

Every ordinance passed by the Commission must be signed by at least three Commissioners before it shall become effective. **[Amended 3-4-2013 by Ord. No. 2013-0204]**

- (D) Except as otherwise provided by this Charter, and except as specified in the second sentence of this Subsection, every ordinance shall become effective at the expiration of twenty-one (21) calendar days following adoption by the Commission unless a later effective date has been specified therein. Resolutions dealing with Charter amendments and annexation resolutions shall become effective at the expiration of fifty (50) calendar days following adoption by the Commission unless a later effective date has been specified therein. **[Amended 3-4-2013 by Ord. No. 2013-0204]**
- (E) In cases of emergency affecting the immediate preservation of life, health, property, or the public peace, the provision that an ordinance shall not be acted on at the meeting at which it is introduced may be suspended by the affirmative vote of all the Commissioners present. No action shall be taken unless at least three Commissioners are present. An emergency ordinance may become effective immediately upon adoption or on a later date as specified therein. No emergency ordinance shall levy any tax or authorize borrowing except as provided in Section 706(B) of this Charter; abolish any office; change the compensation, term, or duty of any officer; grant any franchise or special privilege; sell any public property or land; or create any vested right or interest. Every emergency ordinance shall be clearly designated as such and shall describe the emergency in clear and specific terms. Upon adoption, a fair summary of the emergency ordinance shall be immediately published in a newspaper of general circulation in the Town and posted in the Town office. The Commission shall hold a public hearing on the emergency ordinance at its next regular or special meeting, held not less than six (6) days nor more than thirty (30) days after its adoption. **[Amended 3-4-2013 by Ord. No. 2013-0204]**
- (F) Each ordinance, resolution, or other official action of the Commission shall be posted at the Town office immediately after its introduction until it is either passed or rejected. Each adopted ordinance, resolution, or other official action shall be posted at the Town office for at least two weeks after it becomes effective.
- (G) Ordinances in effect shall be filed by the Town Manager and be kept available for public inspection.

Section 309. Referendum.

- (A) Except for an ordinance adopted pursuant to Section 713 of this Charter authorizing the levying of property taxes, the qualified voters of the Town may petition an ordinance to referendum as provided in this Section.
- (B) Upon approval of any ordinance, the qualified voters of the Town may file a petition with the Town Manager requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval. To be valid, the petition must be submitted before the expiration of twenty (20) calendar days following the approval of the ordinance and contain the signatures of at least twenty percent (20%) of the qualified voters of the Town. After receipt of the petition and verification of the signatures by the Town Manager, the Commission shall have the

ordinance or the part petitioned to referendum, submitted to a vote of the qualified voters of the Town at the next regular Town election or, in the Commission's discretion, at a special election occurring before the next regular election.

- (C) Except for an emergency ordinance, no ordinance or the part thereof petitioned to referendum shall become effective following the receipt of such petition until approved at a referendum by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof petitioned to referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance, or the part thereof petitioned to referendum, shall be suspended until approval by a majority of the qualified voters voting on the question at any election.
- (D) Any ordinance, or part thereof, disapproved by the voters shall stand repealed. The provisions of this Section shall be self executing, but the Commission may adopt ordinances in furtherance of these provisions and not in conflict with them.

Section 310. File of Ordinances.

Ordinances in effect shall be filed by the Town Manager and be kept available for public inspection. An annual compilation of all ordinances of general application and continuing force that have been enacted during the year shall be added to the most recent code of ordinances.

ARTICLE IV

Powers of the Commission

Section 401. General Powers.

- (A) The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town and visitors thereto and sojourners therein.
- (B) The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

Section 402. Enumeration of Specific Powers.

- (A) The Commission shall have the power to pass ordinances for the following specific purposes:
- (1) Administration. To hire employees and to establish personnel regulations and a merit system.

- (2) Advertising. To provide for advertising, printing, and publication of materials relating to the business of the Town, including financial and legal notices required by law or this Charter.
- (3) Animals. To regulate the keeping and to prohibit the running at large of any animals; to provide for the licensing of dogs and to provide for the disposition of homeless dogs and dogs on which no license fee is paid; to authorize the impounding, keeping, sale, destruction, or redemption of any animals found in violation of any ordinance regulating same.
- (4) Appropriations and finances. To levy, assess, and collect real and personal property taxes; to appropriate municipal monies for any public purpose within the powers of the President and Commission; to have general management and control of the finances of the Town.
- (5) Billboards. To license, tax, regulate, restrain, and prohibit the erection or maintenance of billboards and the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.
- (6) Board, Commissions, and Committees. To appoint any Boards, Commissions, and Committees that may be deemed necessary to further the purposes of the Town.
- (7) Bridges. To erect and maintain bridges.
- (8) Buildings. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town and to grant building permits therefore; to require the condemnation of buildings and structures that, in whole or in part, are dangerous or insecure, and to require that such buildings and structures be made safe or taken down.
- (9) Business licensing and regulation. To exercise the business licensing and regulation authority granted to municipal corporations in the business regulation Article of the Annotated Code of Maryland and all other provisions of law.
- (10) Cemeteries. To regulate or prohibit the interment of bodies within the Town and to regulate cemeteries.
- (11) Codification. To provide for the codification of all ordinances.
- (12) Community services. To provide, maintain and operate community and social services.
- (13) Curfew. To prohibit youth from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
- (14) Departments. To create, change, and abolish offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

- (15) Elections. To provide for municipal elections; to purchase, lease, borrow, install, and maintain voting machines for use in Town elections.
- (16) Elevators. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.
- (17) Explosives. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar materials which may endanger persons or property.
- (18) Fees and charges. To establish and collect fees and charges for all franchises, licenses, and permits issued by the Town and for all governmental or proprietary functions of the Town.
- (19) Fire. To suppress and prevent fires and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to adopt a fire prevention code to provide for protection against fires and the removal of fire hazards and to appoint inspectors for the enforcement of such code; to prohibit the use of buildings and structures that do not meet the requirements of any fire prevention code established by the Town; to take all other measures necessary to control and prevent fires in the Town.
- (20) Food. To inspect and to require the condemnation of any unhealthy food products and to regulate the sale of any food products.
- (21) Franchises. To grant and regulate franchises to water companies, electric light companies, gas companies, telephone companies, transit companies, taxicab companies, and all public communication systems which may be deemed advantageous and beneficial to the Town, subject to the limitations and provisions of Article 23A of the Annotated Code of Maryland;¹ to grant exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way; to impose franchise fees, and to establish rates and regulations for franchises granted under this subsection, subject to State and federal laws.
- (22) Grants-in-aid. To accept grants of federal or State funds and to expend such funds subject to the conditions under which the grants are made.
- (23) Hawkers and peddlers. To license, tax, regulate, suppress, and prohibit hawkers, itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the Town.
- (24) Hazardous improvements. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- (25) Health. To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer and to define and regulate the powers and duties of

1. Editor's Note: See now the Local Government Article of the Annotated Code of Maryland.

such officer; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health. Nothing in this Section shall be construed to affect any of the powers and duties of the Secretary of Health and Mental Hygiene of the State of Maryland, the County Board of Health or any public general or local law relating to health.

- (26) House numbers. To regulate the numbering of houses and lots and to require owners to renumber them.
- (27) Intergovernmental activities. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
- (28) Liens. To provide that any valid charges, taxes, assessments, or penalties made against any real property within the Town shall be liens upon the property to be collected as municipal taxes are collected.
- (29) Lights. To provide for the lighting of the Town.
- (30) Markets. To establish and to regulate markets, and to license the sale of marketable commodities.
- (31) Noise. To regulate or prohibit unreasonable noise.
- (32) Nuisances. To prevent, prohibit or abate all nuisances defined by common law, by this Charter, by ordinance of the President and Commission, or by the laws of the State of Maryland; to regulate or prohibit all trading, handling, or manufacture of any commodity that may become offensive or injurious to the public.
- (33) Obstructions. To prohibit and remove all obstructions from any street, lane, alley, sidewalk, or other public way and from any lots adjoining any street, lane, alley, sidewalk, or other public way, or any other public place.
- (34) Parking facilities. To license and regulate and to establish, operate, and maintain facilities for off-street parking.
- (35) Parking meters. To install parking meters on the streets and public places of the Town and prescribe rates and provisions for their use. The State Highway Administration must approve the installation of any parking meters on any road maintained by the State of Maryland.
- (36) Parks and recreation. To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs.
- (37) Police force. To establish, operate, and maintain a police force.
- (38) Property. To obtain real or personal property for any public purposes; to erect buildings and structures on this property for the benefit of the Town and its inhabitants; to convey or sell any real or personal property of the Town when no

longer needed for public use, after having given at least 20 days public notice of the proposed conveyance.

- (39) Public peace and order. To prohibit, suppress, and punish within the Town all vice, gambling, prostitution and the keeping of bawdy houses and houses of ill fame, and all disorders, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.
 - (40) Public right-of-way. To regulate the use of the entire area between any public street, road, alley, or public way and any private property line, including storm drains, curbs, sidewalks, any area between the curb and the sidewalk, and any area between the sidewalk and the property line, and all structures in, under or above this; to require the owner or occupant of any premises to keep the sidewalks in front of or adjacent to such premises in a clean and safe condition, including the removal of snow, debris or other obstructions.
 - (41) Refuse. To prevent the deposit of any dirt, garbage, trash, liquids, or other wastes either on private or public property; to provide for the proper disposal of solid wastes.
 - (42) Regulations. To adopt by ordinance and enforce police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and similar regulations not in conflict with the laws of the State of Maryland or this Charter.
 - (43) Sanitation. To require the owner or occupant of any premises or building in the Town to abate or cleanse any filthy, unsanitary, or unsafe condition and after reasonable notice to the owners or occupants, to authorize the abatement or cleansing of the filthy, unsanitary, or unsafe condition by proper agents of the Town at the owner or occupant's expense.
 - (44) Signs and displays. To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.
 - (45) Taxicabs. To license, tax and regulate public hackers, taxicab drivers, porters, and all other similar occupations.
 - (46) Vehicles. To regulate and license vehicles not subject to the licensing power of the State of Maryland.
 - (47) Zoning. To exercise the planning and zoning powers conferred to municipal corporations pursuant to Article 66B of the Annotated Code of Maryland.²
- (B) The enumeration of powers in this Section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

2. Editor's Note: See now the Land Use Article of the Annotated Code of Maryland.

ARTICLE V

Registration, Nomination and Election Procedures**Section 501. Board of Elections.**

- (A) There shall be a Board of Elections consisting of three members who shall be appointed by the Commission on or before the first Monday in March in every odd numbered year. The terms of members of the Board of Elections shall begin on the first Monday in March of the year in which they are appointed and shall run for two years. The Board shall appoint one of its members as Chairperson. Vacancies on the Board shall be filled by the Commission for the remainder of the unexpired term. Members of the Board of Elections may be reappointed by the Commission.
- (B) Members of the Board shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term on the Board. The compensation of the members of the Board, if any, shall be determined by the Commission.
- (C) The Board of Elections shall be in charge of the registration of voters, nominations, and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties.
- (D) Any member of the Board of Elections may be removed by the Commission for inefficiency, malfeasance, misfeasance, nonfeasance, misconduct in office, or insubordination. Before removal, the member of the Board to be removed shall be given a written copy of the charges and shall have a public hearing before the Commission if requested within ten days after receiving the written copy of the charges. Members of the Board shall also be removed if they no longer meet the qualifications enumerated in subsection (B) of this Section

Section 502. Qualifications of Voters. [Amended 6-7-2010 by Res. No. 2010-6]

Every person who meets all the following requirements is a qualified voter and may vote in Town elections:

1. Is a citizen of the United States.
2. Is at least eighteen (18) years of age.
3. Has resided in the corporate limits of the Town for at least forty-five (45) days immediately preceding any Town Election.
4. Is registered to vote in accordance with the provisions of this Charter.

No person shall be qualified to vote in a Town election unless he or she is duly registered to vote in Caroline County at least twenty one (21) days prior to the election.

Section 503. Registration of Voters.

Registration by the Caroline County Board of Supervisors of Elections shall be deemed registration for Town elections, provided that the person so registered meets the voter

qualifications enumerated in this Charter. The list of registered voters provided by the Caroline County Board of Supervisors of Elections shall be a valid voter registration list for the Town. County voter registration forms shall be made available at the Town office during normal business hours.

Section 504. Absentee Voting.

Any registered voter is entitled to vote in any election by absentee ballot. It shall be the duty of the Board of Elections to transmit and receive applications for absentee ballots and to provide ballots, envelopes, instructions, and printed matter to enable absentee voters to vote, in a manner prescribed by State law.

Section 505. Nomination Procedures.

Persons may be nominated for elective office in the Town by filing a certificate of nomination with the Board of Elections at least fifteen (15) days immediately preceding a Town election. No person shall file for nomination to more than one elective public office at one time.

Section 506. Conduct of Elections Generally.

- (A) It shall be the duty of the Board of Elections to provide for each Town election a suitable place or places for voting and suitable ballots or voting machines. The ballots or voting machines shall show the name of each candidate nominated for elective office arranged in alphabetical order by office with no party designation of any kind. There shall be space on the ballot to permit write in votes for offices. The Board of Elections shall keep the polls open from 1:00 p.m. to 7:00 p.m. on election day or for longer hours if the Commission requires it.
- (B) Except as provided in Section 511 of this Charter, the Board of Elections shall give at least two weeks notice of every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice in some public place or places in the Town.

Section 507. Election of Commissioners. [Amended 12-28-2009 by Res. No. 122809; 4-6-2020 by Ord. No. 2020-O-2]

On the fourth Monday in April beginning in April 2011 and every year thereafter the qualified voters of the Town shall elect one person as Commissioner for a term of five years. Notwithstanding the provisions of the first sentence of this Section, if the Governor orders or decrees a state of emergency or a catastrophic health emergency during a period of time that includes the fourth Monday in April, the Commissioners may postpone the election until a date after the termination of the state of emergency or the catastrophic health emergency.

Section 508. The Counting and Preservation of Ballots.

- (A) Within forty-eight hours after the closing of the polls the Board of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town Manager who shall record the results in the minutes of the Commission. The candidate for Commission with the highest number of votes in the general election shall be declared elected as Commissioner.
- (B) In the event of a tie between two or more individuals, which would prevent any one of them from holding office, the individual then serving as Commissioner shall continue to perform the duties of that office and a special election between the individuals tied with the highest number of votes shall be called as provided in Section 511 of this Charter.³
- (C) All ballots used in any Town election shall be preserved for at least six months from the date of the election.

Section 509. Suspension of Elected Officials.

Any person holding an elective office under this Charter, who during a term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the official's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be suspended from office pursuant to Section 2 of Article XV of the Constitution of Maryland and the office shall be filled in the manner prescribed by Section 511 of this Charter.

Section 510. Forfeiture of Office.

Any person holding elective office under this Charter shall immediately forfeit the office if the official ceases to be a legal resident of the Town.

Section 511. Recall of Elected Officials.

Any elected official may be removed from office in accordance with the following procedure:

- (A) A petition signed by at least twenty-five (25%) of the registered voters of the Town of Preston must be presented to the Commission at a regular meeting of the Commissioners stating the desire to have the named Commissioner subjected to recall by a vote of the electorate. A petition shall contain the name of only one (1) Commissioner.
- (B) The petition shall state specifically the factual basis for the proposed recall of the Commissioner, which shall be one (1) of the following reasons:
 - (1) Failure to uphold the oath of office.
 - (2) Misconduct in office: for the purpose of this provision, "misconduct in office" shall mean any willful, unlawful or wrongful behavior of a Commissioner in

3. Editor's Note: See Sec. 512, Special Elections.

relation to the duties of his or her office, but such conduct need not be criminal in nature to come within this provision.

- (C) Upon receipt of a petition the Commissioners shall refer the petition to the board of Election Judges for verification of the appropriate number of registered voter's signatures. If the petition is so authenticated, the Commissioners shall announce that (1) within thirty (30) days of receipt of the petition a public hearing will be held on that petition, and that (2) within sixty (60) days of receipt of the petition a special election shall be held in order to allow all registered voters of the Town to vote on the petition.
- (D) The voting ballot shall contain the Commissioner's name, a summary of the allegations set forth in the petition required by paragraph (B) above, and provisions for voting FOR or AGAINST his or her retention. If the majority of those voting vote FOR retention, such official shall remain in office for the remainder of his or her term unless disqualified. HOWEVER, if the majority of those voting should vote AGAINST retention, such official shall become immediately disqualified for retention in office and the remaining elected officials shall move to fill the vacancy as provided for in Section 305 and 512.

Section 512. Special Elections.

- (A) Whenever required by this Charter, it shall be the duty of the Board of Elections to order a special election at a date not less than fifteen (15) days nor more than ninety (90) days from the date an office is declared vacant or the date an election results in a tie vote, or if a petition for recall is filed (the election shall be held without delay but within not more than 60 days from the date the petition is filed. provided that the Board of Elections shall give the voters of the Town ten (10) days notice of the date of the special election. **[Amended 4-6-2020 by Ord. No. 2020-O-1]**
- (B) All special elections shall be conducted by the Board of Elections in the same manner and with the same personnel, as far as practicable, as General Town Elections.
- (C) The newly elected Commissioner shall take office at the next regular or special meeting of the Commission and shall hold office for the remainder of the unexpired term.

Section 513. Uncontested Elections. [Added 5-3-2021 by Ord. No. 2021-O-2]

- (A) Notwithstanding the terms of Sections 506, 507, 508, and 512 of this Town Charter, if only one person files a certificate of nomination before the deadline set forth in Section 505 of this Town Charter for an election in which there is only one vacancy, then the Town Manager shall certify that the election is uncontested, in which case the election shall be canceled, and that person shall assume the office of Commissioner upon taking the oath of office in accordance with the provisions of this Town Charter.
- (B) Notwithstanding the terms of Sections 506, 507, 508, and 512 of this Town Charter, if no person files a certificate of nomination before the deadline set forth in Section 505 of this Town Charter, then and in that event, no election shall be held, and the Commissioner whose term is expiring shall automatically retain his or her office for another term; provided, however, that if such Commissioner refuses to serve another

term, then his or her office will be deemed vacated, and the remaining Commissioners will fill the vacancy in accordance with the provisions of this Town Charter.

ARTICLE VI Municipal Employees

Section 601. Establishment of a Merit System.

The Town shall provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the Commission shall adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary.

Section 602. Town Manager.

- (A) The Commission shall appoint a Town Manager to be the chief financial and administrative officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Town Manager under the direct supervision of the Commission. The Town Manager shall perform any other duties specified by this Charter, Town ordinances, or as may be required by the Commission.
- (B) In the event of a vacancy in the position of Town Manager, the duties of the Town Manager enumerated in this Charter shall be temporarily performed by a Commissioner or some other Town employee appointed by the Commission.

Section 603. Town Attorney.

The President of the Commission, with the approval of the Commission may appoint a Town Attorney. The Town Attorney shall be a member of the Bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Commission. The compensation of the Town Attorney shall be determined by the Commission. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

Section 604. Compensation of Employees.

The Commission shall set the compensation of all officers and employees of the Town from time to time by ordinance. The Commission may provide for health, hospitalization, retirement and other forms of benefits for its officers and employees and may expend public monies for such purposes.

Section 605. Chief of Police. [Amended 9-25-2012 by Ord. No. 2012-0925]

The Commissioners may appoint a Chief of Police to be the Chief Safety Officer for the Town. If the Commissioners appoint a Chief of Police, safety issues, except otherwise provided by this Charter, shall be exercised by the Chief of Police under the direct

supervision of the Commission. The Chief of Police shall perform any other duties specified by this charter, Town ordinances, or as may be required by the Commission. The Chief of Police shall serve at the pleasure of the Town Commission. If the Commission is unhappy with the performance of the Chief of Police, the Chief of Police can be terminated from service for no reason.

ARTICLE VII

Finance

Section 701. Powers and Duties of the Town Manager.

- (A) Under the supervision of the Commission, the Town Manager shall have the authority and be required to perform the following duties at the discretion of the Commission:
- (1) Submit a proposed budget to the Commission on or before May 15 of each year.
 - (2) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
 - (3) Maintain a general accounting system for the Town in such form as the Commission may require, not contrary to State law.
 - (4) Submit at the end of each fiscal year, and at such other times as the Commission may require, a complete financial report to the Commission.
 - (5) Ascertain that all taxable property within the Town is assessed for taxation.
 - (6) Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.
 - (7) Have custody of all public monies, belonging to or under the control of the Town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the Town.
 - (8) Perform any other duties in relation to the fiscal or financial affairs of the Town as the Commission may require or as may be required in this Charter or Town ordinances.

Section 702. Official Bonds.

The Town Manager and such other officers or employees of the Town as the Commission may require, shall give bond in such amount and with such surety as may be required by the Commission. The premiums on such bonds shall be paid by the Town.

Section 703. The Fiscal Year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on July 1 in any year and shall end on June 30 of the following year. The fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 704. Submission of the Budget. [Amended 1-7-2008 by Res. No. 2008-01]

The Town Manager shall submit a proposed budget to the Commission on or before May 15 of each year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall also contain suggested goals of each Town department for the fiscal year. The budget shall be a public record in the Town office and open to public inspection during normal business hours.

Section 705. Adoption of the Budget. [Amended 7-1-2013 by Ord. No. 2013-0624; 6-5-2017 by Ord. No. 05-222017]

The Commission shall hold a public hearing on the proposed budget after giving at least two (2) weeks notice of such hearing in a newspaper of general circulation within the Town, after which the Commission may amend the budget. Where the Commission shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance.

Section 706. Appropriations.

- (A) No public money may be expended without having been appropriated by the Commission. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. The Commission may approve a transfer of funds between major appropriations during the fiscal year with a two-thirds vote of the Commission.
- (B) To meet a public emergency affecting life, health, property or the public peace, the Commission may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of Section 308 of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Commission may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Section 707. Over Expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or render into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that

general classification of expenditure pursuant to the provisions of this Article. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this Section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law.

Section 708. Unexpended-Unencumbered Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 709. Taxable Property Defined.

All real and tangible personal property within the corporate limits of the Town of Preston shall be subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the same as that for State and county taxes. No authority is given by this Section to impose taxes on any property which is exempt from taxation by any act of the general assembly.

Section 710. The Establishment of Tax Levy.

The Commission may annually levy such taxes upon assessable real and personal property within the corporate limits as it deems necessary and shall set the tax rates by resolution prior to adoption of the annual budget.

Section 711. Tax Levy and Notification of Tax Due.

Immediately after the tax levy is made by the Commission in each year, the Town Manager shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. All taxes levied under this Section shall be a lien on any and all property of the person, corporation, or entity against whom they are levied as set forth in Section 14-804 et seq. of the Tax Property Article of the Annotated Code of Maryland. The Manager shall make out and mail or deliver in person to each taxpayer or the taxpayer's agent, at the last known address, a bill or account of the taxes due. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive this tax notice shall not relieve any taxpayer of the responsibility to pay all taxes levied on the taxpayer's property by the dates established in this Charter.

Section 712. Date of Payment and Overdue Payments of Taxes.

(A) Real Property Taxes. The taxes provided for in Section 711 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be

overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate prescribed by State law. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in Section 713.

- (B) Personal property taxes. The personal property taxes provided for in Section 709 of this Charter shall be due and payable thirty (30) days after the date they are billed. All taxes not paid within ninety (90) days of the date they are billed shall be overdue and in arrears. They shall bear interest while in arrears at the rate prescribed by State law until paid. All taxes not paid in arrears one year after the date of the initial bill shall be collected as provided in Section 713.

Section 713. The Sale of Tax Delinquent Property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 712 of this Charter shall be turned over by the Town Manager to the official of the county responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by this county official, in the manner prescribed by State law.

Section 714. Borrowing Power.

- (A) Except as otherwise provided in this Charter, the Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, tax anticipation notes, or any other permitted evidences of indebtedness in the manner prescribed in Sections 31 through 39 of Article 23a of the Annotated Code of Maryland (1957 edition as amended).⁴
- (B) The power and obligation of the Town to pay all general obligation bonds, notes, or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the Town is hereby pledged for the payment of the principal of and the interest on all general obligation bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this Section, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.
- (C) During the first six months of any fiscal year the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the

4. Editor's Note: See now §§ 19-301 through 19-309 of the Local Government Article of the Annotated Code of Maryland.

property tax levy for the fiscal year in which such notes or other evidences are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commission shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

- (D) The Town shall have the power to issue revenue bonds for one or more revenue producing project that serve a proper public purpose. Prior to the issuance of revenue bonds, the Commission shall enact an ordinance stating the public purpose for which the proceeds of the revenue bonds are to be expended. Revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds derived from the project or projects for which they were issued. Notwithstanding the authority granted to the Commissioners by this Section, the faith and credit of the Town may not be pledged for the payment of revenue bonds.

Section 715. Special Assessments.

- (A) The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited determinable area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, storm water sewers, curbs, gutters, and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or part of the above projects out of the proceeds of a special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.
- (B) The procedure for special assessments shall be as follows:
- (1) The cost of the project being charged for shall be assessed according to the front foot rule of appointment or some other equitable basis determined by the Commission.
 - (2) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property from the project, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per cent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
 - (3) All special assessment charges shall be levied by the Commission by ordinance. Before levying any special assessment charges, the Commission shall hold a public hearing. The Town Manager shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their

agents or attorneys, may appear before the Commission and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Town Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the Town Manager shall have completed publication and service of notice as provided in this Section. Following the hearing the Commission may vote to proceed with the project and may levy the special assessment.

- (4) Any affected party feeling aggrieved by the levying of any special assessment under the provisions of this Section shall have the right to appeal to the Caroline County Circuit Court within ten days after the levying of any assessment by the Commission.
- (5) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the Commission may determine. The Commission shall determine on what date installments shall be due and payable. Interest may be charged on overdue installments at a rate to be determined by the Commission.
- (6) All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

Section 716. Issue of Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by two Commissioners or some other duly appointed Town employee or official and shall be countersigned by the President.

Section 717. Purchases and Contracts.

- (A) All purchases and contracts shall be made by the Town Manager or other duly appointed employee or official. The Commission may provide, by ordinance, for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and expenditures, consistent with this Article.

Section 718. Audit.

The financial books and accounts of the Town shall be audited annually as required by Article 19 Section 40 of the Annotated Code of Maryland.⁵

ARTICLE VIII
Municipal Holdings

Section 801. The Authority to Acquire, Possess and Dispose of Property.

The Town shall have the power to acquire real, personal, or mixed property inside or outside the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of whatever kind belonging to or in the possession of the Town at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

Section 802. The Acquisition of Property by Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in the Real Property Article, Title 12, Annotated Code of Maryland.

Section 803. Protection and Maintenance of Town Property.

The Town may do whatever may be necessary to protect Town property and to keep all Town property in good condition.

ARTICLE IX
Public Ways and Sidewalks

Section 901. The Definition of Public Ways.

The term "public ways" as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section 902. The Control of Public Ways.

(A) The Town shall have control of all public ways in the Town except those under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to

5. Editor's Note: See now § 16-305 of the Local Government Article of the Annotated Code of Maryland.

establish, operate, maintain, close, or otherwise regulate the use of public ways in the Town.

- (B) The Town shall have but is not limited to the following powers:
- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, or any bridges, curbs, and gutters.
 - (2) Grade, lay out, construct, open, extend, and make new public ways.
 - (3) Grade, straighten, widen, alter, improve, or close up any existing public way or part thereof.
 - (4) Pave, surface, repave, or resurface any public way or part thereof.
 - (5) Install, construct, reconstruct, repair and maintain curbs or gutters along any public way or part thereof.
 - (6) Construct, reconstruct, maintain, and repair bridges.
 - (7) Name Town public ways.
 - (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
 - (9) Abandon public ways.

Section 903. Public Sidewalks.

The Town shall have the power to:

- (A) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property or along any public way or part thereof.
- (B) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property or along any public way or part thereof.
- (C) Require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this Section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectable in the same manner as are Town taxes or by suit of law. If under the terms of this subparagraph the Town does work it shall have the right of access over that portion of the property owner's land necessary to perform the work on the sidewalk provided that the Town restores the condition of the land to the condition that existed before the Town performed the work on the sidewalk. **[Amended 5-7-2007 by Res. No. 2007-5]**

ARTICLE X

Water and Sewerage System**Section 1001. The Authorization of a Municipal System.**

The Town shall have the power to:

- (A) Construct, operate and maintain a water system and water plant.
- (B) Construct, operate and maintain a sanitary sewerage system and sewage treatment plant.
- (C) Construct, operate and maintain a storm water drainage system and storm water sewers.
- (D) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (E) Have surveys, plans, specifications, and estimates, made for any of the above plants and systems or parts thereof or the extension thereof.
- (F) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 1002. Authority to Extend the System Beyond Town Limits.

The Town shall have the power to extend its water and sewerage system beyond the Town limits.

Section 1003. Access to Installation; Right of Entry.

Any employee or agent of the Town, while in the necessary pursuit of official duties with regard to the water or sewage systems operated by the Town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the Town or in any area outside the Town served by the Town's water or sewage system.

Section 1004. Authority to Contract Services.

The Town may contract with any party or parties, inside or outside the Town, to obtain water or to provide for removal of sewage.

Section 1005. The Responsibility for Obstructions and Their Removal.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the county, which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this Section, the Town may use its condemnation powers provided in Section 802. Any violation of an ordinance passed under the provisions of this Section may be made a misdemeanor.

Section 1006. Municipal Authority to Enter on County Public Ways.

The Town may enter upon or do construction in, on, or over any County public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the County, the Town need not obtain any permit or pay any charge for these operations, but it must notify the County of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 1007. Authority to Provide and Regulate Private Connections to the Municipal System.

- (A) The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The Town may require that if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sink drains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed.
- (B) In order to prevent any leakage or waste of water or other improper use of the Town's water system or sewage disposal system, the Town may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

Section 1008. Authority to Charge for Connections.

The Town may charge for each connection made to the Town's water or sewer mains. The amount of the charge shall be determined by the Commission from time to time by ordinance and shall be uniform for each connection.

Section 1009. Authority to Regulate Private Systems.

The Town may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firms, corporation, institution or community whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town.

Section 1010. Authorization to Establish and Collect Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready to serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Town Manager, and if bills are unpaid within thirty (30) days, the service may be discontinued. All charges may be a lien on the property, collectible in the same manner as Town taxes or by suit at law.

ARTICLE XI

General Provisions**Section 1101. Oath of Office.**

- (A) Before entering upon the duties of their offices the Commissioners, the members of the Board of Elections, and all other persons elected to any office of profit or trust in the Town government, shall take and subscribe to the following oath:

"I (FULL NAME) do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of (OFFICE) according to the Constitution and laws of this State."

- (B) The President of Commissioners shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Caroline County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the President of Commissioners.

Section 1102. Prior Rights and Obligations.

- (A) All rights, claims, actions, orders, and contracts, held by the Town or any other person or corporation at the time this Charter is adopted, including any liens acquired under any prior Charter of the Town, are hereby preserved in all respects together with all rights and remedies in relation thereto.
- (B) This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty existing at the time this Charter becomes effective. All pending suits and actions, both civil and criminal, or which may hereafter be instituted for causes or actions now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1103. Effect of Charter on Existing Ordinances.

- (A) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective, which are not in conflict with the provisions of this Charter,

shall remain in effect until changed or repealed according to the provisions of this Charter.

- (B) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are hereby repealed to the extent of such conflict.

Section 1104. Enforcement and Penalties.

- (A) The Commission shall have the power to declare that a violation of any Town ordinance or resolution shall be punishable as a misdemeanor and to affix penalties thereto of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for up to six (6) months or such additional amounts and penalties as permitted by State law, or both. Upon conviction before the District Court of Maryland or the Circuit Court for Caroline County, the aggrieved party shall have the right to appeal as provided under the general laws of the State. Unless otherwise explicitly provided, all violations of Town ordinances shall be a misdemeanor.
- (B) The Commission shall have the power to declare that a violation of any Town ordinance or resolution shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by State law or other ordinance, and to affix penalties thereto of a fine not exceeding one thousand dollars (\$1,000.00). The fine is payable by the offender to the Town within twenty (20) calendar days of service of the citation. Any person who receives a citation for a municipal infraction may elect to stand trial for the offense in a manner prescribed by Article 23A Section 3 of the Annotated Code of Maryland⁶ by notifying the Town in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court. For the purposes of this Charter a municipal infraction is a civil offense.
- (C) Where violations are of a continuing nature each day a violation continues shall constitute a separate offense.

Section 1105. Separability.

If any word, clause, sentence, paragraph or Section of this Charter is declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, or sections of this Charter.

6. Editor's Note: See now § 6-105 of the Local Government Article of the Annotated Code of Maryland.

THE CODE

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Construction

§ 1-4. Effect of repeal.

§ 1-1. How Code designated and cited.

ARTICLE II
Adoption of Code

§ 1-2. Definitions and rules of construction.

§ 1-3. Catchlines of sections.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Construction

[Adopted as Ch. 1, Art. II, of the 2001 Code]

§ 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Code of Ordinances of the Town of Preston," and may be so cited. The Code may also be cited as "Preston Town Code."

§ 1-2. Definitions and rules of construction.

In the construction of this Code and all ordinances, the following definitions and rules shall be observed, unless such definitions and rules would be inconsistent with the manifest intent of the Town of Preston:

- A. Charter. Shall mean the Charter of the Town of Preston.
- B. City. May be used interchangeably with the word "Town" or "municipality."
- C. Commissioners. When used as "the Commissioners" or "this Commission" shall mean the Commissioners of the Town of Preston.
- D. County. When used as "the county" or "this county" shall refer to Caroline County, Maryland.
- E. Computation of time. When expressing the time within which an act is to be done shall be computed in accordance with Maryland Rule 8 (Time Computation Saturday, Sunday and Legal Holiday Gen 1., Section a. and b.).¹

1. Editor's Note: See now Rule 1-203, Time.

- F. Gender. When used as the masculine gender shall include the feminine and neuter genders.
- G. Joint authority. When prescribing the authority of any official group of three or more persons, shall, unless otherwise provided, be construed as giving this authority to a majority of the group.
- H. May. When used shall be construed as permissive.
- I. Mayor. Shall mean the Mayor of the Town of Preston.
- J. Municipality. May be used interchangeable with the words "city" and "Town."
- K. Numbers. When used in the singular shall include the plural, as the plural use will include the singular.
- L. Oath. Shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- M. Owner. When applied to building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- N. Person. Shall include a corporation, company, partnership, association or society as well as a natural person.
- O. Property. Shall include real and personal property.
- P. Shall. When used shall be construed as mandatory.
- Q. Sidewalk. Is any path or way, paved or unpaved, whether publicly or privately owned, intended for public use by pedestrians.
- R. State. When used as "the state" or "this state" shall mean the State of Maryland.
- S. Street. Shall include any public ways, roads, highways, and avenues within the Town intended for use by vehicles.
- T. Tenant; occupant. When applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- U. Time. When used in the past or present tense, includes the future as well as the past and present.
- V. Town. When used as "the Town" or "this Town" shall mean the Town of Preston.
- W. Year. Shall mean a calendar year except when referring to the fiscal year.

§ 1-3. Catchlines of sections.

The catchlines or titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be a legal part of such sections, nor as any other part of such sections, nor, unless expressly so provided, shall

they be deemed when any of such sections, including the catchlines, are amended or reenacted.

§ 1-4. Effect of repeal.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

ARTICLE II

Adoption of Code

[An ordinance adopting the Code of the Town of Preston will be proposed before the Commissioners. Upon final adoption, it will be included here as Article II of this chapter.]

Chapter 7
ALCOHOLIC BEVERAGES

§ 7-1. Prohibited acts.

§ 7-2. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 3, Art. IV, of the 2001 Code. Amendments noted where applicable.]

§ 7-1. Prohibited acts.

It shall be unlawful for a person to drink any alcoholic beverage in any public place, building, street, alley, sidewalk or parking lots, unless said place is licensed by law to serve such beverage, or to have in his or her possession in a car or any other means of transportation in the Town of Preston an open container of any alcoholic beverage (open to mean hole punched in container, seal broken or top removed).

§ 7-2. Violations and penalties.

Any person or persons violating any provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$500 or by imprisonment not exceeding 90 days in jail or by both fine and imprisonment.

Chapter 12
ANIMAL WELFARE AND CONTROL

§ 12-1. Adoption of county ordinance.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 3, Art. V, of the 2001 Code. Amendments noted where applicable.]

§ 12-1. Adoption of county ordinance.

- A. The provisions of the Caroline County ordinance titled "Animal Welfare and Control," including any subsequent changes, deletions or amendments to the ordinance, are hereby adopted by the Town of Preston as the ordinance controlling such subject matter within the Town of Preston.
- B. The Caroline County ordinance titled "Animal Welfare and Control," including any subsequent changes, deletions or amendments to the ordinance, is hereby incorporated by reference into the Preston Code of Ordinances
- C. A copy of the Caroline County ordinance titled "Animal Welfare and Control," including any subsequent changes, deletions or amendments to the ordinance, shall be kept in the Town offices and shall be made available to the public during normal business hours.

Chapter 25
BUILDING CODES

ARTICLE I	§ 25-2. Amendments.
Adoption of International Codes	§ 25-3. Repealer.
§ 25-1. Codes adopted.	§ 25-4. Severability.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of International Codes
[Adopted 10-4-2021 by Ord. No. 2021-O-3]

§ 25-1. Codes adopted.

Certain documents, one copy of which is on file in the office of the Town of Preston, being marked as the International Residential Code, the International Building Code, the International Property Maintenance Code, and International Swimming Pool and Spa Code, as published by the International Code Council, latest date, are hereby adopted as the codes of the Town of Preston for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings, townhouses not more than three stories in height, and commercial structures in the Town of Preston, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Residential Code, International Building Code, and the Property Maintenance Code, most current edition, published by the International Code Council on file in the office of the Town of Preston are hereby referred to, adopted and made a part hereof as if fully set out in this article.

§ 25-2. Amendments.

Additional language as follows shall be a part of Preston's Residential Code (IRC) and Building Code (IBC):

- A. All foundation walls shall be an integral part of support to the structure and not an enclosure only. A pier and/or skirted foundation, whether of masonry or other materials, shall not be considered a satisfactory foundation wall.
- B. Any structure with assembly of steel undercarriage and wheel combination shall not be an acceptable residential living unit, whether such combination remains or not.
- C. No residential structure shall have a slope of less than five units vertical and 12 units horizontal (5:12) unless it be a shed dormer, which is permitted to have a minimum slope of 4:12, or unless approved in writing by the Commission of Preston.

§ 25-3. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 25-4. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Commissioners of Preston hereby declare that they would have passed this article, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Chapter 31

BUSINESS LICENSE PROGRAM

§ 31-1. Business license required.

§ 31-4. Duration of license.

§ 31-2. License application; Board of Licenses.

§ 31-5. Exemptions.

§ 31-3. Issuance of license.

§ 31-6. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston 9-14-2020 by Ord. No. 2020-O-4. Amendments noted where applicable.]

§ 31-1. Business license required.

Prior to operating any business within the Town of Preston, the owner or owners thereof, or the chief executive officers in the case of a corporation, must obtain a business license.

§ 31-2. License application; Board of Licenses.

- A. In applying for a license, in addition to paying the necessary fee as set by the Town Council from time to time, the business shall set forth in such detail as the Clerk/Manager of the Town shall deem necessary in order to determine the effect of the business upon the peace, health, safety or convenience of the residents of Preston or whether it may conflict with other laws, ordinances or regulations of Preston, the county or the State of Maryland.
- B. There shall be a Board of Licenses, consisting of the Planning and Zoning Chairperson of the Town of Preston, the President of the Council of Preston, and the Town Manager of Preston, whose function shall be to review applications for licenses and receive complaints regarding violations and/or conduct of licenses. Members of the Board of Licenses shall serve without compensation.

§ 31-3. Issuance of license.

The issuance of the license shall be conditional upon obedience to all applicable laws and regulations, Town, county or state and federal, and the absence of any unreasonable adverse effect upon the peace, health, safety, privacy or welfare or the citizens of Preston, as well as payment of an initial license fee of \$25.

§ 31-4. Duration of license.

All licenses issued under this chapter are not transferable, must be displayed in a visible manner and shall expire on December 31 of each year after the date of issuance. The renewal date is January 1 of each year thereafter.

§ 31-5. Exemptions.

The Board may waive the initial license fee to a business that is considered to have been established before the effective date of this chapter, as well as religious organizations, school functions, municipal, state or federally sponsored programs and charitable groups. Existing businesses will not, however, be exempt from annual renewal fees for January 2022 and later. The above must still comply with all other provisions of this chapter.

§ 31-6. Violations and penalties.

Violations of this chapter shall constitute a municipal infraction.

Chapter 38

CURFEW

§ 38-1. Findings.

§ 38-2. Definitions.

§ 38-3. Prohibited actions.

§ 38-4. Exceptions.

§ 38-5. Enforcement.

§ 38-6. Other actions by law enforcement officer.

§ 38-7. Taking minor into custody.

§ 38-8. Release from custody.

§ 38-9. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 3, Art. II; amended in its entirety 1-7-2008 by Ord. No. 07-4. Subsequent noted where applicable.]

§ 38-1. Findings.

The Commissioners of Preston make the following factual findings demonstrating a local need for a juvenile curfew:

- A. Vandalism and malicious destruction of property.
- B. Underage drinking and controlled dangerous substance (CDS) usage.
- C. Disorderly conduct.

§ 38-2. Definitions.

In this chapter the following words have the meanings indicated:

CURFEW HOURS — 10:00 p.m. until 5:00 a.m., for persons less than 18 years of age.

EMERGENCY — A sudden or unexpected happening, or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act.

ESTABLISHMENT — A privately owned place of business operated for a profit to which the public is invited.

GUARDIAN — A person who is appointed by a court as a guardian of a minor.

PUBLIC PLACE — A place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. "Public place" includes:

- A. A public street, sidewalk, alley, highway, and right-of-way of a public street or highway; and

- B. The common areas of a transport facility, school, hospital, apartment building, office building, shopping center, park, playground, parking lot, theater, restaurant, bowling alley, tavern, cafe, arcade, and shops.

REMAIN — To:

- A. Linger or stay unnecessarily in a public place; or
- B. Fail to leave the premises of an establishment or public place when asked by a local law enforcement officer or employee of the establishment or public place.

§ 38-3. Prohibited actions.

- A. A minor may not remain in a public place or on the premises of an establishment within the Town of Preston during curfew hours.
- B. A parent or guardian of a minor may not knowingly allow a minor to remain in a public place or on the premises of an establishment within the Town of Preston during curfew hours.
- C. The owner, operator, or employee of an establishment may not knowingly allow a minor to remain on the premises of the establishment within the Town of Preston during curfew hours.

§ 38-4. Exceptions.

The curfew adopted by this chapter does not apply to a minor who is:

- A. Accompanied by the minor's parent or guardian;
- B. Performing an errand at the direction of the minor's parent or guardian, without a detour or stop, until 11:00 p.m.;
- C. Accompanied by a person at least 18 years in age and authorized by the minor's parent or guardian to have temporary care or custody of the minor for a designated period of time within a specified area;
- D. With consent of the minor's parent or guardian, involved in interstate travel through the Town of Preston or beginning or ending in the Town of Preston;
- E. Engaged in legal employment activity or is going to or returning home from a legal employment activity;
- F. Involved in an emergency;
- G. On the property where the minor resides;
- H. Attending or returning directly home from:
 - (1) A school, religious, or recreational activity supervised by adults and sponsored by the Town of Preston, a civic organization, or a voluntary organization that takes responsibility for the minor; or

- (2) A place of public entertainment, including a movie, play, or sporting event;
- I. Exercising First Amendment rights under the United States Constitution, if the minor has first submitted to the Police Chief of the Town of Preston a written communication that:
 - (1) Is signed by the minor and countersigned, if practicable, by the parent or guardian of the minor;
 - (2) Includes the parent's or guardian's home address and telephone number; and
 - (3) Specifies when, where, and in what manner the minor will be in a public place during curfew hours; or
- J. Remaining in a public place in a case of reasonable necessity if the minor's parent or guardian has communicated to the Police Chief of the Town of Preston facts:
 - (1) Establishing the reasonable necessity; and
 - (2) Designating:
 - (a) The specific public place and the points of origin and destination for the minor's travel; and
 - (b) The times the minor will be in the public place or traveling to or from the public place.

§ 38-5. Enforcement.

- A. If a law enforcement officer reasonably believes that a minor is in a public place or on the premises of an establishment in violation of this chapter, the officer shall:
 - (1) Notify the minor that the minor is in violation of this chapter;
 - (2) Require the minor to tell the officer the minor's name, address, and telephone number and where to contact the minor's parent or guardian;
 - (3) Issue the minor a written warning that the minor is in violation of this chapter; and
 - (4) Order the minor to go home promptly.
- B. The Police Chief of the Town of Preston shall send written notice of the violation of this chapter to the minor's parent or guardian.

§ 38-6. Other actions by law enforcement officer.

The law enforcement officer may take the minor:

- A. To the minor's home, if appropriate; or
- B. Into custody and transport the minor to the local police station or designated curfew center when:

§ 38-6

PRESTON CODE

§ 38-9

- (1) The minor has received one previous written warning for a violation of this chapter;
- (2) The law enforcement officer has reasonable grounds to believe that the minor has committed a delinquent act; or
- (3) Taking the minor into custody is authorized under § 3-8A-14 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

§ 38-7. Taking minor into custody.

When the minor is taken into custody for a violation of this chapter, the law enforcement officer shall:

- A. Immediately notify the parent or guardian of the minor to come to the local police station to take custody of the minor; and
- B. Determine whether, consistent with constitutional safeguards, the minor or the parent or guardian, or both, are in violation of this chapter.

§ 38-8. Release from custody.

- A. When a parent or guardian arrives at the police station as a result of § 38-7 of this chapter and the appropriate information is recorded, the minor shall be released to the custody of the parent or guardian.
- B. If the parent or guardian cannot be located or fails to take charge of the minor, then the minor shall be released to the local Department of Social Services, the Department of Juvenile Services, or to another adult who will, on behalf of the parent or guardian, assume the responsibility of caring for the minor pending the availability or arrival of the parent or guardian.

§ 38-9. Violations and penalties.

- A. A law enforcement officer may issue a civil citation for a violation of this chapter to:
 - (1) A minor;
 - (2) A parent or guardian of a minor; or
 - (3) An owner, operator, or employee of an establishment.
- B. The civil citation shall include a fine of:
 - (1) Not more than \$500 for a first offense; or
 - (2) Not more than \$1,000 for a second or subsequent offense.

Chapter 44

DEMOLITION PERMITS

**§ 44-1. Demolition permit required;
application for permit.**

§ 44-2. Forms.

§ 44-3. Failure to comply.

[HISTORY: Adopted by the Commissioners of the Town of Preston 6-1-2015 by Ord. No. 04-2715. Amendments noted where applicable.]

§ 44-1. Demolition permit required; application for permit.

Anyone undertaking to demolish part or all of any structure within the Town of Preston will first apply for a demolition permit from the Town. The Town will issue a demolition permit if the applicant does the following acts and provides the following information:

- A. Name and address of applicant and owner;
- B. Address and description of structure to be demolished;
- C. Address and telephone number of contractor;
- D. Demolition start and completion date;
- E. Plans to dispose of demolition rubble;
- F. Submit site plan if required by Town;
- G. Disconnect electric service and notify power company;
- H. Disconnect utilities, water, and sewer, and notify providers;
- I. Erect barriers as the Town requires to protect the public;
- J. Provide for dust control;
- K. Assume responsibility for injury to persons on the subject property and injury and damage to persons, structures, improvements and sidewalks, plants, and grading on adjoining or other properties affected by the demolition (can be met by contractor assuming that responsibility);
- L. Provide for silt fence to protect from soil runoff;
- M. Fill basement with select fill material, not to include wood, debris, or organic material;
- N. Remove foundation walls, footings, and basement or other floor slab; and
- O. Grade the site to prevent runoff or low spots, and inform the Town of soil stabilization to be used, such as ground cover, grass, stone, and the like.

§ 44-2. Forms.

The Town may adopt any appropriate forms to be used in applying for the demolition permit.

§ 44-3. Failure to comply.

Failure to comply with the application process or to comply with the conditions of the demolition permit may lead to:

- A. The sanctions provided elsewhere in the Town Code for violation of any Code provisions;
- B. Sanctions provided by state law for violating provisions of a municipal code;
- C. Injunctive relief obtained by the Town to stop demolition or to compel compliance with these provisions, including reimbursement to the Town for its costs in obtaining the injunction;
- D. Reimbursement to the Town and neighboring landowners for damages shown to have been caused by violation of this chapter; or
- E. Any combination of these sanctions that the Town chooses to pursue.

Chapter 58
FEES AND FINES

ARTICLE I
Schedule of Fees and Fines

Schedule of Fees and Fines

§ 58-1. Applicability of schedule.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Schedule of Fees and Fines
[Adopted 8-7-2023 by Res. No. 2023-R-3]

§ 58-1. Applicability of schedule.

- A. The schedule of fines set forth on a document attached hereto and incorporated herein by reference shall apply to violations of designated provisions of the Code of the Town of Preston.¹
- B. Such schedule of fines shall apply to all violations which occur subsequent to the date of this resolution.
- C. The schedules of fines adopted prior to the adoption of this resolution shall apply to any violations of the Code of the Town of Preston which occurred prior to the date of this resolution; otherwise, such schedules shall have no further force or effect.

1. Editor's Note: The schedule is included as an attachment to this chapter.

FEES AND FINES

58 Attachment 1

Town of Preston

Residential Fees	Fee	*
Single-family/manufactured dwelling not over 3 bedrooms	\$250	\$0.12 per square foot
Single-family dwelling with sprinkler not over 3 bedrooms*	\$250	\$0.15 per square foot
Single-family attached dwelling (townhouse/condo) not over 3 bedrooms*	\$250	\$0.15 per square foot
Two-family dwelling not over 3 bedrooms*	\$315	\$0.15 per square foot
Multifamily apartment building		
First 2 units	\$315	\$0.15 per square foot
Each additional unit	\$100	
Condominium building		
First 2 units	\$315	\$0.15 per square foot
Each additional unit	\$150	
Each addition bedroom per unit	\$65	
Demolition	\$50	\$0.10 per square foot
Porches/roofed patios	\$115	\$0.10 per square foot
Decks over 200 square feet	\$115	
Handicap ramps	\$115	
Swimming pools/spas/hot tubs – aboveground	\$110	
Pools under 24 inches high are exempt		
Swimming pools – inground	\$110	
Roofing/re-roofing/siding on main dwelling	\$150	
Fences over 24 inches high	\$75	
Shed under 200 square feet	\$30	
Shed over 200 square feet	\$100	\$0.10 per square foot
Garage	\$150	\$0.10 per square foot over 400 square feet
Patio slabs (and other slabs) without a roof	\$75	
Fireplace/chimneys - 2 flues	\$100	Additional flues \$20 each
Renovation/alteration/repair on main dwelling	\$115	
Reinspections	\$100	Each
Annexation application	\$350	Per application
Minor subdivision application	\$350	Per application
Major subdivision application	\$1,000	Per application

PRESTON CODE

Commercial Fees	Fee	*
Change of occupancy/use	\$100	
Demolition over 300 square feet	\$100	\$0.10 over 1,000 square feet
Renovations/repairs under \$5,000	\$100	\$0.15 per square foot
Renovations/repairs over \$5,000	\$150	\$0.12 per square foot
Reinspection (each time)	\$100	
New building – other than storage, warehouse	\$250	\$0.15 per square foot
New building – storage, warehouse	\$300	\$0.12 per square foot
Swimming pool/spa/hot tub – aboveground 24 inches or higher	\$110	
Swimming pool – inground (public/commercial)	\$300	
Additions to existing buildings	\$150	\$0.15 per square foot
Signs – each building	\$75	
Handicap ramps over 6 feet 0 inches long	\$115	
Fences over 24 inches high	\$75	
New roof/re-roofing	\$150	
Renovation/alteration/repair	\$115	

Fees and Violations	Amount	*
Returned checks	\$40	
Site visit fee – water/sewer check on leak	\$35	
Board of Appeals application	\$300	Plus additional fees if required
Single-family dwelling/small business allocation fee – sewer	\$5,000	
Single-family dwelling/small business allocation fee – water	\$5,000	
Sewer – large business	\$7,100	
Water – large business	\$7,100	
Apartments 2 to 4 units water	\$3,500	
Apartments 2 to 4 units sewer	\$4,100	
Apartments 5 + units water	\$2,300	
Apartments 5 + units sewer	\$2,700	
Home builder guaranty fee	\$50	
Yard sale	No fee	
Notary	\$3	Per notary signature
Park pavilion rental	\$50	Per day
Meeting room rental	\$100	Agreement on file
	\$25	Nonprofit

FEES AND FINES

Fees and Violations	Amount	*
Property maintenance – non grass	\$100	1st offense
	\$150	2nd offense
	\$200	Subsequent offenses
Property maintenance – grass cutting	\$100	1st offense
Plus PW fee**	\$150	2nd offense
Labor = \$20 an hour; equipment = \$20	\$200	Subsequent offenses
Building codes	\$100	1st offense
	\$150	2nd offense
	\$200	Subsequent offenses
Business license	\$25	Annually
Business license renewal	\$15	Annually
Business license – failure to obtain	\$50	1st offense
	\$75	2nd offense
	\$100	Subsequent offenses
Peddling/soliciting/vending without a license	\$100	1st offense
	\$150	2nd offense
	\$200	Subsequent offenses
Failure to obtain a permit	\$100	1st offense
	\$150	2nd offense
	\$200	Subsequent offenses
Zoning Code violations	\$100	1st offense
	\$150	2nd offense
	\$200	Subsequent offenses
Simplified forest stand delineation	\$400	
Intermediate forest stand delineation	\$500	
Full force forest stand delineation	\$600	

Chapter 62

FENCES

§ 62-1. Permit required.

§ 62-4. Fences required in certain cases.

§ 62-2. Application for permit; plot plan.

§ 62-5. Repairs.

§ 62-3. Fee and bond.

§ 62-6. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 5, Art. II, of the 2001 Code. Amendments noted where applicable.]

§ 62-1. Permit required.

No person, firm, association or corporation shall hereafter erect and maintain any wall or fence for any purpose whatsoever without first having obtained permission in writing in the form of a permit from the Town.

§ 62-2. Application for permit; plot plan.

The application made to the Town shall be in writing on an application form provided by the Town, stating the purpose for which the wall or fence is to be erected, and such application shall be accompanied by a plot plan showing the proposed location thereof, a drawing showing a side elevation and a statement setting forth the length, height and thickness thereof, together with a description of the material to be used in its construction.

§ 62-3. Fee and bond.

The applicant for a fence permit shall pay a fee as provided in the list of fees set by the Town¹ and may be required to deposit, with the Town Clerk, a bond of \$25 to ensure that the fence is constructed in accordance with the approved plans. The bond shall be returned when the Building Inspector has certified that the fence complies with the approved plans.

§ 62-4. Fences required in certain cases.

- A. Excavation near public streets. Any person, firm, association, or corporation owning land within the corporate limits of the Town, upon which land there is any excavation or natural depression contiguous to any public street, sidewalk, road or highway as a result of which the surface shall be lower than three feet below the grade of the sidewalk, street, road or highway adjacent to said land, shall construct a fence along the boundaries of such land adjacent to said sidewalk, street, road or highway. Such fence shall be constructed so as to prevent children and other persons from gaining access to

1. Editor's Note: See Ch. 58, Fees and Fines, Art. I, Schedule of Fees and Fines.

said premises in which the excavation or depression is located, and shall not be less nor more than four feet in height and shall be of the chain-link type or its equivalent.

§ 62-5. Repairs.

All fences shall be kept in good repair. The owner or person having control over a premises where a fence is in need of repair shall repair said fence 30 days after receipt of notice from the Building Inspector stating the need for such repairs.

§ 62-6. Violations and penalties.

Any person, firm, or corporation violating or failing to comply with any provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$500, or by imprisonment not exceeding 90 days in jail, or by both fine and imprisonment.

Chapter 67

FIRES AND FIRE PREVENTION

ARTICLE I Open Burning

§ 67-2. Violations and penalties.

§ 67-1. Use of furnace, stove or incinerator required.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Open Burning [Adopted as Ch. 3, Art. VI, of the 2001 Code]

§ 67-1. Use of furnace, stove or incinerator required.

It shall be unlawful for any person to burn leaves, wood, trash, debris or any combustible materials outdoors within the corporate limits of the Town of Preston except in a furnace, stove or incinerator approved by the Fire Marshal.

§ 67-2. Violations and penalties.

Violation of this article shall be treated as a municipal infraction and upon conviction thereof shall be punished with a fine, for the first offense, of not more than \$25 and each successive conviction thereof with a fine of not more than \$100.

Chapter 74

GARAGE AND YARD SALES

- § 74-1. Findings; purpose.
- § 74-2. Definitions.
- § 74-3. Property permitted to be sold.
- § 74-4. Permit required.
- § 74-5. Written statement required.
- § 74-6. Permit fee.
- § 74-7. Permit conditions.
- § 74-8. Hours of operation.
- § 74-9. Exceptions.
- § 74-10. Investigation.
- § 74-11. Display of property offered for sale.
- § 74-12. Display of permit.
- § 74-13. Advertising; signs.
- § 74-14. Public nuisance.
- § 74-15. Right of entry; inspection and enforcement.
- § 74-16. Parking.
- § 74-17. Revocation and refusal of permit.
- § 74-18. Exemptions.
- § 74-19. Separate violations.
- § 74-20. Violations and penalties.
- § 74-21. Severability.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 7, Art. II, of the 2001 Code. Amendments noted where applicable.]

§ 74-1. Findings; purpose.

The Commissioners of the Town of Preston find and declare that:

- A. The intrusion of non-regulated yard or garage sales is causing annoyance to citizens in residential areas of the Town of Preston.
- B. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate yard or garage sales for the safety and welfare of the citizens of the Town of Preston.

§ 74-2. Definitions.

The words used in this chapter shall have their normal accepted meaning to include those meanings set forth below:

COMMISSIONERS — The Commissioners of the Town of Preston duly elected under the current Charter of the Town of Preston.

GARAGE SALE — Includes all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by Chapter 210, Zoning, of this Code, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage, lawn, yard, attic, porch, room, backyard, patio, flea market, or rummage sale."

PERSONAL PROPERTY — Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

YARD SALE — Shall be defined the same as "garage sale" set forth above.

§ 74-3. Property permitted to be sold.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property.

§ 74-4. Permit required.

No yard or garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the Commissioners of the Town of Preston. Members of more than one residence may join in obtaining a permit for a yard or garage sale to be conducted at the residence of one of them.

§ 74-5. Written statement required.

Prior to the issuance of any yard or garage sale permit, the individuals conducting such sale shall file a written statement with the Commissioners of the Town of Preston, at least five days in advance of the proposed sale (mail applications must be postmarked at least seven days in advance of the sale), setting forth the following information:

- A. Full name and address of applicant or applicants.
- B. The location at which the proposed yard or garage sale is to be held.
- C. The date or dates upon which the sale shall be held.
- D. The date or dates of any other yard or garage sales within the current calendar year.
- E. An affirmative statement that the property to be sold has been owned by the applicant, or applicants, as his or their own personal property and was neither acquired nor consigned for the purposes of resale.

§ 74-6. Permit fee.

There shall be no fee required for the issuance of a yard or garage sale permit.

§ 74-7. Permit conditions.

The permit shall set forth and restrict the time and location of such yard or garage sale. No more than three such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit then such permit shall be considered as having been issued for each and all of such residences.

§ 74-8. Hours of operation.

Such yard or garage sales shall be limited in time to no more than the daylight hours of three consecutive days or two consecutive weekends (Saturday and Sunday).

§ 74-9. Exceptions.

- A. If sale not held because of inclement weather. If a yard or garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Commissioners of the Town of Preston may issue another permit to the applicant for a yard or garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held.
- B. Fourth sale permitted. A fourth yard or garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the Commissioners of the Town of Preston.

§ 74-10. Investigation.

Before issuing a permit, the Commissioners of the Town of Preston may conduct an investigation as may reasonably be necessary to determine if there is compliance with this chapter.

§ 74-11. Display of property offered for sale.

Personal property offered for sale may be displayed within the residence, in a garage or carport, and/or in a rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in the front or side yard areas of any such premises or in any public right-of-way. However, a vehicle offered or boat offered for sale may be displayed on a permanently constructed driveway within such front or side yards.

§ 74-12. Display of permit.

Any permit in possession of the holder or holders of a yard or garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Commissioners of the Town of Preston.

§ 74-13. Advertising; signs.

- A. Signs permitted. Only the following specified signs may be displayed in relation to a pending yard or garage sale:
 - (1) Two signs permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the yard or garage sale is being conducted.

- (2) Directional signs. Two signs of not more than two square feet each are permitted provided that the premises upon which the yard or garage sale is conducted is not on a major thoroughfare, and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.
- B. Time limitations. No sign or other form of advertisement shall be exhibited for more than two days prior to the day such sale is to commence.
- C. Removal of signs. Signs must be removed each day at the close of the yard or garage sale activities or by the end of daylight, whichever first occurs.

§ 74-14. Public nuisance.

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Department of the Town of Preston in order to maintain the public health, safety and welfare.

§ 74-15. Right of entry; inspection and enforcement.

A police officer of the Town of Preston or any other official designated by any Town ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a yard or garage sale for the purpose of enforcement or inspection and may close the premises from such sale or arrest any individual who violates the provisions of this chapter.

§ 74-16. Parking.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard or garage sale.

§ 74-17. Revocation and refusal of permit.

- A. False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the Commissioners of the Town of Preston if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- B. Conviction of violation. If any individual is convicted of an offense under this chapter, the Commissioners of the Town of Preston are instructed to cancel any existing yard or garage sale permit held by the individual convicted and not to issue such individual another yard or garage sale permit for a period of two years from the time of conviction.

§ 74-18. Exemptions.

The provisions of this chapter shall not apply to or affect the following:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Preston or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- D. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

§ 74-19. Separate violations.

Each article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

§ 74-20. Violations and penalties.

Any person found guilty of violating the terms of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$500 nor more than 90 days in jail for each offense.

§ 74-21. Severability.

If any provision of this chapter is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this chapter to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.

Chapter 83

HOUSING

§ 83-1. **Applicability.**

§ 83-6. **Heating requirements.**

§ 83-2. **Enforcement.**

§ 83-7. **Habitable space requirements.**

§ 83-3. **Notice of entry and inspection;
warrant.**

§ 83-8. **Structural requirements.**

§ 83-4. **Occupants to provide access.**

§ 83-9. **Storage and disposal of rubbish.**

§ 83-5. **Plumbing requirements.**

§ 83-10. **Conditions for occupancy.**

§ 83-11. **Residential rental license.**

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 5, Art. I, of the 2001 Code. Amendments noted where applicable.]

§ 83-1. **Applicability.**

The provisions of this chapter shall apply to any apartment house, rooming house, or any other dwelling, whether used for commercial purposes or other uses, within the corporate limits of the Town of Preston and irrespective of the date said building was or is constructed, altered, or repaired.

§ 83-2. **Enforcement.**

The provisions of this chapter shall be enforced by the Commissioners of the Town of Preston or by any person duly appointed by resolution of said Commissioners to act in the capacity of Building Inspector.

§ 83-3. **Notice of entry and inspection; warrant.**

Members of the Commissioners or the Building Inspector may enter any building, structure, dwelling, apartment, apartment house, or premises in the Town of Preston to perform any duties imposed by this chapter, providing said Commissioner or Building Inspector shall give notice in writing to the owner of the premises, as shown by the tax assessment records, operator, or occupant of the premises of the day of the inspection, which notice shall be mailed to the last known address of any of the above in sufficient time to be received by the said owner, operator or occupant one day in advance of said inspection. If the owner, operator, or occupant refuses to allow such inspection, the inspection official shall obtain a warrant for such inspection. The warrant shall be obtained upon written application, signed and sworn by the inspecting official, setting forth the purpose of the inspection and the address and location of the premises to be inspected. Said application shall be made to any Judge of the Circuit Court for Caroline County or the District Court of Maryland for Caroline County. Only upon the issuance of a judicial warrant shall forcible entry be made.

§ 83-4. Occupants to provide access.

Each occupant of premises shall give the owner thereof, his agent or employee, access to any part of such premises at all reasonable times for the purpose of making such repairs or alterations or taking such other action as may be necessary to comply with the provisions of this chapter.

§ 83-5. Plumbing requirements.

Every dwelling unit shall contain not less than the following:

- A. A potable water supply and a connection to a public sewer or other approved sewage disposal system.
- B. A kitchen sink, lavatory, a tub or shower, and a water closet, all in good working condition.
- C. An adequate supply of both cold and hot water to the kitchen sink, lavatory, and tub or shower.

§ 83-6. Heating requirements.

- A. Every dwelling unit shall have a system for providing heat.
- B. Every central or electric heating system shall be of sufficient capacity to heat each dwelling unit to a minimum temperature of 70° F., measured to a point three feet above the floor during ordinary winter conditions.
- C. Where a central or electric heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents, whereby heating appliances may be connected so as to furnish heat of a minimum temperature of 70° F. measured at a point three feet above the floor and six feet from the heat source during ordinary minimum winter conditions.

§ 83-7. Habitable space requirements.

Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable floor area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant over four occupants. For the purpose of this section, a person under one year of age shall not be counted as an occupant.

§ 83-8. Structural requirements.

The interior foundation, walls, and roof of any dwelling shall be weathertight, watertight, and rodent-proof. They shall be kept in good and sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Interior floors, walls, and ceilings shall be rodent-proof, maintained in good repair,

and safe. Windows, exterior doors, basement and cellar doors, and hatchways shall be weathertight and rodent-proof.

§ 83-9. Storage and disposal of rubbish.

Every dwelling unit shall be supplied with rubbish storage facilities. Every occupant of the dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish storage facility or removing the same from the premises to the disposal area. In all cases, the owner shall be responsible for the availability of rubbish storage facilities.

§ 83-10. Conditions for occupancy.

No person shall occupy as owner or occupant or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking, or eating therein which does not comply with this chapter and which has not been inspected and approved for occupancy and an occupancy permit issued by the Town of Preston.

§ 83-11. Residential rental license. [Added 10-4-2021 by Ord. No. 2021-O-4]

- A. Registration. All landlords must register with the Town of Preston on or before September 30 of each and every calendar year, beginning September 30, 2022. It is the responsibility of the property owner of a residential rental dwelling unit to file a registration with the Town of Preston for each such dwelling unit. Notification of the annual registration and registration fee will be mailed by the Town in July of each year.
- B. Fee. For each rental unit there shall be an annual registration fee of \$25 to be paid at the time the owner files the annual registration statement. For any two-family dwelling or multiple-unit dwelling the registration fee shall apply to each individual residential rental dwelling unit within the structure.
- C. Definitions.

HOUSING OFFICIAL — The Town staff member designated by the Commissioners of Preston as having responsibility for enforcement of the Town's Property Maintenance Code and this chapter.

RENTAL PERMIT — A permit issued by the Town of Preston stating that the referenced structure or unit conforms to the standards of Town's Property Maintenance Code and the Town's Residential Code, and/or the City's Building Code, and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that certificate.

- D. Triennial inspections. All rental properties will be inspected every third year to determine compliance with the Town's Property Maintenance Code, Residential Code and/or Building Code.
 - (1) Substandard condition. Any substandard condition identified during an inspection must be corrected by the property owner before a rental permit shall be issued.

- (2) Permit required for renting of unit. No housing unit shall be let, rented or occupied by someone other than the owner until a rental permit has been obtained for that unit. However, units which are let or rented as of the effective date of this section may continue to be occupied, provided the owner or landlord registers the unit within the time required.
- (3) Notice. On or after July 1 of each year, all property owners will receive notice of the annual registration deadline from the Town advising them that all rental properties must be registered on or before September 30. Water and sewer bills will be used to cross-check which properties are rentals and which are owner-occupied.
- (4) Duration of permit. A rental permit shall be valid for a period of one year from the date it is issued.
- (5) Unsafe units. Rental units determined to be unsafe according to the provisions of applicable provisions of the Town's Property Maintenance Code, Residential Code and/or Building Code will be subject to condemnation as provided by those codes and must be vacated. The notice to vacate the unit and any expenses resulting from that eviction are the sole responsibility of the owner. The Town will not issue eviction notices, nor assume any responsibility for relocation or displacement expenses when that eviction is a result of the owner's noncompliance with these regulations.
- (6) Inspection results. If the unit passes inspection, the rental permit shall be issued. If the unit does not pass inspection, a notice of violations and work description shall be issued and given 30 days to correct.

E. Rental inspection checklist.

- (1) Life, health and safety.
 - (a) Smoke detectors are required in all bedrooms and one on each floor level. New electrical work requires smoke detectors be hardwired, simultaneous activation, and battery backup. Existing properties with no new electrical work require battery-operated smoke detectors.
 - (b) Carbon monoxide alarm required where fuel-fired furnace is installed.
 - (c) No exposed electrical wiring, switch, and outlet have cover plates.
 - (d) Ground-fault circuit interrupter (GFCI) outlets in wet locations (kitchens, bathrooms, and exterior).
 - (e) No broken glass or screen.
 - (f) Operable and open freely.
 - (g) Heat provided during colder season.
 - (h) Egress from bedrooms provided.
 - (i) Covers or globes on all lighting for protection.

- (j) Sprinkler protection systems maintained.
- (2) Electrical.
 - (a) Two duplex outlets per room.
 - (b) No frayed cords.
- (3) Chimney.
 - (a) Mortar in good condition and repair.
 - (b) Clean yearly.
- (4) Windows, doors, and hatchways.
 - (a) Bug- and rodent-proof.
 - (b) Working hardware and weathertight.
 - (c) Stays open with hardware (does not fall closed).
 - (d) No broken glass or screen.
 - (e) Operable and open freely.
 - (f) Locks.
 - (g) Glazing/caulking intact.
- (5) Walls and foundation.
 - (a) No holes or cracks.
 - (b) Structurally secure.
 - (c) House number placed on front street facing and clearly visible.
 - (d) Soffits and fascia and trim work secure and in good repair.
 - (e) Basement wall dry with no water infiltration.
- (6) Paint.
 - (a) Wood and metal surfaces protected and coated.
 - (b) No peeling paint.
- (7) Yard.
 - (a) Grass and weeds cut.
 - (b) No standing or stagnant water.
 - (c) No litter or parking in yard.
 - (d) No abandoned cars, car parts, tires, etc.
- (8) Sidewalks and driveways.

- (a) In good repair.
 - (b) No hazardous conditions.
 - (c) Clear and safe path to entry or entries.
- (9) Porches, decks and balconies.
- (a) Good repair and railing secure.
 - (b) Porch furniture only.
- (10) Swimming pools and spas.
- (a) Clean, sanitary, and in good repair with covers for spas.
 - (b) Four-foot-high fence with secure latch.
- (11) Steps.
- (a) Evenly spaced and securely attached.
 - (b) Handrails at four or more risers and secure.
- (12) Gutters, downspouts, exhaust vents.
- (a) In good condition.
 - (b) Free of excess leaves, debris, or growing plants.
 - (c) Surfaces protected from rust and decay.
 - (d) No peeling paint.
- (13) Overhangs, awnings, marques, fire escapes, etc.
- (a) Securely attached.
 - (b) Protected from rust and decay.
 - (c) No peeling paint.
- (14) Garbage, rubbish, and recycling.
- (a) Proper containers and lids closed.
 - (b) Dumpsters placed and enclosed as required.
 - (c) No exterior accumulation of garbage or rubbish.
- (15) Accessory structures.
- (a) Structurally sound.
 - (b) In good repair.
- F. Violations of this chapter. Violations of this chapter will constitute a municipal infraction and will be subject to applicable penalties under Town Code and any other

applicable ordinance, including, without limitation, the Town's Property Maintenance Code, Residential Code, and/or Building Code.¹

- (1) Any violation of the provisions of this section shall constitute a municipal infraction, the fine for which shall be \$50, and every day that a violation continues shall be deemed a separate offense. Any owner of a residential unit who shall fail to file a registration statement as required by this section shall be liable for said fine without notice.
- (2) Failure to obtain rental license:
 - (a) First offense: \$50.
 - (b) Second offense: \$100.
 - (c) Third and thereafter: \$150.

1. Editor's Note: See Ch. 25, Building Codes, Art. I, Adoption of International Codes.

Chapter 87

HUNTING AND WEAPONS

- § 87-1. Hunting of game; term defined.
- § 87-2. Discharge of weapons.
- § 87-3. Exemptions.
- § 87-4. Seizure of weapons used in violation.
- § 87-5. Intent and purpose.
- § 87-6. Concealed weapons.
- § 87-7. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 2. Art. I, of the 2001 Code. Amendments noted where applicable.]

§ 87-1. Hunting of game; term defined.

- A. Except as provided herein, it shall be unlawful for any person to hunt for, catch, take, wound, or kill game of any kind through the use of a pistol, revolver, bow and arrow, slingshot, shotgun, rifle, air rifle, air gun, pellet gun or firearm or weapon from which a shot or other object is discharged within the Town of Preston or on Town-owned property.
- B. The term "game," as used in this chapter, shall mean and include all wild birds and wild animals, and all domesticated animals, whether protected or unprotected under the game laws of the United States or the State of Maryland, found in a wild state.

§ 87-2. Discharge of weapons.

It shall be unlawful to discharge a rifle, air rifle or air gun of any kind and description which impels with force a pellet of any kind or to discharge a bow and arrow, slingshot, shotgun, gun or any firearm or weapon from which a shot or other object is discharged within the Town of Preston or on Town-owned property.

§ 87-3. Exemptions.

The provisions of this chapter shall not apply to:

- A. Properly authorized law enforcement or animal control officers acting in their line of duty or in training.
- B. The members of duly organized gun, rifle or archery clubs, or their bona fide guests, or of military organizations, upon the ranges of such clubs or organizations.
- C. The patron of commercial ranges.

§ 87-4. Seizure of weapons used in violation.

Authorized enforcing agents are hereby authorized to seize and retain any rifle, air rifle or air gun of any description or ammunition or pellets for the same or any bows and arrows, slingshots, shotguns, guns or any firearm or weapon from which a shot or other object is discharged which shall be used, discharged or possessed within the Town of Preston, or on Town-owned property, in violation of this chapter.

§ 87-5. Intent and purpose.

It is the intent and purpose of this chapter that the killing of game or vermin of any kind through the use of a rifle, air rifle, air gun or bow and arrow, slingshot, shotgun, gun or any firearm or weapon from which a shot or other object is discharged within the Town of Preston or on Town-owned property.

§ 87-6. Concealed weapons.

- A. Any person who shall, within the Town limits, have concealed about his person any deadly or dangerous weapon or who shall carry openly any such weapon with intent to unlawfully use the same shall, upon conviction, be subject to the penalties as hereinafter provided.
- B. The officers, noncommissioned officers and privates of the United States Army, Navy or Marine Corps or any regularly organized military company, police officers, officers guarding prisoners, and officials of the United States or any state or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for prosecution hereunder for carrying necessary arms for use in performance of their duty, and nothing contained in this section shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house or premises any such dangerous weapon or from carrying the same from the place of purchase to his dwelling house or place of business to any place where repairing is done to have the same repaired and back again.

§ 87-7. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 90 days in jail or by both fine and imprisonment.

Chapter 102

LOITERING

§ 102-1. Purpose.

§ 102-3. Prohibited acts.

§ 102-2. Definitions.

§ 102-4. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 3. Art. III, of the 2001 Code. Amendments noted where applicable.]

§ 102-1. Purpose.

It is the purpose of this chapter to prevent loitering by groups, the use of vulgar language, and vulgar behavior on the streets and sidewalks of the Town of Preston, both residential and business areas.

§ 102-2. Definitions.

LOITERING — Shall be defined herein as groups of three or more persons hanging around, loafing, spending time idly, using loud or vulgar language, being unruly and boisterous and/or obstructing the entranceways of stores and business places on the public streets, sidewalks, alleys and curbs; also obstructing entranceways to residential areas and Town parks and recreation areas.

§ 102-3. Prohibited acts.

It shall be unlawful for any person or persons to loiter on the public sidewalks, streets, alleys and curbs. It shall be unlawful for any person or persons to gather in groups of three or more to hang around, loafing, spending time idly, using loud or vulgar language, being unruly and boisterous and/or obstructing the entranceways to stores, homes, driveways, business places, and on the public streets, sidewalks and curbs in the Town of Preston.

§ 102-4. Violations and penalties.

Any person or persons violating any provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$500 for any one offense, or by imprisonment not exceeding 90 days, or both fine and imprisonment.

Chapter 114

NOISE

ARTICLE I Sound-Amplifying Devices

- § 114-1. Prohibited noise.
- § 114-2. Enforcement.
- § 114-3. Violations and penalties.

ARTICLE II Improper and Unnecessary Noise

- § 114-4. Loud and unnecessary noise unlawful.
- § 114-5. Unlawful acts enumerated.
- § 114-6. Exemptions.
- § 114-7. Enforcement.
- § 114-8. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Sound-Amplifying Devices [Adopted as Ch. 3, Art. VII, of the 2001 Code]

§ 114-1. Prohibited noise.

- A. No person shall play, use, operate or permit to be played, used or operated any motor vehicle radio, tape recorder, cassette player or other machine or device for producing sound, if the sound generated is audible at a distance of 30 feet (15 feet between 9:00 p.m. and 7:00 a.m.) from the device producing the sound, and if it is located in or on any of the following:
 - (1) Any public property, including any public street, highway, building, sidewalk, park or thoroughfare, or public space.
 - (2) Any motor vehicle on a public street, highway or public space.
- B. Police, fire, and authorized emergency vehicles operating in the normal course of their duties are excluded from this prohibition.
- C. Possession or ownership by a person or persons of any of the machines or devices enumerated in Subsection A shall be prima facie evidence that such person operates, or those persons operate, the machine or device.

§ 114-2. Enforcement.

- A. Powers of arrest or citation. Any authorized police officer may issue a citation for any violation under this article, except they may arrest for instances when:
 - (1) The alleged violator fails to provide proof of identity and address.

§ 114-2

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§ 114-5

- (2) The alleged violator fails to cease prohibited noise after either being issued a citation or being told to desist such illegal noise by a law enforcement officer.

B. Citation.

- (1) The form of citation shall be as provided by the District Court of Maryland for municipal infractions.
- (2) The citation shall be issued, processed, prosecuted, and otherwise follow the procedures for a municipal infraction as set forth in the Town's ordinance on municipal infractions.

§ 114-3. Violations and penalties.

Penalties for violation of this article shall be as set forth in the Town's ordinance on municipal infractions.

ARTICLE II

Improper and Unnecessary Noise
[Adopted as Ch. 3, Art. VIII, of the 2001 Code]

§ 114-4. Loud and unnecessary noise unlawful.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Town of Preston.

§ 114-5. Unlawful acts enumerated.

The following acts, among others, are declared to be loud, unnecessary, and disturbing and a danger to the health, safety and welfare of the community and its people in violation of § 114-4, but the enumeration shall not be deemed to be inclusive:

- A. No person shall play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or the reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto, or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The use or operation of any such instrument, radio, phonograph, machine or device, in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, vehicle or place in which it is used or operated, shall be prima facie evidence of a violation of this article.
- B. Yelling, shouting, hooting, whistling or singing or the making of loud and disturbing noises by the use of clappers, bells, horns, musical instruments or similar devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, school, place of business, street or public place.

- C. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- D. The use of any automobile, motorcycle, truck or vehicle so out of repair, or loaded or operated in such a manner, as to create loud and unnecessary grating, grinding, rattling or other noise.
- E. The creation of loud and excessive noises in connection with the loading or unloading of any vehicle for the operating and distribution of bales, crates and containers.
- F. The operation or use of any power lawn mower, chainsaws, fence post driller or the like between the hours of 9:00 p.m. and 8:00 a.m.
- G. Any of the following activities when occurring in close proximity to residences between 11:00 p.m. and 7:00 a.m.: the warming up or idling of buses, trucks or tractors and the unnecessary or unreasonable or repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.
- H. Any commercial gathering, collecting, or emptying of trash, garbage, or refuse between 11:00 p.m., and 6:00 a.m. This subsection is not intended to proscribe residential or commercial residents from taking trash, garbage, or refuse from their residences or places of business to trash receptacles. **[Amended 11-27-2017 by Ord. No. 1162017]**
- I. Using, operating or permitting to be played, used or operated any receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, tape recorder or other machine or device for the producing or reproducing of sound which is left upon the public streets for the purposes of commercial advertising or for any other purpose except as authorized by the government or in public emergencies, provided that such devices may be employed in connection with nonprofit charitable, education, civic, religious or recreational activities in accordance with permits first obtained therefor from the Town office.
- J. Outdoor concerts, except in accordance with permits first obtained therefor from the Town office.
- K. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays or other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays or between the hours of 7:00 a.m. and 6:00 p.m. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will allow the prior procurement of a permit, then only in accordance with a permit first obtained from the Town as to public street work or from the Town Building Inspector as to other work, pursuant to Subsection K(1) hereof.
- (1) Such a permit may be granted for a period not to exceed three days or less while the emergency continues. Notwithstanding the foregoing, if the Commissioners or Building Inspector, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours and that loss or inconvenience would not result to any party in interest, he may grant permission for such work to be done within the prohibited hours upon application being made at the time the permit for the work is issued or during the progress of the work.

- (2) The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed by a homeowner or occupant personally, between the hours of 7:00 a.m. and 11:00 p.m., upon residential premises that are owned by such occupant, provided that the work shall be done without undue noise or disturbance of peace and quiet of the neighborhood.

- L. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in the hospital.

§ 114-6. Exemptions.

Nothing in this article shall be construed to apply to church bells or chimes; nor to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants; nor to municipal, county, state or federal governmental agencies in connection with any emergency; nor to normal working activities of or activities sponsored by the Commissioners of Preston; nor to warning devices on other vehicles used only for traffic safety purposes.

§ 114-7. Enforcement.

In addition to the public, law enforcement officers and others who are designated hereunder shall have the power to enforce and bring complaints under this article.

§ 114-8. Violations and penalties.

- A. Any person in violation of any provision of this article shall be deemed guilty of a municipal infraction and be subject to a fine not exceeding \$50 for the first offense and \$100 for each offense thereafter. Each violation shall constitute a separate offense.
- B. For purposes of § 114-5H, a separate offense occurs for each property from which trash, garbage, or refuse is gathered, collected, or emptied. **[Added 11-27-2017 by Ord. No. 1162017]**

Chapter 123
OFFICERS AND EMPLOYEES

ARTICLE I
Salaries and Expenses of Commissioners

- § 123-1. **Salaries of Commissioners.**
- § 123-2. **Expenses of Commissioners.**
- § 123-3. **Additional expenses.**
- § 123-4. **Amendments.**

ARTICLE II
Nepotism in Hiring

- § 123-5. **Relatives of elected officials, department heads and supervisory employees.**
- § 123-6. **Existing employees.**
- § 123-7. **Definitions.**
- § 123-8. **Severability.**

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Salaries and Expenses of Commissioners
[Adopted as Ch. 6, Art. I, of the 2001 Code; amended in its entirety 3-1-2010 by Ord. No. 10-01]

§ 123-1. Salaries of Commissioners.

The persons serving as Commissioners of Preston will not receive any salary for their service.

§ 123-2. Expenses of Commissioners.

The persons serving as Commissioners of Preston will be entitled to reimbursement for expenses they incur in their duties as Commissioners. In lieu of the submission of vouchers or claims, the Commissioners may be entitled to payments from the Town in the amount of \$1,000 annually and President of Commissioners \$1,200 annually as reimbursement for their expenses incurred in carrying out their duties as Commissioners.

§ 123-3. Additional expenses.

The persons serving as Commissioners of Preston may be entitled to additional expense payments for activities beyond their regular monthly activities upon submission to the Town of proof of those expenses and after a vote of the Commissioners held at a regularly scheduled public meeting of the Commissioners of Preston.

§ 123-4. Amendments.

This article may not be modified or amended in such way that any Commissioner's right to reimbursement for expenses is modified during the period for which he or she is serving.

ARTICLE II

Nepotism in Hiring

[Adopted 4-5-2021 by Ord. No. 2021-O-1]

§ 123-5. Relatives of elected officials, department heads and supervisory employees.

Any person who is a relative of an elected official, department head, or supervisory employee shall not be appointed, hired, employed, or permitted to work for the Town of Preston in any position, excluding volunteers.

§ 123-6. Existing employees.

- A. If an existing employee of the Town of Preston becomes subject to this policy as a result of the election of a relative, or because of changes in marital, domestic partner/ co-habitant or relationship status, one of the related persons must resign their position within 90 days.
- B. It shall be the affirmative duty of the related elected official, department head, supervisory employee, or employee to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in involuntary termination of employment.

§ 123-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

RELATIVE — A parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, in-law or step-relative, domestic partner, co-habitant, or a person with whom a significant committed relationship exists.

§ 123-8. Severability.

If any section, subsection, sentence, clause, or phase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Council of Preston hereby declares it would have passed this article, any section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Chapter 130

PARKS AND RECREATION

**ARTICLE I
Park Regulations**

- § 130-1. **Controlled dangerous substances and alcoholic beverages.**
- § 130-2. **Disorderly conduct.**
- § 130-3. **Litter.**
- § 130-4. **Malicious mischief and damage.**
- § 130-5. **Operating hours.**
- § 130-6. **Picnics.**
- § 130-7. **Repairing and washing vehicles.**

- § 130-8. **Permit required for private use by groups.**
- § 130-9. **Operation of vehicles.**
- § 130-10. **Violations and penalties.**

**ARTICLE II
Parks and Recreation Committee**

- § 130-11. **Committee created; membership; terms of office; officers.**
- § 130-12. **Objectives.**
- § 130-13. **When effective.**

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Park Regulations**

[Adopted as Ch. 7, Art. I, of the 2001 Code]

§ 130-1. Controlled dangerous substances and alcoholic beverages.

- A. No person shall consume, sell, distribute, use or possess controlled dangerous substances, as defined in Article 27 of the Annotated Code of Maryland,¹ in the James T. Wright Park or any other Town-owned areas.
- B. No person shall consume, sell, distribute or use any alcoholic beverages in the James T. Wright Park or any other Town-owned areas.

§ 130-2. Disorderly conduct.

A person may not indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening or obscene language.

1. Editor's Note: See now Title 5 of the Criminal Law Article of the Annotated Code of Maryland.

§ 130-3. Litter.

A person may not throw or leave paper, fruit skins or other rubbish anywhere except in the receptacles provided for such purpose, or place any refuse therein that has been brought from private property in the vicinity.

§ 130-4. Malicious mischief and damage.

A person may not:

- A. Cut, break into, injure, deface or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign or other structure, apparatus, or property.
- B. Pluck, pull up, cut, take or remove any shrub, bush, plant, flower or sign.
- C. Mark or write upon any building, fence, bench, sign or other structure.
- D. Cut or remove any wood, turf, grass, soil, rock, sand or gravel.

§ 130-5. Operating hours.

A person may not be present in the James T. Wright Park from dusk to dawn unless hours are extended by issuance of a permit, which must be approved by the Mayor and Council. No person shall remain on park property upon receiving a lawful order to depart by any law enforcement officer.

§ 130-6. Picnics.

A person may not picnic or lunch and leave a picnic area before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in any disposal receptacles provided.

§ 130-7. Repairing and washing vehicles.

A person may not repair or wash a vehicle in James T. Wright Park.

§ 130-8. Permit required for private use by groups.

- A. Groups and organizations of 12 or more will be required to secure a permit for use of the James T. Wright Park. Application for a permit shall be made on a form provided by the Preston Mayor and Council. Any required fee shall accompany all applications. No permit shall be issued to anyone under the age of 18 years. The person or persons issued a permit shall be responsible financially for the destruction of park property by anyone covered by the permit. All permits shall be made available to law enforcement agencies and/or park and recreational personnel.
- B. There will be a permit fee of \$25 for reserving the park pavilion. Local (in Town) civic organizations and churches will be exempt from this fee. This permit fee shall cover

cost incurred through use of the Town's electricity and any wear and tear of park structures. [Amended 7-7-2003; 10-25-2010 by Ord. No. 1010]

§ 130-9. Operation of vehicles.

No person shall operate any type of motorized vehicle on park grounds.

§ 130-10. Violations and penalties.

- A. Any person violating any provision of this article shall be subject to the following civil penalties:
- (1) First offense: \$50.
 - (2) Second offense: \$200.
 - (3) Third offense: \$400.
- B. Each twenty-four-hour period in which a violation exists shall constitute a separate offense.

ARTICLE II

Parks and Recreation Committee

[Adopted 6-4-2007 by Res. No. 2007-2]

§ 130-11. Committee created; membership; terms of office; officers.

- A. The Preston Parks and Recreation Committee is hereby created. The Committee shall consist of five members appointed by the Town Commissioners. The term of each member shall be five years or until his/her successor takes office.
- B. The Commissioners may, after holding a public hearing, remove any member for inefficiency, neglect of duty, absenteeism, or malfeasance in office.
- C. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term by the Commissioners.
- D. The Parks and Recreation Committee shall elect its Chairman from among the appointed members and create and fill such other offices as it deems necessary. The term of Chairman shall be one year, with eligibility for reelection.

§ 130-12. Objectives.

Objectives of the Parks and Recreation Committee shall be the following:

- A. To advise the Commissioners on any matters related to parks and recreation.
- B. To work with and serve as a clearinghouse for local groups and Town Commissioners.
- C. To promote stable and orderly recreation for the citizens of Preston.

- D. To assist recreational expansion and overcoming difficulties that may arise from doing so.

§ 130-13. When effective.

This article shall take effect immediately upon its adoption.

Chapter 134

PEDDLING, SOLICITING AND VENDING

- § 134-1. License required.
- § 134-2. Definitions.
- § 134-3. Application for license; hours.
- § 134-4. Investigation; issuance of license.
- § 134-5. Fees.
- § 134-6. Exhibition of license.
- § 134-7. Duration of license.
- § 134-8. Revocation of license.
- § 134-9. Appeals.
- § 134-10. Inspections.
- § 134-11. Exceptions.
- § 134-12. Violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 3, Art. I, of the 2001 Code. Amendments noted where applicable.]

§ 134-1. License required.

It shall be unlawful for any peddler, hawker, vendor, canvasser or solicitor, as hereinafter defined, to engage in such activity within the Town of Preston without first obtaining a license therefor in accordance with the provisions of this chapter.

§ 134-2. Definitions.

When used in this chapter, the following terms shall have the following meanings:

ITINERANT MERCHANTS, TRANSIENT VENDORS and SALESMEN — Shall be deemed to be in the category of peddler, hawker, vendor, solicitor or canvasser, as set forth.

PEDDLER, HAWKER and VENDOR — Includes any person, whether a resident of the Town of Preston or not, traveling either by foot, vehicle or any other type of conveyance, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale or making sales and delivering articles to purchasers, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

SOLICITOR or CANVASSER — Includes any person, whether a resident of the Town of Preston or not, who goes from house to house, from place to place or from street to street soliciting or taking or attempting to take orders for the sale of services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order and whether or not he is collecting advance payments on such orders, or who engages in soliciting junk, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

§ 134-3. Application for license; hours.

- A. Applicants for a license under this chapter shall file with the Town Clerk a sworn application, in writing, on a form to be furnished by the Town Clerk, which shall give the following information:
- (1) Name and description of the applicant.
 - (2) Permanent home address and local mailing address, if any, of applicant.
 - (3) A brief description of the nature of the business and the goods to be sold and the name and address of the principal office of their manufacturer, as well as the name and address of the agent designated to receive service of process in the State of Maryland.
 - (4) If employed, the name and address of the employer.
 - (5) The length of time for which the right to do business is desired.
 - (6) The applicant's fingerprints, at the request of the Police Chief.
 - (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, and the nature of the offense and the punishment or penalty assessed therefor.
 - (8) Whether or not orders are to be solicited or taken for future delivery of goods or performance of services and whether or not soliciting is for funds.
- B. The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 8:00 p.m.

§ 134-4. Investigation; issuance of license.

- A. Upon receipt of such application, the original shall be referred to the Police Chief, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Police Chief shall endorse on such application his disapproval and his reason for the same and return the application to the Town Clerk, who shall notify the applicant that his application is disapproved.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse his approval on the application, returning the application to the Town Clerk, who shall, upon payment of the prescribed license fee, execute and deliver to the applicant his license. The Clerk shall keep a record of all licenses issued and of all complaints received, if any, concerning each license.

§ 134-5. Fees.

A fee, as provided by ordinances of the Town, shall be paid by each applicant upon the issuance of each license, except as otherwise provided by law.

§ 134-6. Exhibition of license.

All licenses issued must be worn or displayed in such a manner as to be readily visible when engaged in the activities regulated herein.

§ 134-7. Duration of license.

All licenses issued under this chapter shall expire at the end of the calendar year in which they are issued. Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.

§ 134-8. Revocation of license.

- A. Licenses issued under this chapter may be revoked by the Police Chief after a reasonable notice and hearing for any of the following causes:
- (1) Misrepresentation or false statement contained in the application for the license.
 - (2) Misrepresentation or false statement made in the course of carrying on activities regulated herein.
 - (3) Conviction of any crime or misdemeanor involving moral turpitude.
 - (4) Conducting the business of soliciting and canvassing in an unlawful manner, in violation of this chapter or in such manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be served personally upon the licensee or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under § 134-3 herein, at least five days prior to the date set for hearing.

§ 134-9. Appeals.

Any person aggrieved by the action of the Police Chief or the Town Clerk in the denial of an application for a permit or license as provided in § 134-4 of this chapter or in the decision with reference to the revocation of a license as provided in § 134-8 of this chapter shall have the right of appeal to the Mayor and Council of the Town of Preston. Such appeal shall be taken by filing with the Mayor and Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Mayor and Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given the appellant in the same manner as provided in § 134-8 of this chapter for notice of hearing on revocation.

The decision and order of the Mayor and Council on such appeal shall be final and conclusive.

§ 134-10. Inspections.

The equipment used or employed by peddlers, hawkers and vendors of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to inspection by and comply with the rules and regulations of the Caroline County Health Department and the ordinances of the Town of Preston.

§ 134-11. Exceptions.

A. This chapter shall not be construed to include:

- (1) The selling of any article at wholesale to dealers.
- (2) Such articles as the delivery of milk, eggs, bread, newspapers or other such necessary and perishable articles of food or merchandise of a type commonly delivered on a house-to-house basis at intervals of less than one week.

B. Any veteran who holds a special license issued under the laws of the State of Maryland shall be exempt from securing a license or paying a fee as provided herein but shall be required to comply with all other applicable sections of this chapter and shall be required to register with the Town Clerk and obtain a permit, which will be issued by the Clerk upon proper identification and exhibition of such state license.

C. Certain organizations.

- (1) Any nonprofit religious, charitable, educational, civic or veterans organization, society, association, service club, volunteer first aid or fire company, etc., desiring to solicit or have solicited in its name money, donations of money, property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations, at any place or places within the Town of Preston, for a charitable, religious, patriotic or philanthropic purpose, shall be exempt from the provisions of §§ 134-3 and 134-5 of this chapter, provided that there is filed a sworn application, in writing, with the Clerk or Police Chief which shall give the following information:
 - (a) Name and purpose of the cause for which the permit is sought.
 - (b) Name and address of the organization.
 - (c) Period during which solicitation is to occur.
 - (d) Name and address of each agent or representative who will conduct solicitation and the length of time that said agent or representative has been employed or affiliated with such organization, society, association or corporation.

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- (2) Upon being satisfied that such person, organization, society, association, etc., is a bona fide nonprofit religious, charitable, educational, patriotic or philanthropic organization, and that the agents or representatives who shall conduct the solicitation are of good moral character and reputation, the Town Clerk or Police Chief shall issue a permit, without charge to such organization, association, or corporation, to solicit in the Town. Such organization, association, society, corporation, etc., shall furnish to all its members, agents or representatives conducting solicitation credentials, in writing, stating the name of the agent and the duration and purpose of solicitation.
- D. Any school, political or civic organization, benevolent society, service club or organization not operated for profit, which is located in or has substantial membership from the Town of Preston, is hereby exempt from the provisions of this chapter.

§ 134-12. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 90 days in jail or by both fine and imprisonment.

Chapter 141

PROPERTY MAINTENANCE

ARTICLE I Weeds, Grass and Litter

§ 141-1. Definitions.

§ 141-2. Object and purpose.

§ 141-3. Weeds and grass, rubbish and garbage.

§ 141-4. Littering.

§ 141-5. Recovery of costs of cutting or removal.

ARTICLE II Property Maintenance Code

§ 141-6. Adoption of Property Maintenance Code.

§ 141-7. Inconsistent ordinances repealed.

§ 141-8. Additions, insertions and changes.

§ 141-9. Revision of Section PM-112.

§ 141-10. Construal of provisions.

ARTICLE III Deteriorated Structures

§ 141-11. Order to remedy unsafe conditions.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Weeds, Grass and Litter [Adopted as Ch. 5, Art. III, of the 2001 Code]

§ 141-1. Definitions.

Weeds of any kind including brush or similar matter - grass used for lawns or grass in its wild state. Rubbish and household garbage. Littering to allow any material to be deposited upon the streets and sidewalks; cover, type used to cover loads of trash.

§ 141-2. Object and purpose.

The object of this article is to keep all improved and unimproved properties in the Town of Preston, whether residential, business, industrial or public, free of high grass, weeds, rubbish and debris, and to prevent littering of any kind. This article provides the means to enforce upon the owners or users (renters) of property in Preston, whether improved or not, to keep same free of high weeds and grass and rubbish and household garbage and to keep the roadways, alleys, streets, parking lots and playgrounds free of litter and to set the penalties for failure to comply with this article.

§ 141-3. Weeds and grass, rubbish and garbage. [Amended 6-27-2011 by Ord. No. 52611]

Every dwelling lot, vacant lot or area, or business area within the Town of Preston and every part thereof shall be kept so clean and free from any accumulation of dirt, filth, rubbish, trash, garbage, brush, weeds, or similar matter as not to be a danger to the health of any occupant thereof or hazard to the adjoining property thereto or to the Town itself, and shall be kept free from vermin and rodent infestation. All yards, lawns, lots improved and unimproved and vacant areas immediately adjacent to improved property shall be kept clean and free from weeds and brush exceeding eight inches in height. It shall be the duty of each occupant or owner of a dwelling unit, lot or vacant area to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control. If the occupant or owner fails to comply with this section, the Town, after notice of not less than three days, will correct the problem by hiring a contractor to perform the cutting or removal and shall charge the owner for same. The charge shall become a lien upon the property, collected in the same manner as taxes or by an action at law. Notice shall be by first-class mail, postage prepaid, to the owner at the address given in the tax rolls, or to the property address, if different, or by personal delivery to the owner or occupant, or by posting the notice on the entrance facing the public way given in the address.

§ 141-4. Littering.

A. Dirt and trash on roadways and alleys.

- (1) No person engaged in excavations, repairs to structures or grounds, or construction or having charge or control of excavation, repairs to structures or grounds or construction or who may be engaged in or have charge or control of conveying material to or from excavations, repairs to structures or grounds, or construction shall deposit, or permit to be deposited, in any manner, upon the surface of any street, alley, avenue, highway, footway, sidewalk, or parking or other public space within the corporate limits of the Town of Preston, either by placing, spilling, dropping or tracking from wheels or vehicles, or otherwise, any earth, clay, mud, sand, gravel or other material. If any such deposit occurs every person whose duty it is under this article to prevent such deposit shall promptly remove the same. All macadamized or broken stone roadways adjacent to excavations or traversed by vehicles either in the process of conveying material from an excavation or in returning from the place of deposit to the place of excavation shall be covered with planking so far as may be required to prevent any mud, earth, clay or other material from the excavation or from the place of deposit from reaching the surface of such roadway.
- (2) No one being the owner, driver, manager, or conductor of any cart or other vehicle shall carry or convey or cause to be carried or conveyed in such vehicle any earth, sand, gravel, broken stone, dirt, paper, and other rubbish, or any loose fluid or offensive articles or matter, or any articles whatsoever within the corporate limits of said Town of Preston so that the same shall or may be scattered, dropped, let fall, blown, or spilled therefrom, and all vehicles conveying combustible refuse or foul, dusty, or offensive matter of any sort shall have tight bodies and be closely and securely covered. All vehicles conveying

wastepaper products, bailed, sacked, or otherwise, shall be closely and securely covered.

- B. Throwing glass, refuse, etc., upon the streets and alleys. It shall be unlawful for any person to cast or throw into any street, alley, avenue, highway, or (part missing).¹

§ 141-5. Recovery of costs of cutting or removal. [Amended 10-25-2010 by Ord. No. 1010-2]

Whenever the Town has effected the cutting or removal described in this article, or has paid for its removal pursuant to the provisions of this article, the property owner shall be charged for the work performed at a rate set by the Commissioners, said rate to include the cost of actual labor, use of equipment and administrative costs by the Town, with interest at the rate of 18% per annum accruing beginning 30 days after first billing. If not paid by the owner or occupier of the property, said amounts shall be charged to the owner on the next regular tax bill by the Town and shall be collectable therewith, unless paid earlier by the owner or occupier. The charges shall be a lien against the real estate upon which the work was performed and shall be a lien upon such real estate. There will be an administrative fee of \$200 charged to the property owner along with any other related expenses.

ARTICLE II

Property Maintenance Code

[Adopted as Ch. 5, Art. IV, of the 2001 Code]

§ 141-6. Adoption of Property Maintenance Code.

A certain document, one copy of which is on file in the Town office of the Town of Preston, being marked and designated as the "BOCA National Property Maintenance Code, Fifth Edition, 1996," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Town of Preston, in the State of Maryland, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in §§ 141-8 and 141-9 of this article.

§ 141-7. Inconsistent ordinances repealed.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1. Editor's Note: So in copy.

§ 141-8. Additions, insertions and changes.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- A. Section PM-101.1 is amended to add the words "Town of Preston" in the existing blank.
- B. Section PM-106.2 is amended to insert the fee: \$100 to \$1,000.
- C. Section PM-106.2 is amended to insert the number: 180 days.
- D. Section PM-111.2 is amended "Board of Appeals shall consist of three members appointed for three-year terms."
- E. Sections PM-111.2.1 and PM-111.2.2 are deleted.
- F. Section PM-111.5 is amended to three members.
- G. Section PM-111.y is amended to majority vote.
- H. Section PM-304.15 is amended to insert the dates: January 1 to December 31.
- I. Section PM-602.2.1 is amended to insert the dates: October 1 to May 31.
- J. Section PM-602.3 is amended to insert the dates: October 1 to May 31.

§ 141-9. Revision of Section PM-112.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

Section PM-112.0: Assessment of Costs, Creation of Lien to Correct Conditions in Violation of BOCA National Property Maintenance Code/1996.**Section PM-112.1: Definitions.**

For the purposes of this section, the following words have the meanings ascribed to them by this section:

Owner: Any person, firm, conservator, receiver or officer who owns, holds or controls the whole or any part of the freehold title (control of the freehold title is not intended to mean a tenant under any type of written or oral tenancy) to any real property, including, but not limited to, vacant land, buildings, dwelling units, residential or commercial real property, etc., with or without accompanying actual possession thereof, and shall include, in addition to the holder of legal title, any vendee in possession thereof, but shall not include a mortgagee or trustee under deed of trust, unless said mortgagee or trustee is in actual possession.

Rubbish: The waste materials commonly referred to as rubbish and garbage, including garbage from normal household living conditions, including waste, foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal containers, bottles, crockery and other similar materials, and combustible and noncombustible waste materials, including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, grass, hedge or shrub trimmings, tin cans, metals, mineral matter, glass, crockery, abandoned, not currently registered or inoperable machinery, equipment, appliances or vehicles, tires, play and recreation equipment, furniture, bottles, wastepaper, cardboard, sawdust piles, rubbish from building construction or reconstruction, uprooted tree stumps, street refuse, and other waste materials.

Section PM-112.2: Miscellaneous.

- A. The provisions of this article shall apply to any real property within the limits of the Town of Preston.
- B. The decision of the Town's Code Enforcement Officer as to whether particular articles are rubbish, as herein defined, shall be final and if articles of rubbish have been mixed with other articles not constituting rubbish, as herein defined, the Code Enforcement Officer shall be entitled to treat all such mixed articles as rubbish.
- C. The Town of Preston, Maryland, its officers, employees, agents or contractors are hereby authorized to enter upon any real property within the Town of Preston to remove such rubbish and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this article.
- D. The correction of any condition by the Town of Preston, Maryland, under authority of this article shall not relieve the owner of the property on which such condition existed from criminal prosecution or punishment, whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same.
- E. If any section or part of section of this article shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this article or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall apply.

Section PM-112.3: Accumulations of rubbish prohibited - exceptions.

- A. No person shall allow rubbish to remain, to be deposited or to accumulate, either temporarily or permanently, on his property. This section shall not apply to those persons who store rubbish in a lawfully permitted manner for the purpose of regular municipal collection.

Section PM-112.4: Notice.

The Town of Preston's Code Enforcement Officer is hereby authorized to notify the owner of the property as determined by the official tax rolls of the Town of Preston to remove or properly dispose of the rubbish from the subject property. Said notice shall be made pursuant to Section PM 112.8 set forth in this article.

Section PM-112.5: Authority of Town to remove rubbish when owner fails to do so.

Upon the failure, neglect or refusal of any owner so notified to remove or properly dispose of such rubbish within 10 calendar days after service of notice as provided for in Section PM-112.4, the Town of Preston's Code Enforcement Officer is hereby authorized and empowered to cause such condition to be corrected by removing and disposing of such rubbish and is hereby authorized and empowered to pay for the disposal of such rubbish or to order its disposal by the Town of Preston's Department of Public Works.

Section PM-112.6: Charge for removal to be included in tax bill.

When the Town of Preston has effected the removal of such rubbish by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses plus an administrative fee of \$200 shall be charged to the owner of such property and, if not sooner paid, such charge shall be carried on the records of the Town of Preston and shall be collectible in the same manner as real estate taxes are collected.

When the Town of Preston has, for the second time or subsequent time(s) at such property, effected the removal of such rubbish by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses plus an administrative fee of \$500 shall be charged to the owner of such property, and, if not sooner paid, such charge shall be carried on the records of the Town of Preston and shall be collectible in the same manner as real estate taxes are collected.

Section PM-112.7: Financial.

- A. There is hereby established in the Town of Preston and accounted for within the General Account a separate restricted fund balance in the amount of not less than \$2,500. The purpose of this account is for paying the costs of correction and all expenses incident thereto that the Town of Preston may order or cause pursuant to this article. The Commissioners, upon approval by two-thirds vote, may increase or decrease the amount of this account during any time of the year. This account is established and is to be used for said purpose for so long as the Commissioners deem it appropriate.
- B. There shall be deposited to the credit of said account such amounts as may be appropriated for the account or for the purposes of the account, the charges assessed and collected pursuant to this article and all other receipts of whatever nature derived from the operation of said account.
- C. Not later than six months after the end of each fiscal year, the Clerk-Treasurer of the Town shall submit to the Commissioners a report of the financial condition of the account and the results of the operations and collections for such fiscal year. Said report shall include, but not be limited to, the itemized accounts of unrecovered charges and administrative fees and the names of the delinquent property owners.
- D. Any tax authorized to be collected under this article may be paid without interest within 30 days from the date the Town effected removal of such rubbish. Interest of 1 1/2% per month shall be charged on all unpaid amounts after the expiration of 30 days from the date of such removal. If any such tax or part thereof shall remain unpaid after the expiration of one year from the date of such removal, the subject property may be sold for such tax or unpaid portion thereof with interest and administrative fees thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and administrative fees thereon shall have not been paid in full prior to said sale.

Section PM-112.8: Notice procedure.

- A. Any notice required to be served pursuant to Section 112.0 et seq. shall be deemed to have been served by any of the following methods:
 - (1) When forwarded to the last known address of the owner as recorded in the official tax rolls of the Town of Preston, by registered or certified mail, return receipt requested, such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed by an owner. Valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason;
 - (2) When personally delivered to the person to be notified;
 - (3) When left with a person of a suitable age and discretion at the usual residence or place of business of the owner or person to be notified; or
 - (4) If service cannot be effected in accordance with (1), (2) or (3), when published once a week for three consecutive weeks in a newspaper of general circulation within the county and a copy of the same posted on the subject property.

Section PM-112.9: Appeals.

Within 10 days from the service of notice as provided for in this article, the owner or his agent may file a written notice of appeal with the Commissioners stating in detail the reasons as to why the action proposed by the Code Enforcement Officer should not be taken. Upon receipt of such notice of appeal, the Commissioners shall schedule a hearing within 30 days, shall notify owner of the date and time of the hearing, and on the designated date and time shall hear the merits of the appeal. The Commissioners may reverse the action of the Code Enforcement Officer for any error of fact or law, or upon a finding that the enforcement constitutes an undue hardship upon the property owner.

If the owner is dissatisfied with the decision of the Commissioners, he shall have the right to appeal to the Circuit Court of Caroline County, provided that such appeal is taken within 30 days after the entry of the Commissioners' decision. The owner shall be notified of the Commissioners' decision either 1) orally at the hearing or 2) in writing within seven days following said hearing.

§ 141-10. Construal of provisions.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 141-7 of this article, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

ARTICLE III

Deteriorated Structures

[Adopted as Ch. 5, Art. V, of the 2001 Code]

§ 141-11. Order to remedy unsafe conditions.

- A. Whenever any dwelling or any building, structure, excavation, matter, condition or thing in or about a dwelling or the lot on which it is situated, or the plumbing, sewage,

drainage, light or ventilation thereof, is found by the Mayor and Council to be dangerous or detrimental to life of health, the Mayor and Council may order that matter, condition or thing be removed, abated, suspended, altered or otherwise improved, as the order shall specify, by delivering written notice to the owners, as shown on the tax records, by personal delivery or by certified mail, return receipt requested.

- B. If any such order of the Mayor and Council issued under the authority of the provisions of this article is not complied with within 30 days after the service thereof, then such order may be executed by the Town of Preston through its officers, agents, employees or contractors, and the expense incurred incident to the execution of said order shall be paid by the owner of said property, and such expense may be recovered by the Town by appropriate legal action. Additionally, and where appropriate, the Mayor and Council may order such premises vacated until such premises shall be made to comply with the conditions of this article.
- C. Before proceeding to execute such order, a copy of such notice shall be sent to the owner of the property, or his agents, if names and addresses on diligent search can be ascertained, and such notice shall be posted on said premises at least 30 days before the Town proceeds to incur such expense unless the condition is of such character as to require immediate action, in which case the time of notice shall be such as, in the judgment of the Mayor and Council, is reasonable and proper.

Chapter 145

PURCHASES AND CONTRACTS

§ 145-1. Purchases of goods and services.

§ 145-2. Written contracts.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 6, Art. III, of the 2001 Code; amended in its entirety 9-5-2023 by Res. No. 2023-R-4. Subsequent amendments noted where applicable.]

§ 145-1. Purchases of goods and services.

- A. Purchases of goods and services valued at less than \$1,000. For goods and services valued at less than \$1,000 the Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of supplies, equipment, materials or services without approval in advance from the Commissioners of the Town of Preston. All purchases will be made from responsible, reliable entities with which the Town of Preston may have a purchase contract.
- B. Purchases of goods and services valued over \$1,000 up to but not exceeding \$10,000. For goods and services valued over \$1,000 up to but not exceeding \$10,000 the Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of supplies, equipment, materials or services only after approval in advance by a majority of the Commissioners of the Town of Preston.
- C. Purchases of goods and services valued over \$10,000 up to but not exceeding \$25,000.
 - (1) For goods and services valued over \$10,000 up to but not exceeding, \$25,000 the Town Manager or other duly appointed Town employee or official shall obtain at least three written quotes for goods or services being purchased. A reasonable time limit shall be established for submission of such quotes.
 - (2) The quotes shall be from responsible persons and entities (defined as having the capacity in all respects to perform fully the requirements of the contract and possessing the integrity and reliability that will ensure good faith performance).
 - (3) Request for quotes may be formally advertised at the discretion of the Commissioners.
 - (4) The Town Manager or other duly appointed Town employee or official is authorized to make necessary purchases of goods and/or services only after consideration of all timely submitted quotes and approval in advance from a majority of the Commissioners of the Town of Preston.
- D. Purchases of goods and services valued over \$25,000. For goods and services valued over \$25,000 the Town Manager or other duly appointed Town employee or official shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance for such contracts. All timely submitted bids shall be considered, with the

following factors to be used by the Commissioners in deciding which bid, if any, to accept:

- (1) Lowest or best bid.
- (2) Quality of goods and work, including warranties available.
- (3) Time of delivery or completion of services.
- (4) Responsibility and reputation of bidder.
- (5) Continuing availability of service, if relevant.

§ 145-2. Written contracts.

For contracts accepted by the Commissioners and having a value equal to or exceeding \$10,000, written contracts shall be required from all service providers, and also from providers of goods, at the Commissioners' discretion. Warranties provided, if any, shall be made in writing.

Chapter 160

SPECIAL EVENTS

§ 160-1. Purpose.

§ 160-2. Definitions.

§ 160-3. Special events permit required.

§ 160-4. Special events permit application.

§ 160-5. Criteria for issuance of special events permit.

§ 160-6. Liability; effect on other laws; exemptions.

Special Event Permit Application

[HISTORY: Adopted by the Commissioners of the Town of Preston 3-7-2022 by Ord. No. 2022-O-2. Amendments noted where applicable.]

§ 160-1. Purpose.

The purpose of this chapter is to provide the Town of Preston with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of property in a manner which is consistent with the public health, safety and welfare for special recreational, entertainment, or charitable events.

§ 160-2. Definitions.

For purposes of this chapter, the following definitions shall apply:

SPECIAL EVENT

- A. Minor event: sponsored by an individual, corporation, partnership or other entity or organization intended primarily for recreational, entertainment or charitable purposes, under 100 people (approximately).
- B. Major event: exceeding four hours in duration and more than 100 people affiliated with the event (i.e., community festival, carnival, street dance, charitable walk for a cause). Also, this type of event clearly involves additional city services (i.e., police protection, more than one vendor needing electrical usage, etc.).

§ 160-3. Special events permit required.

All special events applications will be reviewed by the Town Manager, Planning and Zoning and the Town President. No person may conduct a special event without a special events permit issued by the Town pursuant to this chapter.

§ 160-4. Special events permit application.

Each special events permit application shall be submitted to the Town Clerk at least 30 days prior to the event, unless waived by the City Council. The application shall include, at a minimum:

- A. Dates and times of the event.
- B. Description of the event.
- C. Designated areas, streets or addresses to be affected.
- D. Estimated number of people attending event.
- E. Evidence of capability to run the event, personnel.
- F. Evidence of liability insurance.
- G. Plan for after function cleanup.
- H. Plan for dealing with traffic, parking, and crowd control.
- I. Need for extra toilet facilities for the event.
- J. List of proposed vendors, if any, at the event.
- K. Need for city services, utilities, etc., for the event.

§ 160-5. Criteria for issuance of special events permit.

In considering whether to issue a special events permit, the City Council shall consider:

- A. Whether the proposed special event can be conducted in the location proposed without endangering the public safety or disturbing the peace, ensuring public health and order of the property by:
 - (1) Has provided adequate parking and traffic control for the event.
 - (2) Has provided adequate crowd control for the event.
 - (3) Has adequate liability insurance.
 - (4) Has made arrangements for cleanup of the property following the event.
 - (5) Does not pose a burden on municipal services or utilities.
 - (6) Does not have an undue adverse effect on neighboring properties due to noise, litter or other negative features.
 - (7) Has adequate financial ability and staff to conduct the event satisfactorily.

§ 160-6. Liability; effect on other laws; exemptions.

- A. The holder of a special events permit shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining safety

and order during the special event. The Town of Preston assumes no liability or responsibility by issuing the permit.

- B. Conflict with other requirements. This chapter shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, bylaw, permit or other legal requirements.
- C. Exemptions. This chapter shall not apply to any event sponsored, organized or conducted by any department or agency of the Town of Preston. Scheduling of such municipal events shall be subject to the control of Town Clerk or his or her designees for events held on property maintained by the Town.

SPECIAL EVENTS

160 Attachment 1

Town of Preston
 105 Backlanding Road
 Preston, MD 21655
 P: 410-673-7929

Permit # _____
 Date: _____

Special Event Permit Application Application Must Be Submitted 30 Days Prior To Event	
Organization:	
Address:	
Phone:	Email:
Type of Event: <input type="checkbox"/> Bicycle <input type="checkbox"/> Carnival <input type="checkbox"/> Concert <input type="checkbox"/> Fair <input type="checkbox"/> Festival <input type="checkbox"/> Parade <input type="checkbox"/> Run/Walk	
<input type="checkbox"/> Sports Tournament <input type="checkbox"/> Other _____	Expected Attendance:
Event Name:	
Event Address/Location:	
Contact:	Phone:
Start Date: _____ End Date: _____ From: ___/___/20___ To: ___/___/20___	Start Time: _____ End Time: _____ From: _____ AM/PM To: _____ AM/PM
Check all that apply: <input type="checkbox"/> On private property <input type="checkbox"/> On public property <input type="checkbox"/> On school property <input type="checkbox"/> On-site parking <input type="checkbox"/> Food available to public <input type="checkbox"/> Alcohol available to public <input type="checkbox"/> Public restrooms available <input type="checkbox"/> Temporary structures	
<p>■ Please include a drawing of the property showing the location of parking, any restrooms, any temporary structures, parade or race routes, and any vendor areas.</p> <p>■ If food is available contact Environmental Health at the Caroline County Department of Health for a Temporary Food Service Permit. Please provide us with a copy.</p> <p>■ Are multiple vendors selling/providing food? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of the vendors along with their contact information with your application.</p>	
Will sidewalks or streets be impacted? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain:	
In the event of an emergency, is there a public safety operational plan? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain or provide a copy of the plan.	
Signature:	Date:

PRESTON CODE

SHA - Special Events Permits Application
<https://www.roads.maryland.gov/OOTS/SHA%20SpecialEventsPermitProcessandinstructions.pdf>
 Maryland State Highway Administration
 615 Morgnec Road
 Chestertown, MD 21620
 Telephone: (410)810-3245 Toll Free: (800)637-9740
 FAX: (410)778-0851

If needed applicant will provide a copy of SHA Permit

OFFICE STAFF ONLY

_____	Date: _____	Approved _____ Denied _____
President, Town of Preston		
_____	Date: _____	Approved _____ Denied _____
Chairperson, Preston Planning and Zoning		
_____	Date: _____	Approved _____ Denied _____
Caroline County Sheriff's Office, Preston Police		

Chapter 165

STORMWATER MANAGEMENT

§ 165-1. Adoption of county ordinance.

[HISTORY: Adopted by the Commissioners of the Town of Preston as Ch. 8, Art. I, of the 2001 Code. Amendments noted where applicable.]

§ 165-1. Adoption of county ordinance.

- A. The Caroline County Stormwater Management Ordinance, adopted July 1, 1984, and any amendments thereto, or to be made thereto, shall be in full force and effect within the corporate boundaries of the Town to the same extent as if said land were in an unincorporated area of Caroline County.
- B. The Caroline County Stormwater Management Ordinance, adopted July 1, 1984, and any amendments to the Caroline County Stormwater Management Ordinance enacted by the County Commissioners of Caroline County, is hereby incorporated by reference into the Preston Code of Ordinances.
- C. A copy of the Caroline County Stormwater Management Ordinance with amendments shall be kept in the Town offices and shall be made available to the public during normal business hours.

Chapter 170

STREETS AND SIDEWALKS

**ARTICLE I
Snow and Ice on Sidewalks**

§ 170-1. Cleaning premises of snow and ice.

§ 170-2. Violation and penalties.

§ 170-3. Snow and ice removal undertaken by Town.

**ARTICLE II
Street Names and Address Numbers**

§ 170-4. Purpose.

§ 170-5. Application and territorial limits.

§ 170-6. Definitions.

§ 170-7. Street Naming and Addressing Manual and maps.

§ 170-8. Official Street Name List.

§ 170-9. Address numbers.

§ 170-10. Notification, use and display of address numbers.

§ 170-11. Enforcement; violations and penalties.

[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Snow and Ice on Sidewalks

[Adopted as Ch. 2, Art. III, of the 2001 Code]

§ 170-1. Cleaning premises of snow and ice.

It shall be unlawful for any person or persons or body corporate to allow snow, sleet and/or ice to remain on or upon the sidewalk of any street or alley adjoining property owned or occupied by him, her, them or it for a longer period than 24 hours from the cessation of the fall of said snow, ice or sleet. Said person, persons or body corporate will have the same cleared off and removed from the said sidewalk(s) immediately after the time set forth herein.

§ 170-2. Violation and penalties.

Any owner failing to comply with the provisions of this article shall be subject to a municipal infraction fine of \$25 plus costs of snow removal, if any.

§ 170-3. Snow and ice removal undertaken by Town.

The Commissioners of the Town of Preston are authorized but are not required to undertake snow, sleet and ice removal of said sidewalks on behalf of any such owner. Costs of such snow and ice removal undertaken by the Town will be billed at the next assessment of Town real estate property taxes with such taxes as a part thereof.

ARTICLE II

**Street Names and Address Numbers
[Adopted as Ch. 6, Art. IV, of the 2001 Code]**

§ 170-4. Purpose.

The purpose of this article is to establish a system for the assignment of street names and the number of properties in Preston, Maryland (the Town). The Town Commissioners deem it in the best interest of the health, safety and welfare of the Town that a procedure be adopted to designate the location of properties and buildings in the Town for the convenience of emergency vehicles, the delivery of mail, and other private and public purposes.

§ 170-5. Application and territorial limits.

- A. This article shall apply to all the lands, properties, buildings, and other structures within the corporate municipal limits of Preston, Maryland, both public and private. In no case, however, shall any provision of this article be deemed applicable outside the incorporated territory of the Town unless the Town Commissioners and the governing body of Caroline County have passed appropriate resolutions authorizing entering an agreement between the local governments.
- B. Any agreement to apply this article outside the incorporated municipality shall include provisions for coordinating the approval of new road or street names with Caroline County.

§ 170-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHAIRMAN OF THE PLANNING AND ZONING COMMISSION (CHAIRMAN) — The person referred to in the Town Charter and ordinances and designated by the Town Commissioners to administer the provisions of this article.

STREET or ROAD — A public or private way for vehicular traffic, including without limitation rights-of-way, streets, avenues, roads, alleys, lanes, drives, circles, highways, and other similar terms.

TAX ASSESSMENT MAPS — Maps prepared by the Maryland Department of Assessments and Taxation which show properties and roads in Caroline County and the Town.

§ 170-7. Street Naming and Addressing Manual and maps.

- A. The Chairman shall prepare and the Town shall maintain a Street Naming and Addressing Manual which describes in detail the criteria, procedures, and methods used to name roads and to assign address numbers to properties in the Town of Preston. This manual shall include the development of a grid system from which the address numbers will be derived, if necessary, but may utilize existing numbers, if not conflicting with other numbers.

- B. The Town shall keep and maintain a set of maps of the Town of Preston which display the address grid system and the names of roads.

§ 170-8. Official Street Name List.

- A. The Chairman shall submit to the Commissioners, and the Commissioners shall approve by resolution, an Official Street Name List for the Town of Preston. For each street, the list shall include the following minimum information:
- (1) The street type. Street types shall include, but are not limited to, county, Maryland, other public, private, municipal and U.S. Inclusion on the Official Street Name List does not indicate that the Town has accepted such road into the public roads system.
 - (2) Street name.
 - (3) Route number, if applicable.
 - (4) The designated prevailing direction of the road.
- B. Prior to adoption of the Official Street Name List, the Commissioners shall hold a public hearing and afford the public an opportunity to comment on any changes among the proposed street names.
- C. The Official Street Name List may be amended from time to time by the Commissioners to change the name of or to delete a listed road. The Commissioners shall hold a public hearing on the proposed changes prior to their adoption.
- D. Any new street opened, platted, or created shall be included in the Official Street Name List by the Town, if the road meets the criteria contained in the Street Naming and Addressing Manual. The Commissioners shall have the authority to approve the name of any new street.

§ 170-9. Address numbers.

- A. All property in the Town of Preston containing a home, business, or other primary use or structure or comprising a buildable lot shall have an address number assigned in accordance with the criteria and procedures specified in the Street Naming and Addressing Manual. The Town shall prepare and maintain the list of properties and addresses.
- B. Any subdivision plat submitted for review and approval shall include the address number for each lot. Address numbers shall be assigned in accordance with the criteria and procedures specified in the Street Naming and Addressing Manual.
- C. The Chairman shall assign an address number to a property prior to the issuance of a building permit.

§ 170-10. Notification, use and display of address numbers.

- A. Following the initial assignment of addresses, in case of a change or the assignment of a number to a previously unnumbered address, the Town shall mail a notification of the new address to the owner of the property by U.S. Mail, first-class postage prepaid. For purposes of such notification, the name and address of the property owner shall be as obtained from the records of the Maryland Department of Assessments and Taxation.
- B. The owner of any property who receives notification of a new address number shall be responsible for informing all tenants or occupants of the new address.
- C. The owner or occupant shall have a period of one year from the date the notification is mailed to make all address changes or adjustments. Thereafter, the address number assigned under this article shall be the only street address used by the owner or occupant of the property.
- D. Within one year from the date the notification of the new address is mailed, if there is a building on the property, the owner shall have placed on the property, in a location visible from the street upon which the address number is assigned, figures at least three inches high, showing the number of the house or building. Numbers placed on mailboxes or signs shall satisfy this requirement only if the home or building is clearly identifiable in relation to the mailbox or sign. In case of new construction, the numbers shall be installed before issuance of an occupancy permit.

§ 170-11. Enforcement; violations and penalties.

- A. A violation of any provision of this article or failure to comply with any requirement thereof shall constitute a civil infraction. Each day on which a violation of this article continues shall constitute a separate offense. Any person found by a court of competent jurisdiction to have violated any section or provision of this article shall pay a fine of \$100 for the first violation. The fine for each subsequent violation shall be \$100.
- B. Once a person charged with a violation has received the infraction citation for the first violation, it shall not be necessary to deliver an infraction citation for any subsequent violation of the same provision or section of this article. A subsequent violation shall mean a violation of the same section of provision of this article, upon the same parcel or piece of real property, which has occurred not more than 30 days but not less than 24 hours after the first violation.
- C. The Town may enforce this article by civil action for declaratory judgment and/or injunction, in addition to or instead of citing the violator for a civil infraction. In the case of a civil action for declaratory judgment and/or injunction, the Town may recover its legal fees and costs from the violator.
- D. The owner and/or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or any other person who causes, commits, participates in, assists in, or maintains a violation of this article shall be guilty of a separate offense and subject to all the penalties set forth herein.

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SUBDIVISION OF LAND

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[HISTORY: Adopted by the Commissioners of the Town of Preston. Amendments noted where applicable.]

ARTICLE I

General Provisions

§ 175-1. Purpose.

The purpose of these regulations is to regulate and control the development of land within the Town of Preston in order to promote the public health, safety, and general welfare and to assure sites suitable for building purposes and human habitation in a harmonious environment.

§ 175-2. Authority.

The Town Commissioners, pursuant to the recommendation of the Planning Commission and public hearing held in accordance with Section 5.03, Article 66B, Annotated Code of Maryland, as amended, do hereby exercise the power conferred by Article 66B, Annotated Code of Maryland, to assure the orderly subdivision of land and the power conferred by

Section 3.05, Article 66B, Annotated Code of Maryland, to implement the Comprehensive Plan of Preston.¹

§ 175-3. When effective.

These regulations shall take effect immediately upon adoption by the Preston Town Commissioners.

§ 175-4. Territorial limit.

Under the authority of Article 66B of the Annotated Code of Maryland,² the following regulations governing the subdivision of land are hereby established for all the incorporated area of the Town of Preston, Maryland.

§ 175-5. Violations and penalties.

- A. It shall be unlawful for the owner of any land which lies within the jurisdiction of the Town of Preston to subdivide any lot, tract or parcel of land unless and until:
- (1) A plat of such subdivision is made in accordance with the regulations set forth herein and with the provisions of Section 5.02, Article 66B, of the Annotated Code of Maryland;³
 - (2) Approval is secured from the Planning Commission as provided herein; and
 - (3) The applicant has caused copies of said plat to be recorded with the Clerk of the Circuit Court for Caroline County.
- B. No land in a subdivision created after the adoption of these regulations shall be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until the final plat of such subdivision has been recorded in accordance with these regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.
- C. No subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission in accordance with the requirements of this chapter.
- D. No person shall sell or transfer any such land by reference to, or exhibition of, or by other use of a plat of a subdivision before such plat has been duly recorded under this chapter or a previous subdivision ordinance, provided that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

1. Editor's Note: See now the Land Use Article of the Annotated Code of Maryland, Title 3, Comprehensive Plan, and Title 5, Subdivision.

2. Editor's Note: See now the Land Use Article of the Annotated Code of Maryland, Title 5, Subdivision.

3. Editor's Note: See now §§ 5-202 and 5-203 of the Land Use Article of the Annotated Code of Maryland.

- E. Any person violating the provisions of this chapter shall be subject to a fine of \$100 for each violation, and each and every day each such violation occurs shall be considered a separate violation, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- F. Any person, corporation, association, partnership, or the agent of any such person who shall violate a provision of this chapter or fail to comply with any requirements hereof shall be guilty of a misdemeanor, punishable by a fine of \$100 for each violation, or by imprisonment not exceeding 10 days, or by both such fine and imprisonment, and each and every day each such violation occurs shall be considered a separate violation.
- G. Upon or after the effective date of this chapter, pursuant to Section 5.06, Article 66B, of the Annotated Code of Maryland,⁴ as amended, the Clerk of the Circuit Court shall not file or record a plat of a subdivision required to be recorded until such plat has been approved as required herein.
- H. The Town may enjoin any transfer or sale or agreement based on a plat that has not been approved by action for injunction in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

§ 175-6. Modifications.

- A. Modification of requirements. Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or shape of the parcel or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may, after consultation with appropriate agencies, vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this chapter or of interfering with carrying out the Comprehensive Plan of Preston. In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it conflict with any zoning ordinance or zoning map. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified. Decisions are not final until tentatively approved by the Town Commissioners, and all items shall be documented throughout the process. Changes made will be presented to the public at the time of the public hearings concerning minor variances.
- B. If changes from the approved final plat become necessary during construction of the subdivision, an amended plat of the subdivision shall be filed with the Planning Commission for approval and shall be recorded with the Clerk of the Circuit Court.

4. Editor's Note: See now § 5-302 of the Land Use Article of the Annotated Code of Maryland.

§ 175-7. Severability; changes and amendments.

- A. Severability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of these regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.
- B. Changes and amendments.
- (1) These regulations may from time to time be amended, supplemented, changed, modified, or repealed by the Planning Commission with approval of the Town Commissioners.
 - (2) Any person or officer, department, board, commission, or bureau of the Town may petition for such change or amendment; however, no such change or amendment shall be presented to the Town Commissioners for approval until the Planning Commission has held a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town. After said public hearing, the Planning Commission shall forward to the Town Commissioners its recommendation concerning such change and amendment.
 - (3) Upon receipt and prior to taking action on such change or amendment, and accompanied by a recommendation from the Planning Commission, the Town Commissioners shall schedule a public hearing in relation thereto; at least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.

§ 175-8. Appeals.

The Board of Zoning Appeals shall have the power and duty to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Town Inspector or the Planning Commission pursuant to this chapter. Such appeals shall be in accordance with the procedure set forth in Chapter 210, Zoning. Any person or persons who may have standing to do so may seek review of a decision of the Board of Zoning Appeals by the Circuit Court for Caroline County in the manner provided by the Maryland Annotated Code.

§ 175-9. Approving authority.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter shall be the Planning Commission. The Planning Commission may assign responsibility to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "Inspector."

§ 175-10. Filing of documents.

All documents for submission to the Planning Commission shall be submitted at least 15 days prior to an official meeting of the Planning Commission to be introduced at that meeting. Plans may only be introduced at an official meeting.

ARTICLE II

Basic Definitions and Interpretation**§ 175-11. Definitions and word usage.**

- A. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter. Other terms not defined herein but defined in Chapter 210, Zoning, shall have the meaning indicated in Chapter 210, Zoning.
- B. To amplify and clarify all provisions of this chapter, the following rules shall apply:
- (1) 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.
 - (2) The word "shall" is mandatory and not discretionary.
 - (3) The word "may" is permissive.
 - (4) The word "lot" shall include the words "piece," "parcel" and "plot"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for" and "occupied for."
 - (5) Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.
- C. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ACRE — A commonly referred to measure of area which equals 43,560 square feet.

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

ADMINISTRATIVE SUBDIVISION — The replatting, redefining or reboundarying of two or more existing lots.

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

ALTERATION — Any change in the total floor area, use adaptability or external appearance of an existing structure.

AREA, GROSS — All the area within a development plan or plat including area intended for residential use, local access streets or alleys, off-street parking spaces, stormwater management pond, sediment basin, recreation areas, or floodplains.

BOARD OF ZONING APPEALS — The collective individuals appointed to the Board of Zoning Appeals of Preston as well as all relevant agents utilized by said individuals.

BUFFER — An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms, and/or fences, and designed to limit views and sounds from the development tract to adjacent properties and vice versa.

BUILDABLE WIDTH — The width of that part of a lot not included within the open spaces (e.g., yards) herein required.

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

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

BUILDING SETBACK LINE — A line beyond which the foundation wall of a building shall not project.

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, FLOOR AREA OF — The total number of square feet area of conditioned space in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

BUILDING, HEIGHT OF — 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.

BUILDING, PRINCIPAL — The primary building on a lot or a building that houses a principal use.

COMMISSION — The Planning Commission of the Town of Preston.

COMMISSIONERS — The Town Commissioners of Preston.

COMMON AREA — Any open space, private road or other land, structure or improvement which is designed or reserved for the common use or benefit of the owners of two or more lots. "Common area" does not include any public road or other land, structure or improvement owned by the Town or the State of Maryland or any other governmental agency.

COMPREHENSIVE PLAN — The legally adopted plan for the development of the Town in accordance with the provisions of Annotated Code of Maryland Article 66B.⁵

5. Editor's Note: See now the Land Use Article of the Annotated Code of Maryland, Title 3, Comprehensive Plan.

CONDOMINIUM — A form of ownership consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with separate interest in space in a building, such as a townhouse, apartment or office, established pursuant to Maryland law. A condominium may include, in addition, a separate interest in other portions of such real property.

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.

COURT — An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COVENANT — A written undertaking by an owner which is required by this chapter or imposed by the Planning Commission in accordance with authorization contained in this chapter or Chapter 210, Zoning.

COVENANTOR — A person who owns legal or equitable title to any land which is affected in any manner by a covenant and includes a person who holds any mortgage, deed of trust or other lien or encumbrance on any such land.

COVERAGE — The percentage of the lot covered by buildings, structures and other impervious surfaces.

CROSSWALKWAY — A right-of-way intended primarily for pedestrians, and excluding motor-propelled vehicles, which cuts across a block in order to improve access to adjacent streets or properties.

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 Caroline 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 may but are not required to be enforced by the Town of Preston, unless it is the Town of Preston, Maryland, that records said deed restrictions.

DENSITY — The number of principal dwelling units allowed per acre of gross area of a development.

DEVELOPER — An individual, partnership, corporation or agent therefor that undertakes the activities covered by this chapter, particularly the drawing up of a subdivision plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of ensuring a satisfactory development, the term "developer" is intended to include the term "subdivider" even though the personnel involved in successive stages of the project may vary.

DEVELOPER'S ENGINEER — An individual, partnership or corporation employed by the developer to prepare the necessary plans for public improvements. A principal in such firm shall be registered as a civil engineer in the state.

DEVELOPMENT or DEVELOPMENT ACTIVITIES (includes the term "develop") —

Any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land or action that results in construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land. Excavation or clearing in buffer is not permissible, even if a grading permit is not required.

DISTRICT — Any section of the Town within which the zoning regulations are uniform.

DRAINAGE AREAS — Those areas designated for the effluence, collection and/or management of stormwater, including, but not limited to, drainage ditches, sediment basins and stormwater ponds.

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 used or intended to be used for residential occupancy.

EASEMENT — A vested or acquired right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

EASEMENT RESERVATION — A strip of land extending along a property line or across a lot for which the owner has made a grant (easement) to the general public, the Town government, a corporation or other persons of the right to use the land for specified purposes, without actual transfer of title to the land.

EMERGENCY SERVICES — Fire, rescue, ambulance and police services including related structures and activities.

ENFORCING AGENCY — The agent of the Town charged by law with the duty to enforce the provisions of this chapter.

ENGINEER — The Town Engineer or a representative authorized to fulfill the role of Town Engineer by the Town Commissioners.

FENCE or WALL — A barrier, other than natural vegetation, intended to mark a boundary or to enclose an area to provide screening or privacy.

FLOOD-PRONE AREA — Any area with an elevation of less than the minimum as established by local flooding records and listed in the Preston Floodplain Management Ordinance.

FLOOR AREA

(1) Commercial business and industrial buildings or buildings containing mixed uses. The sum of the gross horizontal area of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

(a) Attic space providing headroom of less than seven feet;

- (b) Basement space not used for retailing;
 - (c) Uncovered steps or fire escapes;
 - (d) Accessory water towers or cooling towers;
 - (e) Accessory off-street parking spaces; and
 - (f) Accessory off-street loading berths.
- (2) Residential buildings. The sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

FRONTAGE

- (1) **STREET FRONTAGE** — All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) **LOT FRONTAGE** — The distance for which the front boundary line of the lot and the street line are coincident.

GRANDFATHERED — The term describes the status accorded certain properties and development activities that are approved of record prior to the date of adoption of this chapter or provisions of this chapter.

HALF STREET — A street built to only 1/2 the pavement width as determined by the road type classification.

HOUSING — Living units, dwellings or other structures which shelter or cover.

IMPERVIOUS SURFACE — Any man-made surface that is resistant to the penetration of water.

IMPROVEMENTS, PUBLIC — Includes but is not limited to any of the following: street pavements, with or without curbs and gutters, sidewalks, crosswalks, water mains, gas mains, sanitary sewers and storm drains, with appurtenant constructions.

INTERMITTENT STREAM — A stream in which surface water is absent during part of the year. Intermittent streams may be found on the most recent USGS 7.5-minute quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

LAND CLEARING — Any activity that removes the vegetative ground cover.

LIVING UNIT — A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOT — An area of land separated from other areas of land by separate description in a recorded deed or plat.

LOT AREA — The total horizontal area within the lot lines of the lot.

LOT LINE — The boundary line of a lot.

LOT OF RECORD — A parcel of land which has been legally recorded in the land records of Caroline County.

LOT WIDTH — The distance between the side lot lines measured at the required front yard line.

LOT, CORNER — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

LOT, DEPTH OF — The average horizontal distance between the front lot lines and the rear lot lines of a lot, measured within the lot boundaries.

LOT, DOUBLE FRONTAGE — A lot the opposite ends of which both abut on a public right-of-way.

LOT, INTERIOR — A lot other than a corner lot.

LOT, REVERSED FRONTAGE — A lot in which the frontage is at right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

LOT, THROUGH — An interior lot having frontage on two streets.

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.

OFF-STREET PARKING AREA — Space provided for vehicular parking not on a street or roadway.

OPEN SPACE — That area within the boundaries of a lot that is intended to provide light and air and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but not be limited to, buffers and buffer yards, public lawns, decorative planting, walkways, active and passive recreation areas, public children's playgrounds, fountains, public swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveways, parking lots, stormwater management ponds, sediment basins, or drainage areas as to have no substantial value for the purpose stated in this definition.

OWNER — The person, partnership, corporation, company, or other legal entity holding current legal title to a lot, tract, or parcel of land.

PERENNIAL STREAM — A stream containing surface water throughout an average rainfall year. Perennial streams may be found on the most recent USGS 7.5-minute quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

PERSON — An individual, trustee, personal representative, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

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 — A subdivision of varied land uses, residential structural types and densities developed so as to integrate all the features into a harmonious whole.

PLANNING COMMISSION — Shall refer to the individuals appointed to the Planning Commission of Preston as well as all relevant agents utilized by said individuals.

PLAT — Any map, plan or chart of a city, town, section or subdivision indicating the locations and boundaries of individual properties.

PLOT — A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or metes and bounds.

PRIMARY HIGHWAY — A highway designated as a state primary highway or U.S. highway by the Maryland Department of Transportation.

PROPERTY — A plot with buildings or other improvements located thereon.

PROPERTY LINE — A recorded boundary of a plot.

PUBLIC — The citizens of the Town of Preston and elsewhere.

PUBLIC STREET — A public way which affords the principal means of access to abutting properties.

PUBLIC SYSTEM — A water and sewer system which is owned and operated by a local governmental authority which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality.

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 UTILITIES — Uses or structures for the public purpose of power transmission and distribution (but not power generation); natural gas transmission and distribution (but not manufacture or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities; radio and television facilities (not including broadcasting studios); and rail or road rights-of-way (not including stations or terminals).

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.

PUBLIC WAY — Any sidewalk, street, alley, highway, or other public thoroughfare.

PUBLIC WORKS AGREEMENT — An executed agreement between the developer and the Town setting forth the improvements which the developer will be responsible for and the conditions for the construction and acceptance of such improvements by the Town both on-site and off-site.

RECREATION FACILITY — A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

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

REGULATIONS — The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or referred to in this chapter.

RELEVANT AGENTS — Any subcommittee, entity, or person whom the Planning Commission deems necessary to involve in the process. Relevant agents have no binding vote.

RESERVE STRIP — A median of some nature used to separate the opposing lanes of traffic on a street and to control access to abutting land and intersecting streets.

RIGHT-OF-WAY — A strip of land across privately held property designated for the use of a road, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

ROAD — All ways used to provide motor vehicle access to two or more lots.

SECONDARY HIGHWAY — A highway designated as a state secondary highway by the Maryland Department of Transportation.

SENSITIVE AREAS — Environmental protection areas identified in the Economic Growth, Resource Protection and Planning Act of 1992 for which special standards, designed to protect these areas from the adverse effects of development, have been included in Chapter 210, Zoning. These areas include the following:

- (1) Streams and their buffers;
- (2) One-hundred-year floodplain;
- (3) Habitats of threatened and endangered species;
- (4) Steep slopes; and
- (5) Any other areas determined by the Town.

SETBACK — The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a Town or state road right-of-way.

SITE — A parcel of land consisting of one or more lots or portions and which is described by reference to a recorded plat or by metes and bounds.

STEEP SLOPE — Any slope with a grade of 15% or more covering a contiguous area of 10,000 square feet or more shall be considered a steep slope.

STORMWATER MANAGEMENT

- (1) For quantitative control, a system of vegetative and structural measures that control the volume and rate of surface runoff caused by preexisting conditions and/or man-made changes to the land; and
- (2) 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 platted way for vehicular traffic.

- (1) **MINOR STREET** – A street that is no longer than 300 feet and serves no more than eight lots.
- (2) **COLLECTOR STREET** – A street whose primary purpose is to collect traffic from minor streets, provide some access to abutting land, and move traffic to arterial streets.
- (3) **ARTERIAL STREET** – A street which provides traffic movement between major traffic generators.
- (4) **THROUGHWAYS, PARKWAYS and BYPASSES** – Streets built for speeds generally in excess of 50 miles per hour and usually having limited access, whose purpose is to connect regional population centers.
- (5) **CUL-DE-SAC** – A minor street, having but one end open for motor traffic, the other being permanently terminated by a turnaround or backaround for vehicles.
- (6) **SERVICE ACCESS** – A minor street which is parallel and adjacent to parkways, throughways or bypasses, and which provides access to abutting properties and protection from through traffic.

STREET LINE — A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE — Anything, other than a fence or retaining wall, constructed or erected which requires location on the ground or attached to something having a location on the ground, including but not limited to advertising signs, billboards, mobile homes, and prefabricated homes. Prefabricated homes include factory preassembly of standardized building parts, or the shipment of component building sections for permanent installation on a site. Prefabricated homes do not include mobile homes in which mobility, or the ready means of reactivating mobility, remains an integral feature of the trailer.

STRUCTURE, MINOR ACCESSORY — An accessory structure containing less than 150 square feet of floor area.

SUBDIVISION — The division of any tract or parcel of land into two or more plots, parcels, lots, or sites, for the purpose, whether immediate or future, of transfer of ownership or of building development. The term shall include resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION, MINOR — A subdivision that does not involve any of the following:

- (1) The creation of more than three lots;
- (2) The creation of any new public streets or the extension of existing streets;
- (3) The extension of a public water or sewer system; or
- (4) The installation of drainage improvements through one or more lots to serve one or more other lots.

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

TRACT — A lot (see definition). The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivisions, where one tract is subdivided into several lots.

UTILITY FACILITIES, NEIGHBORHOOD — Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

UTILITY TRANSMISSION FACILITIES — Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer lines.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of water.

WILDLIFE CORRIDOR — A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

YARD — An open space other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in this chapter (see Figure 1).

YARD, FRONT — An open space extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the terraces, or uncovered porches.

YARD, REAR — An open space extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

YARD, SIDE — An open space between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main building or any projections thereof.

ZONING DISTRICT — An area within which certain uses of land and structures are permitted and certain others are prohibited, yards and other open spaces are required, and minimum lot areas and dimensions and other requirements are established.

ZONING OVERLAY DISTRICT — A district which is placed over the existing regular or parent zoning because of siting of a zoning district or imposes additional restrictions, e.g., the Critical Area Overlay District.

ARTICLE III

Minor Subdivisions

§ 175-12. Minor subdivision approval.

The purpose of this section is to establish the procedure that shall be followed by any developer, the Planning Commission, and the Town staff in preparing, reviewing, and approving any subdivision defined as a minor subdivision under the provisions of these regulations.

- A. The Planning Commission shall approve or disapprove all minor subdivision final plats in accordance with the provisions of this section, pending final approval of the Town Commissioners.
- B. The applicant for minor subdivision plat approval, before complying with Subsection C, shall submit a sketch plan to the Inspector for a determination of whether the approval process authorized by this section can be and should be used. The Planning Commission may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the real property being subdivided and all lots previously subdivided from that tract of land within the previous five years.
- C. Applicants for minor subdivision approval shall submit to the Planning Commission a plat conforming to the requirements set forth in § 175-24 and Appendix A.⁶
- D. The Planning Commission shall take expeditious action on an application for minor subdivision plat approval as provided herein. However, either the Planning Commission or the applicant may at any time refer the application to the major subdivision approval process.
- E. Not more than a total of three lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time starting with the effective date of this chapter.
- F. If the subdivision is disapproved, the Planning Commission shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- G. Minor subdivisions shall comply with all requirements of Chapter 210, Zoning.
- H. Approval of any plat is contingent upon the plat being recorded within nine months after the date the certificate of approval is signed by the Planning Commission or its designee.
- I. No lots may be sold or transferred until the plat shall have been officially recorded in the Circuit Court of Caroline County.

6. Editor's Note: Appendix A is included as an attachment to this chapter.

§ 175-13. Resubdivision; addition and subtraction of lots.

A. Resubdivision.

- (1) For any modification, division, addition, deletion, or correction which is proposed to a previously recorded lot or lots in a subdivision, the owner must file a resubdivision plat to be approved by those agencies normally approving final plats and recorded by the developer together with a notation in the form of a resolution, which shall be affixed to the resubdivision plat. Changes occurring as a result of highway, road or street improvement which require additional right-of-way shall not require a resubdivision plat to be recorded. The resubdivision plat shall be approved by the Planning Commission and forwarded to the Town Commissioners for approval, or be required to be resubmitted as a new subdivision.
- (2) In cases where three or more lots in the same ownership are effectively utilized to meet zoning requirements for setbacks, yard requirements, density requirements, etc., a resubdivision plat combining the affected lots into one lot will be required. An exception to this will occur only when two lots are under one deed. Any remaining lots shall conform to all existing zoning requirements and if conveyed shall not effectively create a zoning violation on the remaining lots. If these two conditions cannot be met, the lot or lots involved shall also be included on the resubdivision plat and shall become part of the single parcel thereby created.

B. Addition and subtraction of lots. When the owner of a lot or parcel wishes to add additional land to said lot or parcel the following requirements apply:

- (1) A survey plat showing the following shall be submitted:
 - (a) Boundary survey of additional land.
 - (b) The lot or parcel to which the addition is being made.
 - (c) The original lot or parcel as shown by a boundary survey.
 - (d) The signature of a registered surveyor certifying it as an accurate survey.
 - (e) A signature block for Planning Commission approval.
 - (f) A note on the plat stating the following: "Application is hereby made for approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing subdivision regulations."

C. The recorded survey plat shall be recorded with the Clerk of the Circuit Court of Caroline County.

ARTICLE IV

Major Subdivision Approval**§ 175-14. Major subdivision approval procedure.**

The purpose of this section is to establish the procedure that shall be followed by the developer, the Planning Commission, and the Town staff in preparing, reviewing, and approving any subdivision defined as a major subdivision under the provisions of these regulations. The provisions of these regulations shall be considered as minimum requirements to promote and protect health, safety and general welfare of the citizens of Preston. The Planning Commission shall require each subdivision to conform to the zoning ordinance applicable thereto.

- A. Types of major subdivision plans. The following plan types are hereby created and defined as the basic approval steps needed for a major subdivision:
- (1) Pre-application. Allows the Planning Commission input in the formative stages of subdivision design.
 - (2) Preliminary subdivision plat. All proposed major subdivisions shall be first considered by the Planning Commission as a preliminary subdivision plat. Upon approval of this plat by the Planning Commission, the developer may seek improvement plan approval from the Town Commissioners. No lot may be sold or transferred or building permit obtained based upon an approved preliminary subdivision plat.
 - (3) Improvement plan. The improvement plan is a detailed construction plan for public improvements to be developed in conjunction with a subdivision, such as streets (public or private), storm drainage, sanitary sewers, and other public facilities. Upon approval of this plan or plans by the Town, the developer may construct such improvements in accordance with the approved improvement plan.
 - (4) Final subdivision plat. Major subdivision plats shall receive their last official consideration by the Planning Commission as a final subdivision plat. Upon approval of the final subdivision plat by the Planning Commission and subsequent recordation, lots may be sold or transferred and building permits obtained in accordance with the approved final subdivision plat.
 - (5) General development plan. This mechanism is designed to permit the developer of a large-scale project, e.g., a planned unit development, to go before the Planning Commission with a conceptual description of the development, but not full engineering details of the project, and secure formal approval of basic development parameters.
- B. Pre-application. For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference and/or concept plan in accordance with the following requirements:
- (1) Pre-application conference.

- (a) The pre-application conference will allow the applicant to meet with the Town Planning Commission.
 - (b) Applicants seeking a pre-application conference shall submit the information stipulated in Appendix A of this chapter 15 working days prior to the conference.⁷
 - (c) The applicant shall not be bound by the determination of the pre-application conference, nor shall the Planning Commission be bound by any such review.
- (2) Concept plan.
- (a) In addition or as an alternative to the pre-application conference, at the request of the applicant, the Planning Commission shall grant an informal review of a concept plan for a development for which the applicant intends to prepare and submit an application for development. The purpose of the concept plan is to provide the Planning Commission and staff input in the formative stages of subdivision and site plan design.
 - (b) Applicants seeking concept plan informal review shall submit the items stipulated in Appendix A of this chapter 15 working days before the concept plan meeting.⁸
 - (c) The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Commission be bound by any such review.
- C. Preliminary subdivision plat procedure. All preliminary subdivision plats shall be processed as follows:
- (1) Pre-application conference. At least 15 working days prior to filing of a preliminary subdivision plat, the applicant may prepare a rough sketch of the proposal and meet with the Planning Commission to discuss the proposed subdivision. At this time signs of the proposal will be posted on the property. Signs will be placed on all property sides that front on streets. They will be a minimum of three feet by three feet and in the Town's requested format. Signs will remain on the property until the final plat is approved. The purpose of this conference is to discuss, at the earliest stages, subdivision requirements and procedures and possible issues related to the development of the property in question. The applicant is encouraged to bring a sketch of the property, to approximate scale, showing the boundaries, general topography, important physical features, and other significant information, as well as the proposed scheme for the development of the property. It is intended that this procedure will help alleviate possible conflicts over subdivision requirements by early recognition of existing conditions, necessary facilities, and other requirements, which the applicant can then consider in preparing the formal subdivision

7. Editor's Note: Appendix A is included as an attachment to this chapter.

8. Editor's Note: Appendix A is included as an attachment to this chapter.

proposal. The applicant is also encouraged to discuss the proposal with other public agencies and utilities at this stage.

- (2) There will be a public mailing to all citizens of Preston (at the developer's expense, with an administrative fee). The Town Manager and Planning Commission Chairperson will write the public notification letter. This will be the one and only notice the citizens will receive by mail.
- (3) The applicant shall not be bound by any sketch plan for which review is requested, nor shall the Planning Commission be bound by any such review.

§ 175-15. Technical review procedure: preliminary subdivision plat.

- A. Step 1: Application and distribution. To formally ask for action on the preliminary plat, the applicant shall file a completed application form, filing fee, and copies of the plat as follows:
 - (1) Ten paper prints of a preliminary subdivision plat plus 50 8 1/2 inch by 11 inch copies.
 - (2) Completed and signed preliminary subdivision plat application.
 - (3) Completed and signed preliminary subdivision plat checklist (see Appendix A).⁹
- B. Step 2: Project submittal.
 - (1) Applications are submitted to the Town Manager for preliminary acceptance review.
 - (2) Preliminary acceptance review using the checklist will be conducted by the Town Manager and Zoning Inspector, to be completed prior to Town's officially accepting the application for distribution.
 - (3) Applications found to be incomplete during acceptance review shall be returned to the applicant with notification of the deficiencies within 15 working days.
- C. Step 3: Review. The Town Manager and Zoning Inspector and concerned agencies shall review the preliminary plat. The Town Manager and Zoning Inspector will check the plat for substantial conformity with the Comprehensive Plan, requirements of the zoning and subdivision regulations, including the intent and purpose of those regulations, and recommendations of other federal, state and county agencies.
- D. Step 4: Agency review. The Planning Commission may refer the subdivision and development plans to any agency (state, federal, or county or private, at the developer's expense) which it deems appropriate for its comments and/or recommendations. The Planning Commission will determine the basis for approval or disapproval of a proposed subdivision or development plan. Approvals for specific elements of a subdivision or development plan, including, but not limited to, sedimentation and erosion control and sewage disposal, must come from those departments or other agencies (state or federal, county and local) having jurisdiction in that area. All

9. Editor's Note: Appendix A is included as an attachment to this chapter.

requirements for acquiring approval of specific elements are contained in codes or regulations administered by the agency or department responsible and are not necessarily available in this regulation.

- E. Step 5: Submittal/distribution, revised plans (if required).
- (1) Preliminary subdivision plats that have been revised as to address the comments of the review agencies shall then be submitted to Town office for acceptance and distribution to appropriate review agencies.
 - (2) Within 15 working days of resubmission the Town Manager and Zoning Inspector will distribute one revised plat and check sheet per agency that will review the submission.
 - (3) If major redesign or major revision to the preliminary subdivision plats is required, the submission shall be processed as a new submittal (Step 1). The Planning Commission will determine if the revisions constitute a major redesign or major revision.
- F. Step 6: Agency review, revised plat.
- (1) Review agencies review revised plat and comment in writing to Planning Commission.
 - (2) Review agencies' comments or concurrence is sent to applicant by Zoning Inspector.
- G. Step 7: Planning Commission agenda. Upon determination that the preliminary subdivision plat is in compliance with all applicable regulatory provisions, said plat is to be prepared for presentation to the Planning Commission for consideration and recommendation at the next available 15 days prior to the next regular Planning Commission meeting.
- H. Step 8: Planning Commission meeting.
- (1) Preliminary subdivision plat applications listed on the Planning Commission agenda for proposed action are presented by the Zoning Inspector and the applicant. The Planning Commission shall review the plat with regard to the following:
 - (a) Substantial conformance to the land use provisions of the Comprehensive Plan, Chapter 210, Zoning, and any pertinent design guidelines;
 - (b) Guidelines that will promote the erection of buildings in areas that are free from danger of flooding, erosion, stream siltation, unsuitable sanitary conditions and other hazards; and
 - (c) Protection of sensitive environmental areas.
 - (2) Applicant is notified in writing of Planning Commission recommendation.
- I. Step 9: Planning Commission action. No preliminary plats shall be considered for action by the Planning Commission until they have been reviewed, and recommendations have been made, by the appropriate review agencies, including but

not limited to the Maryland State Highway Administration and the Caroline County Health Department, as applicable. All preliminary plats shall be approved, conditionally approved, or disapproved within 90 days of the date of the official regular planning and zoning meeting for which such plat was first accepted for official filing for Planning Commission action. The Planning Commission shall act for approval, conditional approval with conditions noted, postponement, or disapproval. Reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be stated. The following actions by the Planning Commission shall have the meanings so stated:

- (1) Approval.
 - (a) Approval means that the developer is authorized to proceed with the preparation of the required improvement plan or plans. Preliminary plat approval grants a developer two years within which he shall submit final plats for all property shown on the preliminary plat for approval. Before expiration, the Planning Commission may extend the approval period in increments not to exceed one year at a time. In connection with such request, the Planning Commission shall consider the following:
 - [1] Change in adjoining land use;
 - [2] Change in street and highway plan; and/or
 - [3] Change in zoning or subdivision regulations.
 - (b) A request for extension of preliminary approval shall be filed 30 days prior to the deadline date for final plat recording. In conjunction with such approval extensions, the Planning Commission shall have the right to require changes in the development when it finds that time has necessitated such changes for the health, safety, and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plat shall be deemed as disapproved by the Planning Commission. Any approved preliminary plat or any plat continued for further study by the Planning Commission shall be exempted from any changes in the subdivision regulations for a period of two years from the date of approval of the preliminary plat. Exemptions from changes in subdivision regulations law shall not be extended beyond one year even if the preliminary plat approval is extended as provided above.
- (2) Conditional approval means the developer may proceed with preparation of the improvement plan or plans, but only after the preliminary plat has been corrected to reflect all requirements placed on the plat by the action of the Planning Commission. Actual approval of the preliminary plat shall not be made until such conditions have been satisfied.
- (3) Postponement means Planning Commission action is delayed for definite reasons, which shall be noted by the Planning Commission. Certain specified changes may have to be made in the plats, but a complete new resubmittal of the plat is not required of the developer. However, all preliminary plats shall be approved or

disapproved within 90 days of the day they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.

- (4) Disapproval means disapproval of the plat. For further action, the developer must file a new application along with a filing fee and preliminary plat copies as required under § 175-14.
- J. Step 10: Certification of approval. The developer shall make any required additions or corrections to the preliminary plat and submit copies in a number required by the Planning Commission within one year of the date of Planning Commission approval. The plat shall be deemed as disapproved by the Planning Commission if this requirement is not met.

§ 175-16. Technical review procedure: improvement plan.

- A. Step 1: Application and distribution. The developer shall file the required copies of the improvement plan or plans, prepared and stamped by a registered civil engineer or other required professional, e.g., a landscape architect in the case of a master landscape plan, and fully conforming to all applicable Town regulations and the approved preliminary plat with the Planning Commission's comments addressed.
- B. Step 2: Review. The Planning Commission and/or other agencies shall review the proposed improvement plan and, within 120 working days, notify the developer in writing of the approval, conditional approval, or disapproval of the plan.
 - (1) Approval means the developer is now authorized to proceed with preparation of the final plat.
 - (2) Conditional approval means the developer may proceed as described above for approval, but only after the required copies of the corrected improvement plan have been submitted to the Planning Commission. The improvement plan shall be deemed as disapproved if the fully corrected plan is not filed within 90 days of the Planning Commission's notification.
 - (3) Disapproval means disapproval for the reasons stated in the notification by the Planning Commission. For further consideration, the developer must resubmit the improvement plan as a completely new improvement plan.

§ 175-17. Final plat procedure.

- A. The final plat is the culmination of the subdivision process and shall include all information necessary to comply with this section of these regulations. The final plat is intended to become the official record of the division of land within a development, and no lot therein may be sold legally until a final plat has been approved by the Planning Commission and recorded with the Clerk of the Circuit Court of Caroline County by the developer. The final plat shall not be recorded until a public works agreement and a signed letter of credit or other required surety is posted.
- B. The final plat shall basically follow the procedural requirements for preliminary plat procedure. All major final subdivision plats shall be processed as follows:

- (1) Pre-application conference. The developer is urged to prepare a draft of the proposal and discuss it informally with the Planning Commission and other government and utility agencies in order to share information and open a dialogue at the earliest stages of the process. This conference is not a mandatory prerequisite to the formal filing of the final subdivision plat by the developer.
- (2) Application, distribution, and review. The application, distribution, and review procedures for final subdivision plats shall be generally a two-step procedure: preapproval from any agency required to give approval and approval by the Planning Commission. After approval of the preliminary plat, the developer shall submit the final plat. The final plat submission, including accompanying documents, shall be presented to the Planning Commission. Submissions shall be accompanied by 10 copies of the final plat, fees, and required public improvement plans and shall be certified by the Zoning Inspector to the date of receipt.
- (3) Planning Commission action. All final plats shall be approved or disapproved within 90 days of the date they are officially filed for Planning Commission action. The Planning Commission will review the staff and technical review agency recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be available to the developer and the public.
 - (a) The following actions by the Planning Commission shall have the meanings so stated:
 - [1] Approval means the final plat is ready to be approved by the Planning Commission, with no further corrections or revisions of the plat required by the developer.
 - [2] Conditional approval means the final plat cannot be approved by the Planning Commission until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plat.
 - [3] Postponement means that the Planning Commission has deferred action in order that certain clarification can be made in regard to the plat. No completely new resubmittal is required of the developer as is the case for disapproval. However, all final plats shall be approved or disapproved within 90 days of the date they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.
 - [4] Disapproval means disapproval of the plat. In order to request a new review and action, the developer must file a new application along with a filing fee, plat copies, and other material as required under this section.
 - (b) Final plats must be brought before the Planning Commission at its regular meeting before they can be signed and recorded as directed by this regulation. The Chairman of the Planning Commission shall be empowered

to sign the final plat when satisfactory review indicates that said plat meets all requirements of this chapter and all conditions of approval of said plat have been met. The final plat is reviewed against the preliminary plat and any modification contained herein. The authorized signature of the Caroline County Health Department shall be affixed to the plat prior to signing by the Chairman. Upon approval, the developer, or his representative, shall submit to the Planning Department the original final plat and public improvement plans for signature by the various agencies.

§ 175-18. General development plan.

- A. Applicants for planned developments, major site plans, or major subdivisions of at least 25 acres containing a minimum of 50 dwelling units or 40,000 square feet of nonresidential building area shall divide preliminary approval into two phases:
- (1) Phase one: general development plan.
 - (2) Phase two: preliminary approval.
- B. An applicant requesting general development plan approval shall first submit to the Planning Commission 15 copies of the materials stipulated in Appendix A of this chapter.¹⁰
- C. The application shall be declared complete as outlined in § 175-15.
- D. The Planning Commission shall, within 90 days or within such further time as may be consented to by the applicant, either grant approval of the general development plan as submitted or with changes and/or conditions or deny approval.
- (Official filing: All plans must be submitted to the Planning and Zoning Board at least 15 days prior to an official meeting in order to be introduced at that meeting. Plans may only be introduced at an official meeting. Ninety days begins at the official meeting and not on the date of submission.)
- E. The approval of the general development plan shall confer upon the applicant the following rights for a period of at least two years, or for a longer period if determined by the Planning Commission:
- (1) The total number of maximum residential density and the general type of residential dwelling (single-family detached residences, townhouses, garden apartments, etc.).
 - (2) The maximum amount of floor area ratio (FAR) for proposed nonresidential development (i.e., commercial, office, institutional, and industrial).
- F. The Planning Commission shall indicate the following, which shall not vest, but still be presumed to be valid at the time of approval, subject to engineering and environmental considerations:
- (1) The location of the collector roads.

¹⁰. Editor's Note: Appendix A is included as an attachment to this chapter.

- (2) The general location of the different uses and density by land use area.

§ 175-19. Endorsements and certifications on major subdivision plats.

All subdivision plats shall contain the endorsements and certificates as required by the Town.

§ 175-20. Plat approval not acceptance of dedication offers.

Approval of a plat does not constitute acceptance by the Town of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the Town may accept any such offer of dedication through the acceptance of a properly prepared deed.

§ 175-21. Protection against defects.

- A. Whenever (pursuant to terms of Chapter 210, Zoning, or this chapter) occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted pursuant to § 175-23 shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- B. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.

§ 175-22. Maintenance of dedicated areas until acceptance.

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

§ 175-23. Bonding and guarantee of public improvements.

Bonding procedures and requirements shall be as specified by the Town, giving due regard for the public policy objective of ensuring the completion of the approved infrastructure regardless of the financial ability of the developer and/or the developer's contractors to so complete such infrastructure (see Appendix B).¹¹

§ 175-24. Standards for plat preparation and submittal.

- A. The Planning Commission shall make final determination on the completeness and accuracy of the plat in accordance with the provisions of this section prior to

11. Editor's Note: Appendix B is included as an attachment to this chapter.

recording of the plat. See Appendix A for a complete list of requirements for the final plat.¹²

- B. The final subdivision plat shall be submitted to the Planning Commission drawn on a reproducible sheet made of material that will be acceptable to the Clerk of the Circuit Court having dimensions of 18 inches by 24 inches. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. A location map indexing each of the sheets shall be submitted to the Town Manager or Zoning Inspector and kept on file. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit 10 prints of the plat.
- C. The accurately positioned North arrow shall be placed on the plat.
- D. All plat lines shall be by horizontal (level) measurements. Enlargements of portions of a plat are acceptable in the interest of clarity, where shown as inserts on the same sheet.
- E. Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the face of the plat.
- F. Where a subdivision of real property is set out on the plat, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.
- G. Permanent reference monuments, shown on the plat, shall be placed. Such permanent reference monuments shall be stone or concrete at least 24 inches in length and four inches square with suitable center point and shall be set flush with the ground and to finish grade. Iron pipes measuring $\sqrt{2}$ inch in diameter and 18 inches in length shall be placed at all lot corners. Concrete monuments shall be placed on road rights-of-way where street direction changes. All locations shall be approved by the Planning Office. All monuments shall be in place when finish grading is completed. Monuments shall be placed at all block corners and angle points as required by the Town, which shall also approve the material, size and length of such monuments. Pipes and monuments shall be set by a Maryland registered land surveyor. It shall be the responsibility of the developer to have these monuments placed prior to the acceptance of the streets by the Town and they shall be guaranteed in the public works agreement. The developer shall be responsible and pay all costs necessary to replace any Town grid monuments or control points disturbed by his development activities. Replacements shall be done by a Maryland registered surveyor to accurately place such monuments. Such payment to restore any monuments is to be secured by a public works agreement.
- H. If the final plat is disapproved by the Planning Commission, the applicant shall be furnished with a written statement of the reasons for the disapproval.

12. Editor's Note: Appendix A is included as an attachment to this chapter.

- I. Approval of a final plat is contingent upon the plat being recorded within nine months after the approval certificate is signed by the Planning Commission or its designee. The subdivider will furnish copies of the recorded plat to all applicable county and state agencies, as directed by the Town. If the final plat is not recorded within nine months, the approvals granted by the Planning Commission will become null and void.
- J. Street and development names shall not be the same as or closely approximate, phonetically or in spelling, the name of any other street in the Town or the local fire company's jurisdiction.

(Official filing: All plans must be submitted to the Planning Commission at least 15 days prior to an official meeting in order to be introduced at that meeting. Plans may only be introduced at an official meeting.)

§ 175-25. Establishment of restrictive covenants.

- A. The Town may, but shall not be required to, enforce individual covenants such as common maintenance and common access agreements. Such covenants shall be entered into court records and shall not violate local, state, and federal laws.
- B. The Planning Commission shall approve or disapprove any individual area of a covenant prior to implementation and any changes shall meet or exceed minimum standards based on Chapter 210, Zoning.

§ 175-26. Establishment of easements.

A plat shall show the location of all existing and proposed recorded easements (including rights-of-way) which affect the property and a citation of any recorded easements, restrictions, reservations or covenants which affect the property.

§ 175-27. Original tract.

- A. The Planning Commission shall require that the remaining original tract be shown as stated in the appropriate section below:
 - (1) If less than five acres of land remain in the original tract after the lots are excluded then all of the tract (lots and remainder) must be platted.
 - (2) If more than five acres of land remain in the original tract after the lots are excluded then the owner is not required to plat the remaining acreage.
- B. The owner is required to provide a sketch of the tax map showing the entire acreage and the location of lots being platted and any previous platted lots.

§ 175-28. Memorandum of understanding.

- A. A memorandum of understanding is a document agreed to by a developer of a major subdivision and the Preston Town Commissioners, outlining terms and conditions agreed to, referencing the subdivision regulations and any additional agreements.

- B. A memorandum of understanding shall include a financial grant of a minimum of, not limited to but no less than, \$5,000 per dwelling unit to compensate for Preston public safety needs and any expected related costs of their services. The memorandum of understanding shall also include financial grants to compensate the Town of Preston for anticipated increased police services, increases to the Town's water and sewer capacities, upgrades to connecting streets and sidewalks, and upgrades to related water and sewer mains.
- C. The memorandum of understanding shall also stipulate that a major subdivision developer will be responsible for all of the Town's legal fees related to their project.

§ 175-29. (Reserved)

ARTICLE V

General Design Requirements

§ 175-30. Purpose.

The purpose of this article is to establish the basic and minimum design and improvement standards that will be required as a precondition to development of any property or in conjunction with the development for lots, streets, utilities, and other physical elements in a subdivision. Standards exceeding these minimum requirements may be provided by the developer or required by the Planning Commission. A major direction of this article is to promote development that is most harmonious with the existing environment while providing guidelines and standards to protect the public health, safety, and welfare. To achieve this end, development should follow as closely as possible the contour of the land and should be designed to minimize cuts and fills. The developer's engineer shall design the work, and the Town's agent shall review all design work and inspect the improvements during construction.

§ 175-31. General site design standards.

- A. A site analysis shall be made of the characteristics of the development site, such as site context, geology and soil, topography, climate, ecology, visual features, past and present use of the site, and existing vegetation, structures, and road networks.
- B. Subdivision and site design.
- (1) Design of the development shall take into consideration all existing Town, county and regional plans for the surrounding community.
 - (2) Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
 - (3) The following specific areas include, but are not limited to, areas that shall be preserved as undeveloped open space, to the extent consistent with the reasonable use of land, and in accordance with applicable state or local regulations:

- (a) Unique and/or fragile areas, including tidal and non-tidal wetlands and their buffers as defined in Section 404 of the most current Federal Water Pollution Control Act amendments and as shown on wetlands maps prepared by the U.S. Fish and Wildlife Service (sketch plat) and field delineated on-site (preliminary and final plat).
- (b) Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value.
- (c) Lands in the floodplain, as defined elsewhere in Town regulations.
- (d) Historically significant structures and sites, as listed on federal, state, county, or Town lists of historic places.
- (e) Sensitive areas for which special standards, designed to protect these areas from the adverse effects of development, have been included in Chapter 210, Zoning, including:
 - [1] Streams and their buffers;
 - [2] One-hundred-year floodplain;
 - [3] Habitats of threatened and endangered species;
 - [4] Steep slopes; and
 - [5] Any other areas determined by the Town.
- (4) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.
- (5) Stormwater management.
 - (a) No final plat of subdivision shall be approved unless a plan for stormwater management is submitted by the developer as appropriate and approved by the Town.
 - (b) A subdivision may be exempted from this provision if it qualifies for an exemption as provided in Town Stormwater Management Ordinance¹³ and such waiver is approved by the Town Commissioners.
 - (c) In the event that stormwater must be managed or contained, stormwater management facilities shall be planned, designed, improved, and constructed as required in accordance with the Caroline County Stormwater Management Ordinance until such time as the Town enacts the Preston Stormwater Management Ordinance.

13. Editor's Note: See Ch. 165, Stormwater Management.

C. Residential development design.

- (1) Newly platted and configured residential lots shall front on residential access or sub-collector streets, not on major collector or arterial streets or roads.
- (2) Every lot shall have sufficient access to it for emergency vehicles, as well as for those needing access to the property for its intended use.
- (3) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.
- (4) Buildings shall be spaced so that adequate privacy is provided for units.
- (5) Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space whenever feasible and consistent with good overall harmonious design.
- (6) Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians.
- (7) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationships between development and the land.
- (8) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from buildings, and to lessen areas devoted to motor vehicle access.
- (9) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.
- (10) Solar access and conservation of energy shall be encouraged.

D. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, light pollution, and surrounding land uses shall be considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

E. Circulation system design.

- (1) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic to meet, but not exceed, the needs of the present and future population served, to have a simple and logical pattern, to respect natural features and topography, and to present an attractive streetscape.
- (2) In a residential subdivision, the road system shall be designed to serve the needs of the neighborhood and flow of through traffic except where the subdivision street implements any aspect of the Transportation Plan Element of the Comprehensive Plan.
- (3) The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, with exceptions

permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.

- (4) If the Planning Commission determines that a development is likely to create foot traffic, developers will be required to tie the sidewalk system(s) within the development to existing Town sidewalk systems.
- (5) Bikeways shall be required if indicated in the Comprehensive Plan.

F. Landscape design.

- (1) Acceptable landscaping should be provided at site entrances, in public areas, and adjacent to buildings in accordance with all applicable zoning laws.
- (2) The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water and, to the extent possible, shall consist of native species. The impact of the proposed landscaping plan at various time intervals shall also be considered.

G. Open space and recreation. Residential subdivisions, including planned unit developments and residential cluster developments, shall be required to provide neighborhood parks and open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities, environmentally sensitive areas, and the surrounding communities.

§ 175-32. Adequate public facility standards.

In addition to the specific design standards and requirements contained herein, the following minimum site conditions shall exist prior to Planning Commission approval of any subdivision, whether such facilities are provided by the developer, a private utility, or the Town government. In pursuit of its responsibility and obligation to provide for the health, safety, and general welfare of existing and future residents in any subdivision within Preston, the Planning Commission may disapprove the subdivision of land if it is found that any one public facility is not adequately provided for in the proposed subdivision, including but not limited to adequate sewer and water.

- A. The following shall be the minimum standards for utilities such as telephone supply, electric supply, water supply, or other utilities:
- (1) Every subdivision shall be provided with a proper telephone and electric system.
 - (2) Every subdivision shall be provided with a complete water distribution system adequate and acceptable to the Town and other governing authorities to serve the area being developed with pipelines, valves, fire hydrants, and other water facilities as required.
 - (3) All new water and sewage mains shall be provided, at the developer's expense, at an appropriate diameter for all fire and emergency purposes and all properly tied to water and sewer sources of equal capacities.

- (4) Easements for new, or the continuation of existing, utilities shall be provided for all subdivisions with the width, dimensions, or other characteristics as required by the Town.
- B. Every subdivision shall be provided with a sewage disposal system approved by the Health Department, the appropriate state agency with jurisdiction, and the Town. Construction standards and requirements shall be as approved by the Maryland Department of the Environment.
- C. Every subdivision shall provide satisfactory drainage of stormwater by means of underground sewer pipes and/or surface ditches, provided that such stormwater drainage system conforms to the requirements of the Town or Caroline County.
- D. The Planning Commission will review each proposed subdivision to determine whether it is served by proper community access roads. The Planning Commission may postpone or deny approval of any such subdivision until it has determined that such needs are properly met. Such roads shall be sufficient in size and design to handle future volume and flow of traffic.

§ 175-33. Street standards.

- A. The arrangement of streets shall conform to the Transportation Plan Element of the Comprehensive Plan.
- B. For streets not shown on the Comprehensive Plan or Official Map, the arrangement of streets shall provide for the appropriate extension and expansion of existing streets.
- C. Residential streets shall be arranged so as to discourage through traffic and to provide for maximum privacy.
- D. Street hierarchy.
 - (1) Streets shall be classified in a street hierarchy system with design tailored to function.
 - (2) The street hierarchy system shall be defined by street or road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources adequately reflect local conditions.
 - (3) Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types defined herein.
 - (4) The Planning Commission may require the preparation of traffic studies by a qualified traffic consultant at the applicant's expense. The applicant may be required to fund a qualified traffic consultant identified by the Town to review and explain the applicant's study that the distribution of traffic to the proposed street system will not exceed the capacity of the street(s) serving the property, including the nearest major intersections.

- E. Dedication of public way. Whenever a tract to be subdivided adjoins or embraces any part of a highway, major road, or other public way so designated in the transportation plan section of the Comprehensive Plan, such part of said public way shall be platted and dedicated by the subdivider in the location and at the width indicated on the plan.
- F. Access. Where a subdivision adjoins or embraces an existing or proposed primary arterial route, the Planning Commission may require that access to such streets be limited by one of the following means:
 - (1) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street. No access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - (2) A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 - (3) A marginal access or service access road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points) and built to Town specifications.
- G. Surface of roads. No occupancy permit will be issued for any structure not served by a hard-surface road constructed to Town standards.

§ 175-34. Lot and block standards.

- A. In general. Intersecting streets, which determine block length, shall be provided at such intervals as necessary to meet existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Residential blocks generally shall not exceed 900 feet in length, nor be less than 400 feet in length, with the block width generally being sufficient to allow two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets or waterways. Nonresidential blocks shall be of such length, width, and other design as the Planning Commission finds necessary for the prospective use, including adequate provision for off-street parking, truck loading and unloading, buffer areas, pedestrian movement, and proper vehicular access to adjacent streets. Whenever practicable, blocks along major arterial and collector streets shall be not less than 500 feet in length.
- B. Lot shape. Excessive depth in relation to width should be avoided, with a proportion of 2.5 to 1 normally considered a desirable maximum for lot widths of 85 feet or greater with the lesser dimension to be the street frontage. Pointed or very irregular-shaped lots shall be avoided where possible. Additional depth of at least 20 feet over the minimum lot depth shall be required on lots that back up to railroads or are through lots. Flag, pipestem, or panhandle lots are not permitted.
- C. Lot frontage and access. All lots shall abut an approved public street for at least the minimum frontage requirement for the zone in which the lot is located. All building lot frontage shall be measured at the street right-of-way line. All lots shall be designed so as to provide safe and convenient vehicular and pedestrian access to the street.

- D. Lot lines. Side lot lines should generally be at right angles to straight street center lines and radial to curved street center lines. However, this design standard is not intended to prohibit the creation of lots at a reasonable angle to the street where the intent of the developer is to create a north-south lot orientation for the purposes of maximizing the potential for use of solar-related energy and technology and techniques.
- E. Lot area and minimum building setback line. With the exception of cluster subdivisions, lots for residential or nonresidential use shall meet the minimum standards required by Chapter 210, Zoning. In no case shall any new residential lot hereafter platted be of less size or width than what is designated on the Zoning Map and described in Chapter 210, Zoning, for said zoning district in which the lot is located except as may be provided elsewhere in this chapter.
- F. Corner lots. Corner lots should be of sufficient width and depth to equal non-corner lots in subdivision plus sufficient area to comply with the required minimum building setback line on each street frontage.
- G. Double frontage lots. Double frontage and reverse frontage lots shall be prohibited except where employed to prevent excessive vehicular driveway access to streets, to avoid fronting lots on non-access streets and highways, to separate residential areas from other areas of conflicting land or traffic use, or to overcome specific disadvantages of topography and orientation.
- H. Land remnants. If remnants of land exist after subdividing and have no apparent future use that can be properly controlled, they shall be incorporated into the lots of the proposed lotting scheme. However, such remnants shall not be used to create additional lots.
- I. Street addresses. Street address numbers shall be assigned to each lot by Caroline County as per the current county ordinance in order to provide a separate and distinct address for each lot.
- J. Access. Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary arterial streets.
- K. Buildable areas. Buildable areas shall be shown on the plat, along each street, at least as required in each case by the applicable regulations. The locations of these lines shall be clearly indicated by dimensions.
- L. Lot measurements. All lot measurements shall be net measurements, not including any part of any street, alley, or crosswalk. Easements, however, shall be regarded as within the lot.

§ 175-35. (Reserved)

§ 175-36. Planned residential developments.

- A. Planned developments may be developed according to conventional or cluster standards as specified in Chapter 210, Zoning. The Planning Commission shall have the right to require changes in any plat submitted for review.
- B. The developer of any planned unit development may be required to provide a design vocabulary and architectural designs for the Planning Commission. The proposed overall design vocabulary and architectural designs will be submitted to the Planning Commission or its designated representative for approval. The Planning Commission will be the final authority for design approval.

§ 175-37. Special requirements applicable to residential, commercial and industrial subdivisions.

- A. In development designed and used exclusively for rental occupancy under single ownership, the maintenance of the local roads may be retained by the owner; however, the constructing of private roads shall meet the standards of all other applicable ordinances.
- B. Site development plans and commercial and industrial subdivision plats shall be submitted in the same manner and contain the information, style and format as required of residential development.
- C. In a condominium development, the developer shall submit the necessary preliminary plat and final plat in accordance with the normal procedural requirements and the Condominium Act of the Real Property Article of the Annotated Code of Maryland.¹⁴

§ 175-38. Reservation or dedication of land for parks, usable open space, schools and other public facilities.

- A. The developer, in the design of the subdivision plan, and the Planning Commission, in the review of the plan, shall consider the adequate provision of sites for parks, usable open space, schools, and other public facilities. Where the Planning Commission otherwise determines that a portion of the land is required for such public facilities, the developer may be required to reserve such sites for a period not to exceed two years after preliminary subdivision plan approval.
- B. Where the parks areas, or other open space facilities, necessary or desirable for the welfare of the area and which are of common use or benefit and are of such character that the Town or other public agency does not desire to maintain them, then provision shall be made by trust agreements for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. Such trust agreements shall be a part of the deed restrictions and shall be acceptable to the Planning Commission.

14. Editor's Note: See Title 11, Maryland Condominium Act, of the Real Property Article of the Annotated Code of Maryland.

§ 175-39. Preservation of natural features and amenities.

- A. Existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses, historic sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision.
- B. Prior to the submission for approval of the final plat, the Town will require at least one copy of the plat that shows the existing stands of trees and other growth on each lot and the proposed clearing plan. The Planning Commission may require certain stands of vegetation or individual trees, bushes, etc., to be left undisturbed. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the plat has been granted and a clearing and grading plan has been submitted to and approved by the Planning Commission or its designated representative. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. In no case shall the Planning Commission allow any developer to completely clear growth from any lot unless not doing so shall cause undue hardship for the developer and can be so shown to the Planning Commission at the time of review.

§ 175-40. (Reserved)**§ 175-41. Land suitability.**

- A. No land shall be subdivided for building development that is held unsuitable for its intended use by the Planning Commission for reasons of flooding, inadequate drainage, excessive slope, severe erosion potential, or any other natural features that may be harmful to the health, safety, and welfare of future residents, property owners, adjacent land, or the community at large.
- B. All improvements necessary to make land suitable for development shall be in full compliance with any other laws and ordinances regulating such improvements and with any conditions as may be required by the Planning Commission to reduce risks to health and safety.
- C. When a subdivider does not intend to develop the property himself and the improvements are necessary to reduce hazards and to make land suitable for development, the Planning Commission shall require appropriate deed restrictions to be inserted on every deed and noted on every recorded plat.

§ 175-42. Landscaping and tree planting standards.

All land subdivision plans shall conform to the requirements of Chapter 210, Zoning, and/or the requirements of the Planning Commission.

- A. Existing trees shall be preserved wherever possible. The protection of trees six inches or more in diameter (measured diameter at breast height) shall be given high priority in determining the location of open space, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and shall remain undisturbed wherever possible.

- B. Where extensive natural tree cover and vegetation do not exist, landscaping shall be provided to enhance the appearance of the development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.
- C. Street trees shall be provided along internal access streets, with an average of one tree for every 30 feet of frontage.

§ 175-43. (Reserved)

§ 175-44. Lot coverage.

Impervious surfaces (surfaces that do not absorb rain, including all buildings, roads, sidewalks, patios, parking areas, and any other areas paved in concrete or asphalt) shall be minimized to the maximum extent possible. Efforts to minimize impervious surfaces shall be encouraged.

§ 175-45. Subdivision name.

The subdivision name approved by the Planning Commission and recorded shall constitute the subdivision's official name. No other name may be used to for advertising or sale purposes unless an amended and approved plat is recorded bearing the revised name.

ARTICLE VI
Streets and Sidewalks

§ 175-46. Street classification.

- A. In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Subsection B.
 - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
 - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
 - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- B. The classification of streets shall include the following:
 - (1) Alley. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 25 dwelling units. The right-of-way for alleys shall be a minimum of 20 feet and a pavement width of at least 16 feet.

For all streets designated as alleys, speed bumps will be required at appropriate intervals.

- (2) **Minor.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 10 dwelling units and is expected to or does handle up to 100 trips per day. The right-of-way for new local streets shall be a minimum of 50 feet and a pavement width of at least 32 feet curb to curb. Parallel parking is permitted on one side only. The intended speed for this type of residential access street is 10 to 15 miles per hour maximum. Sidewalks shall be provided on at least one side.
- (3) **Local.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 150 dwelling units and is expected to or does handle between 100 and 1,500 trips per day. The right-of-way for new local streets shall be a minimum of 60 feet and a pavement width of at least 38 feet curb to curb. Parallel parking is permitted on both sides. When parallel parking is limited to one side of the street, pavement width may be reduced to 32 feet. The intended speed for this type of residential access street is 20 to 25 miles per hour maximum. Sidewalks shall be provided on both sides.
- (4) **Cul-de-sac.** A street that terminates in a vehicular turnaround. A cul-de-sac shall not be longer than 300 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 90 feet and a property line diameter of at least 110 feet. Sidewalks shall be provided on at least one side of the street and shall fall outside the 90 feet. Use of culs-de-sac requires the expressed permission of the Planning Commission and the Town Commission.
- (5) **Collector.** A street whose principal function is to carry traffic between local and subcollector streets and arterial streets with limited direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day. The right-of-way for new collector streets shall be a minimum of 60 feet and a pavement width of at least 36 feet. When separate pedestrian and/or bike facilities are required within the right-of-way of a collector street, the right-of-way shall be no less than 70 feet. Parallel parking not permitted.
- (6) **Subcollector.** A street whose principal function is to carry traffic between collector streets and local streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day. The right-of-way for new collector streets shall be a minimum of 60 feet and a pavement width of at least 34 feet. Parallel parking is not permitted.
- (7) **Service access street.** 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 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. The right-of-way for new marginal access streets shall be a minimum of 40 feet and a pavement width of at least 28 feet. The intended speed for this type of street is 20

to 25 miles per hour maximum. Parallel parking is permitted with Planning Commission approval.

§ 175-47. Access to lots.

Every lot shall abut an approved public road that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. The Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway. In approving ingress or egress from any state highway the Commission can only approve those access points that are not in conflict with safety standards of the State Highway Administration or with the right-of-way or through highway line of a limited or denied access highway.

§ 175-48. Access to arterial streets.

Whenever a major subdivision that involves the creation of any new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this arterial street.

§ 175-49. Entrances to streets.

- A. All driveway entrances and other openings onto streets within the Town's planning jurisdiction shall be constructed so that:
 - (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and
 - (2) Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
- B. The maximum permitted slope on driveways is 15%.

§ 175-50. Coordination with surrounding streets.

- A. The street system of a subdivision shall be coordinated and connected with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.
- B. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, preferably at "T" intersections.
- C. Subcollector, local, and local minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

Street leg lengths shall be limited to the appropriate distance consistent with the intended speed. Offset or traffic calming shall be used as slowing points at the end of street legs.

- D. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created.
- E. Planning for conflicting traffic or land use. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, arterial or expressway rights-of-way, or conflicting changes in land uses, the Planning Commission shall require marginal access streets, reverse frontage lots, lots with rear service, or other such treatment as may be necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

§ 175-51. Relationship of street to topography.

- A. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater runoff objectives set forth in the Caroline County Stormwater Management Ordinance, and street grades shall conform as closely as practicable to the original topography.
- B. The maximum grade at any point on a street constructed without curb and gutter shall be 6%. On streets constructed with curb and gutter the grade shall not exceed 6% unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the highway engineer, create a substantial danger to the public safety.

§ 175-52. Street width, sidewalk and drainage requirements in subdivisions.

- A. Street rights-of-way are designed and developed to serve several functions: to carry motor vehicle, bicycle and pedestrian traffic and, in some cases, allow on-street parking, and to serve as an important link in the Town's drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet the standards of the Town.
- B. Except as otherwise provided, all streets shall be constructed with curb and gutter and shall conform to the requirements of the Town. Street pavement width shall be measured from flowline to flowline where ninety-degree curb is used, and from the center of the curb where roll-type curb is permitted.
- C. The sidewalks required by this section shall be at least five feet in width of usable width and constructed according to the specifications set forth by the Town. The

Planning Commission may allow four feet wide width of usable walkway along residential streets serving no more than 10 dwelling units.

- (1) The Planning Commission may permit require the installation of walkways constructed with other suitable materials when it concludes that:
 - (a) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - (b) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
 - (2) Such walkways shall meet the requirements of the Americans With Disabilities Act.
- D. Whenever the Town finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to provide sidewalks and/or reserve an unobstructed easement of at least 15 feet in width to provide such access. The Planning Commission may reduce the width of unobstructed easement to a minimum of 10 feet at its discretion.

§ 175-53. General layout of streets.

- A. To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- B. All permanent dead-end streets (as opposed to temporary dead-end streets) shall be developed as culs-de-sac in accordance with the standards set forth by the Town. Except where no other practicable alternative is available, such streets may not extend more than 300 feet (measured from the center of the intersection to the center of the turnaround). Longer culs-de-sac may be permitted because of unusual topographic or other conditions, and in such cases the Planning Commission may require additional paving width if necessary to prevent overloading of street capacity. Temporary turnaround may be required at the end of stub streets as long as it is retained within the street right-of-way. Use of culs-de-sac requires the expressed permission of the Planning Commission and the Town Commission.
- C. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such street, when combined with a similar street developed previously or simultaneously on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter. When streets are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line. Reserve strips shall be prohibited.
- D. Streets shall be laid out so that residential blocks do not exceed 900 feet, unless no other practicable alternative is available.
- E. Residential streets shall be laid out so as to manage the speed and volume of traffic in residential neighborhoods using traffic calming methods that encourage speeds of 25

miles per hour or less. These specific methods must be in keeping with the overall design standards of the development and may include, but are not limited to:

- (1) Short blocks (if block lengths are less than 1/4 mile);
 - (2) "T" intersections (if used with short street);
 - (3) Partial closures (reduces cut-through traffic);
 - (4) Diverters;
 - (5) Chokers, curb extensions, and lane reducers only if there is deflection (if designed to deflect traffic);
 - (6) Islands and medians if designed properly (must be designed to reduce lane width and deflect vehicles and so limit speed);
 - (7) Mini circles (effective on low-volume local streets only; there are problems with wrong-way left turns); and
 - (8) Roundabouts (reduce speeds on all approaches).
- F. Where a major subdivision plat includes only part of the tract owned by the developer, sketch plat layout of proposed streets and roads, if applicable, for the entire tract shall be submitted.

§ 175-54. Street intersections.

- A. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 90°. Not more than two streets shall intersect at any one point, unless the Town's designated engineer certifies that such an intersection can be constructed with no extraordinary danger to public safety.
- B. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset (jog) occurs at an intersection, the distance between center lines of the intersecting streets shall be not less than 300 feet.
- C. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from center line to center line of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet and in conformance with Maryland State Highway Administration criteria. Developments abutting a state highway must obtain access approval from the State Highway Administration prior to receiving final approvals from the Planning Commission.
- D. Maximum grade through an intersection is 5%.
- E. Multiple intersections involving junction of more than two streets shall be avoided.
- F. The right-of-way lines of corner lots at an intersection shall be joined by a fillet curve with a minimum radius of 25 feet. In a case where more width is deemed necessary to

provide safe sight distance or for traffic channelization, the Planning Commission shall specify a greater radius than normally cited above.

- G. Intersections with state highways shall be located not less than 750 feet apart, measured from center line to center line. Intersections with county arterial roads shall be located not less than 450 feet from center line to center line.

§ 175-55. Construction standards and specifications.

- A. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters shall be as prescribed by the Town of Preston and all such facilities shall be completed in accordance with these standards.
- B. The developer shall be required to repair damage to Town roads, drainage facilities, curbs, private property, gutters and sidewalks as a result of grading or construction activities in his or her subdivision.
- C. If the proposed road involves a highway under the jurisdiction of the State Highway Administration, it shall be the responsibility of the developer/owner to obtain all necessary permits from that agency and present them to the Town of Preston with an additional copy forwarded to the designated Town Inspector or Town Manager.

§ 175-56. Public streets in subdivisions.

- A. Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in § 175-49. For purposes of this subsection, the term "public street" includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.
- B. The approval of a final subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street shown on said plat. Acceptance of streets by the Town occurs only after all public improvements have been completed in accordance with the requirements of the Town and the Town formally accepts the street.

§ 175-57. Road and sidewalk requirements in unsubdivided developments.

- A. Within unsubdivided developments, all private roads and accessways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of Chapter 210, Zoning, dealing with parking and drainage. To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standard set forth in the first sentence of this subsection.

- B. Whenever a road in an unsubdivided development connects two or more subcollector, collector, or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in unsubdivided developments within the Town are constructed in accordance with the specifications for subdivision streets, the Town may accept an offer of dedication of such streets.
- C. In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities.
- D. Whenever the Planning Commission finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by asphalt sidewalks adjacent to the roads, the developer shall be required to reserve an unobstructed easement of at least 15 feet to provide such access and construct sidewalks within the easement and provide asphalt trails along creeks or greenways to connect to activity areas, streets, schools, etc. Planning and Zoning may reduce the width of unobstructed easement to a minimum of 10 feet at its discretion.
- E. The sidewalks required by this section shall be at least five feet wide of usable width and constructed according to the Town specifications, except that the Planning Commission may require the installation of walkways constructed with other suitable materials when it concludes that:
 - (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - (2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

§ 175-58. Attention to handicapped in street and sidewalk construction.

- A. Whenever curb and gutter and/or sidewalk construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards in the latest ADAAG or UFAS guidelines.
- B. In unsubdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the latest ADAAG or UFAS guidelines.

§ 175-59. Street names and house numbers.

- A. Street names shall be assigned by the developer subject to the approval of the Town. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town and the local fire company's jurisdiction, regardless of the use of different suffixes.

- B. Street names shall include a suffix such as the following:
- (1) Circle. A short street that returns to itself.
 - (2) Court or place. A cul-de-sac or dead-end street.
 - (3) Loop. A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
- C. Building numbers shall be assigned by the appropriate authority.

§ 175-60. Bridges.

All bridges shall be constructed in accordance with the standards and specifications of the Maryland Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed engineer.

§ 175-61. Utilities.

- A. Utilities installed in public rights-of-way or along private roads shall conform to Town requirements.
- B. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within the street right-of-way, perpetual unobstructed easements for such utilities shall be provided across property, outside street right-of-way, of at least 10 feet in width.

§ 175-62. Requirements for development adjoining existing roadways.

Whenever a subdivision is proposed abutting an existing public roadway(s) that does not meet the right-of-way and pavement width standards contained herein for the functional classification of the street(s), and the Planning Commission finds that development of the subdivision will increase the volume of traffic on such street(s) to a significant degree, the following requirements shall apply:

- A. The developer shall be required to dedicate right-of-way along the entire street frontage to a width that will provide 1/2 the total right-of-way width necessary to comply with the standards contained herein. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width.
- B. Roadway widening improvements (including paving, curb, gutter, and sidewalk where appropriate) shall be required as necessary to bring the roadway up to the full cross section requirement so contained in this chapter. The physical construction of such improvements by the developer shall be required; however, in certain cases, the Town Commission may require a cash payment or long-term performance bond or letter of credit in lieu of construction if recommended by the Planning Commission.
- C. The maximum liability of any developer under this section shall not exceed right-of-way and improvements as for collector streets contained herein. In cases where the

ultimate proposed cross section would be a four-lane arterial highway, developers may be required to dedicate excess right-of-way above the collector standard. In consideration of such dedication, widening improvements usually shall not be required in such cases for full road frontage, but, rather, improvements such as turn lanes shall generally be required in association with new intersecting streets or other access points when necessary to provide as safe situation as possible under the circumstances.

SUBDIVISION OF LAND

175 Attachment 1

Town of Preston

Appendix A

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
I.	Project – Plat Information					
1.	Name and address of owner, applicant, developer and lienholder; date.	X	X	X	X	X
2.	Name and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in document.	X	X	X	X	X
3.	Date of survey.		X		X	
4.	Seal, signature and license number of engineer, land surveyor, architect and/or landscape architect, as applicable, involved in document preparation. Each sheet must have a surveyor's seal.		X		X	X
5.	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X	X	X
6.	A vicinity map at a specified scale (no smaller than 1" = 200') showing location of the tract with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the tax map(s) if only part of the property is to be developed.	X	X	X	X	X
7.	Existing and proposed zoning of tract and adjacent property.	X	X	X	X	X
8.	Adjacent property owners, names, liber and folio.	X	X	X	X	
9.	Title, North arrow and scale (1" = 100').	X	X	X	X	

PRESTON CODE

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
10.	Appropriate signature block for Planning Commission Chairman and the Health Department.		X		X	X
11.	Appropriate certification blocks.		X		X	X
12.	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.					X
13.	Monumentation, location and description.		X			
14.	Standardized sheets 18" x 24" (final - black ink on Mylar).	X	X	X	X	
15.	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all center lines and rights-of-way, and center-line curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot.)		X		X	X
16.	Acreage of tract to the nearest thousandth of an acre.	X	X	X	X	X
17.	8 1/2" x 11" copies (50).			X	X	
18.	Date of original and all revisions.	X	X	X	X	X
19.	Size and location of any existing or proposed structures with all setbacks dimensioned (for concept plan, GDP general location but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, and sediment and erosion structures.	X	X	X	X	X
20.	Number of dwelling units.	X	X	X		X

SUBDIVISION OF LAND

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
21.	Location, dimensions, bearings, and names of any existing or proposed roads or streets; the location of pedestrian ways and driveways; and right-of-way widths (for GDP, concept plans, general locations).	X	X	X	X	X
22.	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, and lot numbers.	X	X	X	X	X
23.	Location and type of utilities.		X	X	X	X
24.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	X	X	X
25.	References to protective covenants governing the maintenance of undedicated public spaces or reservations.		X		X	X
26.	Location and size of proposed parks, playgrounds and other public.	X	X	X	X	X
27.	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location and dimensions of proposed reservations, rights-of-way, open space, buffers, and forested areas along with means by which these areas will be permanently maintained.	X	X	X	X	X
28.	Statement of owner dedicating streets, rights-of-way, and any sites for public use.			X	X	X
29.	Development stages or phasing plans (for GDP and concept plans, general phasing); sections numbered by phase.	X		X	X	X
30.	Total number of off-street parking spaces including ratio and number of units per space.				X	X
31.	List of required regulatory approvals/permits.	X	X	X	X	

PRESTON CODE

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
32.	List of variances required or requested.	X	X	X	X	X
33.	Requested or obtained design waivers or exceptions.	X	X	X	X	X
34.	Payment of application fees.	X	X	X	X	X
II.	Setting – Environmental Information					
35.	Total area of the site that will be temporarily and/or permanently disturbed.		X		X	
36.	All existing streets, watercourses, floodplains, wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	X	X	X
37.	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	X
38.	Topographical features of subject property from USGS map or more accurate source at 2' to 5' intervals, 50' beyond the boundary, with source stated on maps.	X	X	X		
39.	Field delineated or survey topo.				X	X
40.	General areas of >15% slope shaded and identified as steep slopes.	X		X		
41.	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.				X	X
42.	Forest stand delineation.		X	X	X	
43.	Existing system of drainage of subject site and adjacent sites and of larger tract or basin of which it is a part.	X	X	X	X	X
44.	A 100-year floodplain based on FEMA maps. Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	X	X	
45.	Non-tidal wetlands identification based on field delineation/determination.	X	X	X	X	X
46.	Location of sensitive areas and their buffers.		X		X	X

SUBDIVISION OF LAND

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
47.	Location and width of buffer yards.	X	X	X	X	
48.	Soil types based on Caroline County Soil Survey.	X	X	X	X	
49.	Traffic impact study, as required.	X		X	X	
50.	Statement of effect on school districts and school bus service, as required.	X		X	X	
III.	Plats, Improvement Plans, and Information					
51.	Subdivision plat meeting requirements of § 175-24.		X		X	
52.	Grading and drainage plans, including roads, drainage ditches, sediment basins, and berms.				X	
53.	Existing and proposed contour intervals as follows: Less than 5% slope = 1 foot 5% to 15% slopes = 2 feet or less >15% slope = as required for construction				X	X
54.	Proposed street grades, typical cross sections and profiles, right-of-way widths, pedestrian ways, and total area of roads.				X	X
55.	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management, as appropriate in the case of minor subdivisions.		X		X	X
56.	Grades and sizes of sanitary sewers and water lines.				X	X
57.	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.		X		X	

PRESTON CODE

Item	Description	Concept Plan	Development Stage			
			Minor Subdivision Plats	General Development Plan	Subdivision Plats	
					Preliminary	Final
58.	Certification from electric and telephone utilities of adequate facilities to serve proposed development.			X		X
59.	Location of fire hydrants.				X	X
60.	Construction details.				X	
61.	Stormwater management plan.		X		X	
62.	Soil erosion and sediment control plan.		X		X	
63.	Lighting plan and details, as required.		X		X	X
64.	Landscape plan and details, including required buffer yards.		X		X	X
65.	Forest conservation plan.		X		X	X
66.	Proposed street names.				X	X
67.	New block and lot numbers.				X	X
68.	Preliminary architectural plan and elevations, as required.		X	X	X	X
69.	Required county, state, and/or federal approvals, and State Highway Administration, County Public Works, Army Corps of Engineers, DNA wetlands permit/license, MDOE quality certification, MDOE sanitary construction permit, and Caroline County Health Department approvals.		X			X
70.	Public works agreement and surety.		X			X

SUBDIVISION OF LAND

175 Attachment 2

Town of Preston

Appendix B

Appendix B - Bonding Procedure

Anyone required to submit a bond to the Town Commissioners relative to any subdivision matter shall file a written request with the Planning Commission of Preston for the determination of the amount of bonding required. Upon the determination of the necessary amount of bonding, the bond must be posted in a form satisfactory to the Town Commissioners of Preston.

If the bond is secured through a bonding company, is in the proper form, and is accompanied by the required power of attorney and a certificate from the Insurance Commissioner that the surety is licensed to do business in Maryland as an insurer, the bond will be approved by the Town Commissioners.

If any other type of bonding arrangement is desired, a written request must be made to the Town Commissioners. The written request should be accompanied by a financial statement and any other information which might be helpful to the Town Commissioners in determining whether or not to accept the bonding arrangement.

After consideration of the request for bonding, the applicant will be notified of the Town Commissioners' decision. If the Town Commissioners approve the bonding agreement, the Town Attorney's office will prepare the necessary documents which will be submitted to the applicant for execution.

Upon receipt of the executed documents they will be referred to the Town Commissioners for their review and final approval. If the bond is approved by the Town Commissioners, the bond will be returned to the Town, and the Planning Commission's records relative to bonding requirements will then show that the bond has been accepted. Any inquiries relative to bonding procedure or the status of particular bonds should be directed to the Town.

Chapter 192
VEHICLES AND TRAFFIC

ARTICLE I
Snow or Ice Emergencies

**§ 192-5. Violations and penalties;
towing of vehicles.**

**§ 192-1. Declaration of snow or ice
emergency.**

ARTICLE II
Parking

**§ 192-2. Parking prohibited on paved
public streets.**

§ 192-6. Unlawful parking.

**§ 192-3. Sufficient traction equipment
required.**

**§ 192-7. Citations for parking
violations.**

§ 192-4. Required notice.

§ 192-8. Violations and penalties.

**[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in
article histories. Amendments noted where applicable.]**

ARTICLE I
Snow or Ice Emergencies
[Adopted as Ch. 2, Art. IV, of the 2001 Code]

§ 192-1. Declaration of snow or ice emergency.

The Mayor and/or Commissioners may, at their discretion, declare a snow or ice emergency evidenced by hazards existing on public streets in the Town of Preston. If more than three inches of snow accumulates, a snow emergency will be implied and assumed, with or without declaration by the Mayor and/or Commissioners.

§ 192-2. Parking prohibited on paved public streets.

In the event a snow or ice emergency is declared or if snow accumulation at any time reaches the depth of three inches or more, it shall be unlawful, during the period of such emergency, for any person to park a motor vehicle or tractor, or to allow the same to remain parked, on any paved public street in the Town of Preston.

§ 192-3. Sufficient traction equipment required.

Under conditions of snow or ice emergency, whether declared or implied by depth of snow over three inches, it shall be unlawful to operate any motorized vehicle or tractor on any public street in the Town of Preston unless such vehicle is equipped to have sufficient traction to keep such vehicle or tractor in motion so that other traffic on such streets will not be blocked or seriously impeded.

§ 192-4. Required notice.

Where it is necessary for the Mayor and/or Commissioners to declare a snow or ice emergency, the Chief of Police of the Town of Preston shall inform radio stations, newspapers or other available media as to the existence of such emergency, for purposes of communicating such information to the public.

§ 192-5. Violations and penalties; towing of vehicles.

- A. After notice has been given in any manner described in § 194-4 or after three inches of snow has fallen, any person who shall park a motorized vehicle or tractor upon, in or along any public street in the Town of Preston during such emergency shall be guilty of a violation of this article.
- B. After notice has been given in any manner described in § 194-4 or after three inches of snow has fallen, any person who shall operate a motorized vehicle or tractor upon any public street and become stalled or stranded on such street shall be guilty of a violation of this article, provided that such stalling or stranding shall have been by reason of the failure to have such vehicle or tractor equipped for traction as described in § 192-3.
- C. Where violations are of a continuing nature, each day a violation continues shall constitute a separate offense.
- D. The violation of this § 192-5, Subsection A, B, or C, shall be punishable by a fine of \$25, which shall be payable to the Town. If this fine is not paid within 20 days of service of the citation, notice of the violation will be forwarded to an appropriate court of law for enforcement and collection. Any person who receives a citation for a municipal infraction may defend same pursuant to the procedures described in Article XI, Section 1104, in the Charter of the Town of Preston. The assessment of such fine shall not preclude resort by the Town to other appropriate relief in a court of law or equity.
- E. A vehicle located on a public street and found to be in violation of this article may be towed by the Chief of Police, or his agent, without further notice and at the expense of the registered owner(s) of such vehicle. Towing charges and any subsequent storage costs shall be payable directly to the towing and/or storage provider at the time the vehicle is requested to be released.

ARTICLE II

Parking

[Adopted 2-6-2006 by Ord. No. 020606]

§ 192-6. Unlawful parking.

- A. It shall be unlawful for any person or persons to park any automobile, motor vehicle or other vehicle on property, sidewalks, streets, alleys or lanes of the Town of Preston in any area restricted for such parking by the Commissioners or in places where no-parking signs have been erected.

- B. It shall be unlawful to park any automobile, motor vehicle or other vehicle in the Town of Preston within 10 feet of any street intersection or of street and alley corners.
- C. It shall be unlawful for any person to park any vehicle in front of any fireplug, driveway, firehouse, garage or alley entrance or in any manner to park a vehicle so as to obstruct traffic or impede pedestrian crossings.

§ 192-7. Citations for parking violations.

Citations for parking violations shall be issued, regulated in accordance with, adjudicated and given effect pursuant to Subtitle 3 of Title 26 of the Transportation Article of the Annotated Code of Maryland, including any subsequent amendments thereto.

§ 192-8. Violations and penalties.

Any person or persons violating any provision of this article aforesaid shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court having jurisdiction, shall be punished by a fine of not less than \$3 and not more than \$50, in the discretion of the court, and shall stand committed to jail until such fine is paid.

Chapter 200
WATER AND SEWERS

ARTICLE I
Water Service

- § 200-1. Services provided by Town.
- § 200-2. Water Department Engineer.
- § 200-3. Adequate plumbing required.
- § 200-4. Adequate water connections required.
- § 200-5. Wells.
- § 200-6. Water building connections.
- § 200-7. Temporary water service.
- § 200-8. Separate connections.
- § 200-9. Special connections.
- § 200-10. Meters and meter settings.
- § 200-11. Water meters within corporate limits of Town.
- § 200-12. Maintenance of water connections.
- § 200-13. Repair and renewal of water connections; addition of meters.
- § 200-14. Use of fire hydrants.
- § 200-15. Injury to or interference with Town property.
- § 200-16. Entry upon private property.
- § 200-17. Water charges.
- § 200-18. Water lines and water meters.

ARTICLE II
Water Use Restrictions

- § 200-19. Authority to impose water use restrictions.
- § 200-20. Violations and penalties.

ARTICLE III
Water and Sewer Rates

- § 200-21. Rate or charge increase.
- § 200-22. Rates outside Town limits.
- § 200-23. Termination and discontinuance of service; charge.

ARTICLE IV
Rate Classification

- § 200-24. Residential classification.
- § 200-25. Residential, special classification.
- § 200-26. Commercial classification.

ARTICLE V
Bay Restoration Fee Exemption Program

- § 200-27. Application process.
- § 200-28. Eligibility.
- § 200-29. Period of exemption.
- § 200-30. Disqualification.

ARTICLE VI
Sewers

- § 200-31. Definitions.
- § 200-32. Certain prohibitions.
- § 200-33. Use of public sewers required.
- § 200-34. Private sewage disposal.
- § 200-35. Building sewers and connections.
- § 200-36. Use of public sewers.
- § 200-37. Enumeration of prohibited waters and wastes.

<p>§ 200-1</p> <p>§ 200-38. Discharges which may be prohibited by Superintendent.</p> <p>§ 200-39. Authority of Superintendent; interceptors; manholes.</p> <p>§ 200-40. Sampling and measuring procedures.</p> <p>§ 200-41. Maintenance of preliminary treatment facilities.</p> <p>§ 200-42. Special agreements with industrial concerns.</p>	<p>PRESTON CODE</p>	<p>§ 200-3</p> <p>§ 200-43. Damaging or tampering with sewage works.</p> <p>§ 200-44. Extensions of sewer to serve nearby properties.</p> <p>§ 200-45. Powers and authority of inspectors.</p> <p>§ 200-46. Violations and penalties.</p> <p>§ 200-47. Repealer and severability.</p>
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[HISTORY: Adopted by the Commissioners of the Town of Preston as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Water Service
[Adopted as Ch. 4, Art. I, of the 2001 Code]

§ 200-1. Services provided by Town.

Water from the system of the Town of Preston may be used for all residential, business, agricultural and public purposes. The Commissioners reserve the right to impose at any time such restrictions on the use of water as in their judgement may appear necessary.

§ 200-2. Water Department Engineer.

- A. The office of Water Department Engineer is hereby created. Such officer shall be appointed by the President of the Commissioners with the approval of the Commissioners, and his compensation shall be determined from time to time by the Commissioners.
- B. The Water Department Engineer shall be responsible for the operation, maintenance and repair of all facilities of the pumping station, waterworks and water distribution system and perform such other duties and tasks as the Commissioners may determine. **[Amended 11-12-2001 by Ord. No. 2001-1]**

§ 200-3. Adequate plumbing required.

- A. All buildings in which people live or congregate, and such other buildings as the Commissioners shall deem necessary, which are on properties located within the corporate limits of the Town of Preston shall be provided with adequate water supply and plumbing fixtures and piping. Where the same do not exist or are not of proper character or are in a state of disrepair, they shall be provided, altered and repaired, as the case may be, in such manner as shall be required and within the time named by notice served by the Commissioners upon the property owner or occupant. No such building shall be hereafter erected without being provided with adequate water supply and plumbing arrangements. The existence of or the need for adequate water supply

and plumbing arrangements shall be determined by the minimum requirements established by the provisions of this subsection.

- B. The Commissioners may at any time inspect or cause to be inspected existing plumbing systems and require such modifications as may be necessary to put said plumbing in a sanitary condition in accordance with the ordinances, rules and regulations of the Town of Preston.
- C. When water from the public supply system shall hereafter become available to additional dwellings or other structures within the Town used as places of human habitation, the Commissioners shall notify in writing the owner, owners, or occupants thereof of the provisions of this article.

§ 200-4. Adequate water connections required.

- A. Whenever the Town shall have extended its water mains so as to be accessible to any property, the property owner shall make connection therewith, in accordance with these regulations, within six months of such extension. The water connections shall be of such size as to adequately serve the number and type of plumbing fixtures or equipment on the premises involved.
- B. The property owner or owners of any property served by the Town's water service shall be responsible for the maintenance of all water connections from the property line to the point of use. **[Amended 11-12-2001 by Ord. No. 2001-1]**
- C. If due to a change in the use or due to the installation of additional fixtures the owner requests a larger water building connection, the existing connection shall be disconnected and abandoned at the expense of the owner. The size requested will be checked as to adequacy by the Water Department Engineer, and the owner will be required to install the size connection determined by the Engineer to be adequate for the changed conditions. Installation and construction of the larger connection shall be at the expense of the property owner and subject to the inspection and approval of the work by the Engineer or his authorized representative.
- D. If the Engineer finds that an existing water connection is too small to serve the number of fixtures connected to it, to such an extent that the existing water meter is being run constantly in excess of its safe rated capacity, the owner shall be notified of the situation and will be required to arrange for the installation of a larger water connection and larger meter adequate for the service needed. If the owner refuses to correct the situation after due notice, the Commissioners shall arrange for the disconnection and the installation of a water service and water meter of such suitable size as he shall determine is necessary. The cost of such disconnection, abandonment and installation shall be billed to the owner of the premises involved.

§ 200-5. Wells.

- A. Whenever a water connection is provided for a property previously served by a well, the well shall be examined to determine whether it is polluted or will be a menace to health. Should such well be found to be polluted or a menace to health, it shall be

abandoned and closed in a manner satisfactory to the Commissioners of the Town of Preston.

- B. No well for household use shall be constructed on property accessible to a public water main.
- C. Irrigation wells within corporate limits. Unless otherwise forbidden by the Health Environmental Article¹ of the Annotated Code of Maryland § 9-1304, an irrigation well may be constructed within the corporate limits of the Town of Preston pursuant to regulations established by the Commissioners of Preston.
- D. The rules and regulations established by the Commissioners of Preston will include a permit and fee procedure and will provide that the Town Commissioners may require a well owner to close down such irrigation well at any time the Commissioners deem it necessary.
- E. The well will be available for inspection by the Commissioners of Preston or their designated representative at any time adjudged critical to public health and welfare of the residents of the Town of Preston and otherwise at all reasonable hours and times.
- F. This article and the regulations pursuant hereto are in addition to and not in substitution of all state and county laws, ordinances and regulations dealing with well drilling.
- G. Plan and application for a permit on behalf of the property owner may only be made by a well driller licensed by the State of Maryland.
- H. Violations of this article will be deemed to be a municipal infraction and, upon conviction in the District Court of Maryland, the owner of the property may be fined not more than \$500.

§ 200-6. Water building connections.

- A. Separate water building connections for each separate lot or parcel of land abutting on a street, alley or right-of-way in which there is a water main belonging to the Town of Preston shall be constructed by the owner of said lot or parcel of land from such property line to the building.
- B. Whenever it shall be determined that a water building connection was constructed in violation of the terms and conditions upon which a permit therefor was issued, the water connection thereto may be cut off at the main until the connections have been made to comply with all of the conditions of said permit, or, in the alternative, the Town may, after notice to the property owner, cause the defect to be corrected and charge the expense thereof to said property owner.
- C. Water connections for properties not abutting directly on a water main may be allowed under such conditions and at such charges as the Commissioners may require.

1. Editor's Note: See the Environment Article.

§ 200-7. Temporary water service.

Temporary water service for building or other construction work may be furnished as follows: upon the filing of proper applications and the payment of a suitable deposit, a temporary water connection may be constructed by the consumer from the main to his service facilities with an outside meter setting installed at the property line. When the consumer has finished the connection, the Commissioners will cause the meter to be read and remove the entire connection to the property line. The cost of the removal of the connection plus the meter service charge plus the charge for the water used, computed at the regular consumption rates, will be deducted from the deposit and the remainder, if any, returned to the consumer. If the total charges exceed the deposit, the consumer will be billed for the excess.

§ 200-8. Separate connections.

- A. Each building on one lot or parcel of land shall be served by a separate water connection, a building, for this purpose, being any structure or part thereof intended for single occupancy on the street floor.
- B. In case it is found that more than one building is being served by the same water building connection in violation of the above regulation, the Commissioners shall take action to correct violation under the following procedure:
 - (1) The owner of the property involved shall be notified by certified or registered United States mail that the violation exists and that the situation must be corrected by a given date.
 - (2) If the owner does not comply with the above notice, the Engineer shall shut off the water and remove the water meter serving such property until the situation is corrected to his satisfaction, at which time water service will be resumed after payment of all costs to which the owner may be subjected in the above matter.
 - (3) If the property owner refuses to comply with the above order, the Town shall take such further legal action as is provided by law.
- C. The water service pipes for any building, lot, premises or establishment shall not be laid over or through any other building, lot, premises or establishment, except in an approved right-of-way or easement, and no person shall connect or cause to be connected any building, lot, premises or establishment with the water service pipe belonging to or supplying any other building, lot, premises or establishment. However, this regulation shall not prevent a dwelling with a private garage upon the rear of the same lot or parcel of land from being supplied by the same service pipe, but if the garage is converted wholly or partially into a dwelling or place of business, a separate connection shall be installed under such conditions as the Commissioners may require.
- D. A single trailer located on a lot or parcel of land will not be permitted to be connected to the water mains unless the trailer installation is in compliance with all local, state and federal laws or regulations governing the same. It will then be considered a single residence under these regulations.

§ 200-9. Special connections.

- A. A structure under single ownership but so divided as to provide for more than single occupancy on the street floor may be permitted a single connection by special permit under such conditions as the Commissioners may require.
- B. A group of public, ecclesiastical, educational, charitable, club, farm or industrial buildings under one ownership and on a single tract of ground, which may consist of a group of lots or a single parcel, may be served by one connection under such conditions as the Commissioners shall determine. Shopping centers, apartment developments, tourist camps, motels, trailer coach parks and similar groups under one ownership, located on a single tract of ground as above, may be served by a single connection.

§ 200-10. Meters and meter settings.

- A. The Town shall furnish with each permit for each permit of the fee hereinafter prescribed a water meter of a size and type deemed by the Engineer to be suitable for the installation contemplated. The water meter shall remain under the ownership of, and will be maintained by, the Town of Preston. To defray the cost of such meter, the supervision of installation and the maintenance thereof, there shall be charged a fee in such amount as the Commissioners shall by resolution provide.
- B. The Engineer shall determine the size and type of any water meter and the type and location of the settings. Outside meter settings will be used, except where obstructions or other considerations require that they be placed inside the building, in which case they will be set as the Water Department Engineer shall require. When the water meter is set inside the cellar of the building, the property owner will be held responsible for the protection of the meter from injury due to freezing. Repairs and replacements of a meter so damaged shall be at the expense of the property owner.
- C. The outside meter housing or the curb box must be installed so that the top is on the ground surface of the permanent grade and within the public right-of-way whenever possible. In order to accomplish this, one of the following methods will be followed:
 - (1) Where the curbs and sidewalks do not exist, the property owner shall indicate the final grade of the ground surface at which an outside meter setting or a curb box is to be placed and the structure will be set at the grade given when it is installed. The water house connection shall not be installed until such grade is given. If the grade or location of the meter setting or the curb box is changed due to a change in elevation of the ground from that originally indicated, the property owner shall bear the expense of such change in grade or location.
 - (2) Where the curbs and sidewalks exist, the top of the meter housing shall be placed at the straight line grade between the back of the curb and the street edge of the sidewalk.
- D. It shall be unlawful for any person not specifically authorized by the Commissioners to interfere with, remove, replace or tamper with a meter or a meter seal.
- E. No connection shall be made to any water service pipe between the water main and the meter, except such bypass as the Town may install. If such unlawful connection is

found, the water house connection will be cut off at the main until such unlawful connection is disconnected and abandoned. Any expense to which the Town shall be subjected due to the above work shall be paid for before service is restored.

- F. If it is found that such unlawful connection has been made to bypass a detector check in order to illegally obtain unmetered water, the detector check will be removed and replaced by a suitable meter. Such removal and replacement shall be paid for before service is restored.

§ 200-11. Water meters within corporate limits of Town.

- A. All new services shall be connected through meter only.
- B. When repairs to or replacement of any existing service occurs, a meter shall be installed.
- C. The Preston Utilities Board reserves the right to meter any supply of water to any property when, in its opinion, conditions warrant installation of a meter.
- D. All water furnished by meter measurements and all water passing through any meter shall be paid for according to meter readings at the rate specified, whether used or wasted. However, if at any time the meter fails to register, the water consumption for such period may be charged for by using the reading of the same quarter of the previous year.
- E. On all meter water supply service, each and every quarter shall be a complete period in itself.
- F. The Commissioners reserve the right to limit the size of any water meter to be installed. No meter larger than 3/4 inch shall be installed in any dwelling.

§ 200-12. Maintenance of water connections.

- A. The property owner or owners are responsible for the maintenance of all water connections from the property line to the point of use. The Town may do maintenance or repair work on such connection. However, the cost, including overhead expense, shall be paid for by the property owner or owners. **[Amended 11-12-2001 by Ord. No. 2001-1]**
- B. All pipes and appurtenances on private property shall be maintained by and at the expense of the property owner. The Town may do maintenance or repair work on private property, in which case the cost, including overhead expense, shall be paid by the property owner or owners.
- C. In the event of a complaint regarding a leak, the Town will at once determine if the leak is in the public way, in which case the leak will be repaired. If it is found that the leak is not the Town's responsibility, the owner will be so notified and it shall be his responsibility to have the leak repaired at once by a master plumber at the owner's expense, or, if necessary, the Town may perform such repair work. However, the cost, including overhead expense, shall be paid by the property owner or owners.

- D. The owner or owners are responsible for all leaks, broken lines, broken fixtures, leaking fixtures and any other cause which would cause a loss of water. It is the owner's or owners' or applicant's responsibility to locate the leaks and have them repaired at his/her own expense, and the owner or owners or applicant is responsible for all water and sewer charges resulting from leaks from the property line to the point of use, as well as normal water and sewer charges. The Town may do maintenance or repair work on such connections if requested by the owner or owners or applicant in writing. However, the cost, including overhead expense, shall be paid by the property owner. However, before the Town begins such repairs, the owner or owners or applicant must deposit with the Clerk-Treasurer an amount of 60% of the approximate cost of repairs, and the balance is due upon completion of repairs, and the monies due become a lien upon the property, collectible in the same manner as delinquent taxes. **[Amended 11-12-2001 by Ord. No. 2001-1]**

§ 200-13. Repair and renewal of water connections; addition of meters.

Where necessary, the Town will repair or renew from the main to the property line any water building connection, and at such time a water meter will be installed should such property not yet be served by a meter.

§ 200-14. Use of fire hydrants.

- A. No person other than an authorized employee of the Town or a member of a Fire Department acting under orders of his proper superior in the performance of his duties may operate a fire hydrant unless in possession of a permit from the Commissioners to do so.
- B. Fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Commissioners for the time and at the location specified. If such permission is granted, the water used shall be charged for at the prevailing water rates.

§ 200-15. Injury to or interference with Town property.

It shall be unlawful for any person, firm or corporation to use, handle, tamper with, obstruct, interfere with, deface or destroy any of the property of the Town of Preston, including pipes, fittings, fire plugs, pumps, engineer appliances, wires or other fixtures or equipment owned or used by the Town in the construction and operation of its water systems, except under such rules and regulations as the Commissioners may adopt.

§ 200-16. Entry upon private property.

Any employee or agent of the Town shall have the right of entry, at all reasonable hours, upon any private premises and into any building within the corporate limits of the Town of Preston while in the pursuit of his official duties, and any restraint or hindrance offered to such entry by any owner or tenant or agent of such owner or tenant shall be a misdemeanor punishable as hereinafter prescribed.

§ 200-17. Water charges.

The Town shall from time to time establish by resolution a water usage charge and impose such penalties for delinquent payment of charges as it deems proper.

- A. Each meter is the property of the Preston Utilities Board and at all times subject to its control and inspection, and where any meter is located on or within any private property, building or premises, the Preston Utilities Board shall have the right to enter the same at all reasonable hours for the purpose of examining, repairing, replacing or removing said meter or to take meter readings.
- B. Any meter injured from hot water backing or cold weather and freezing or from any other cause directly or indirectly attributable to the owner or occupant will be renewed or repaired at the expense of said owner or occupant.
- C. Unless a property owner gives instructions in writing to the Preston Utilities Board, the owner of the property will be billed for water services. Should, however, the property owner so notify the Utilities Board, the occupant of the property will be billed as follows: when there is more than one family unit in a dwelling and the average water bill per family unit is no greater than the minimum charge, each occupant will be charged the minimum rate. If the average water bill per family unit exceeds the minimum rate, however, then that amount in excess of the minimum rate will be charged to the owner.
- D. If at any time the meter fails to register or shall be found defective in registering since the last previous reading, the water consumption for such period may be charged for by using the same quarter of the past year.
- E. All bills for the use of the water shall be a charge against the owner or owners of the property served with water, whether occupied by such owner or not, be the supply by meter or flat charge.
- F. No rebate or discount shall be allowed upon any bill by reason of the property becoming vacant.
- G. On all metered water supply services, each and every quarter shall be a complete period in itself, and no excess consumption of water during one quarter shall be charged against the minimum charge or rate or be added to the consumption of any other quarter or quarters.
- H. Charges.
 - (1) The charge for water by measurement shall be as provided in fee schedules set by the Commissioners from time to time.
 - (2) All out-of-Town users will pay 1 1/2 times the in-Town rates, subject to approval by the Commissioners. **[Amended 11-12-2001 by Ord. No. 2001-1]**
- I. All property owners, if they tamper in any way with water hookups or meters, may be subject to a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days.

- J. All bills are payable within 30 days after the billing date and will bear a penalty of 5% after that date. These bills may be paid in the Town office on Monday through Friday during regular business hours.
- K. The property owner or owners of any property served by the Town water services shall be responsible for the maintenance of all water connections from the property line into the dwelling or business establishment. **[Amended 11-12-2001 by Ord. No. 2001-1]**
- L. If a water bill is not paid within 30 days of the billing date, the Utilities Board, in its discretion, may discontinue water to the defaulting property owner.
- M. All properties shall be subject to water usage bills, including tax-exempt properties, with the exception of the Preston Volunteer Fire Company and property owned by the Town of Preston.
- N. A family dwelling unit is deemed to be one or more rooms with provisions for living, sanitary, sleeping, cooking and eating facilities arranged for the use of one family or individual. A business owned and operated by a property owner who has his living quarters in the same building is deemed to be one unit.

§ 200-18. Water lines and water meters.

- A. Each improved property in the Town of Preston shall have a water line serving such property directly from the Town water main which direct line shall be monitored by a water meter of the Town's selection.
- B. The costs of construction and maintenance of the water line from the property line to the point(s) of use, as well as cost of water service itself, shall be borne by the property owner.
- C. Cost of installation and maintenance of the water meter shall be borne by the Town.
- D. Construction of the water line from the Town water main to the point of connection to the improvements shall be under direction of the Town Engineer. No property owner shall tamper with or attempt to maintain directly the water meter, except at the direction of the Town Engineer.
- E. The owner of any lot outside the corporate limits of Preston receiving, or applying to receive, water service from the Town of Preston, upon such application for such service, or immediately upon passage of this article for lots already serviced for water by the Town of Preston, will execute a nonresident user's agreement with the Town, which shall provide substantially the same responsibilities as in Subsections A and B above, and for appropriate fees for use.

ARTICLE II

Water Use Restrictions

[Adopted as Ch. 4, Art. II, of the 2001 Code]

§ 200-19. Authority to impose water use restrictions.

- A. In case of water shortage or scarcity, the Mayor and Council may, by resolution and notice to the public, place any restrictions upon the use of water for irrigation, car washing, sprinkling, filling of swimming pools, or for any other purposes which such body deems necessary.
- B. In case of fire which requires a large use of water, the Mayor and Council may place a temporary emergency restriction on the use of water without the passing of a resolution, which shall terminate automatically in 24 hours unless explicitly extended by the Commission.

§ 200-20. Violations and penalties.

- A. Any person or persons in violation of this article shall be guilty of a misdemeanor and shall be punished for the first offense by a fine of not less than \$5 nor more than \$100 and for the second offense by a fine of not less than \$5 nor more than \$500 and their water service turned off. For water service to be restored, the person or persons in violation will have to pay a turn-on fee of \$25.
- B. All charges must be paid in full before service is restored.

ARTICLE III

Water and Sewer Rates

[Adopted as Ch. 4, Art. III, of the 2001 Code]

§ 200-21. Rate or charge increase.

The Town reserves the right to increase the rates and connection charges herein or hereinafter set out in the event that its operating experience indicates that the rate fails to yield, after reasonable deduction for depreciation, debt retirement and other necessary and proper expense and reserves, a reasonable rate upon the fair value of the Town's property used and useful in rendering service to the Town or to decrease its rate should its operating experience indicate, after reasonable deduction for depreciation, debt retirement and other necessary and proper expenses and reserves, that the rate yields a higher than necessary income.

§ 200-22. Rates outside Town limits.

The following rates shall apply to consumers living outside the Town limits: for water and sewer service, a sum not less than 1 1/2 times the minimum rate charged consumers within the Town limits.

§ 200-23. Termination and discontinuance of service; charge.

- A. At the request of the customer. Whenever the customer desires to have his water and sewer service terminated, he shall so notify the Town in writing. Until such notice is received by the Town, the customer shall be responsible for the payment of all services rendered by the Town. A reasonable time after the receipt of such notice shall be allowed the Town to discontinue water and sewer services, and thereafter a flat rate will be charged, known as a user's fee, which will be in the amount of 10% of the prevailing utility charges. If the property for which discontinuance of service is requested has no valves installed to turn off the service, the same will be installed and billed to the customer.
- B. By the Town. The water and sewer service may be discontinued by the Town for any one of the following reasons applicable to the water and sewer system:
 - (1) Misrepresentation in application.
 - (2) Molesting Town property or seals on appliances.
 - (3) Vacancy, in which case a flat rate charge will apply.
 - (4) Nonpayment of bill when due.
 - (5) Cross-connecting the Town's service pipe with any other supply source.
 - (6) Refusal of reasonable access to property by appropriate officials.
- C. Charge. When water and sewer service has been discontinued from any premises for any of the above reasons or for any other violation of the Town's rules, a charge will be made for restoring service in the amount of \$25 except in the case of nonpayment, and then there will be a turnoff charge of \$25 as well as the charge of \$25 for restoring services.

ARTICLE IV

Rate Classification

[Adopted as Ch. 4, Art. IV, of the 2001 Code]

§ 200-24. Residential classification.

The following are classified as residential and as such will pay the residential water and sewer rate:

- A. All single-family dwellings.
- B. All apartment houses.

§ 200-25. Residential, special classification.

The following are classified as residential, special and as such pay the residential rate:

- A. Small businesses of two persons or fewer.

- B. Flower shops without greenhouses, with two or fewer employees.

§ 200-26. Commercial classification.

The following types of businesses are classified commercial and as such will pay the commercial rate:

- A. All food stores, full-time and convenience stores.
- B. Restaurants.
- C. Taverns and bars.
- D. Service stations.
- E. Car dealerships, new and used.
- F. Laundromats.
- G. Repair shops.
- H. Plants: garment, canning, etc.
- I. All others that are not included in residential or residential, special.

ARTICLE V

**Bay Restoration Fee Exemption Program
[Adopted 2-4-2013 by Ord. No. 2013-0128]**

§ 200-27. Application process.

All applications for an exemption shall be reviewed for sufficiency by the Town Attorney.

§ 200-28. Eligibility.

To be eligible for the exemption, the applicant must be a citizen of Preston and an owner-occupant of the property for which the exemption is sought. The property owner must also meet at least two of the following criteria for exemption from the bay restoration fee and submit the required documentation:

- A. Receipt of energy assistance within the last 12 months. Confirmation on official letterhead is required of the applicant.
- B. Receipt of public assistance, supplemental social security income (SSI) or food stamps, within the last 12 months. Confirmation on official letterhead is required of the applicant.
- C. Receipt of veteran's or social security disability benefits within the last 12 months. Confirmation on official letterhead is required of the applicant.

§ 200-29. Period of exemption.

The exemption will be valid for 12 months from the date of approval. Upon the expiration of the exemption, it will be the responsibility of the property owner to reapply and provide all required documentation upon reapplication.

§ 200-30. Disqualification.

Any citizen who, in the discretion of the Town, submits false information in support of an exemption will be disqualified from reapplying for an exemption.

ARTICLE VI

Sewers

[Adopted as Ch. 4, Art. V, of the 2001 Code]

§ 200-31. Definitions.

The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section, except as may hereinafter be specifically provided:

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — The extension from the building drain to the public sewer or other place of disposal.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processing, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

PERSON — Any individual, firm, partnership, company, association, society, corporation, or other group or organization.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage, or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any given period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries stormwater and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The individual responsible for superintending the public works of the Town of Preston, or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE — Channel in which a flow of water occurs, either continuously or intermittently.

§ 200-32. Certain prohibitions.

It shall be unlawful for any person:

- A. To place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Preston or in any area under the jurisdiction of the Town any human or animal excrement, garbage, or other objectionable waste.
- B. To discharge to any natural outlet within the Town of Preston or in any area under the jurisdiction of the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

- C. To construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as hereinafter provided.

§ 200-33. Use of public sewers required.

The owner of each house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line, in accordance with § 200-35 below.

§ 200-34. Private sewage disposal.

- A. If a public sanitary sewer is not available under the provisions of § 200-33, or of § 200-44 in the case of buildings or structures to be erected, the building sewer shall be connected to a private sewage disposal system complying with the laws of the State of Maryland and the regulations of the Caroline County Health Department.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit issued by the Caroline County Health Department.
- C. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in this section, a direct connection shall be made to the public sewer in compliance with this article within 90 days after notice, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.
- D. The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the Town.

§ 200-35. Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. Classes of sewer permits.
- (1) There shall be two classes of sewer permits:
 - (a) For residential and commercial service; and
 - (b) For service to establishments producing industrial wastes.
 - (2) In either case, the owner or agent shall make application on a form to be furnished by the Town for the service required. The permit application shall be supplemented by any plans, specifications, or other information deemed pertinent in the judgment of the Superintendent.

- C. The costs of construction and maintaining of building drains and building sewers shall be borne as follows:
- (1) The costs of construction and maintenance of the building drains and building sewers from the property line to the point(s) of use, as well as cost of service itself, shall be borne by the property owner.
 - (2) The costs of construction of the portion of the building drains and building sewers from the property line to the public sewer shall be borne by the Town.
 - (3) All construction from public sewer to improvements shall be under direction of the Town Engineer.
 - (4) The owner of any lot outside the corporate limits of Preston receiving, or applying to receive, sewer service from the Town of Preston, upon such application for such service, or immediately upon passage of this article for lots already serviced by the Town of Preston, will execute a nonresident user's agreement with the Town, which will provide substantially the same responsibilities as in Subsection C(1), (2) and (3) above, and for appropriate fees for use.
 - (5) The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and building drain.
- D. A separate and independent building sewer shall be provided for every building.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.
- F. The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavation, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of any applicable Town ordinances. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, basement drains, pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of any applicable ordinance of the Town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent, or his representative.
- K. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of any sewer connection either by a person contracting with an owner for the work done or one contracting with the Town shall be restored in a manner satisfactory to the Town.

§ 200-36. Use of public sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without written permission of the Superintendent. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

§ 200-37. Enumeration of prohibited waters and wastes.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 200-38. Discharges which may be prohibited by Superintendent.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to review and approval by the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulphate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

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- (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 200-39. Authority of Superintendent; interceptors; manholes.

A. Authority of Superintendent.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 200-38 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which create a hazard to life or constitute a public nuisance, the Superintendent may:
 - (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the additional cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 200-42 of this article.
- (2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

B. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

C. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 200-40. Sampling and measuring procedures.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

§ 200-41. Maintenance of preliminary treatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 200-42. Special agreements with industrial concerns.

Nothing herein contained shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor.

§ 200-43. Damaging or tampering with sewage works.

Any person who maliciously or willfully breaks, damages, destroys, uncovers, defaces or tampers with any main, lift station, structure, appurtenances, or equipment which is part of the sewage works shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment in the county jail for a period not to exceed 60 days, or both.

§ 200-44. Extensions of sewer to serve nearby properties.

- A. Connection zones. Zones shall be established by the Superintendent within which sewer lines may be extended from existing mains, and such zones shall be shown and delineated on a map of the Town kept and maintained in the Town office. No permits shall be issued for private septic systems within these zones except as follows:
- (1) For a single-family residence to be erected on a lot more than 200 feet from an existing sewer.
 - (2) For a multifamily residence to be erected on a lot or lots more than 300 feet from an existing sewer line.
 - (3) For a commercial building or an industrial plant not disposing of industrial sewage to be erected more than 400 feet from an existing sewer.

- (4) Where in the opinion of the Superintendent the existing sewer main into which the extension would feed is at or near its existing capacity.
 - (5) Where a lift station would be required, and in the opinion of the Superintendent the cost of the extension would be disproportionate for the type of service to be required by the owner.
- B. Cost of extensions. The full chargeable cost of all extensions made at the request of the landowner or developer or required by Subsection A hereof shall be paid by the landowner or developer who shall deposit the estimated cost thereof with the Town Treasurer prior to the award of a contract for such extension. "Chargeable cost" shall be defined to be the full cost of such extension using six-inch sewer pipe and shall include contract cost, engineering and legal expenses, advertising and road repairs. In the event the Town requires the installation of a main larger than six inches in diameter, the Town shall pay such additional costs.
 - C. Cost recovery. In the event any extension paid for by an owner or developer passes land not belonging to said owner or developer, which other land shall thereafter become liable for the payment of a front footage assessment, the Town shall repay to said owner or developer the proportionate part of the cost of the extension chargeable against such other land; such repayment shall be made in regular installments over a ten-year period without interest.
 - D. Extensions on private property. Sewer lines laid on private property by owners and developers shall be constructed in accordance with Town specifications; they shall be inspected during construction by the Superintendent and may not be connected to the public sewer until after inspection and approval by the Superintendent, the cost of which inspection shall be paid by the owner or developer.
 - E. Street connections. All connections to the public sewer shall be made by registered plumbers and to the specifications of the Town Superintendent and such connection shall be made at the cost of persons procuring the construction of such connection, which cost shall include the cost of repairing and repaving the street bed and shall be computed in all cases as though the sewer main was located in the center of the street bed regardless of its actual location.
 - F. Street dedication. Any street, road, or alley under which an extension of the public sewer shall be laid shall be deemed to have been dedicated for public use, and the person procuring such extension shall grade and stabilize the street bed for the full length of all properties served by such sewer extension.

§ 200-45. Powers and authority of inspectors.

- A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Superintendent or his representative shall have the authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the

kind of source of the discharge to the sewers or waterways or facilities for waste treatment.

- B. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 200-46. Violations and penalties.

- A. Any person found to be violating any provision of this article other than § 200-43 shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this article shall become liable to the Town for any expenses, loss, or damage occasioned the Town by reason of such violation.

§ 200-47. Repealer and severability.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, provision, or other portion of this article shall not affect the validity of any other part of this article which can be given effect without such invalid portion or portions.

Chapter 210

ZONING

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[HISTORY: Adopted by the Commissioners of the Town of Preston effective 9-25-2005, as amended through 12-3-2012 (Ord. No. 2012-1105). Subsequent amendments noted where applicable.]

ARTICLE I
General Provisions

§ 210-1. Purpose.

The purpose of this chapter is to promote the health, safety, morals, and general welfare of the community; to control congestion in the streets; to secure the public safety; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; to conserve the value of property; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements.

§ 210-2. Applicability.

This chapter shall apply to all lands, buildings, structures, and properties, including any submerged lands, or water areas which lie within the Preston corporate limits.

§ 210-3. Essential services exempted.

Essential services shall be defined as facilities owned or maintained by public utility companies or public agencies located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar

services to adjacent customers, but not including any building, yard, station, or facility requiring a site of greater than 100 square feet, and not including any cross-country line on towers or in a private right-of-way. Such essential services shall be permitted in any district, it being the intent hereof to exempt such essential services from the application of this chapter.

§ 210-4. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

§ 210-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

§ 210-6. Repealer and effective date.

All ordinances or parts of ordinances in conflict with this chapter, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall take effect and be in full force on September 25, 2005.

ARTICLE II

Definitions and Word Usage

§ 210-7. Word usage.

- A. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this article shall have the meaning indicated when used in this chapter.
- B. To amplify and clarify all provisions of this chapter, the following rules shall apply:
 - (1) 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.
 - (2) The word "shall" is mandatory and not discretionary.
 - (3) The word "may" is permissive.

- (4) The word "lot" shall include the words "piece," "parcel" and "plot"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for" and "occupied for."
- (5) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (6) Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

§ 210-8. Definitions.

For purposes of this chapter, the following definitions shall apply:

ACCESSORY BUILDING — A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this chapter) located on the same lot as, the main building or principal use of the land.

ACCESSORY USE — One which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this chapter) on the same lot as, the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

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

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

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.

ADULT BOOKSTORE OR VIDEO STORE — An activity, a principal purpose or use of which is the selling, renting, transferring, loaning, disseminating, or distributing of adult entertainment or material, including, but not limited to, any book, magazine, newspaper, video, DVD, CD, or sound recording. **[Added 8-28-2017 by Ord. No. 08282017]**

ADULT ENTERTAINMENT OR MATERIAL — Any performance or depiction or text that is intended to cause or provide, or which reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification, and: **[Added 8-28-2017 by Ord. No. 08282017]**

- A. In which an individual or individuals appear in a state of nudity or partial nudity; or
- B. That consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - (1) Human genitalia in a discernible state of sexual stimulation or arousal; or

- (2) Any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitalia, pubic areas, buttocks, anus, or female breasts; or
- C. Consists of contact with animals or inanimate objects; or
- D. Is a sexual device.

ADULT-ORIENTED BUSINESS — Any business, operation, or activity, a significant amount of which consists of: **[Added 8-28-2017 by Ord. No. 08282017]**

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

ALLEY — See "road."

ALTERATION — Any change in the total floor area, use or external appearance of an existing structure.

AMEND or AMENDMENTS — Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map or part thereof or addition thereto.

ANTENNA — Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. A device by which electromagnetic waves are sent and received (whether dish, rod, mast, pole, set of wires, plates, panels, lines, cables, or other arrangement serving a similar purpose) for telecommunication services.

ANTENNA, MINOR — Any antenna not attached to a tower and which does not extend more than 30 feet above the highest point of the structure to which it is attached.

ANTENNA, WIRELESS COMMUNICATIONS — Any structure or device deployed by or on behalf of any government-licensed or government-permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omnidirectional antennas. "Wireless communications antenna" does not include a radio operator antenna operated by an amateur radio operator who is licensed by the federal communications system.

APARTMENT — A part of a building containing cooking facilities and separate bathroom facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family.

APARTMENT HOUSE — See "dwelling, multifamily."

AQUACULTURE — The farming or culturing of fin-fish, 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 grow-out facilities, fish pens, shellfish rafts, racks and long lines, 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 aquaculture practices.

AREA, GROSS — All the area within a development plan or plat, including, but not limited to, area intended for residential use, local access streets or alleys, off-street parking spaces, recreation areas, or floodplains.

ASSISTED LIVING — A residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof to meet the needs of residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the residents.

BED-AND-BREAKFAST FACILITY — A building, other than a hotel, motel, rooming house or restaurant, containing a single dwelling unit, in which there are guest rooms offered to the traveling public for temporary occupancy. All such operations shall have a resident family living on the premises and shall be approved for such use by the County Health Department and Fire Marshal.

BOARD — The Board of Zoning Appeals of the Town of Preston which is authorized to grant special exceptions and variances, to hear appeals from administrative decisions and to provide interpretations as provided in this chapter.

BUFFER — An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the installation of trees, shrubs, berms, and/or fences, and designed to limit impacts from the development tract to adjacent properties and vice versa.

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

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

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, FLOOR AREA OF — The total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

BUILDING, HEIGHT OF — 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.

BUILDING, MAIN — Any building which is not an accessory building.

BUILDING, PRINCIPAL — The primary building on a lot or a building that houses a principal use.

CLINIC — An office building or a group of offices for one or more practitioners and staff persons engaged in the treatment of mental health, alcohol abuse, and drug abuse and drug-related abuse, but not including overnight patients. **[Added 2-2-2015 by Ord. No. 2015-0126]**

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

COLLECTOR — See "road."

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

COMMISSION — The Planning Commission of the Town of Preston.

COMMISSIONERS — Town Commissioners of Preston, Maryland.

COMMON AREA — Any open space, private road or other land, structure or improvement which is designed or reserved for the common use or benefit of the owners of two or more lots. "Common area" does not include any public road or other land, structure or improvement owned by the Town or the State of Maryland or any other governmental agency.

COMMON OPEN SPACE — A parcel, or parcels, of land, an area of water, or a combination of land and water, including floodplain and wetland areas, within a development site designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. "Common open space" shall not include:

- A. The land area of lots allocated for single-family detached dwellings, single-family semidetached dwellings, and duplex dwellings, front yards, side yards, and rear yards, whether or not the dwellings are sold or rented.
- B. The land area of lots allocated for apartment and townhouse dwelling construction, including front yards, side yards, interior yards, and off-street parking facilities, whether or not the dwellings are sold or rented.
- C. The land area of lots allocated for total commercial use, including front yards, side yards, rear yards, and parking facilities, whether or not the commercial facilities are sold or rented.
- D. The land area of lots allocated for public and semipublic uses, community clubs and community facilities, including open space for playgrounds and athletic fields which are a part of the principal use (e.g., a school or church site), and front yards, side yards, rear yards or other open space around buildings, and parking facilities, whether or not the public or semipublic use sites are sold or rented.

- E. Street rights-of-way, parkways, driveways, off-street parking, and service areas, except the landscaped central median of boulevards.

COMPREHENSIVE PLAN; THE COMPREHENSIVE PLAN OF PRESTON, MARYLAND — The legally adopted plan for the development of the Town in accordance with the provisions of Annotated Code of Maryland Article 66B.¹

CONDOMINIUM — A form of ownership consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with separate interest in space in a building, such as a Town House, apartment or office, established pursuant to Maryland law. A condominium may include, in addition, a separate interest in other portions of such real property.

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.

CONVENIENCE STORE — A one-story, retail establishment containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

CONVENTIONAL CONSTRUCTION — Buildings which are fabricated or assembled in the greater part at the site where such buildings are to be located, not including mobile homes, or recreational trailers and vehicles, or buildings which are designed to be portable.

COURT — An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COVENANT — A written undertaking by an owner which is required by this chapter or imposed by the Planning Commission in accordance with authorization contained in this chapter.

COVENANTOR — A person who owns legal or equitable title to any land which is affected in any manner by a covenant and includes a person who holds any mortgage, deed of trust or other lien or encumbrance on any such land.

COVERAGE — The percentage of the lot covered by buildings, structures and other impervious surfaces.

CUL-DE-SAC — See "road."

DAY-CARE CENTERS, ADULT AND CHILD — A structure or residence for the care of adults/children (no overnight accommodations permitted), the number of persons permitted and the regulations as determined by the state governing agency (Department of Human Resources).

DEVELOPER — An individual, partnership or corporation which is responsible for any undertaking that requires a zoning permit, conditional use permit, sign permit, site plan, or subdivision approval.

1. Editor's Note: See now the Land Use Article of the Annotated Code of Maryland, Title 3, Comprehensive Plan.

DRINKING PLACES, ALCOHOLIC BEVERAGES — Establishments, including bars, taverns, and pubs, primarily engaged in preparing and/or serving alcoholic beverages for on-site consumption. These establishments may also provide limited food services.

DWELLING — A building used or intended to be used for residential occupancy.

DWELLING UNIT — One room, or rooms connected together, constituting a separate, independent housekeeping establishment, and containing independent cooking and sleeping facilities.

DWELLING, MULTIFAMILY — A structure arranged or designed to be occupied by two or more families on a single parcel or on contiguous parcels under the same ownership. Multifamily dwelling units include two-family dwellings (duplex), townhouses and apartments which are defined as follows:

- A. **APARTMENT** — A part of a building containing cooking facilities and separate bathroom facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family.
- B. **TWO-FAMILY DWELLING (DUPLEX)** — Two separately deeded single-family dwellings attached by a common wall along a shared property line.
- C. **GARDEN APARTMENTS** — A type of multifamily dwelling in which a single building contains three or more dwelling units. Such units may share a common entrance as well as common utilities and service facilities. Each story of a garden apartment building may contain separate dwelling units, but no building shall contain more than three stories. Ownership is not a factor in this type of unit, which may be either rental or condominium.
- D. **TOWNHOUSE** — A single-family dwelling forming one of a series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied exclusively by one family.

EMERGENCY SERVICES — Fire, rescue, ambulance and police services, including related structures and activities.

ESSENTIAL SERVICES — Any public utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

FAMILY — Includes the following:

- A. An individual.
- B. Two or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless dwelling contains an accessory dwelling unit) may also include not more than two unrelated persons.
- C. A group of not more than four persons who need not be related by blood, marriage, or adoption living together in a dwelling unit.

- D. A family may include five or fewer foster children placed in a family foster home licensed by the state but shall not include fraternities, sororities, boardinghouses or rooming houses, tourist homes, family care homes, or maternal care homes.

FENCE or WALL — A barrier, other than natural vegetation, intended to mark a boundary or to enclose an area to provide screening or privacy.

FLOATING ZONE — Zoning districts that are described in a zoning ordinance but have not necessarily been included on the Zoning Map. The zone "floats" over the community until it is affixed to a particular area through an amendment to the Zoning Map. The floating zone regulations clearly define under what circumstances the zone may be established by the Town Commissioners.

FLOOR AREA

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

FLOOR AREA RATIO (FAR) — A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives the developer flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the allowable floor area coverage is not exceeded. (See "gross floor area.")

FRONTAGE

- A. STREET FRONTAGE — All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

- B. LOT FRONTAGE — The distance for which the front boundary line of the lot and the street line are coincident.

GROSS FLOOR AREA — The total floor area of all finished and usable floors, or portions thereof, and measured from the exterior faces of exterior walls or the center line of walls separating two buildings.

GROUP HOME/HALFWAY HOUSE — A structure for not more than six people who have demonstrated a tendency toward alcohol abuse, drug abuse, or anti-social or lawless conduct, together with not more than two people providing supervision, treatment, or other services to such persons who all live together as a single housekeeping unit. **[Added 2-2-2015 by Ord. No. 2015-0126]**

HOME-BASED BUSINESS — Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, fixed flat to a wall of the building, and no other display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building, and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. For purposes of this chapter, home-based businesses are further subdivided into two types, Type 1 and Type 2:

- A. A Type 1 home-based business shall be permitted by the Zoning Inspector in the specified zoning districts. A Type 2 home-based business may be permitted by the Town Commissioners in the certain specified zoning districts provided that such use shall conform to the minimum requirements established in this chapter. A Type 1 home-based business is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. Examples include, but are not limited to, artists, crafts people, writers, and consultants. Type 1 home-based businesses also provide an opportunity for a home to be used as a business address but not as a place of work.
- B. A Type 2 home-based business is one where either one employee or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.

HOTEL — A building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boardinghouse, a lodging house, or an apartment house which are herein separately defined. A hotel may include restaurants, taverns, club rooms, banquet halls, ballrooms, and meeting rooms.

IMPERVIOUS SURFACE — Any man-made surface that is resistant to the penetration of water.

INDUSTRIAL, LIGHT — A use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication,

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

INFLUENTIAL INTEREST — Having an ownership interest of 10% or more, or being part of a control or management group. **[Added 8-28-2017 by Ord. No. 08282017]**

INTERMITTENT STREAM — A stream in which surface water is absent during part of the year. Intermittent streams may be found on the most recent USGS 7.5-minute quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

K VALUE — The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

KENNEL, COMMERCIAL

A. A commercial operation that:

- (1) Provides food and shelter and care of domestic animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or
- (2) Engages in the breeding of domestic animals for sale; or

B. Any place where more than two adult domestic animals (over six months) are kept for a boarding or other fee.

LIGHT INDUSTRY — Manufacturing and assembly activities, research and development (including the production of a finished product), storage, warehousing, services, associated offices and similar uses of a limited intensity.

LOADING SPACE — A space within the main building or on the same lot providing for the standing, loading or unloading of trucks.

LOCAL STREET — See "road."

LOCAL, MINOR — See "road."

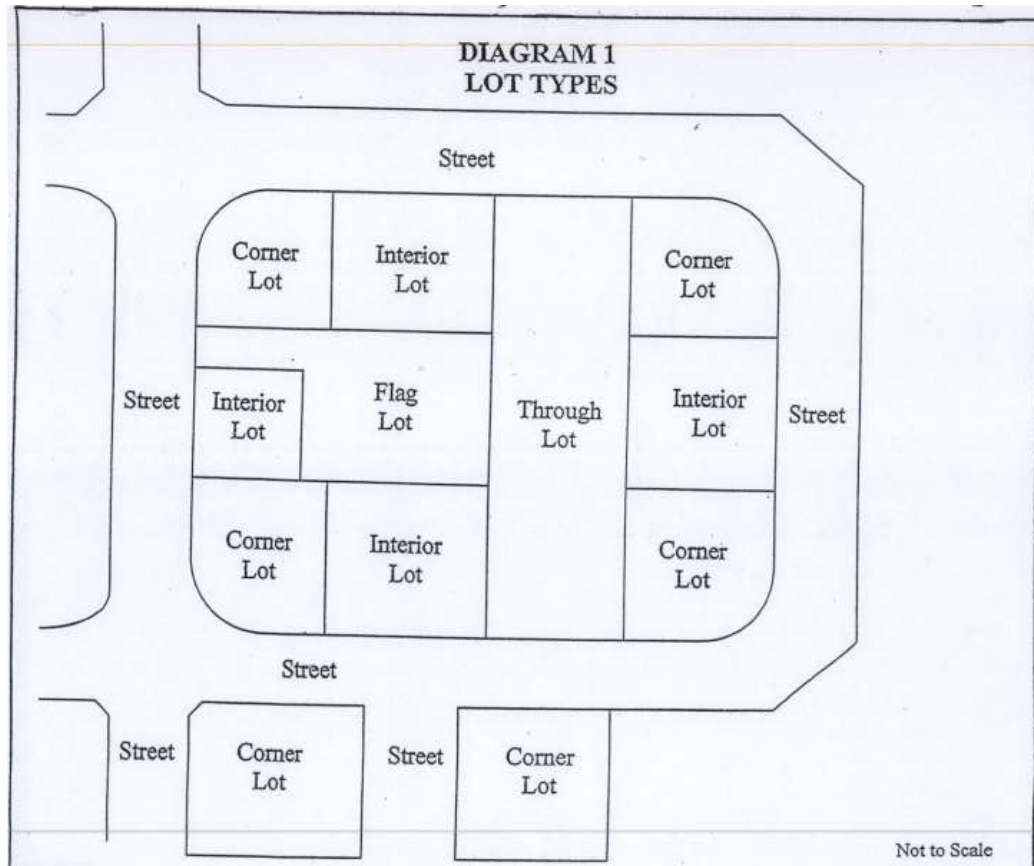
LOT — An area of land separated from other areas of land by separate description in a recorded deed or plat.

LOT AREA — The total horizontal area within the lot lines of the lot.

LOT LINE — The boundary line of a lot.

LOT OF RECORD — A parcel of land which has been legally recorded in the land records of Caroline County.

LOT TYPES — See diagrams of lots types.



LOT WIDTH — The distance between the side lot lines measured at the required front yard line.

LOT, CORNER — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

LOT, DEPTH OF — The average horizontal distance between the front lot lines and the rear lot lines of a lot, measured within the lot boundaries.

LOT, FLAG — A tract of land having insufficient lot width along a road or at the minimum setback line to meet the minimum lot requirements of this chapter but with sufficient area to meet all lot requirements further back on the lot. (See Diagram 1.)

LOT, INTERIOR — A lot other than a corner lot. (See Diagram 1.)

LOT, THROUGH — An interior lot having frontage on two streets. (See Diagram 1.)

MAJOR SITE PLAN — Any site plan which would include the extension of public water or sewer lines, placement of roads or installation of any stormwater management device.

MANUFACTURE; MANUFACTURING — The process of converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purpose.

MARIJUANA GROWING FACILITY — A covered or uncovered building or structure, or a group of buildings and structures, or an unimproved parcel of land used for the propagation, growth, care or storage of legal or illegal marijuana or similar plants producing THC or cannabis. **[Added 10-5-2015 by Ord. No. 2015-0924015]**

MINOR ACCESSORY STRUCTURE — Any structure that is less than 250 square feet.

MINOR LOCAL STREET — See "road."

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, MOTOR COURT, MOTOR HOTEL, LODGE or INN — Same as "hotel" except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or offices.

MOTHER-IN-LAW SUITE — A series of rooms including a secondary kitchenette (not required) located under the roof of the main house or an addition attached to the main house for use of a related family member occupying the house, or a separate suite located over an accessory structure such as a garage, not a structure unto itself, to be used by a family member occupying the house. Not to be used as a rental unit to anyone outside the family.

NATURAL FEATURES — Components and processes present in or produced by nature, including but not limited to soil types, geology, topography, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

NATURAL HERITAGE AREA — Any communities of plants or animals which are considered to be among the best statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL VEGETATION — Plant communities that develop in the absence of human activities.

NEIGHBORHOOD ESSENTIAL SERVICES — Any public utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

NON-TIDAL WETLANDS — An area that is inundated or saturated by surface water or groundwater 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." The determination of whether an area is a non-tidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended. Non-tidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

NONCONFORMING USE/STRUCTURE — See Article VII of this chapter.

NONPROFIT ORGANIZATION — Any organization engaging primarily in civic or community services, including Lions, Kiwanis, Rotary, Optimists and organizations of a

similar nature, which is not operated for profit and has been granted 5013c status by the Internal Revenue Service.

NUDITY [Added 8-28-2017 by Ord. No. 08282017]

- A. The showing of the human male or female genitalia, pubic area, or buttocks with less than fully opaque covering;
- B. The showing of the human female breast with less than a fully opaque covering over any part below the top or uppermost part of the areola;
- C. The showing of the breast of a human male which has been altered in any manner to be similar in appearance to the breast of a human female with less than a fully opaque covering over any part below the top or uppermost part of the areola; or
- D. The depiction of covered human male genitalia in a discernibly turgid or erect state.

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

OFF-STREET PARKING AREA — Space provided for vehicular parking not on a street or roadway.

OFFICE — A building or part thereof designed, intended or used for the purpose of a profession, the carrying on of business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, industrial use, clinic, financial institution, or place of amusement or place of assembly. The definition of "office" includes the following: the use of a building for the professional practice of a doctor of medicine or dentistry, a psychologist, a lawyer, architect, landscape architect, engineer, or similar professional person or persons. **[Amended 2-2-2015 by Ord. No. 2015-0126]**

OPEN SPACE — See "common open space."

ORDINANCE — The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or referred to in this chapter, and also known as the "Town of Preston Zoning Ordinance."

OVERLAY ZONE — A district that is applied over other zoning districts and which may modify the permitted uses, intensity of uses, or other development standards that apply to the underlying zoning district.

OWNER — The person, partnership, corporation, company, or other legal entity holding current legal title to a lot, tract, or parcel of land.

PARCEL — See "lot."

PARKING AREA, LOT OR STRUCTURE — A structure or an off-street area for parking or loading and unloading, whether required or permitted by this chapter, including driveways, accessways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

PARKING SPACE, OFF-STREET — An all-weather surfaced area not in a street or alley, exclusive of driveways, permanently reserved for the temporary storage of one automobile

and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles. At a minimum each parking space shall measure nine feet by 18 feet.

PARTIAL NUDITY — A state of dress which reveals: **[Added 8-28-2017 by Ord. No. 08282017]**

- A. The human male or female buttocks;
- B. The human female breasts below the top or uppermost part of the areola, excluding portions of the human female cleavage exhibited by a dress, or other apparel, provided the areola is not exposed in whole or in part; or
- C. The breast of a human male which has been altered in any manner to be similar in appearance to the breast of a human female, below the top or uppermost part of the areola, excluding portions of cleavage exhibited by a dress, or other apparel, provided the areola is not exposed in whole or in part.

PERENNIAL STREAM — A stream containing surface water throughout an average rainfall year. Perennial streams may be found on the most recent USGS 7.5-minute quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

PLACE OF WORSHIP — A building or premises where persons regularly assemble for religious worship and those accessory activities customarily associated therewith and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT (PUD) — A planned combination of diverse land uses, such as housing, recreation and shopping, in one contained development or subdivision.

PLOT — A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or metes and bounds.

PREMISES — A lot, together with all buildings and structures thereon.

PRINCIPAL USE — The primary activity or structure for which a site is used.

PROFESSIONAL — Any person doing business in which a license or a certificate issued by a governmental agency is required to operate.

PROPERTY LINES — The lines bounding a lot as defined herein. A recorded boundary of a plot.

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 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.

PUBLIC WORKS AGREEMENT — An executed agreement between the developer and the Town setting forth the improvements which the developer will be responsible for and the conditions for the construction and acceptance of such improvements by the Town.

RECLASSIFICATION — The changing of the zoning district classification which applies to a particular area of land.

RECREATION FACILITY — A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

RECREATION VEHICLE or RV — A motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation and camping. RVs do not include mobile homes, off-road vehicles or snowmobiles. RVs are classified into two groups, towables and motorized:

- A. Towables are designed to be towed by a motorized vehicle (auto, van, or pickup truck) and of such size and weight as not to require a special highway movement permit. Towables are designed to provide temporary living quarters for recreational camping or travel use and do not require a permanent on-site hookup. The towables include conventional travel trailers, fifth-wheel travel trailer, folding camping trailer and the truck camper.
- B. Motorized RVs are a recreational camping and travel vehicle built on or as an integral part of a self-propelled motor vehicle chassis. It may provide kitchen, sleeping, and bathroom facilities and be equipped with the ability to store and carry fresh water and sewage. Motorized RVs include motor home (Class A), van camper (Class B), motor home (Class C) and conversion vehicles.

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

RESIDENCE, MULTIFAMILY — See "dwelling, multifamily."

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, FAST FOOD** – An establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.
- C. **RESTAURANT, DRIVE-IN OR DRIVE-THROUGH** – 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-through window or while parked.

RETAIL STORE — Stores selling one kind or various kinds of goods, as distinct from services, such as, but not limited to, drugstores, grocery stores, department stores, camera shops, bookstores, and record shops.

RIGHT-OF-WAY — A strip of land across privately held property designated for the use of a road, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

ROAD — All ways used to provide motor vehicle access to two or more lots or two or more distinct areas or buildings. Under the Preston street classification system all roads fall into one of the following categories:

- A. **ALLEY** — A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 25 dwelling units. For yard designation, alleys are not considered streets.
- B. **MINOR – LOCAL**— A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 10 dwelling units and is expected to or does handle up to 100 trips per day.
- C. **LOCAL** — A road whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 150 dwelling units and is expected to or does handle between 100 and 1,500 trips per day.
- D. **CUL-DE-SAC** — A road that terminates in a vehicular turnaround. A cul-de-sac shall not be longer than 300 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 90 feet and a property line diameter of at least 110 feet. Sidewalks shall be provided on at least one side of the street.
- E. **COLLECTOR** — A road whose principal function is to carry traffic between local and subcollector streets and arterial streets with limited direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day.
- F. **COLLECTOR, COMMERCIAL** — A road with a maximum design speed of 20 miles per hour with on-street parking on both sides. The commercial collector street is designed to carry traffic to and through a commercial businesses area and to provide access to commercial shared parking facilities and local streets.
- G. **SUBCOLLECTOR** — A road whose principal function is to carry traffic between collector streets and local streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day.
- H. **SERVICE ACCESS STREET** — A road that is generally parallel 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 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.

SADOMASOCHISTIC ACTIVITY [Added 8-28-2017 by Ord. No. 08282017]

- A. Flagellation or torture, whether real or simulated, by or upon an individual.
- B. The condition of being, or causing oneself or another to be, fettered, bound, or otherwise physically restrained.

SCREEN — A visual and/or sound barrier with a high degree of opacity that is designed to hide or obscure unsightly views and reduce or eliminate noise.

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

SENSITIVE AREAS — Environmental protection areas identified in the Economic Growth, Resource Protection and Planning Act of 1992 for which special standards, designed to protect these areas from the adverse effects of development, have been included in this chapter. These areas include the following:

- A. Streams and their buffers;
- B. One-hundred-year floodplain;
- C. Habitats of threatened and endangered species;
- D. Steep slopes; and
- E. Any other areas determined by the Planning and Zoning Commission.

SERVICE ACCESS STREET — See "road."

SETBACK — The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a Town or state road right-of-way.

SEXUAL DEVICE — Any three-dimensional object designed or marketed as useful primarily in the performance of a sexual act or to enhance or entice sexual stimulation or gratification. Such devices include any item which has no substantial non-sex-related utility, such as erotic undergarments and artificial sexual organs, as well as devices with other utility when they are not marketed for sexual purposes, such as chains, handcuffs, or the like, but does not include devices primarily intended for protection of health or prevention of pregnancy. **[Added 8-28-2017 by Ord. No. 08282017]**

SHOPPING CENTER — A group of commercial establishments planned, developed and owned and managed as a unit, with on-site parking and of similar architectural characteristics.

SHOPPING CENTER, COMMUNITY — A commercial establishment designed to provide the basic facilities found in a neighborhood center, with a wider range of commercial establishments.

SHOPPING CENTER, NEIGHBORHOOD — A group of commercial establishments providing for the sale of convenience goods or personal services.

SHOPPING CENTER, REGIONAL — A commercial establishment designed to provide a full scope of retail sales and services. It is designed to attract customers from an area of greater population than the county. A regional shopping center ranges in size from 300,000 square feet and up.

SIGN — See § 210-44 of this chapter.

SIGNIFICANT AMOUNT [Added 8-28-2017 by Ord. No. 08282017]

- A. At least 10% of the stock in the establishment or on display consists of adult entertainment material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- B. At least 10% of the usable floor area is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- C. At least 10% of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material; or
- D. Any provision of live adult entertainment or material.

SITE — A parcel of land consisting of one or more lots or portions and which is described by reference to a recorded plat or by metes and bounds.

SITE PLAN — A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions of this chapter.

SPECIAL EVENTS — Circuses, fairs, carnivals, festivals, or other types of special events that:

- A. Run for longer than one day but not longer than two weeks;
- B. Are intended to or likely to attract substantial crowds; and
- C. Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL EXCEPTION — Permission by the Board of Zoning Appeals to establish a specific use that would not be appropriate generally or without restriction throughout a zoning district but which if controlled as to number, area, location, or relation to the neighborhood would comply with the purpose and intent of this chapter. Such uses may be approved within a zoning district if specific provision for such a special exception is made in this chapter.

SPECIFIED ANATOMICAL AREAS — Human genitals, anus, cleft of the buttocks, or the female breast. **[Added 8-28-2017 by Ord. No. 08282017]**

SPECIFIED CRIMINAL ACTIVITY — Any of the following specified crimes for which there has been a conviction, guilty plea, plea of nolo contendere or probation before judgment: **[Added 8-28-2017 by Ord. No. 08282017]**

- A. Rape or sex offenses of any degree and all other sexual crimes specified in the Maryland Annotated Code, Criminal Law Article, § 3-301 et seq., as may from time to time be amended;

- B. Prostitution and all related crimes as specified in the Maryland Annotated Code, Criminal Law Article, § 11-301 et seq., as may from time to time be amended;
- C. Offenses regarding adult sexual displays and all related crimes as specified in the Maryland Annotated Code, Criminal Law Article, § 11-101 et seq., as may from time to time be amended;
- D. Offenses relating to obscene matters or materials and all related crimes as specified in the Maryland Annotated Code, Criminal Law Article, § 11-201 et seq., as may from time to time be amended;
- E. Child abuse and all related crimes as specified in the Maryland Annotated Code, Criminal Law Article, § 3-601 et seq., as may from time to time be amended;
- F. Controlled dangerous substance offenses as specified in the Maryland Annotated Code, Criminal Law Article, § 5-401 et seq., as may from time to time be amended; or
- G. Any offense committed in another jurisdiction that, had the predicate acts been committed in Maryland, would constitute any of the foregoing specified Maryland offenses.

SPECIFIED SEXUAL ACTIVITIES — Any of the following: **[Added 8-28-2017 by Ord. No. 08282017]**

- A. Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- B. Excretory functions as a part of or in connection with any of the activities described in Subsection A above.

STEEP SLOPES — Any slope with a grade of 15% or more covering a contiguous area of 10,000 square feet or more.

STORAGE — The keeping, either indoors (including inside a cargo trailer) or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. "Storage" does not include the overnight parking in residential zones of a single vehicle weighing no more than 2.5 tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.

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.

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

STREET — A platted way for vehicular traffic.

STREET LINE — A dividing line between a lot, tract, or parcel of land and a contiguous street.

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

STRUCTURE

- A. **STRUCTURE, GENERAL** — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile home signs, tennis courts, and swimming pools.
- B. **STRUCTURE, MINOR ACCESSORY** — An accessory structure of less than 150 square feet of floor area. Included are lawn sheds, bike sheds, pet shelters and the like.
- C. **STRUCTURE, CUSTOMARY INCIDENTAL** — Structures customarily associated with a dwelling unit but not designed to shelter large objects. Among other things incidental structures include walls and fences under four feet in height, clothesline supports, domestic radio and television antenna towers and poles, utility poles, lampposts, birdhouses, pet shelters under 20 square feet gross floor area, sidewalks, flagpoles, and the like.

SUBCOLLECTOR — See "road."

SUBDIVISION — The division of any tract or parcel of land into two or more plots, parcels, lots, or sites, for the purpose, whether immediate or future, of transfer of ownership or of building development. The term shall include resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION, MINOR — A subdivision that does not involve any of the following:

- A. The creation of more than three lots;
- B. The creation of any new public streets or the extension of existing streets;
- C. The extension of a public water or sewer system; or
- D. The installation of drainage improvements through one or more lots to serve one or more other lots.

TEMPORARY STRUCTURE — Any structure erected for a time of six months or less, consisting of any material with a running edge of 25 feet or more. Temporary structures include tents with any running edge of 25 feet or more.

THINNING — A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

THREATENED SPECIES — Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be "threatened" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

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

TOWN — The Town of Preston and its governing and zoning authorities, as applicable.

TRACT — A lot (see definition). The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivisions, where one tract is subdivided into several lots.

TRANSITION AREA — An area between two distinct neighborhoods or land uses with similar character. A transition area can be subtle or abrupt, of varying widths, and may use appropriate variations of natural and man-made features.

TRIBUTARY STREAMS — Perennial and intermittent streams in the critical area that are so noted on the most recent U.S. Geological Survey 7.5-minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town.

USE — When used as a noun, the term means the purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

UTILITY FACILITIES, NEIGHBORHOOD — Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

UTILITY TRANSMISSION FACILITIES — Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer lines.

VARIANCE — Permission to construct, alter, or occupy a particular building, structure or tract of land in a way which is not in conformance with a provision or provisions of this chapter, as a form of relief from its literal interpretation.

WAREHOUSE — A structure used for the storage and/or the sale of products at wholesale, and where the sale of a product at retail is incidental.

WASTE DISPOSAL SITE — Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, parked, disassembled, or handled, including landfills, auto wrecking yards, house wrecking yards, and the like.

WATERCOURSE — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of water.

WHOLESALE — The selling of goods in relatively large quantities and usually at lower prices than at retail, especially such selling to retailers for resale to consumers.

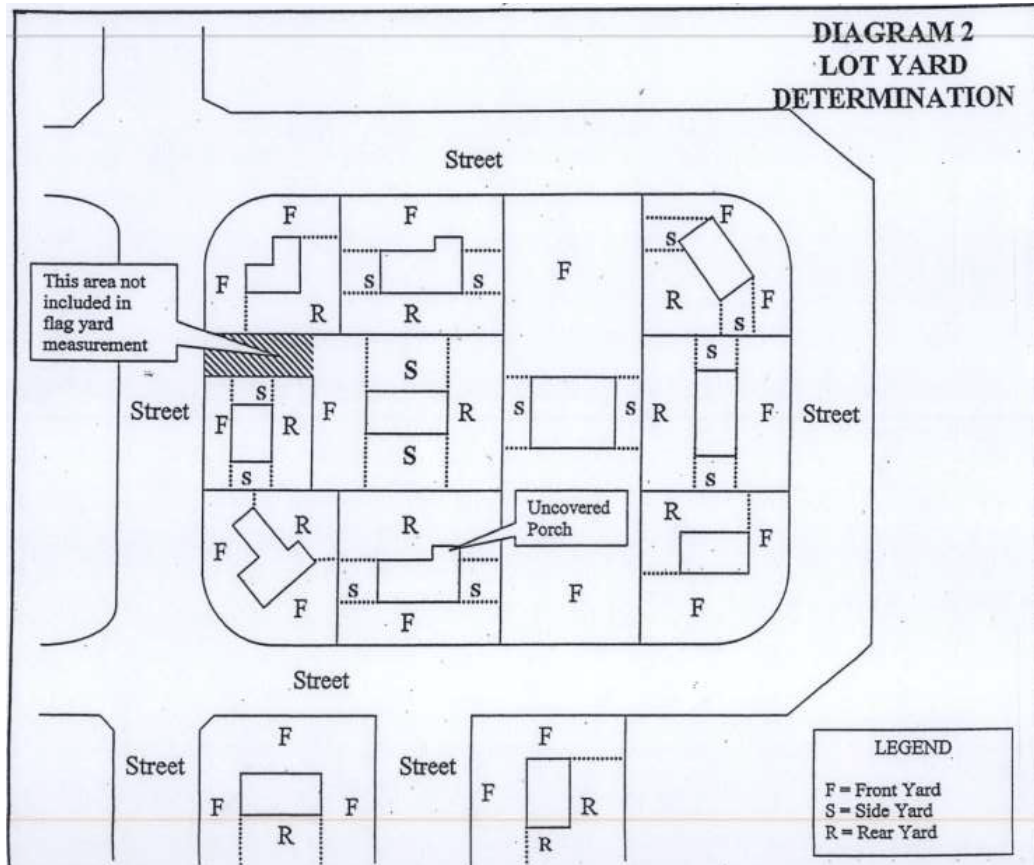
WILDLIFE CORRIDOR — A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

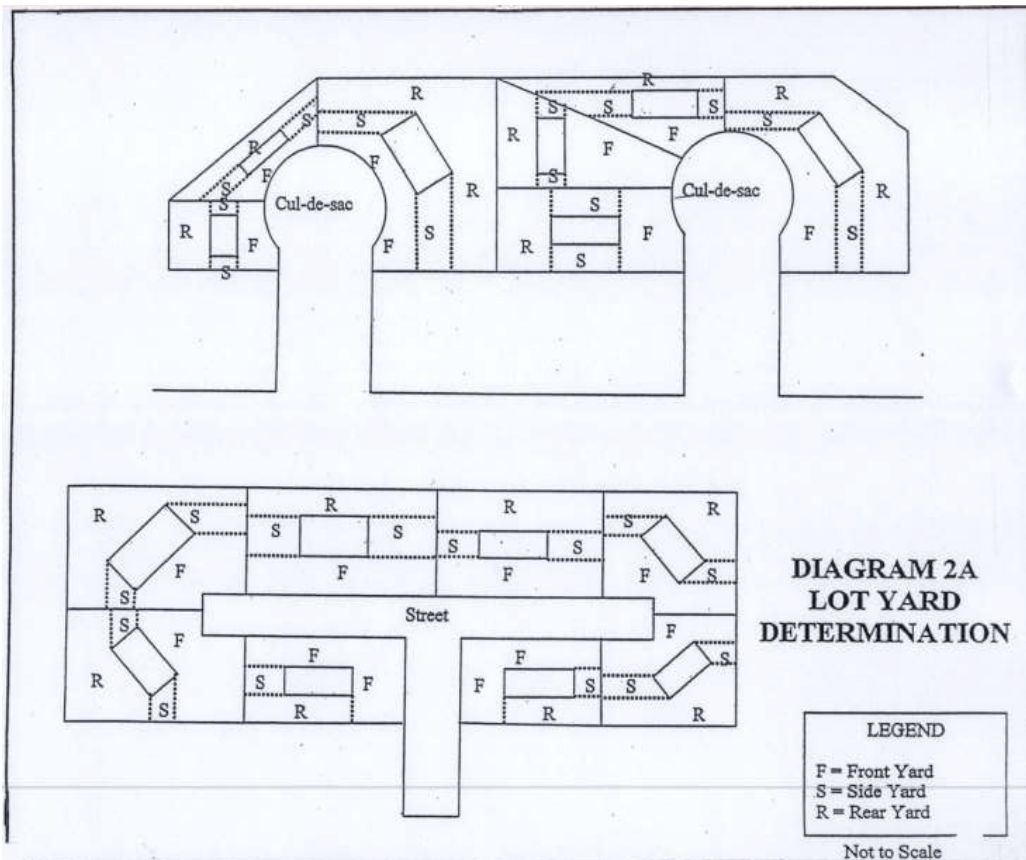
YARD — An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in this chapter.

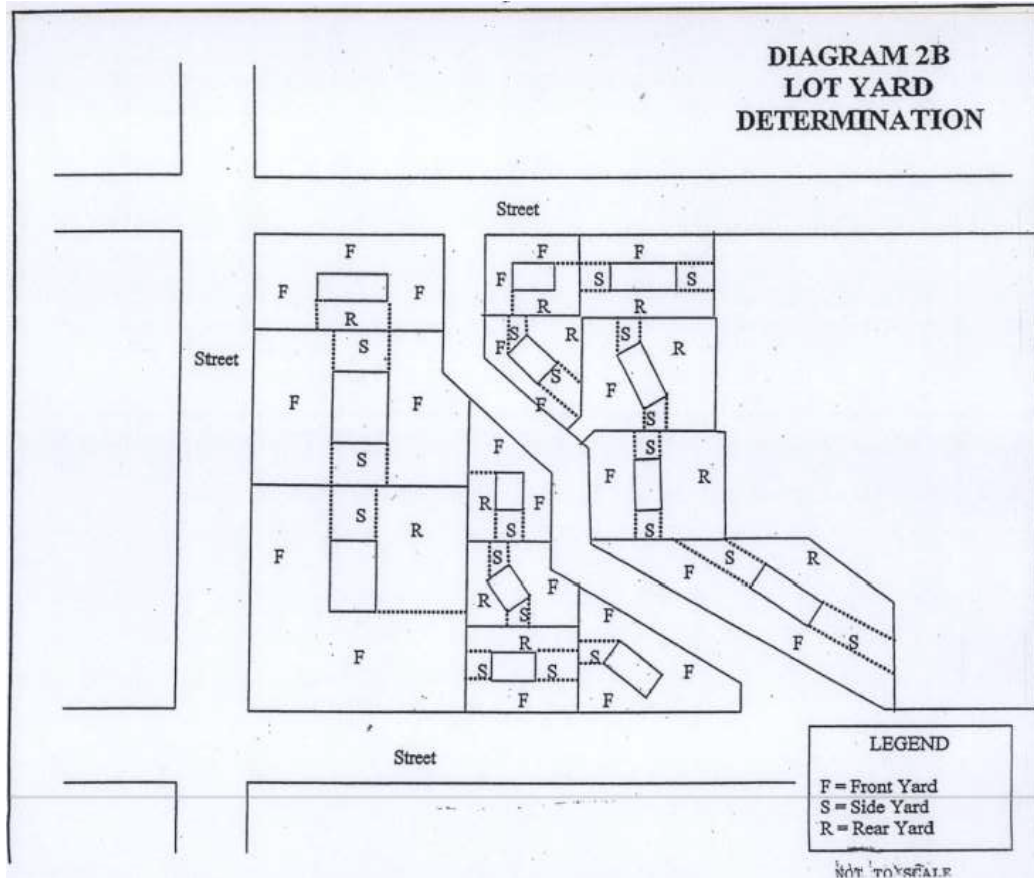
YARD, FRONT — An open space extending across the front of the lot between the side lot lines and measured between the front lot line and the front of the main building or any projection other than steps, unenclosed porches or entranceways.

YARD, REAR — A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

YARD, SIDE — A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main building or any projection other than steps, unenclosed porches or entranceways.







ZONING CERTIFICATE — Document that certifies that the Preston Planning Commission, or its designated representative, has approved a proposed use of property as being consistent with the provision of this chapter. A zoning certificate may also be referred to as a "certificate of approval" or "zoning permit."

ZONING DISTRICT — An area within which certain uses of land and structures are permitted and certain others are prohibited; yards and other open spaces are required; and minimum lot areas and dimensions and other requirements are established.

ZONING INSPECTOR — The zoning administrative officer or an authorized representative designated by the Town Commissioners to carry out duties as specified in this chapter.

ZONING OVERLAY DISTRICT — A district that is applied over other zoning districts and which may modify the permitted uses, intensity of uses, or other development standards that apply to the underlying zoning district.

ZONING PERMIT — A written statement issued by the Zoning Inspector for buildings, structures, or uses consistent with the terms of this chapter, and for the purpose of carrying out and enforcing its provisions.

ARTICLE III

Administration and Enforcement**§ 210-9. Zoning Inspector.**

The position of Town Zoning Inspector is hereby established. The Town Zoning Inspector and/or Codes Administrator shall administer and enforce this chapter. If the Zoning Inspector shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and order the action necessary to correct it. He shall order or seek an injunction to cause the discontinuance of illegal use of land, buildings, or structures, or removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, or discontinuance of any illegal work or activity being done, or shall take any other action authorized by this chapter to ensure compliance with or prevent violation of its provisions.

§ 210-10. Building permits.

No building or other structure shall be erected, placed, moved to another location on-site, added to, or structurally altered without a permit therefor issued by the Planning Commission except as provided for in § 210-24M. No building permit shall be issued except in conformance with the provisions of this chapter, unless the Planning Commission receives a written order from the Appeals Board in the form of an administrative review or variance as provided by this chapter.

- A. Application process. Application for building permits shall be made to the Town Manager and shall be accompanied by plans in triplicate showing the actual dimensions and shape of the parcel to be built upon; the exact size and locations on the parcel of buildings already existing, if any; and the location and dimensions of the proposed building or structure, or information as lawfully may be required by the Planning Commission, including information on existing or proposed construction or alteration; existing or proposed uses of buildings, structures, or land; the number of families, housekeeping units, or rental units which the building or buildings are designed to accommodate; and natural features existing, to determine conformance with, and provide for the enforcement of, this chapter. Applications shall be reviewed by the Planning Commission or person or persons designated by the Planning Commission, after which one copy of the application and one copy of the plans shall be returned to the applicant by the Planning Commission after such copy shall have been marked "Approved" or "Disapproved" and attested to the same by the signature of the Chairman of the Planning Commission or person designated by the Planning Commission to review applications for building permits.
- B. Expiration of building permits. If the work described in any building permit has not begun within one year from the date of issuance thereof, said permit shall expire. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire, and further work as described in the cancelled permit shall not proceed unless a new building permit has been obtained. The Planning and Zoning Commission and/or the Commissioners may grant one extension in writing. The extension requested must be in writing and a justifiable cause must be demonstrated.

- C. Construction and use to be as provided in plans and applications. Building permits issued on the basis of plans and applications approved by the Planning Commission authorize only the use, arrangement, and construction set forth in such plans and applications and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided in § 210-19 hereof.
- D. Applications for building permits. All applications for building permits shall be made by the owner of the land on which construction is to take place or his agent.
- E. Multiple dwellings on one lot. Whenever an additional dwelling unit is to be erected or placed on the same tract, lot, or parcel of land where a dwelling unit already exists, or when two or more dwellings are to be erected or placed on the same tract, lot, or parcel of land where the tract, lot, or parcel of land is not being considered under Chapter 175, Subdivision of Land, the Planning Commission shall consider the space between buildings, land area involved, street frontage and the like and shall approve only such applications as would not be expected to prevent subdivision at a later date. The Planning Commission may require minor subdivision or subdivision approval before approving multiple dwellings.
- (1) Not more than three dwellings units may be erected on any one tract, lot, or parcel of land without the creation of a minor subdivision or subdivision.
 - (2) Single-family apartments/residences may be permitted over business or commercial buildings if approved by the Planning and Zoning Commission and/or the Town Commissioners.
- F. Guarantee of compliance. The approval of a building permit shall not in itself guarantee compliance with or in any way exempt the applicant from the provisions of this chapter. Building permits issued contrary to the provisions of this chapter for any reason shall become null and void.

§ 210-11. Fees and charges.

- A. Schedule of fees. The Town Commissioners shall establish a schedule of fees, charges, and expenses and a payment procedure for building permits, appeals, applications for zoning amendments, floating zone and PUD applications, special exceptions and variances, and other matters arising pursuant to this chapter.² Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any application or appeal.
- B. Fees to cover Town's expenses. Fees, charges and expenses payable to the Town in connection with any proposed project or application may include the cost of employing consulting services of an independent engineer, architect, landscape architect, planner, attorney or similar professional to assist the Town in the review of development and improvement plans and evaluation of potential development impacts.

² Editor's Note: See Ch. 58, Fees and Fines, Art. I, Schedule of Fees and Fines.

§ 210-12. Planning Commission members and meetings.

- A. Appointment. The Town Commissioners of Preston shall appoint five persons to serve as the Planning Commission. Each member shall be appointed to a five-year term, except that four of the original members will be appointed to shorter terms such that one member's term will expire each year. Appointments will be made the first Monday of each May. The Town Commissioners shall appoint only persons with American citizenship who are registered voters living in the zoning area controlled by the Town of Preston. The appointment of members shall be without regard to sex, race, age, or national origin. The Town Commissioners may appoint one of its members to serve on the Planning Commission but may not appoint a quorum of its members to serve on the Planning Commission.
- B. Chairman; meetings. The Planning Commission shall elect by majority vote one of its members to serve as Chairman of the Planning Commission one year with eligibility for reelection. The Commission shall hold at least one regular meeting each month.

§ 210-13. Planning Commission records.

The Planning Commission shall file with the Town Manager copies of all Commission proceedings, including minutes of Commission meetings and hearings and permits issued. The records of the Planning Commission shall be available for public inspection at the office of the Town Manager during posted office hours. Requests for copies of Commission records must be submitted to the Town Manager and must be accompanied by payment of such fees as may be established by the Planning Commission.

§ 210-14. Board of Zoning Appeals.

- A. Establishment and composition. A Board of Zoning Appeals is hereby established which shall consist of three members to be appointed by the Town Commissioners, each member for a term of office of three years. Members of the Board of Zoning Appeals may be removed from office by the Town Commissioners for cause upon written charges after public hearing. Vacancies shall be filled by the Town Commissioners for the unexpired term of any member whose term becomes vacant. The Town Commissioners shall designate one alternate member for the Board of Zoning Appeals who shall be empowered to sit on the Board in the absence of any member of the Board, and when the alternate is absent, the Town Commissioners may designate a temporary alternate.
- B. Proceedings of the Board of Zoning Appeals. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the absence, abstention or vote of each member upon each question, and shall keep records of its examinations and official actions, all of which shall be a public record and be immediately filed in the office of the Town Manager.

C. Powers of the Board of Zoning Appeals. The Board shall have the following procedures:

- (1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or Planning Commission in the enforcement or administration of this chapter.
- (2) Interpretation of district boundaries on Official Zoning Map. To determine, consistent with the provisions of § 210-22B, the boundaries of zoning districts.
- (3) Special exceptions. To hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on according to the provisions of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the purpose and intent of this chapter. The Board shall make a finding that it is empowered under this chapter to grant the special exception described in the application and that the granting of the special exception will not adversely affect the public health, safety, security, morals, or general welfare, or result in dangerous traffic conditions, or jeopardize the lives or property of the people living in the neighborhood. Before the Board decides any application for special exception it shall consider the following, where applicable:
 - (a) The most appropriate use of land, buildings, and structures in accordance with the Comprehensive Plan.
 - (b) Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (c) Utilities, with reference to location, availability, and adequacy.
 - (d) Possible economic, noise, glare or odor effects of the special exception which might adversely affect adjoining properties or properties generally in the district.
 - (e) Before granting a special exception for multiple uses on the same conforming lot or valid nonconforming lot, the Board must also find that the proposed uses are compatible with one another.
- (4) Variances.
 - (a) To authorize upon application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted unless and until the applicant has demonstrated that:

- [1] Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - [2] Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - [3] The special conditions or circumstances do not result from actions of the applicant.
 - [4] Granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
- (b) In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall be punishable under the provisions of § 210-19.
 - (c) Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved.
- (5) Board has powers of Zoning Inspector and Planning Commission on appeals. In exercising the above-mentioned powers the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this chapter, reverse, affirm, wholly or partly, or may modify the order, requirement, decision, determination as ought to be made, and to that end shall have the power of the Zoning Inspector and Planning Commission.
- D. Decisions of the Board. All decisions or actions of the Board shall be taken by resolution, in which at least two members present must cast concurring votes. Each resolution shall contain a statement of the grounds and findings forming the bases for such action or decision, and the full text of said resolution shall be incorporated into the transcript of the meeting.
 - E. Who may file an appeal or application.
 - (1) Appeals and applications to the Board may be filed by any persons:
 - (a) Allegedly aggrieved by any order, requirement, decision, or determination of the Zoning Inspector or Planning Commission;
 - (b) Desirous of obtaining an interpretation of a district boundary consistent with the provisions of § 210-22B;
 - (c) Desirous of obtaining the grant of a special exception; or
 - (d) Desirous of obtaining a grant for variance from the terms of this chapter.
 - (2) Appeals to the Board of Zoning Appeals concerning the interpretation, enforcement or administration of this chapter by the Zoning Inspector or the

Planning Commission shall be taken within 30 days from the date the decision appealed from was made in writing by filing with the Town Manager (with a copy to the entity appealed from) a notice of appeal specifying the grounds thereof and payment of such appeal fee as the Town Commissioners may determine by resolution from time to time.

- (3) Such appeals or applications shall be acted upon within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board. The applicant shall pay the Town Manager for expenses incidental to the appeal. In the case of an appeal, the Zoning Inspector and/or Planning Commission shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

F. Hearing notice.

- (1) The Board of Zoning Appeals shall fix a reasonable time for the hearing of applications, interpretation of district boundaries, and appeals. At least 14 days before the date of the hearing, the Board shall send notices of the time and place of such hearing to the applicant or appellant, the Planning Commission, and to the owners of properties located within 200 feet of the property affected, as shown on the maps of the Department of Assessments and Taxation on the date the notices are mailed.
- (2) Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one newspaper of general circulation in the jurisdiction once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The Board shall cause the site affected to be posted for at least 10 days prior to the hearing with the time, place, and nature of the hearing. The Board shall decide all applications and appeals within a reasonable time. Upon the hearing any party may appear in person, by agent, or by attorney.

G. Calendar of the Board. Appeals and applications filed in proper form and accompanied by the required fee shall be numbered serially, docketed, and placed upon the calendar of the Board. The calendar shall be posted continuously in a conspicuous location in the Town office, and the Board shall ensure that a copy of the most current calendar is provided to the Planning Commission.

H. Advice of the Planning Commission. Before deciding any application for special exception or variance, the Board of Zoning Appeals shall seek the advice of the Planning Commission in reference to such applications. The advice of the Planning Commission shall concern itself with the impact of the variance or special exception upon the Board of Zoning Appeals. The Board may request from the Planning Commission such technical service, data, or factual evidence as will further assist the Board in reaching decisions.

I. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or

by a court of record on application, on notice to the Zoning Inspector, and on due cause as shown.

- J. Repeated applications. If an application or appeal is disapproved by the Board of Zoning Appeals, thereafter the Board shall not be required to consider another application for substantially the same proposal on the same premises until after one year from the date of such disapproval. If an appeal to the Board is properly filed and the public hearing advertised, and thereafter the applicant withdraws that application or appeal, he shall be precluded from filing another application or appeal for substantially the same proposal on the same premises for six months.
- K. Limitation of authority of the Board. The Board shall not amend or cause changes to the Official Zoning Map, nor shall such authority be vested in the Board. **[Amended 11-5-2018 by Ord. No. 11-222018]**
- L. Procedure for applications to the Board. **[Amended 11-5-2018 by Ord. No. 11-222018]**
- (1) The applicant shall present the following documents to the Board of Appeals (additional documents may be requested by Planning and Zoning and/or the Board of Appeals):
- (a) A written request of which variance or variances they are seeking.
 - (b) Copy of the notice of the meeting date as advertised in the newspaper.
 - (c) Copy of the letter notifying people of the hearing date within 200 feet of the site.
 - (d) Written comments from Planning and Zoning.
 - (e) Site plan by a registered surveyor. The plan shall include but not limited to:
 - [1] All setbacks existing and proposed.
 - [2] Proposed building.
 - [3] Street names.
 - [4] Square feet of site, and proposed building.
 - [5] Show any structure within 30 feet of the proposed building.
- (2) Procedure for Board of Appeals meetings:
- (a) State the date and those present.
 - (b) Planning and Zoning to present their findings and recommendations.
 - (c) Owner or agent to present the reasons for the variance; must be in writing.
 - (d) Opponents have an opportunity to testify.
 - (e) Final decision by the Board of Appeals must be in writing.
 - (f) Written minutes of the meeting must be taken and turned over to the Commissioners.

§ 210-15. Appeal to Circuit Court.

Any person or persons who have standing to do so may seek review of a decision of the Board of Zoning Appeals by the Circuit Court for Caroline County in the manner provided by the Maryland Annotated Code.

§ 210-16. Amendments.

- A. Provisions for amendment. The provisions, regulations, restrictions, classifications, and boundaries set forth in this chapter may from time to time be amended, supplanted, modified, or repealed by the Town Commissioners. The reclassification of any property and the relocation of zoning district boundaries shall be deemed an amendment to this chapter and subject to the provisions of this section.
- B. Who may initiate amendments. An amendment or other change to this chapter may be initiated by motion, resolution or proposed ordinance amendment of the Town Commissioners, motion of the Planning Commission, or petition of any property owner or contract purchaser of property [regarding land owned or under contract by the petitioner(s)] to the Town Commissioners, containing the proposed text or map associated with any proposed amendment. The Town Commissioners shall have no obligation to introduce an ordinance or amendment. The decision whether to introduce or enact any amendment to this chapter is a matter of the legislative discretion of the Town Commissioners, subject only to the requirements of state and federal law.
- C. Procedure for amendment.
 - (1) Upon request of a petitioner for a zoning amendment, the Preston Town Commissioners may permit a pre-application work session or conference to discuss generally any proposed amendment. Any proposed amendment or other change shall be referred by the Town Commissioners to the Planning Commission for an investigation and recommendation before any formal action by the Town Commissioners. The Planning Commission shall cause such investigation to be made as it deems necessary, and for this purpose may require the submission of pertinent information by any person concerned, and may hold such public hearings as are provided by its own rules.
 - (2) The Planning Commission shall submit its recommendation and pertinent supporting information to the Town Commissioners within 60 days after receiving completed submissions from the applicant, unless an extension of time is agreed to by the applicant.
 - (3) After receiving the recommendation of the Planning Commission concerning any proposed amendment or other change to this chapter, and before voting upon the proposed amendment, the Town Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The Town Commissioners shall give public notice of such hearing by causing the time, place, and subject of such hearing to be published in a newspaper of general circulation in the Town.
 - (4) Notice of the time and place of the public hearing, together with a summary of the proposed regulations, restrictions and boundaries, shall be published in at least

one newspaper of general circulation once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The applicant shall be responsible for the payment of all advertising or readvertising expenses.

- (5) A complete record of the hearing and the votes of all members of the Town Commissioners in deciding all questions relating to the proposed amendment shall be kept.
- D. Site visit. Before the Town Commissioners shall vote upon any proposed amendment for the reclassification of land, a visit to the site in question shall be made by each Commissioner in order to inspect the physical features of the property and to determine the character of the surrounding area.
- E. Findings for reclassification.
- (1) Where the purpose and effect of the proposed amendment is a reclassification of a particular parcel(s) of property, the Town Commissioners shall make findings of fact in each specific case, including, but not limited to, the following matters: anticipated population change, availability of public facilities to serve the property, present and future transportation patterns, compatibility with existing and proposed development, and compatibility with the Comprehensive Plan. The Town Commissioners shall receive and consider the recommendation of the Planning Commission. The Town Commissioners may grant the reclassification based upon a specific determination and factually supported finding that there has been a substantial change in the character of the area where the property is located or that there is a mistake in the existing zoning classification. The change or mistake standard does not apply to regional or comprehensive rezoning map amendments or to floating zone amendments pursuant to Subsection E(2) below.
 - (2) The procedure for Zoning Map amendments that locate floating zones shall be as set forth in § 210-31 of this chapter. Concurrently with the location of a floating zone, the Town Commissioners may approve a PUD plan which, in addition to the provisions of the applicable floating zone, shall govern the subdivision and/or development of the property subject to the particular floating zone. In approving a floating zone map amendment, the Town Commissioners shall make findings of fact, including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the relationship of the proposed amendment to the Comprehensive Plan. The Town Commissioners shall receive and consider the recommendations of the Planning Commission. The Town Commissioners may approve a floating zone map amendment if they find that the proposed floating zone amendment:
 - (a) Is consistent with the Comprehensive Plan;
 - (b) Is consistent with stated purposes and intent of the particular floating zone sought to be established;
 - (c) Complies with the requirements of this chapter; and
 - (d) Is compatible with adjoining land uses.

- F. Application for reclassification. Every application for a reclassification shall be accompanied by a plat drawn to scale showing the existing and proposed boundaries and such other information as may be needed in order to locate and plot the amendment on the Official Zoning Map. Applications for floating zone amendments also shall include the specific information as outlined in § 210-31 of this chapter.
- G. Filing fee for reclassification. A filing fee, in an amount which shall be determined by the Town Commissioners, shall be charged for processing an application for reclassification.
- H. Repeated application for reclassification. No application for reclassification shall be accepted for filing by the Town Commissioners if the application is for the reclassification of the whole or any part of land for which reclassification has been denied within 12 months from the date of the Town Commissioners' decision.
- I. Changing of Official Zoning Map. It shall be the duty of the Zoning Inspector to cause an updated Official Zoning Map to be prepared promptly after the adoption of any amendments, in order that said map shall always be an up-to-date public record of the zoning districts in the Town.

§ 210-17. Questions of interpretation and enforcement; duties of Town Commissioners.

- A. It is the intent of this chapter that all questions of interpretation and enforcement shall be presented to the Zoning Inspector, or to the Planning Commission in which case the Planning Commission shall present the question to the Zoning Inspector along with any recommendations, and that such questions shall be presented to the Board of Zoning Appeals from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts.
- B. It is further the intent of this chapter that the duties of the Town Commissioners in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this chapter the Town Commissioners shall have only the duties of:
 - (1) Considering and adopting or rejecting proposed amendments, or the repeal of this chapter.
 - (2) Establishing a schedule of fees, charges, and expenses as stated in § 210-11.
 - (3) Appointment of the Zoning Inspector.
 - (4) Appointment of the Planning Commission.
 - (5) Issuance of permits and permit renewals for home occupations.
 - (6) Appointment of Appeals Board by Town Commissioners.

§ 210-18. Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and

shall be filed with the Town Manager. The Zoning Inspector shall then record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

§ 210-19. Violations and penalties.

- A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each and every day such violation occurs shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof and any architect, building contractor, agent, or other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

ARTICLE IV
Zoning Districts

§ 210-20. Districts established.

This Town is hereby divided into the following zoning districts:

Single-Family Residential District	R-1
Multifamily Residential District	R-2
Neighborhood Commercial District	C-1
Roadside Commercial District	C-2
Industrial District	I
Planned Neighborhood District	<u>PN</u>

§ 210-21. Official Zoning Map.

Zoning districts within the corporate limits of the Town of Preston shall be shown on the Official Zoning Map of Preston.

- A. Establishment, attestation, and location. The boundaries of the zoning districts are shown on the Official Zoning Map of Preston, Maryland, which together with all notations and explanatory matter thereon is hereby made a part of this chapter. The Official Zoning Map shall be properly attested and shall remain on file at the Circuit Court of Caroline County, with such copies as may be necessary remaining on file in the Town office.

- B. Changes to Official Zoning Map. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under § 210-19.
- C. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be properly attested, and a notation of the date of adoption shall be entered on the map. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map and any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment of the prior map.

§ 210-22. Interpretation of district boundaries.

- A. Rules for interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
 - (2) Boundaries indicated as approximately following property lines shall be construed as following such property lines.
 - (3) Boundaries indicated as approximately following the incorporated limits of the Town shall be construed as following such incorporated limits.
 - (4) Wherever a district adjoins a river or other body of water the district boundary lines shall be deemed to extend 100 feet beyond the mean low waterline.
 - (5) Boundaries indicated as parallel to or extensions of features indicated in Subsection A(1) through (4) above shall be so construed.
 - (6) Where a boundary line is indicated as obviously not coinciding with property lines, center lines, incorporated or jurisdictional limits, or other features as indicated in Subsection A(1) through (5) above, the boundary shall be determined by the scale of the map.
- B. Interpretation by Board of Zoning Appeals. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or under circumstances not covered under Subsection A, the Board of Zoning Appeals shall interpret the district boundaries.

- C. Parcels divided by district boundary lines. Where a district boundary line divides a parcel which was in single ownership at the effective date of this chapter, the Board of Zoning Appeals may permit, as a special exception, the extension of the district regulations for either portion of the parcel not to exceed 50 feet beyond the district line into the remaining portion of the parcel.

ARTICLE V

District Regulations

§ 210-23. Application of district regulations.

- A. Conformance required. Except as hereinafter specified no land, building, structure, or premises shall be hereafter occupied or used, and no building, other structure, or part thereof shall be located, erected, reconstructed, extended, moved, enlarged, converted, or altered, except in conformity with the district regulations hereinafter provided. No part of a yard or other open space or off-street parking or loading spaces which are required for any building under the provisions of this chapter shall be included as a part of the yard, open space, off-street parking, or loading spaces which are similarly required for any other building.
- B. Requirements are minimums. The district regulations of this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.
- C. Territory not districted. In the event that any territory has not been specifically included within a district, such territory shall automatically be classified in the R-1 District until otherwise classified.

§ 210-24. Supplementary district regulations.

- A. Temporary structures. Temporary buildings and structures, including mobile homes, may be erected or placed on sites in all districts if such buildings or structures are incidental to construction work on the premises. When such construction work is completed or abandoned the temporary building or structure shall be removed.
- B. Traffic visibility. On a corner lot in any district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of 2 1/2 and 10 feet above the center-line grades of the intersection streets, in the area bounded by the street edges of such corner lots and a line joining points along said street lines and 50 feet from the point of intersection.
- C. Structures to have access. Every building hereafter constructed, located, or enlarged shall be on a lot adjacent to a public street or road, or with access to an approved private street, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection equipment, and required off-street parking.
- D. Conversion of or to dwelling. The conversion of a building into a dwelling shall be permitted only if a new building of similar construction as would be present after

conversion would be allowed in the particular district in which the building proposed for conversion is located.

- E. Front yards on through lots and adjacent to bodies of water. In any district, where a lot runs through a block from street to street, and where a front yard is required, such front yard shall be provided along each street. In any district, where a lot lies between a street and a body of water, the front yard shall be the side of the lot which is adjacent to the street.
- F. Lot depth and width, how measured. The depth of a lot shall be considered to be the distance between the mid points of straight lines connecting the foremost points of the side lot lines and the rear most points of the side lot lines. The width of a lot shall be considered to be the average width of the lot from the side lines.
- G. Yard depth and width, how measured. Each front or rear yard depth or side yard width, required herein, shall be measured at right angles (or radially) from the nearest street right-of-way lines, or adjacent property lines.
- H. Wetlands not to be included in required area or yards. In calculating the area of any lot for the purposes of compliance with the minimum requirements of the district regulations, state or private wetlands, as designated on the wetlands boundaries maps of the Department of Natural Resources, State of Maryland, shall not be included as a part of the lot area nor shall such state or private wetlands be included as a part of any yard required herein.
- I. Variance of front yard requirements to preserve existing building line. In all districts, on streets where existing buildings and structures create a clearly defined setback line, a new building may be located in such a manner as to preserve the existing building setback line, even though such building may not provide for the full front yard required herein.
- J. Minimum building standards.
 - (1) All buildings and structures shall be soundly constructed using recognized construction methods and materials.
 - (2) No permit shall be given for any building or structure that is of unusual size, shape, construction, or placement without approval by majority vote of the Planning Commission.
- K. Customary incidental structures. Customary incidental structures as defined in Subsection C of the definition of "structure" in § 210-8 shall not be erected or placed in such a way as to create a safety hazard or to detract from the neighborhood.
- L. Solar collectors. Solar collectors and panels having more than 200 square feet of collecting surface which are placed or erected at a fixed location on the ground shall be deemed to be a structure subject to the provisions of this chapter and require a building permit. Solar collectors or panels permanently attached to or made an integral part of an existing structure shall be considered a modification to said structure subject to the provisions of this chapter when the collecting surface area is more than 200 square feet and the outline shape of the building is altered.

- M. Measurement of setbacks from structures. All setbacks shall be measured from the foundation or base of the structure involved at ground level except where some part of the structure shall overhang the foundation or base by more than four feet in which case the setback shall be measured from the vertical projection to the overhang at ground level.
- N. Fences and walls. Fences and walls erected in conformance with this subsection shall not be subject to setback requirements from property lines. Such fences and walls may be located in the established yards in any zoning district, subject to § 210-24B of this chapter, as follows:
- (1) Fences and walls not exceeding at any point four feet in height above the elevation of the surface of the ground may be located in any front yard, but not beyond the property line. Ornamental front yard fence gates, finials, or other ornamental posts shall not exceed 4 1/2 feet in height. Fences and walls erected behind the front yard setback in any applicable zoning districts as set forth in this chapter shall be permitted to a height of eight feet above grade.
 - (2) Fences and walls not exceeding at any point eight feet in height above the elevation of the surface of the ground may be located in any rear yard or side yard area.
 - (3) A fence or wall in excess of the height limitations established herein shall only be permitted, if at all, as a special exception use, and the Board of Zoning Appeals shall have the authority to grant such a special exception in all zoning districts and to impose conditions concerning maintenance and materials, in addition to any other reasonable conditions.
- O. Swimming pools. All permanent or semi-permanent swimming pools shall be fenced or otherwise enclosed in such a manner as to prevent inadvertent access to swimming pools. All applications for building permits for swimming pools shall include plans for the fence or other structure to enclose the proposed swimming pool. Fences used to enclose swimming pools shall comply with the height limitations set forth in the International Residential Code for One- and Two-Family Dwellings, as amended from time to time.
- P. Corner lot restrictions. On corner lots, all sides of the lot which face a street must comply with the applicable front setback. The sides of the lot which do not face a street must comply with applicable side yard setback.

§ 210-25. R-1 Single-Family Residential District.

- A. Statement of intent. The intent hereof is that this district shall provide uncongested, hazard-free residential neighborhoods which are comprised of single-family detached residences and compatible structures and uses.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the R-1 District:
- (1) Single-family detached dwellings.

- (2) The growing of agricultural crops, including the usual agricultural structures and uses, such as farm dwellings, noncommercial greenhouses, barns, and the like. No livestock shall be permitted in the Town of Preston.
 - (3) Public and private parks and playgrounds.
 - (4) Forestry.
 - (5) Public buildings and structures of a recreational or public services type, to include public or private homeowner or community association buildings and structures.
 - (6) Public information or event signs subject to the provisions of § 210-44 of this chapter.
- C. Special exceptions. The following principal uses and structures may be permitted by special exception in the R-1 District:
- (1) Churches.
 - (2) The home office of a doctor of medicine, dentistry, or psychiatry, provided that the off-street parking requirements of § 210-41 of this chapter shall be met.
 - (3) Cemeteries.
 - (4) Public or private schools.
 - (5) Public or private utility structures, other than essential services, as defined in § 210-3.
 - (6) Bed-and-breakfast inns.
 - (a) Any structure used as a bed-and-breakfast operation must meet all applicable fire, safety and health codes and regulations. Bed-and-breakfast uses shall be subject to all federal, state and county laws and regulations applicable to room rentals.
 - (b) Each bed-and-breakfast establishment must provide two parking spaces plus one additional space for each room which may be provided. The parking spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. In granting a special exception for a bed-and-breakfast establishment, the Board of Zoning Appeals shall specify appropriate buffers to separate parking areas from adjoining residential properties.
 - (c) The structure in which the bed-and-breakfast operation takes place shall be the principal residence of the owner of the property.
 - (d) Meals for guests shall be limited to breakfast provided in an area of the dwelling generally utilized by the resident family for the consumption of food. Meal service shall be subject to Caroline County Health Department approval of food preparation areas.

- (e) No person shall be a guest in a bed-and-breakfast operation for more than five consecutive nights.
- (f) All bed-and-breakfast uses shall have a home occupation permit as set forth in § 210-8.³
- (g) No more than five rooms may be rented to guests and no room may be occupied by more than two guests excluding minor children. In all cases the number of rooms available for rental shall not exceed 35% of the gross habitable floor area of the building. "Gross habitable floor area" shall be defined as the entire floor area of the interior of the building but shall not include garages, attics, basements and storage areas.
- (h) Any structure used as a bed-and-breakfast must provide lavatory and bathing facilities specifically for the use of the guests. Such lavatory and bathing facilities shall be in addition to those facilities to be used by the owners of the property.

D. Accessory uses and structures.

- (1) The following accessory uses and structures shall be permitted in the R-1 District:
 - (a) Private garages, parking areas, and other residential outbuildings and structures.
 - (b) Customary incidental home or farm occupations, providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
 - (c) Signs advertising home occupations, subject to the provisions of § 210-44.
 - (d) Farm signs, subject to the provisions of § 210-44.
 - (e) Temporary real estate signs, subject to the provisions of § 210-44.
 - (f) Nursery schools and adult and child day-care centers.
 - (g) Temporary buildings and structures, other than sales offices, incidental to construction work which shall be removed upon completion or abandonment of the construction work. Sales office trailers shall be removed when the first home in the subdivision is completed.
 - (h) Generally, uses and structures customarily associated with and directly incidental to permitted principal uses and structures.
 - (i) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.
- (2) The following provisions shall apply to accessory structures:

3. Editor's Note: See the definition of "home-based business" in § 210-8.

- (a) Accessory structures shall be located only in a rear yard or side yard, except for signs allowed herein.
 - (b) No accessory structure exceeding 250 square feet in floor area or part thereof shall be located less than 15 feet from any side or rear lot line.
 - (c) No minor accessory structure with a foundation or part thereof shall be located less than three feet from any side or rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the edge of the street pavement.
- E. Height regulations. No building or structure shall exceed 40 feet in height. This height limitation shall not apply to: roof structures for housing mechanical equipment or stairways, fire or parapet walls, steeples, flagpoles, masts, monuments, or essential services as defined in § 210-3, or other utility structures.
- F. Area, width and yard requirements.
- (1) The minimum requirements for the R-1 District shall be as follows:
 - (a) Lot area: 16,000 square feet.
 - (b) Lot width: 85 feet.
 - (c) Front yard depth:
 - [1] Thirty-five feet from Town street right-of-way line.
 - [2] Fifty feet from state road right-of-way line.
 - [3] Fifty feet from county road right-of-way line.
 - (d) Side yard width: 15 feet.
 - (e) Side yard width for accessory structures: 15 feet.
 - (f) Side yard width for minor accessory structures: three feet.
 - (g) Rear yard depth: 25 feet.
 - (h) Rear yard depth for accessory structures: 15 feet.
 - (i) Rear yard depth for minor accessory structure: three feet.
 - (j) Minimum living space of primary dwelling: 1,400 square feet.
 - (2) The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 40%. Anything over 40% must be approved by the Board of Appeals as a variance.
- G. One principal use permitted. No more than one principal use shall be permitted on a conforming or valid existing nonconforming lot except as authorized as a special exception by the Board of Zoning Appeals.

§ 210-26. R-2 Multifamily Residential District.

- A. Statement of intent. The intent hereof is that the R-2 District shall provide land for moderate-density multifamily residential uses and certain other uses and structures which are compatible therewith.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the multifamily zoning:
- (1) The same permitted principal uses and structures as for the R-1 District.
 - (2) Townhouses and two-family dwellings.
 - (3) Garden-type apartments.
 - (4) Condominiums.
- C. Special exceptions. Except for bed-and-breakfast uses, the same principal uses and structures may be allowed by special exception as for the R-1 District.
- D. Accessory uses and structures.
- (1) The following accessory uses and structures shall be permitted in the R-2 District:
 - (a) Private garages, parking areas, and other customary residential outbuildings and structures.
 - (b) Customary incidental home or farm occupations, providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
 - (c) Signs advertising home occupations, subject to the provisions of § 210-44.
 - (d) Farm signs, subject to the provisions of § 210-44.
 - (e) Temporary real estate signs, subject to the provisions of § 210-44.
 - (f) Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
 - (g) Generally, uses and structures customarily associated with and directly incidental to permitted principal uses and structures.
 - (h) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.
 - (2) The following provisions shall apply to accessory structures:
 - (a) Accessory structures shall be located only in the rear yard or side yard, except for signs allowed herein.

- (b) No accessory structure exceeding 250 square feet in floor area or part thereof shall be located less than eight feet from any side yard or 15 feet from the rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the edge of the street pavement, sidewalk or proposed sidewalk.
 - (c) No minor accessory structure or part thereof shall be located less than three feet from any side or rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the edge of the street pavement, sidewalk or proposed sidewalk.
 - E. Height regulations. The same height regulations shall apply as for the R-1 District.
 - F. Area, width and yard requirements.
 - (1) The minimum requirements for the R-2 District shall be as follows:
 - (a) Lot area: 8,500 square feet or 3,600 square feet per dwelling unit whichever is more.
 - (b) Lot width: 75 feet.
 - (c) Front yard depth:
 - [1] Thirty-five feet from Town street right-of-way line.
 - [2] Fifty feet from state road right-of-way line.
 - [3] Fifty feet from county road right-of-way line.
 - (d) Side yard width: 15 feet. (Note: Except that none shall be required for townhouses which are not end units in a row. End units shall be required to have a fifteen-foot-wide side yard on their exposed side.)
 - (e) Side yard width for accessory structure: eight feet.
 - (f) Side yard width for minor accessory structure: three feet.
 - (g) Rear yard depth: 25 feet.
 - (h) Rear yard depth for accessory structure: 15 feet.
 - (i) Rear yard depth for minor accessory structure: three feet.
 - (2) The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 40%. Anything over 40% must be approved by the Board of Appeals as a variance.
- G. One principal use permitted. No more than one principal use shall be permitted on a conforming or valid existing nonconforming lot except as authorized as a special exception by the Board of Zoning Appeals.

§ 210-27. C-1 Neighborhood Commercial District.

- A. Statement of intent. The intent hereof is that the C-1 District shall be used to provide for general localized commercial services, and shall not include large-scale commercial activities, nor include highway-oriented commercial activities.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C-1 District:
- (1) All of the principal uses and structures permitted in the R-2 District.
 - (2) Antiques shops, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (3) Art shops, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (4) Grocery or food store, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (5) Beauty shop and barbershop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (6) Florist shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (7) General dry goods and/or hardware store, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (8) Gift shop and book shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (9) Pharmacy, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (10) Shoe repair shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (11) Taxidermy business, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (12) Upholstery shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (13) Professional office, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (14) Bank, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (15) Coin-operated laundromat, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (16) Boardinghouses and lodging houses, providing that no such use shall exceed 3,000 square feet of gross floor area.

- (17) Tailor shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
 - (18) Retail businesses generally, but not including uses which would comprise a nuisance to adjacent property owners due to excessive noise, traffic, light or other offensive conditions, and not including any building in excess of 3,000 square feet of gross floor area.
 - (19) Day-care centers, adult and child.
- C. Special exceptions. The following principal uses and structures may be permitted by special exception in the C-1 District:
- (1) All uses and structures listed in Subsection B, but providing that such businesses may have greater than 3,000 square feet of gross floor area but no greater than 10,000 square feet of gross floor area.
 - (2) Bakery, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (3) Business offices, providing that no such use shall occupy greater than 10,000 square feet of floor area.
 - (4) Dry cleaning, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (5) Clubs, lodges, restaurants and food carry-out establishments, not including drive-in type eating places, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (6) Funeral establishments and chapels, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (7) Farm implement sales, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (8) Automobile and farm equipment repair and service establishments, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (9) Hotel, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (10) Newspaper and print shop, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (11) Building supplies and warehousing of building supplies, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (12) Frozen food lockers, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (13) Commercial swimming pool, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.

- (14) Commercial greenhouses, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (15) Rest homes, nursing homes, or other institutions for human care or the treatment of noncontagious diseases, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
 - (16) Utilities, other than essential services as defined in § 210-3.
 - (17) Off sale alcoholic beverages.
 - (18) Additional permitted uses on a conforming or valid existing nonconforming lot of record.
 - (19) Signs in excess of the maximum permitted size and in compliance with the design principles set forth in the Comprehensive Plan.
 - (20) Clinic, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 2-2-2015 by Ord. No. 2015-0126]**
 - (21) Group home or halfway house, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 2-2-2015 by Ord. No. 2015-0126]**
 - (22) Marijuana growing facility, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 10-5-2015 by Ord. No. 2015-0924015]**
- D. Accessory uses and structures. The following accessory uses and structures shall be permitted in the C-1 District:
- (1) Private garages, parking areas, and other customary residential outbuildings and structures.
 - (2) Customary incidental home or farm occupations, providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
 - (3) Signs of the types listed in § 210-44, and subject to the provisions of § 210-44.
 - (4) Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
 - (5) Generally uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
 - (6) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.
- E. Height regulations. The same height regulations shall apply as for the R-1 District.
- F. Area, width and yard requirements.

- (1) The minimum requirements for the C-1 District shall be as follows:
 - (a) Front yard depth: 20 feet from right-of-way line.
 - (b) Side yard depth: none, except a side yard of 15 feet shall be required when such use is adjacent to a residential building or district.
 - (c) Rear yard depth: 20 feet.
- (2) The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 70%.

G. Principal uses permitted.

- (1) Residential dwelling units and no more than one other principal use shall be permitted on a conforming lot or valid nonconforming lot.
- (2) The Board of Zoning Appeals may grant additional principal uses on conforming lots or valid existing nonconforming lots by special exception.
- (3) All residential uses pursuant to this section shall be subject to permits to be approved of by the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. These permits shall be subject to such conditions as the Planning Commission and the Town Commissioners impose.
- (4) All residential units shall be subject to the following conditions:
 - (a) There shall be at least two-off-street parking spaces for each residential unit.
 - (b) All residential units shall be subject to satisfactory inspections in accordance with the adopted Preston Town Building Code,⁴ the Caroline County Electric Code, Caroline County Health Department regulations, the State Fire Code and the Caroline County Plumbing Code. The property owner shall be responsible for all inspection fees.
- (5) Nothing in this section shall authorize the Town Commissioners to issue a permit that would be in violation of any other provision of this chapter.

§ 210-28. C-2 Roadside Commercial District.

- A. Statement of intent. It is the intent hereof that the C-2 District shall provide for certain types of commercial uses which are directly related to highway or street activity and which customarily are located adjacent to major streets or roads.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C-2 District:
 - (1) Gasoline sales.

4. Editor's Note: See Ch. 25, Building Codes.

- (2) Sales of snacks, soft drinks, and miscellaneous items, such use not to exceed 600 square feet of gross floor area.
 - (3) Service and minor repair of motor vehicles.
 - (4) Uses and structures permitted in the C-1 District.
- C. Special exceptions. The following principal uses and structures may be permitted by special exception in the C-2 District:
- (1) Major repair of motor vehicles.
 - (2) Sale of motor vehicles.
 - (3) Utilities, other than essential services as defined in § 210-3.
 - (4) Additional permitted uses on a conforming or valid existing nonconforming lot.
 - (5) Clinic, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 2-2-2015 by Ord. No. 2015-0126]**
 - (6) Group home or halfway house, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 2-2-2015 by Ord. No. 2015-0126]**
 - (7) Marijuana growing facility, providing that no such use shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line. **[Added 10-5-2015 by Ord. No. 2015-0924015]**
- D. Accessory uses and structures. The following accessory uses and structures shall be permitted in the C-2 District:
- (1) Uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
 - (2) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception has been granted by the Board of Zoning Appeals.
- E. Height regulations. The same height regulations shall apply as for the R-1 District.
- F. Area, width and yard requirements.
- (1) The following minimum requirements shall apply for the C-2 District:
 - (a) Front yard depth: 30 feet from right-of-way line.
 - (b) Side yard width: 10 feet.
 - (c) Rear yard depth: 20 feet.
 - (2) The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 85%.
- G. Principal uses permitted.

- (1) Residential dwelling units and no more than one other principal use shall be permitted on a conforming lot or valid nonconforming lot.
- (2) The Board of Zoning Appeals may grant additional principal uses on conforming lots or valid existing nonconforming lots by special exception.
- (3) All residential uses pursuant to this section shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- (4) All residential units shall be subject to the following conditions:
 - (a) There shall be at least one-off-street parking space for each residential unit.
 - (b) All residential units shall be subject to satisfactory inspections in accordance with the adopted Preston Town Building Code,⁵ the Caroline County Electric Code, Caroline County Health Department regulations, the State Fire Code and the Caroline County Plumbing Code. The property owner shall be responsible for all inspection fees.
- (5) Nothing in this section shall authorize the Town Commissioners to issue a permit that would be in violation of any other provision of this chapter.

§ 210-29. I Industrial District.

- A. Statement of intent. It is the intent hereof that the I Zone should be used to provide for industrial uses and structures which have limited effects upon the use of surrounding land, and not to include any industrial use which creates unfavorable or offensive conditions.
- B. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the I District:
 - (1) Permitted uses:
 - (a) Research, testing and development laboratories.
 - (b) Printing, publishing, binding, packaging, storage, and warehousing.
 - (c) Storage and processing of farm products.
 - (d) Manufacturing or assembling from prepared materials.
 - (e) Firms manufacturing textile, clothing, hosiery, electronic equipment, appliances, and mechanical instruments.
 - (f) Contractor's yard for storage of material and equipment.
 - (g) Bottling or distribution stations for beverages.

5. Editor's Note: See Ch. 25, Building Codes.

- (h) Building materials and lumber yards, including incidental mill work, provided they shall be distant at least 100 feet from any dwelling, school, church, or institution for human care.
 - (i) Trucking and freight stations, terminals and storage yards.
 - (j) Manufacture or assembling from prepared materials of the following: musical instruments, clocks or watches, toys or novelties, electronic devices, light sheet metal products, machine tools and machinery not requiring the use of a punch press over 100 tons rated capacity or drop hammer, and office equipment.
 - (k) Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, and contractor's equipment storage yard or plant.
- (2) The following are permitted as accessory uses and structures:
- (a) Retail sale of products manufactured or processed on the premises.
 - (b) Other accessory uses and structures clearly incidental and customary to and associated with the permitted use.
- C. Special exceptions. The same principal uses and structures may be permitted by special exception as for the C-2 Zone.
- D. Accessory uses and structures. The following accessory uses and structures shall be permitted in the I Zone:
- (1) Private garages, parking areas, and other customary residential outbuildings and structures.
 - (2) Customary incidental home or farm occupations, providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
 - (3) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
 - (4) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.
- E. Height regulations. The same height regulations shall apply as for the R-1 District.
- F. Area, width and yard requirements.
- (1) The minimum requirements for the Industrial I Zone shall be as follows:
 - (a) Lot area: one acre (43,560 square feet).
 - (b) Lot width: 150 feet.
 - (c) Front yard depth: 60 feet from the right-of-way line.

- (d) Side yard width: 25 feet.
- (e) Rear yard depth: 60 feet.
- (2) The maximum site coverage by all buildings, including those serving principal and accessory uses, shall be 60%. Anything over 60% must be approved by the Board of Appeals as a variance.
- G. One principal use permitted. No more than one principal use shall be permitted on a conforming or valid existing nonconforming lot except as authorized as a special exception by the Board of Zoning Appeals.

ARTICLE VI

Overlay and Floating Districts**§ 210-30. Village Overlay Zone.**

A. Intent and purpose.

- (1) The intent and purpose of the Village Overlay Zone is:
 - (a) To implement the recommendations of the Comprehensive Plan to use traditional "small town" or neighborhood type development to create attractive and diverse environs within the traditional Preston Town center.
 - (b) To preserve patterns of design and development within the Village Overlay Zone and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the Town.
- (2) Within the Village Overlay Zone, a Village Redevelopment Sub-Area is hereby established. In addition to the purpose and intent of the Village Overlay Zone which is set forth above, the Village Redevelopment Sub-Area is intended to implement the recommendations of the Comprehensive Plan to promote and encourage revitalization of the existing downtown or village center by permitting small-scale commercial and/or nonresidential development by special exception at appropriate locations, provided that such development complies with the goals and objectives of the Village Overlay Zone, and the design standards set forth in this chapter.

B. Specific goals and objectives.

- (1) The goals and objectives of the Village Overlay Zone are:
 - (a) To maintain the intimate human scale and setting that make Preston a desirable place to live by requiring design for the human scale and perceptions.
 - (b) To serve communities with streets that are interesting, that encourage slow vehicular speed and that result in a pedestrian-friendly environment.

- (c) To create a pleasant and functional pedestrian realm that consists of common open spaces, tree-lined streets, landscaped transition areas (between public and private spaces) and utility corridors.
 - (d) To reduce issues of nonconformity by recognizing the appropriateness of the existing mix of land uses, building types and structure placement in the designated Village Overlay Zone.
 - (e) To create compact, identifiable neighborhoods with distinct yet compatible character to the rest of the Town.
 - (f) To enhance Preston's sense of place in its rural and regional setting by maintaining the small town feel and vistas of open farmland.
 - (g) To accommodate a mix of housing densities, and building types.
 - (h) To integrate appropriate details in building design, including protection of the village's architectural massing, composition and styles as well as neighborhood scale and character.
 - (i) To encourage compatibility of new construction and structural alteration with the existing scale and character of surrounding properties.
 - (j) To encourage existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community.
 - (k) To preserve the village streetscape.
- (2) In addition to the goals and objectives of the Village Overlay Zone, the following goals and objectives also apply in the Village Redevelopment Sub-Area:
- (a) To encourage small-scale, nonresidential redevelopment within the traditional Town center, by special exception, at appropriate locations provided that such redevelopment complies with the goals and objectives of the Village Overlay Zone and the design standards set forth in this chapter.
 - (b) To ensure that any nonresidential development in the Village Redevelopment Sub-Area is consistent with the village's scale and character, and is appropriately integrated with surrounding properties.

C. Applicability and definitions.

- (1) **Applicability.** The provisions of the Village Overlay Zone shall apply to new construction involving structural alterations and new structures on all land as designated by this overlay zone to the existing underlying zone districts. The provisions shall serve to supplement the underlying zoning district regulations in order to support the purposes noted in Subsection B. Where a nonresidential use is permitted by special exception in the Village Redevelopment Sub-Area, any new construction shall comply with the provisions of the Village Overlay Zone and the design standards set forth in this chapter.
- (2) **Definitions.** For purposes of the Village Overlay Zone and the Village Redevelopment Sub-Area, the following definitions apply:

NEW CONSTRUCTION INVOLVING STRUCTURAL ALTERATION — The expansion of the footprint of an existing structure or structures, such as adding a new room, but not interior construction which would not be visible from a public way. Repairs are not considered "new construction involving structural alteration." Enlargement of building size or bulk, or alterations which impact upon the building facade, visible from a public way, shall constitute new construction subject to the Village Overlay Zone.

NEW DEVELOPMENT — The creation of additional or new building lots or parcels.

NEW STRUCTURE — The addition of a new building or other structure to an existing parcel of land.

- D. Enforcement. In the Village Overlay Zone and the Village Redevelopment Sub-Area, new construction, including new buildings, enlargement to building size or bulk, structural alterations to existing structures which have an impact upon the street facade and any change of use that is permitted only by virtue of the Village Overlay Zone provisions, shall be reviewed for compliance with this section by the Planning Commission in accordance with the provisions of Subsections J through L.
- E. Locations. The Village Overlay Zone shall be used in areas identified on the Official Zoning Map and described in the Comprehensive Plan. It will be applied in addition to, and overlay, the underlying zoning. Within the Village Overlay Zone, the Village Redevelopment Sub-Area shall apply to areas identified on the Official Zoning Map and as identified in Table B of this section. The Village Redevelopment Sub-Area shall be applied in addition to and overlay the underlying zoning.
- F. Permitted uses. Uses as specified in the underlying zone shall be permitted by right in the Village Overlay Zone and in the Village Redevelopment Sub-Area.
- G. Conditional uses. Other uses may be permitted by special exception and as specified in the underlying zone as conditional uses.
- H. Special exception uses within the Village Redevelopment Sub-Area. The following uses are permitted in the Village Redevelopment Sub-Area by special exception:

Village Redevelopment Sub-Area (VRA)	
Use Description	VRA
Residential	
Dwelling - townhouse	SE
Accessory Dwelling Unit (size limited to 50% of principal structure; not to exceed 1,500 square feet)	
In conjunction with a principal residential use (limited to 1 accessory dwelling unit per parcel)	SE
In conjunction with a principal commercial use	SE
Home-Based Business	

Village Redevelopment Sub-Area (VRA)	
Use Description	VRA
Type 2 home-based business	SE
Day-care center, group	SE
Bed-and-breakfast	SE
Institutional	
Churches and parish halls, temples and convents and monasteries, houses of worship	SE
Libraries, museums	SE
Medical facility	SE
Recreation, Amusement, Entertainment	
Community center including indoor recreation	SE
Indoor recreation	SE
Emergency Services	
Fire stations without assembly hall	SE
Fire station with assembly hall	SE
Rescue squad, ambulance service	SE
Utilities	
Essential service	SE
Commercial - Service	
Barbershop, beauty salon, nail salon	SE
Service establishments, including laundry, appliance repair, equipment or instrument repair or rental, dry cleaning, hairdresser shop, pet grooming shop, upholstery shop, tailor and other similar uses	SE
Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment	SE
Advertising agencies	SE
Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music	SE
Bakery	SE
Financial institutions, building and loan associations, savings and loan associations, banks, credit unions, mortgage companies, or finance offices or other financial institutions	SE

Village Redevelopment Sub-Area (VRA)	
Use Description	VRA
Business uses including insurance, real estate, and computer centers	SE
Professional uses, including medical, legal, accounting, engineering, surveying, and architectural offices and other uses of a similar nature	SE
Entertainment uses compatible with surrounding neighborhoods	SE
Commercial - Retail and Wholesale	
Specialty food stores including but not limited to coffee shops, ice cream, organic foods, and delicatessen	SE
Specialty retail stores including but not limited to antiques, florist, gift, music, and movie rental	SE
Convenience/mini-market but not including gasoline pumps	SE
General merchandise	SE
Alcoholic beverage sales/liquor stores, off-site	SE
Restaurant, dine-in, carry-out, delivery	SE

Key:

SE - Use subject to special exception from the Board of Zoning Appeals.

- I. Density and lot size. The maximum density shall be eight dwelling units per acre. Accessory dwelling units that rely on the same water connection shall not be counted in the overall density calculation. The subdivision process must demonstrate the feasibility of future building placement in accordance with the requirements of the Village Overlay Zone.
- J. Provisions governing residential land use, lots and buildings.
 - (1) Different types of residential dwellings may be mixed on the same block or lot. A residential building may be mixed with a nonresidential building on the same block or lot by special exception. A residential use may be mixed with nonresidential uses in the same building provided the nonresidential use has a separate front entrance.
 - (2) Buildings should not exceed three stories in height. Chimneys, antennas, flagpoles, and other details, such as steeples, cupolas, and widow's walks, are not bound by this general rule.
 - (3) The required yard depth shall be five feet from the front lot line, edge of sidewalk, or the existing building line, whichever standard provides the greatest yard depth, except that the front yard may be equal to the front yard depth on the

adjoining property. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot.

- (4) The minimum side yard width shall be no less than the side yard width on the adjoining property, or five feet, whichever is greater. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot, except when a reduced side yard width is permitted in the underlying zone.

K. Provisions governing commercial and mixed land use, lots and buildings.

- (1) Nonresidential uses must be existing nonconforming uses or have been permitted by variance or special exception. Nonresidential uses set forth in Subsection G may be permitted in the Village Redevelopment Sub-Area by special exception.
- (2) All nonresidential uses must be constructed on lots that contain at least 6,000 square feet, and maintain a minimum width of 50 feet to allow for off-street parking and deliveries.
- (3) Buildings shall be located at least five feet from the front lot line, or from the nearest sidewalk edge, or shall be consistent with the yard depth created by the location of adjacent buildings. The applicable standard in any specific case shall be that which creates the greatest front yard depth, except where the location of existing buildings creates a de facto front yard depth on adjacent lots. Sidewalks should be located between the street and the building front.
- (4) The minimum side yard width shall be no less than the side yard width on the adjoining property, or five feet, whichever is greater. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot, except when a reduced side yard width is permitted in the underlying zone. If there is no building on the adjoining lot, then the minimum side yard width shall be the same as the underlying zone. However, the exterior of the structure must be accessible for maintenance on all sides from within the lot lines of the property on which the building is constructed. The side and roof of two-story structures must be accessible for scaffolding, which normally requires a five-foot minimum width that is unobstructed. Also, a minimum of 10 feet, on at least one side, must be provided for unobstructed vehicular access on any parcel not served by a rear yard access road or alley.
- (5) Adequate space shall be provided for parking, maneuvering, landscaping, and private yard areas when residential uses are included.

L. Parking. Parking shall be provided in accordance with § 210-41. However, in the Village Overlay Zone, all required off-street parking is encouraged to be located in the side or rear yard area. Additional special requirements for the Village Overlay Zone follow:

- (1) Parking along the side of residential buildings must be screened from neighboring properties.
- (2) When access is from the street frontage, garages or carports shall be located behind the main building facade. However, garage doors should be oriented toward the side or rear whenever possible.

- (3) If off-street commercial parking spaces are required, no less than 50% of those spaces shall be to the rear of the building. Parking shall not be located in the required front yard.
- M. Design provisions. The Planning Commission will rely on the Comprehensive Plan and the Village Overlay District Design Guidelines and the design standards set forth in §§ 210-47 through 210-50 of this chapter concerning issues of design, neighborhood and community character, and compatibility. In general, these call for the following characteristics:
- (1) Traditional neighborhoods should have recognizable edges while still blending and continuing the overall character of Preston. Accordingly, linear clustering and the creation of common linear open spaces, buffer screens, and pedestrian paths are strongly encouraged.
 - (2) The mass and spatial relationships of new buildings shall be compatible in size and scale with those found within the Village Overlay Zone.
 - (3) Building fronts shall face the street.
 - (4) Front porches are encouraged on all single-family dwellings.
 - (5) Exterior materials shall be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional or muted tones.
 - (6) Shade trees and other plant materials satisfactory to the Planning Commission should be provided along street frontages occupied by a home and in any other required screens or buffer plantings. All deciduous trees planted as a condition of site plan approval shall not be less than eight feet in height nor less than two-inch caliper.
 - (7) Within this overlay zone, the Town of Preston encourages an architectural style which is best described as "traditional." Favorable consideration will be given to building permit applications for new construction and remodeling where the plans include styling features of the older houses in the Town, such as higher, more traditional roof pitch, and/or a substantial front porch. Building permit applications for modern or "contemporary" design will be discouraged within the Village Overlay Zone. Within the Village Overlay Zone, replacement construction and remodeling building permit applications will receive favorable consideration in appeals for setback variance where the construction is within the original footprint and the plan is for a traditional look.
- N. Site plan. An approved site plan for development within the Village Overlay Zone and the Village Redevelopment Sub-Area shall be required and shall follow the procedural and substantive requirements for site plan submittal, review, and approval, as set forth in site plan requirements and review procedure contained in Chapter 175, Subdivision of Land. However, the Planning Commission may require a scale larger than the minimum, if needed for clarity and usefulness.
- O. Additional requirements. The Planning Commission, at its discretion, may require a series of photographs and sketches of the proposed Village Overlay Zone development

site from various vantage points, both on- and off-site, to provide graphic descriptions of existing and post-development views. Sketches should be of sufficient accuracy and detail to convey adequate information about the proposed general streetscape appearance, landscaping, buildings, parking and circulation proposed in order to facilitate findings of compatibility with the character of the neighborhood and the community. However, they do not need to be expensive presentation renderings. Photographs may be in digital form but should be large enough to facilitate easy comparison to the sketch studies. The sketches, photographs, and any other supporting documentation submitted for review should accompany the preliminary site plan in order to:

- (1) Illustrate issues and features of the concept plan;
- (2) Improve communication between the Planning Commission and the applicant; and
- (3) Promote streamlined review at subsequent stages when plans have begun to firm up and before substantial funds are expended on engineering and detailed design.

§ 210-31. Floating zones.

- A. Purpose and intent. The purpose of the designated floating zones is to permit the specific and detailed mapping of areas for planned unit developments (PUD). The floating zones provide a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.
- B. Town findings. The Town Commissioners and Planning Commission find that they are not able to plan, locate and map the floating zones in advance, and that it is desirable to leave specific locations and conditions of the zones for future determination as the Town grows and specific transportation patterns, public open space, public infrastructure, and other specific public needs and benefits are identified. These zones are intended to permit design flexibility for land developed pursuant to a unified general development plan.
- C. Designation of floating zones. The following zoning districts are floating zones, which may only be located in accordance with the provisions of this section:
 - (1) PN – Planned Neighborhood District.
 - (2) PRC – Planned Regional Commercial District.
 - (3) HCM – Highway Commercial Mixed District.
- D. Land uses in floating zones. The uses permitted within a floating zone shall be as established by the land use table set forth in this chapter, which shall prevail over conflicting requirements of this chapter or Chapter 175, Subdivision of Land.
- E. Required procedures.
 - (1) The procedures for amending the Official Zoning Map to locate a floating zone and approval of a PUD plan are set forth in Subsection F. Location of a floating

zone by the Town permits the use and development of the subject property in accordance the provisions of the floating zone and the approved PUD plan; however, no construction, improvement, use or development of the subject property may occur until applicable construction, use and/or occupancy permits are issued.

- (2) The procedures for amendment of a PUD plan are set forth in Subsection G.
- (3) Any development, site plan or subdivision approval for land subject to a floating zoning district shall be consistent with the provisions of the floating zone and the specific PUD plan applicable to the property, as approved or amended by the Town Commissioners.
 - (a) The administrative procedures for approval of a site plan for property located within a floating zone are set forth in Subsections F and G of this section. Site plans shall conform to the approved PUD plan, including the PUD design standards.
 - (b) The administrative procedures for approval of a subdivision located within a floating zone shall be those of Chapter 175, Subdivision of Land. Final subdivision plats shall conform to the approved PUD plan.

F. Location of floating zones; process for PUD plan approval.

- (1) PUD plan review process; purpose. The purpose and intent of the planned unit development (PUD) plan approval process is to provide for the creation of carefully planned, well-designed residential, commercial and/or mixed-use communities at appropriate locations.
- (2) Development Performance Guidelines. Applicants shall be guided throughout the review process by the Preston Development Performance Guidelines. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design guideline criteria are not intended to restrict creative solutions or to dictate all design details. The Preston Development Performance Guidelines serve as a tool for the Town planning staff by providing a checklist of elements to be considered. The guidelines also inform the design professionals of items that should be considered or included from the outset of the design process.
- (3) Preliminary application. Preliminary application for a floating zone amendment and PUD plan approval shall be made to the Town Commission and Planning Commission in a joint meeting. Preliminary applications shall include:
 - (a) A written petition for location of a floating zone district and approval of a PUD plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
 - (b) A narrative describing the following:
 - [1] Statement of present and proposed ownership of all land within the development;

- [2] Overall objectives of the proposed planned unit development and a statement of how the proposed planned unit development corresponds to and complies with the goals and objectives of this chapter, and the proposed floating zone;
 - [3] Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
 - [4] Storm drainage areas and description of stormwater management concepts to be applied;
 - [5] Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
 - [6] School availability and school population impact analysis;
 - [7] General description of architectural and landscape elements, including graphic representations; and
 - [8] If petitioner desires to develop the property in phases, a preliminary phasing plan, indicating the phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - [a] If different land use types are to be included within the planned unit development, the plan should include the mix of uses anticipated to be built in each phase.
 - [b] All proposed phases must be approved by the Planning Commission prior to the beginning of Phase 1 construction.
- (c) A concept PUD plan, which includes:
- [1] Boundary survey of the area subject to the application.
 - [2] Graphic and tabular presentation of proposed site development information that clearly depicts the following:
 - [a] Total acreage of subject property and identification of all adjoining landowners;
 - [b] Description of proposed land uses, including residential, commercial, institutional, and recreational;
 - [c] Maximum number of dwelling units, approximate densities of residential areas and anticipated population;
 - [d] Land area and locations generally allocated to each proposed use; and
 - [e] Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities.
- (4) Referral of preliminary application to Planning Commission.

- (a) If the joint meeting of the Planning Commission and the Town Commissioners finds that the preliminary application for a floating zone amendment and PUD plan approval is generally consistent with Chapter 175, Subdivision of Land, the preliminary application shall be conditionally approved and referred to the Planning Commission for further review in accordance with Subsection F(5) below. "Conditional approval" as used herein means only that the Town Commissioners have made a preliminary finding that the proposal is generally consistent with this chapter. Conditional approval shall authorize the Planning Commission, Town staff, and Town consultants to continue to analyze the proposal subject to all applicable review processes and procedures.
- (b) No development, construction, or site preparation may occur until:
 - [1] A floating zone has been applied to the property by legislative action of the Town Commissioners;
 - [2] A PUD plan is approved for the floating zone by the Town Commissioners; and
 - [3] A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies with jurisdiction.
- (5) PUD plan submittal to the Planning Commission. After the Planning Commission and the Town Commissioners conditionally approve the preliminary application and concept PUD plan, the petitioner shall submit the following to the Planning Commission for review and recommendations to the Town Commission in accordance with § 175-14 of Chapter 175, Subdivision of Land. The Town Manager shall comply with § 175-14C(2) of Chapter 175, Subdivision of Land, regarding bulk mailing.
 - (a) Graphic PUD plan requirements.
 - [1] PUD plan that includes the following individual sheets. Single sheets shall not exceed 36 inches by 48 inches. Plans should be presented at a scale no smaller than one inch equals 400 feet such that the entire site may be shown on a single sheet.
 - [a] Conditionally approved concept PUD plan.
 - [b] Boundary survey, including identification of adjacent property owners.
 - [c] Existing condition information, including (information may be displayed on more than one sheet for clarity):
 - [i] Topographic survey (minimum one-foot contour interval);
 - [ii] Soils;
 - [iii] Forested areas and tree lines;
 - [iv] Wetlands, hydric soils, streams and water features;

- [v] Steep slopes;
 - [vi] Easements and deed restrictions;
 - [vii] Roads, driveways and rights-of-way;
 - [viii] Existing buildings; and
 - [ix] Existing land uses.
- [d] Proposed open space, protected areas, and public and private parks.
- [e] Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments.
- [f] Detailed plan of at least one phase, showing:
- [i] Road alignments;
 - [ii] Lot configuration;
 - [iii] Commercial area plan, if applicable;
 - [iv] Public and private open space(s);
 - [v] Perspective streetscape (typical for represented phase);
 - [vi] Examples of proposed residential and commercial architecture;
 - [vii] Plan view, perspective and elevations of private and/or public community facilities; and
 - [viii] Plan view, perspective and elevations of entrance to PUD, including gateway improvements, if applicable.
- [g] Phasing plan, including:
- [i] The general boundaries or location of each phase. Although the phasing plan shall include the information required by Subsection F(5)(a)[1][g][ii] and [iii] below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities or public facilities within each phase.
 - [ii] The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - [iii] If different land use types are to be included within the planned unit development, the plan should include the approximate mix of uses anticipated to be built in each phase.
- [2] Studies and reports by qualified professionals.

- [a] Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county and Town) roads and major existing intersections within Preston Town limits that may be impacted by traffic generated by the proposed project.
 - [b] Non-tidal wetlands delineation.
 - [c] Endangered species study prepared by qualified professionals.
 - [d] Historical and archaeological survey.
- [3] PUD design standards, which shall generally conform to the elements of the Preston Development Performance Guidelines. The PUD design standards should provide specific detail regarding:
- [a] Site design standards in designated neighborhood and/or commercial areas, including permitted uses, building types, frontage, setbacks and lot sizes, building heights, parking, street widths and cross sections, sidewalks, lighting, and road geometry.
 - [b] Building standards for designated neighborhood and/or commercial areas, including size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.
 - [c] Landscape standards, including location and scope, materials, and scheduling.
- [4] Project scheduling information, including anticipated permitting hearings, approvals, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town planning agencies as a tool for long-range planning activities, but shall not be binding.)
- [5] The PUD plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:
- [a] Sanitary and storm sewers, water mains, culverts, and other underground structures.
 - [b] Streets, roads, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems.
 - [c] Parks, parkways, walking paths, cycleways, playgrounds, and open spaces.
- (b) The PUD plan shall comply with requirements of this section and §§ 175-14 through 175-29, inclusive, of Chapter 175, Subdivision of Land.
- (c) The Town Commission and/or the Planning Commission may establish additional and supplemental requirements for the PUD plan during its

consideration of the preliminary application, if it determines such requirements are necessary to enable the Town Commissioners to evaluate the particular floating zone amendment request.

- (6) Planning Commission review and recommendation floating zone amendment and PUD plan.
 - (a) The Planning Commission shall review the floating zone amendment request and PUD plan for compliance with the requirements of this chapter.
 - (b) The Planning Commission shall evaluate the degree to which the floating zone request and PUD plan incorporate and/or address the Preston Development Performance Guidelines.
 - (c) The Planning Commission may make recommendations to the petitioner regarding changes to the PUD plan proposal which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements the Preston Development Performance Guidelines and the goals and objectives of this chapter. The petitioner may resubmit the PUD plan to the Planning Commission in consideration of the Commission's comments. If after four PUD plan submissions the PUD plan has not received a favorable recommendation from the Planning Commission, the Commission shall make a negative recommendation to the Town Commissioners setting forth its reasons as to why the PUD plan should not be approved.
 - (d) The Planning Commission shall consider and comment on the findings required of the Town Commissioners by § 210-16E(2) and shall make a favorable or negative recommendation to the Town Commissioners.
 - (e) The Planning Commission shall return the PUD plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Town Commissioners for action pursuant to the floating zone and PUD plan approval process.
- (7) Town Commissioners approval of floating zone and PUD plan.
 - (a) The Town Commissioners shall review the PUD plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
 - (b) The Town Commissioners may approve or disapprove the proposed floating zone map amendment and associated PUD plan, with any revisions, in their legislative discretion, and subject to all hearing requirements and necessary findings for map amendments and the application of a floating zone to a particular area, as more particularly set forth in other provisions of this chapter.
 - (c) After approval of a floating zone amendment by the Town Commissioners, two complete copies of the approved PUD plan shall be filed with the Town Manager. One additional complete copy of the approved PUD plan shall be filed with the Planning Commission for reference during its subsequent review and approval of subdivision plats and/or site plans.

- (d) When a planned unit development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase and all subdivision regulations have been met.
 - (e) As part of the final PUD plan approval, the Town Commissioners shall approve a date for initiation of the proposed development.
 - (f) In the event that a floating zone amendment is approved by the Town Commissioners without subdivision and approval of an associated PUD plan, the subject property may not be subdivided until the owner complies with the PUD review and approval provisions of this chapter, and may not be developed except in conformance with a site plan as required by and in conformance with this chapter.
- G. Amendment of PUD plan. The procedure for amendment of an approved PUD plan shall be the same as for a new application, except that amendments of a PUD plan may be approved by the Planning Commission.

§ 210-32. PN Planned Neighborhood District.

- A. Purpose. The Planned Neighborhood (PN) District is a floating zone. That means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Zoning Map. The PN District is intended to permit master planned, mixed-use developments in areas designated appropriate for such by the Town Commissioners. The PN District permits development and land use pursuant to a planned unit development (PUD) plan approved by the Town Commissioners at the time the PN zoning is applied to specific land(s). There is a general presumption that an application for a PUD project at an appropriate location conditionally approved as a PN District, proposing uses permitted within the PN District, with residential densities as provided in this chapter, inures to the general benefit of the Town.
- B. Intent. The PN Planned Neighborhood District is intended to promote the following:
- (1) Develop neighborhoods that accommodate and promote pedestrian travel;
 - (2) Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets;
 - (3) Encourage the inclusion of a diversity of household types, age groups, and income levels;
 - (4) Promote traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
 - (5) Encourage creation of functionally diverse but visually unified communities;
 - (6) Promote use of neighborhood greens and landscaped streets woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;

- (7) Provide sites to accommodate buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and symbols of identity;
- (8) Promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community;
- (9) Permit design flexibility in order to achieve an appropriate mix of residential and nonresidential building uses; and
- (10) Require efficient utilization of designated growth areas.

C. Density determination.

- (1) General. The total number of dwelling units permissible in a PUD project shall be determined in accordance with the provisions of this section (as adjusted by density bonuses as set forth below). Areas used for commercial uses shall be subtracted from the adjusted tract acreage, as described in Subsection C(2), below, before determining permissible residential density.
- (2) Average base density calculation. The base density shall be determined by the land area yielded through calculations of the adjusted tract acreage, as determined by the table below. The minimum residential density for a proposed PN shall be 2.7 dwelling units per adjusted tract acre. Except as provided by Subsection C(3) below, the maximum residential density for a proposed PN District shall be no more than 4.0 dwelling units per adjusted tract acre.

Table Density Factors for Calculating Adjusted Tract Acreage		
	Density Factor	Description of Constraint
DF 1	0.00	Floodways within 100-year floodplain; existing street right-of-way
DF 2	0.05	Wetlands and soils classified by the Caroline County Soil Survey as "very poorly drained"; existing utility easements
DF 3	0.25	Steep slopes, that is, those greater than 25%
DF 4	0.33	Soils classified as "poorly drained" (in unsewered areas)
DF 5	0.75	Soils classified as "poorly drained" (in sewerred areas); slopes between 15% and 25%
DF 6	1.00	Unconstrained land

- (3) Density incentives to further certain public objectives.
 - (a) Public use of conservation land. The Town Commissioners may encourage the dedication of land for public use (including active and passive recreation areas, spray irrigation open space, municipal buildings, school sites, etc.) according to the following standards:

[1] A density bonus for public usage of conservation land in a new PN District shall be computed on the basis of a maximum of one dwelling unit per five acres of such land and one dwelling per 1/2 mile of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate land to public usage within a proposed PN District shall be at the discretion of the Planning Commission.

[2] The density bonus must be above and beyond the requirements as stated in § 210-32E(1)(c)[1] of this chapter.

(b) Implementation. If the Town Commissioners are satisfied that the public purpose objectives are being achieved, an applicant may utilize any combination of density bonuses, provided that the cumulative density bonuses applied to a PUD project may not exceed 35% of the maximum residential base density after meeting the requirements as stated in § 210-32E(1)(c)[1] of this chapter.

D. General design requirements.

(1) Design guidelines referenced in this subsection shall be considered as minimum performance standards for the PN District.

(2) Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to five use areas: Single-Family Residential (SRA) Areas, Central Residential (CRA) Areas, Storefront (SFA) Areas, Village Center (VC) Areas, and Conservation (CA) Areas. At a minimum, they must contain both an SRA and a CA, as defined below. These areas are intended to provide for the diversity necessary for traditional village life, while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.

(a) Single-Family Residential Areas (SRA) provide locations for a broad range of housing types, including single-family detached, semidetached, and attached, and may also include accessory dwelling units.

(b) The Central Residential Area (CRA) is intended to contain a variety of housing options and related uses.

(c) The Storefront Area (SFA) is intended to provide appropriately scaled commercial and service uses that meet the retail and service needs of the Town and surrounding areas of Caroline County.

(d) The Village Center Area (VC) is intended primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one- and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community-wide importance.

(e) Conservation Areas (CA) are permanently protected open spaces, including greens, commons, habitat protection areas and private non-common acreage used for agriculture, wholesale nurseries, tree farms, etc.

E. Development standards.

(1) The following development standards shall apply to the PN District:

- (a) The setback, lot size, lot dimensions, lot coverage, height, and yard requirements in the PN shall be established for each PN District jointly by the Town Commissioners and the Planning Commission during the PUD plan approval process and shall be consistent with the PN Design Performance Guidelines. In establishing these requirements the Town Commissioners shall consider such factors as the proposed development intensity and the existing character of adjacent neighborhoods.
- (b) Land coverage. The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, or plazas, buildings, or other structures shall be 60% of the gross area of the PN District.
- (c) Minimum required open space.

[1] A minimum of 35% of the adjusted tract acreage shall be open space, including parks, recreational, habitat, forest, agriculture, and stream and wetland preservation areas. Not less than 50% of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than 50% of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

[2] Open space land shall be permanently protected through conservation easements and may be developed for uses consisting of the following:

- [a] Agricultural uses, including horticultural, and the raising of crops, and buildings related to the same;
- [b] Woodlots, arboreta, and other similar silvicultural uses;
- [c] Woodland preserve, game preserve, wildlife sanctuary, conservation meadows, or other similar conservation uses;
- [d] Municipal or public uses (including spray irrigation area), public park or recreation area owned and operated by a public or private nonprofit agency, or governmental or public utility buildings or uses, not to include business facilities, storage of materials, trucking or repair facilities, or the housing of repair crews;
- [e] Active recreation, if it is noncommercial in nature and provided that no more than 50% of the minimum required open space is so used. Parking areas and any roofed structures associated with the active recreation may not be included within the 50% minimum; and

[f] Private active or passive recreational uses by residents of the PN District once approved by the Town Commissioners and the Planning Commission.

[3] PN developments shall include multiple greens, commons, or passive parks measuring a total of at least 1,500 square feet for each dwelling unit, plus 500 square feet of land for active recreation per dwelling unit.

(2) Residential unit mix.

Unit Type	Minimum Percentage	Maximum Percentage
Single-family dwelling	50%	80%
Two-family dwelling	5%	20%
Townhouse	10%	40%
Multifamily	0%	20%

(3) Each PN development shall contain a mixture of at least three of the four housing types. The Town Commissioners and the Planning Commission may vary this phase requirement if it is satisfied that at build-out, at least three of the four housing types are included in the overall PN development.

F. Land use table for the PN District. The following uses apply in the PN District. The land use table is intended to permit the following uses, or uses which are substantially similar to the uses set forth herein. Notwithstanding any provision herein, all existing land uses within a PN District shall be permitted to continue until the development of the particular phase of an approved PUD plan.

Class	Use Description	PN				
		SRA	SFA	CRA	VC	CA
1.00.000	Reserve					
	Forestry					
	Wildlife conservation and refuge area					
	Greenhouse					
2.00.000	Residential					
	Dwelling - single-family	P		P		
	Dwelling - two-family	P		P		
	Dwelling - multifamily	P		P	P	
	Dwelling - townhouse	P		P	P	

Class	Use Description	PN				
		SRA	SFA	CRA	VC	CA
3.00.000	Accessory Dwelling Unit (size limited to 50% of principal structure; not to exceed 1,500 square feet)					
	In conjunction with a principal residential use (limited to 1 accessory dwelling unit per parcel)	SE		SE		
	In conjunction with a principal commercial use		SE		SE	
4.00.000	Home-Based Business					
	Type 1 home-based business		P		P	
	Type 2 home-based business		SE		SE	
	Day-care center, group		P	SE	P	
	Bed-and-breakfast	SE		SE		
5.00.000	Institutional					
	Schools, public	SE	P	SE	P	
	Schools, private	SE	P	SE	P	
	Churches and parish halls, temples and convents and monasteries, houses of worship	SE	P	SE	P	
	Libraries, museums		P	P	P	
	Private clubs		P		P	
	Medical facility or clinic for human care		P		P	
	Funeral home		P			
6.00.000	Recreation, Amusement, Entertainment					
	Athletic fields	P				P
	Community center including indoor recreation	P	P	P	P	
	Indoor recreation		P			

Class	Use Description	PN				
		SRA	SFA	CRA	VC	CA
	Theater, indoor		P			
	Privately owned country clubs or swimming or tennis clubs approved as part of some residential development	P		P		
7.00.000	Emergency Services					
	Fire stations without assembly hall	P	P	P	P	
	Fire station with assembly hall		P	P	P	
	Rescue squad, ambulance service	P	P	P	P	
8.00.000	Utilities					
	Essential service	P	P	P	P	P
9.00.000	Commercial - Service					
	Barbershop, beauty salon, nail salon		P		P	
	Service establishments, including laundry or laundromat, appliance repair, equipment or instrument repair or rental, dry cleaning pickup station or plant, hairdresser shop, pet grooming shop, upholstery shop, tailor and other similar uses		P		P	
	Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment		P		P	
	Advertising agencies		P		P	

Class	Use Description	PN				
		SRA	SFA	CRA	VC	CA
	Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music		P		P	
	Bakery		P	P	P	
	Financial institutions, building and loan associations, savings and loan associations, banks, credit unions, mortgage companies, or finance offices or other financial institutions		P		P	
	Business uses including insurance, real estate, and computer centers		P		P	
	Professional uses including medical, legal, engineering, surveying, and architectural offices and other uses of a similar nature		P		P	
	Health club		P		SE	
	Entertainment uses including nightclubs, bars, and dance halls		SE			
	Hotel		P		SE	
	Veterinary office, animal clinic		P			
10.00.000	Commercial - Retail and Wholesale					
	Specialty food stores including but not limited to coffee shops, ice cream, organic foods, and delicatessen		P	SE	P	
	Specialty retail stores		P		P	
	Antique shop		P		P	

Class	Use Description	PN				
		SRA	SFA	CRA	VC	CA
	Florist shop		P		P	
	Convenience/mini-market but not including gasoline pumps		P		P	
	General merchandise		P		P	
	Convenience commercial		P		P	
	Alcoholic beverage sales/ liquor stores, off-site		P			
	Grocery store		P			
	Restaurant		P		P	
	Restaurant, carry-out, delivery		P		SE	
	Catering establishment		P		P	

Key:

P - Permitted use within zoning district or subdistrict.

SE - Use subject to special exception from the Board of Zoning Appeals.

§ 210-33. Performance guidelines for PN District.

- A. Purpose and intent. The purpose and intent for establishing performance guidelines for the PN District is:
 - (1) To preserve and enhance the unique character of Preston's village image while integrating new development into the overall fabric of the community. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in Subsection D below;
 - (2) To encourage creative design and innovative approaches to achieve the community character contemplated in the Town's Comprehensive Plan; and
 - (3) To ensure that each incremental addition to the Town is designed in manner that is mindful of what has come before and contributes to the achievement of overall community design objectives.
- B. Specific goals and objectives. The goals and objectives of the PN Design Performance Guidelines are to:
 - (1) Design for the human scale and perceptions to create a sense of neighborhood and community.

- (2) Enhance Preston's sense of place in its rural and regional setting by maintaining the small town feel while keeping new development in harmony with nature.
 - (3) Create a pleasant and functional pedestrian realm that consists of common open spaces, tree-lined streets, landscaped areas (between public and private spaces) and utility corridors.
 - (4) Encourage internal and peripheral open space.
 - (5) Create neighborhood centers or town centers within walking distance of all surrounding neighborhoods. Transition areas should be included between residential neighborhoods.
 - (6) Design for neighborhood and collector streets internal to the community.
 - (7) Integrate buildings of smaller scale in a pattern of various footprints.
 - (8) Plan for mixed and multiple land uses; also include a mix of housing types and incomes and a horizontal and vertical mix of uses.
 - (9) Utilize appropriate details in building design.
- C. Applicability. The provisions of the PN Design Performance Guidelines shall be considered during the review of all PUD plans, site plans, subdivision plans, or other permits or applications for new development, new construction involving structural alterations, and new structures, on all land zoned in the PN District.
- D. Design provisions. The Planning Commission will rely on the Comprehensive Plan and the PN Design Performance Guidelines concerning issues of design, neighborhood and community character, and compatibility. In general, these call for the following characteristics, which shall be set forth on a set of drawings, plans, and/or elevations sufficient to permit the Planning Commission to apply the following standards:
- (1) General design provisions. The following standards generally apply to development proposed in the PN District:
 - (a) The architectural design of structures and their materials and colors should be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with natural landforms and existing vegetation and with other development plans approved by the Town.
 - (b) Specific consideration should be given to compatibility with adjacent properties where such projects demonstrate the Town's character.
 - (c) Facing buildings should not differ in height by more than 2:1, excluding church steeples, decorative cornices, chimneys, and the like.
 - (d) Fencing along the highway right-of-way is discouraged, but, if used, such fencing should be of quality materials (brick, stone, wood) and should be landscaped to minimize visibility from the highway.
 - (e) Materials should be used that have similar texture and appearance as appropriate to the Town's character.

- (f) Exterior materials should be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional or muted tones.
 - (g) Block lengths should be varied with no block length greater than 500 feet. Blocks greater than 400 feet should provide a mid-block pedestrian cut through.
- (2) Residential SRA. In addition to the general design provisions set forth in Subsection D(1) above, the following guidelines generally apply in the Single-Family Residential Areas (SRA) of the PN District:
- (a) Residential design styles should reflect vernacular architecture.
 - (b) Repetitious housing styles within individual neighborhoods are discouraged.
 - (c) Porch frontages are encouraged on all single-family dwellings.
 - (d) Residential buildings should front on and enclose public ways.
 - (e) Build-to lines (BTL) should include appropriate variations to encourage neighborhood identity and creativity.
 - (f) Lot widths within individual neighborhoods should be varied. Orientation of housing can also vary.
 - (g) Lot widths should be designed to ensure that garages do not dominate the front facade of residential structures.
 - (h) Traditional roof pitches and multiple rooflines are encouraged.
 - (i) Modern or contemporary design is discouraged.
- (3) Residential CRA. In addition to the general design provisions set forth in Subsection D(1) above, the following guidelines generally apply in the Central Residential Area (CRA) of the PN District:
- (a) In general, townhouses and multifamily dwellings should adhere to the architectural guidelines of single-family and two-family dwellings.
 - (b) Townhouses and multifamily dwellings should blend into the overall character of the neighborhoods.
 - (c) Multifamily dwellings should appear as large single-family units. Small groups of town homes, four or fewer, may be designed to appear as large single-family dwellings.
 - (d) Single-family dwellings should be mixed with other permitted housing types.
 - (e) No more than six units should be included in a single townhouse unit group. Each unit should have a distinct architectural appearance, but the overall appearance of the units should be compatible with and complementary to adjacent single-family residential units and the other units in the neighborhood.

- (f) Parking for townhouses and multifamily dwellings should be located to the rear or side of the units.
 - (g) The majority of multifamily dwellings should be located in the Central Residential and Village Center Areas of the community.
- (4) Commercial SFA and VC. In addition to the general design provisions set forth in Subsection D(1) above, the following guidelines generally apply in the Storefront Area (SFA) and Village Center Area (VC) of the PN District:
- (a) Large work area doors or open bays shall not open toward or face the public ways.
 - (b) HVAC and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway, public rights-of-way, or adjoining noncommercial areas. Large trash receptacles, dumpsters, utility meters, and aboveground tanks, etc., shall be similarly treated.
 - (c) All facades that face public ways should be designed in an aesthetically pleasing manner. Facade designs should include architectural relief features to prevent monotony, repetition or an obvious commercial appearance.
 - (d) Building massing should reflect proportion and scale appropriate to the existing Town design.
 - (e) In the VC, nonresidential building height should be compatible with the scale of the surrounding residential neighborhood.

ARTICLE VII Nonconformities

§ 210-34. Intent.

- A. Within the districts established by this chapter and later amendments hereto, there exist lots, structures and signs, uses of land, and uses of structures or structures and premises in combination which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter or future amendments thereof. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be significantly enlarged upon, expanded or extended, nor be used as grounds for adding other structures, or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved.
- B. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

- C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work is carried on diligently.

§ 210-35. Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and the area, the land involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

§ 210-36. Nonconforming structures and signs.

Where a lawful structure or sign exists at the effective date of adoption or amendment of this chapter that could not be built under the provisions of this chapter, such structure or sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged more than 25% of its existing gross floor area at the effective date of this chapter or amendment hereto. No such sign may be enlarged or altered in such a way as to increase its nonconformity, but any structure or sign or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure or sign be damaged or destroyed by any means to an extent or more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed or restored except in conformance with the provisions of this chapter.

- C. Should such structure or sign be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. All currently existing signs will be grandfathered in for a period of five years from the date this zoning change goes into effect. At the end of this five-year period, a sign conforming to the revised sign ordinance⁶ must be submitted to the Planning and Zoning Commission for review or a request for a special exception to retain the existing sign must be submitted to the Planning Commission for review.

§ 210-37. Nonconforming uses of land or land with minor structures only.

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a gross floor area of greater than 100 square feet, the use may be continued so long as it remains otherwise lawful, provided:

- A. Such nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

§ 210-38. Nonconforming uses of structures or of structures and premises in combination.

If lawful use involving individual structures with a gross floor area of greater than 100 square feet, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure shall be enlarged, or extended greater than 25% of its gross floor area at the effective date of this chapter or amendment hereto.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter.

⁶ Editor's Note: See § 210-44, Signs.

- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

§ 210-39. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased in excess of 25%. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 210-40. Uses allowed as special exceptions.

Any use which is permitted as a special exception in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VIII
Special Provisions

§ 210-41. Off-street parking.

- A. In all districts, no building, structure or premises shall be erected or any use changed, modified or increased unless off-street parking space is provided which is consistent with the provisions of this section. Each required parking space shall be of no less than 20 feet in length and nine feet in width and shall contain no less than 180 square feet. Aisles between rows of parking spaces shall be no less than 22 feet in width. The

number of parking spaces provided shall be determined according to the following schedule of minimum requirements:

- (1) Residential uses: two parking spaces for each dwelling unit.
 - (2) Lodging, rooming, or boarding houses: one parking space for each three guest lodging units.
 - (3) Tourist courts, motels, or hotels: one parking space for each guest or sleeping room, plus one parking space for each three employees.
 - (4) Hospitals, nursing homes, convalescent homes, and the like: one parking space for each two beds.
 - (5) Community centers, libraries, museums, civic clubs, lodges, and the like: one parking space for each 200 square feet of building gross floor area.
 - (6) Theaters, auditoriums, and assembly halls: one parking space for each three seats.
 - (7) Restaurants, beer parlors, and nightclubs: one parking space for each 200 square feet of building gross floor area.
 - (8) Doctors' offices and clinics: eight parking spaces for each doctor.
 - (9) Professional offices, other than clinics and doctors' offices: one parking space for every 200 square feet of building area.
 - (10) Churches: one parking space for each four seats in the principal auditorium.
 - (11) Office building: one parking space for every 200 square feet of building area.
 - (12) Country club or private club: one parking space for every four memberships thereof.
 - (13) Retail stores: one parking space for each 200 square feet of building gross floor area.
 - (14) Manufacturing plants, compounding, processing, or packaging and other similar uses permitted in the M District: one parking space for each two employees working on the principal shift.
- B. In the case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for the use which is mentioned which is most nearly similar shall apply. The aisles and parking spaces required in this section shall be smoothly graded, adequately drained, and constructed with a suitable subgrade and durable surface.
- C. Notwithstanding the off-street parking requirements set forth above, in the Village Redevelopment Sub-Area the number of off-street parking spaces may be reduced or modified by the Board of Zoning Appeals where the Board of Zoning Appeals makes a finding of fact that there is adequate on-street parking, which has been designated by the Town Commissioners, and/or shared parking to serve the use or structure that is subject to a special exception application.

§ 210-42. Off-street loading.

- A. In all districts any building or structure or part thereof having a gross floor area of 10,000 square feet or more and which is to be occupied by manufacturing, storage, warehouse store, wholesale store, hotel, hospital, laundry, or other uses requiring the receipt or dispatch of materials by vehicles shall be provided with a minimum of one off-street loading space, plus one additional such space for each 20,000 square feet of gross floor area or major fraction thereof in excess of the first 20,000 square feet.
- B. Each loading space shall be a minimum of 10 feet in width and 45 feet in length, and with a clear height of not less than 14 feet. Such loading space may occupy any part of the required yard space except a front yard or the required side yard on the street side of a corner lot. Such spaces shall be smoothly graded, adequately drained, and constructed with a suitable subgrade and durable surface.

§ 210-43. Abandoned vehicles.

- A. Definitions: As used in this section, the following terms shall have the meanings indicated:

ABANDONED VEHICLE

- (1) Any vehicle that is subject to registration and is unregistered as those terms are defined in Title 13 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time; or
- (2) Any vehicle located on private property, not within a completely enclosed structure or building, whose engine or motor or any other essential part thereof is inoperable or has been removed, or the tires of which or any tire has been deflated or its wheels have been removed.

VEHICLE — Includes:

- (1) "Vehicle" as that term is defined in § 11-176 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (2) "Motor vehicle" as that term is defined in § 11-135 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (3) "Motorcycle" as that term is defined in § 11-136 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (4) "Moped" as that term is defined in § 11-134.1 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (5) "Semitrailer" as that term is defined in § 11-158 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (6) "Trailer" as that term is defined in § 11-169 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (7) "Travel trailer" as that term is defined in § 11-170 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.

- (8) "Truck" as that term is defined in § 11-171 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
 - (9) "Truck tractor" as that term is defined in § 11-172 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
 - (10) "Farm equipment" as that term is defined in § 11-120 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
 - (11) "Farm tractor" as that term is defined in § 11-121 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- B. No owner or tenant or person or entity who controls real property shall store or deposit or permit the storage or deposit of an abandoned vehicle on private property unless the abandoned vehicle is either:
- (1) Kept in an enclosed structure or building which is secured against potential health and safety hazards; or
 - (2) Screened by dense foliage or a fence to screen such vehicle from public view, unless a valid permit for the abandoned vehicle has been obtained from the Planning Commission as provided in Subsection C.
- C. A person who wishes to restore, renovate, and/or repair an abandoned vehicle on his or her property may apply for a permit to keep the abandoned vehicle on the property under the terms and conditions as set forth in this subsection. Application for an abandoned vehicle permit shall be made to the Town Manager. Applications shall be reviewed by the Planning Commission or Codes Administrator, after which one copy of the application shall be returned to the applicant by the Planning Commission after such copy shall have been marked approved or disapproved and attested to by the signature of a member of the Planning Commission designated to review applications for abandoned vehicle permits. The Planning Commission shall only issue a permit for an abandoned vehicle under the following circumstances:
- (1) The permit application must be made by at least one person who is an owner of the real property.
 - (2) The term of the permit shall be three months.
 - (3) The permit may be renewed in three-month increments, provided that there has been satisfactory progress toward repair or renovation.
 - (4) There shall be a limit of one permit per parcel at any time, with the exception that a second, nonrenewable three-month permit may be issued for a vehicle used for the purposes of repairing the primary vehicle.
 - (5) The Planning Commission may issue an extended permit for an abandoned vehicle upon the showing of good cause. The extended permit shall be subject to such conditions as the Planning Commission imposes.
- D. In the event that there is an abandoned vehicle for which there is no permit, the Town Codes Administrator shall send written notice to the owner(s) of the property, via certified mail, return receipt requested, that there is an abandoned vehicle on the

property, and that the failure to remove the vehicle within 10 days shall be deemed a violation of this section and punishable as provided in § 210-19 hereof.

- E. All owners or other persons who are in violation of this section on the date it becomes effective shall be given not more than 90 days to comply with the terms of this section.

§ 210-44. Signs.

No sign, sign structure, or part thereof shall be erected, enlarged, or altered unless such sign shall be in compliance with the provisions of this section. No sign, sign structure or part thereof shall be located so as to obstruct or conflict with traffic sight lines or traffic control signs or signals. No lighting of signs shall be permitted which is of a flashing, intermittent, rotating, or other animated type, or which would tend to blind or distract motorists, or which would shine directly into any dwelling. No sign shall be permitted which has an area in excess of 80 square feet each face. The area of signs made up of individual letters, figures, or designs shall include the space between such letters, figures, or designs. For the various types of signs listed, the following specific provisions shall apply:

- A. Signs advertising home occupations. One permanent, nonilluminated sign, not exceeding four square feet in area, shall be permitted for home occupations, as defined in § 210-8,⁷ and in accordance with the district regulations herein.
- B. Signs for professional offices. One permanent sign, not exceeding six square feet in area and displayed on the premises, shall be permitted for professional offices, as defined in § 210-8, and in accordance with the district regulations herein.
- C. Public information and event signs. Directional or informational signs advertising places or events of a public or quasi-public nature shall be permitted in any district. No more than two such signs shall be permitted per place or event and such signs shall not exceed 15 square feet in area. Such signs noting an event shall be deemed temporary and shall be removed within 10 days after the event.
- D. Temporary real estate signs. One temporary, nonilluminated sign, not to exceed six square feet in area, may be erected in any district on the premises affected to advertise the sale, renting, leasing, etc., of real estate. Such signs shall be removed not later than two years after their erection, or within 30 days of the sale, rental, or leasing, etc., of property, whichever comes first.
- E. Signs on premises advertising commercial or industrial enterprises. Signs shall be permitted on the premises of businesses to advertise only the business conducted or the products sold on the premises, and in accordance with the district regulations herein. Such signs shall not exceed 20 square feet in area, and may be illuminated consistent with the provisions of this section. All such signs shall be located entirely upon the property where the business is located and no part thereof shall occur within the right-of-way of any public road.
- F. Signs on premises advertising multiple commercial or industrial enterprises. Signs shall be permitted on the premises of businesses to advertise only the businesses conducted and the products or services sold on the premises, and in accordance with the district

7. Editor's Note: See the definition of "home-based business" in § 210-8.

regulations herein. All such signs shall be located entirely upon the property where the business is located and no part thereof shall occur within the right-of-way of any public road. Signs shall be limited to the following:

- (1) One general freestanding identification sign structure limited to a maximum of 80 square feet of sign area shall be permitted when mounted perpendicular to the right-of-way. One commercial tenant will be allowed 20 square feet of sign area and each additional tenant will be allowed 10 square feet of sign area. Maximum height of sign shall not exceed 15 feet measured from the ground to the top of sign. Maximum width of sign shall not exceed 15 feet. A landscaped area equivalent to the area of each side of a freestanding sign shall be maintained by the permit holder. This area shall be kept in a neat and clean condition, free of weeds and rubbish.
 - (2) Flat signs on buildings within the center may be erected as follows:
 - (a) For each 10 linear feet of buildings fronting on public streets or parking areas, a maximum of one sign and 10 square feet of sign area shall be permitted.
 - (b) For each 20 linear feet of buildings not fronting on public streets or parking areas, a maximum of one sign and 10 square feet of sign area shall be permitted.
 - (3) Projecting signs extending not more than 30 inches from the front of the building. Signs may not be larger than 24 by 18 inches and must be at least seven feet from the ground. The sign shall advertise only the businesses conducted in the building to which it is attached.
- G. Directional signs advertising commercial or industrial enterprises. Directional signs, not more than two in number for each business, shall be permitted in accordance with the district regulations herein. Such signs shall not exceed 20 square feet in area and shall be erected no further than one mile from the premises where the business advertised is located. Such signs shall contain no more than the name, address, and nature of the business, the distance to the business, and a directional arrow, and no part thereof shall occur within the right-of-way of any public road.
- H. Farm signs. Farm signs, identifying the name of the farm or estate, displaying the name of the owner and the nature of the farm and its products, shall be permitted in accordance with the district regulations herein. Such signs shall be limited to one per farm or estate, shall not exceed six square feet in area, and shall not be illuminated and shall be located entirely upon the property where the farm is located and no part thereof shall occur within the right-of-way of any public road.
- I. Political signs. Political signs may be erected 30 days before the election and must be removed 15 days after the election.
- J. Permanent signs. All signs except temporary real estate signs and signs announcing a public or quasi-public event shall be deemed permanent signs. No permanent signs shall be erected, enlarged, or altered without a permit from the Planning and Zoning Commission. Applications for permits shall be submitted to the Town Manager. Each application shall be accompanied by drawings and written material showing the area

and general appearance of the sign, the method of illumination, the exact location of the proposed sign, and the method of construction and/or attachment of such sign to the building or structure.

§ 210-45. Adult-oriented businesses. [Added 8-28-2017 by Ord. No. 08282017]

No adult bookstore or video store nor any adult-oriented business shall be located within 1,000 feet of any public or private school or a day care for children, as measured from the property line.

ARTICLE IX

Design Guidelines and Standards

§ 210-46. Lighting standards.

- A. Purpose and intent. The purpose and intent for establishing lighting design standards is to integrate lighting components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in Subsection D below.
- B. Specific goals and objectives. The goals and objectives of the lighting design standards are to:
 - (1) Preserve and enhance the unique character of Preston's rural setting by preserving the night sky; and
 - (2) Ensure public safety and security.
- C. Applicability. The provisions of the lighting design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. An exterior lighting plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the provisions of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- D. Design provisions. The Planning Commission will rely on the lighting design standards concerning design, preservation of neighborhood and community character, and compatibility, and to ensure light pollution is kept to a minimum.
 - (1) General. In general, the following provisions apply to lighting proposed as part of any development set forth in Subsection C above:
 - (a) Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
 - (b) Light fixtures shall be designed as an integral design element that complements the design of the neighborhood through style, material, color, and creativity.

- (c) All utility lines shall be installed underground.
 - (d) Street pedestrianway lights shall be decorative and blend with the architectural style of the neighborhood.
 - (e) Flickering or flashing lights are prohibited.
 - (f) Light sources shall not be located within buffer areas except on pedestrian walkways.
 - (g) Lighting that unnecessarily illuminates and/or substantially interferes with the use or enjoyment of the surrounding area (including but not limited to both the ground lot as well as the air space above) is prohibited.
 - (h) Lighting fixtures should not exceed the minimum height and power necessary to accomplish their intended function.
- (2) Residential. In addition to the general provisions set forth in Subsection D(1) above, the following provisions apply to lighting for residential uses and development:
- (a) Multifamily residential units shall be adequately lighted to ensure public safety and the security of the buildings.
 - (b) Lighting on individual streets shall be designed consistent with the planned function of the street without excessive illumination.
 - (c) Porch light and yard post lighting shall be incorporated into the streetlighting design in residential developments.
 - (d) Lighting on pedestrianways, including sidewalks and mid-block pedestrian cut throughs, should not conflict with street trees.
- (3) Nonresidential. In addition to the provisions set forth in Subsection D(1) above, the following provisions apply to lighting used for nonresidential uses (including but not limited to commercial, civic, recreational, fraternal, and religious facilities):
- (a) All exterior lighting shall be shielded so as not to shine directly onto surrounding properties or public ways or rights-of-way, except as planned and approved for safety purposes. In addition, the globe, lens, bulb, or filament should be shielded to not be visible from adjoining properties.
 - (b) Lighting shall be designed to provide uniform illumination of the property to prevent extreme contrasts between light and dark areas and to provide for adequate safety and security.
 - (c) Lighting may be used to accent key architectural elements and/or to emphasize landscape features. Architectural lighting shall be recessed under roof overhangs or generated from concealed, low-level light fixtures.

§ 210-47. Parking design standards.

- A. Purpose and intent. The purpose and intent for establishing parking design standards is to integrate parking components into the design of all new development, redevelopment, and infill development applications. The Preston community requires every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in Subsection D below.
- B. Specific goals and objectives. The goals and objectives of the parking design standards are to:
- (1) Balance the need for parking without compromising the village character of the community;
 - (2) Provide for safe and secure pedestrian movement between parking areas and residential and nonresidential uses;
 - (3) Integrate parking into the overall vehicular and pedestrian transportation system;
 - (4) Minimize impact to the environment through innovative site design;
 - (5) Ensure public safety and security; and
 - (6) Facilitate access by emergency services and vehicles.
- C. Applicability. The provisions of the parking design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development, residential development involving multifamily units, or redevelopment in any zoning district. A parking plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this section have been met. Parking standards are flexible and take into account off-site parking.
- D. Design provisions. The Planning Commission will rely on the parking design standards concerning design, preservation of neighborhoods and community character, and compatibility.
- (1) All developments in all zoning districts shall provide adequate parking as approved by the Planning Commission.
 - (2) Parking areas should be small scale, and highly landscaped.
 - (3) Parking should not be a dominant site feature and should be screened, landscaped, and lit to assure public safety, and distributed around the sides and rear of commercial buildings to avoid a "sea of asphalt" appearance.
 - (4) In Storefront Areas and Village Center Areas, parking should consist of ample on-street parking and small lots located to the side or rear of buildings and screened from the main commercial street.
 - (5) Parking lots should not be located on street corners and intersections.
 - (6) Parking lots should not be located at terminal vistas.

- (7) Parking lots should not be located near parks or public squares unless designed to serve the park.
- (8) Access to parking should be provided from rear driveways where possible.
- (9) All parking lots should be screened and oriented to minimize visual and noise impacts on adjacent residential properties.
- (10) Planted islands should be constructed at least every 10 parking spaces.
- (11) Parking areas in adjacent commercial uses should be interconnected to minimize traffic on adjacent streets.
- (12) Shared parking arrangements are encouraged.
- (13) Where parking lots cannot be interconnected, planting strips of at least 10 feet in width should be installed.
- (14) Landscaping shall not create a traffic safety problem either in the present or inevitably in the future.
- (15) Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows.
- (16) Through access should be provided within and between parking blocks; dead-end drives are strongly discouraged.
- (17) On-street parallel, angled, or head-in parking may be appropriate in commercial areas.
- (18) Parking areas should be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas should also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- (19) Parking areas for all development should be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- (20) Circulation areas should be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- (21) Any lighting used to illuminate off-street parking areas should not be directed toward any adjoining residential zone or uses and any public or private right-of-way.
- (22) Adequate parking should be provided in residential areas through a combination of on-street and off-street parking.
- (23) Parking areas shall comply with state and county stormwater regulations. Use of innovative techniques and landscaping to meet the requirements is encouraged.
- (24) Parking areas shall consist of an all-weather surface. Dirt is not considered an all-weather surface.

§ 210-48. Street design standards.

- A. Purpose and intent. The purpose and intent for establishing street design standards is to integrate street design components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions is Subsection D below.
- B. Specific goals and objectives. The goals and objectives of the street design standards are to:
- (1) Provide streets that create a positive visual image from the vehicle and a sense of focus and enclosure;
 - (2) Design a permanent and functional street network;
 - (3) Encourage use by vehicles, cyclists, and pedestrians;
 - (4) Promote safety through traffic calming and street design; and
 - (5) Ensure safe and efficient movement of all modes of transportation.
- C. Applicability. The provisions of the street design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. A street plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the standards set forth in this section have been met.
- D. Design provisions. The Planning Commission will rely on the street design standards concerning design, preservation of neighborhoods and community character, and compatibility. Design provisions shall be consistent, in every way, with the specifications in Article IV of Chapter 175, Subdivision of Land. When unclear, it shall be determined by the Planning Commission and the Board of Zoning Appeals.
- (1) General.
 - (a) Streets shall be laid out in a hierarchical network: major collector, commercial, minor collector, local, minor local, alley, and service lane.
 - (b) Streets should be designed to create the form and scale of the community and to accommodate the pedestrian, cyclist, and the vehicle, with particular emphasis on accommodating emergency vehicles.
 - (c) Street layout should be composed of interconnecting narrow streets laid out in a modified grid.
 - (d) Streets should connect to at least two other streets. Culs-de-sac and dead ends should be avoided.
 - (e) Where applicable, streets should be designed for two-way traffic.
 - (f) Streetscapes should be defined through the use of uniform setbacks along a build-to line (BTL). The streetscape may also be reinforced by lines of

closely planted shade trees, and may be further reinforced by walls, hedges, or fences which define front yards.

- (g) Buildings should be located to front towards and relate to public streets both functionally and visually to the greatest extent possible. Buildings should not be oriented to front toward a parking lot.
 - (h) Distinct (e.g., patterned) pedestrian crosswalks should be installed at intersections and any other location where pedestrian systems cross a street.
 - (i) Traffic calming should be an integral part of the overall street design.
 - (j) Street trees should be planted along all street rights-of-way.
 - (k) Street widths should be the minimum necessary to maintain the desired design speed and traffic volume.
 - (l) Development plans should address improvements to off-site roads that serve a project, including off-site pedestrian linkages.
 - (m) Streets shall be paved with durable material acceptable to the Town's consulting engineer.
- (2) Major collector street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to major collector streets:
- (a) Speed limit shall be a maximum of 30 miles per hour.
 - (b) Travel lane width shall be 12 feet.
 - (c) Landscaped bump-outs should be provided in the parking lane to avoid the use of the parking lane as a travel lane.
 - (d) A bicycle lane, separate from motor vehicle traffic, should be provided on collector streets. Bicycle lanes can be provided in medians.
 - (e) Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - (f) Street trees shall comply with § 210-50, Landscaping and environmental standards.
 - (g) Pedestrian bump-outs are required for undivided major collector streets.
 - (h) Direct access onto major collector streets from residential property is discouraged.
 - (i) Curb radii should be 20 feet with a clear zone radius of 30 feet.
- (3) Commercial collector street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to a commercial collector street, which is defined as a road which is designed to carry traffic to and through a commercial businesses area and to provide access to commercial shared parking facilities and local streets:

- (a) Speed limit shall be a maximum of 20 miles per hour.
 - (b) Travel lane width shall be 10 feet.
 - (c) Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - (d) Street trees and landscaping should provide shade, rest area and coverage, and shall comply with § 210-50, Landscaping and environmental standards.
 - (e) Pedestrian bump-outs are required on corners and where pedestrian crossing is encouraged.
 - (f) Direct access onto commercial streets is permitted.
 - (g) Curb radii should be 15 feet with a clear zone radius of 20 feet. Curb radii may be greater on truck routes for deliveries.
- (4) Subcollector street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to subcollector streets:
- (a) Speed limit shall be a maximum of 25 miles per hour.
 - (b) Travel lane width shall be 10 feet.
 - (c) Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - (d) Street trees shall comply with § 210-50, Landscaping and environmental standards.
 - (e) Pedestrian bump-outs may be required at appropriate locations.
 - (f) Direct access onto minor collector streets is permitted.
 - (g) Curb radii should be 20 feet with a clear zone radius of 30 feet.
- (5) Local street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to local streets:
- (a) Travel lane width shall be 10 feet.
 - (b) On-street parking is permitted on both sides of the street with Planning Commission approval but with no parking within 30 feet of the tangent point of the curb.
 - (c) Planting strip, or verge, between the sidewalk and curb should be a minimum of three feet.
 - (d) Street trees shall comply with § 210-50, Landscaping and environmental standards.
 - (e) Direct access onto local streets is permitted.
 - (f) Curb radii should be 20 feet with a clear zone of 30 feet.

- (6) Minor local street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to minor local streets:
 - (a) Speed limit shall be a maximum of 15 miles per hour.
 - (b) Travel lane width shall be 10 feet.
 - (c) On-street parking is permitted on one side of the street with no parking within 30 feet of the tangent point of the curb.
 - (d) Planting strip, or verge, between the sidewalk and curb should be a minimum of three feet.
 - (e) Street trees shall comply with § 210-50, Landscaping and environmental standards.
 - (f) Direct access onto minor local streets is permitted.
 - (g) Curb radii should be 20 feet with a clear zone of 30 feet.
- (7) Alley. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to alleys:
 - (a) Speed limit shall be a maximum of five miles per hour.
 - (b) Travel lane width shall be at least 12 feet.
 - (c) On-street parking is not permitted.
 - (d) Direct access onto alleys is permitted.
 - (e) Curb radii should be 20 feet with a clear zone of 30 feet.
- (8) Service access street. In addition to the provisions set forth in Subsection D(1) above, the following standards apply to service access streets:
 - (a) On-street parking is not permitted.
 - (b) Street trees shall comply with § 210-50, Landscaping and environmental standards.
 - (c) Direct access onto service roads is permitted.
 - (d) Curb radii should be 20 feet with a clear zone of 30 feet.

§ 210-49. Sidewalks, curbs and gutters.

- A. Purpose and intent. The purpose and intent for establishing design standards for sidewalks, curbs, and gutters is to integrate sidewalks, curbs, and gutter design components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in Subsection D below.

- B. Specific goals and objectives. The goals and objectives of the sidewalks, curbs, and gutter design standards are to:
- (1) Provide safe, efficient, and fully interconnected pedestrian access throughout the Town.
 - (2) Encourage pedestrian travel as a viable means of transportation.
 - (3) Direct runoff to designed stormwater management elements.
- C. Applicability. The provisions of the sidewalk, curbs, and gutter standards shall apply to all new development, infill development, and redevelopment applications in all zoning districts. A sidewalk, curb and gutter plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this section have been met.
- D. Design provisions. The Planning Commission will rely on the Comprehensive Plan and the sidewalk, curbs, and gutter standards concerning design, preservation of neighborhoods and community character, and compatibility.
- (1) Sidewalks.
 - (a) A continuous sidewalk system should provide pedestrian access from all residential units to all other land uses.
 - (b) The sidewalks required by this section shall be at least five feet in usable width as measured from the back side of the curb and constructed according to the specifications set forth by the present building code, the county and the state (SHA) regulations. The Planning Commission may require the installation of walkways constructed with other suitable materials when it concludes that:
 - [1] Such walkways would serve the residents of the development as adequately as concrete sidewalks;
 - [2] Such walkways would be more environmentally desirable or more in keeping with the overall design of the development; and
 - [3] Such walkways meet the requirements of the Americans with Disabilities Act.
 - (c) The minimum pedestrian usage width for sidewalks in commercial areas is five feet. However, wider sidewalks may be necessary depending on the anticipated volume of pedestrian traffic or type of business use in a specific commercial area.
 - (d) Pedestrian crosswalks should be located at all major pedestrian crossings.
 - (e) Bump-outs should be provided at major pedestrian crossings on commercial streets and undivided major collector streets.
 - (f) On major collector streets and in commercial areas, design features shall guide pedestrians to walkways and crosswalks by distinguishing pedestrianways from driving surfaces through use of specialty paving,

bricks, landscaping beds and other features consistent with the community design.

- (g) Pedestrianways should be designed to discourage pedestrian traffic from walking through driving areas to access building entrances.
 - (h) Utility structures and mailboxes should not be located so as to reduce the width of sidewalks.
 - (i) Sidewalks should not be used for outdoor retail display area. However, if they are used for temporary displays a five-foot clear walking space must be provided.
 - (j) Where appropriate, durable street furniture, trash receptacles, and other amenities should be placed along sidewalks without reduction of sidewalk width.
- (2) Curbs and gutters. Curbs and gutters are required on the entire street frontage of any parcel or lot, except alleys, unless alternative low-impact stormwater designs are approved by the Planning Commission.
- (a) Curbs and gutters shall be built to the construction standards and specifications currently in use by the State Highway Administration of Maryland or to Town standards and specifications, as determined by the Planning Commission.
 - (b) Only one curb cut per street frontage should be allowed on residential lots that do not have alley access.
 - (c) There should be a maximum of two curb cuts per commercial lot per street frontage.
 - (d) In no case should over 60% of the street frontage per parcel be allowed as curb cuts for any entrances or exits into commercial uses.

§ 210-50. Landscaping and environmental standards.

- A. Purpose and intent. The purpose and intent for establishing landscaping and environmental standards is to integrate landscaping and environmental design components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in Subsection D below.
- B. Specific goals and objectives. The goals and objectives of the landscaping and environmental design standards are to:
- (1) Assure a desired character along public streets and public rights-of-way.
 - (2) Reduce nuisances between adjoining land uses.
 - (3) Minimize negative visual and environmental impacts of future development on existing uses.

- (4) Prevent the appearance of large expanses of man-made features.
 - (5) Improve air and water quality, soil conservation, and erosion control measures.
- C. **Applicability.** The provisions of the landscaping and environmental design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. A landscaping and environmental plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this section have been met. Notwithstanding any provision to the contrary herein, the Planning Commission may waive any provision(s) of this section, if applicable, to achieve consistency with the provisions of any state and/or federal regulatory approval.
- D. **Design provisions.** The Planning Commission will rely on the Comprehensive Plan and the following landscaping and environmental design standards concerning design, preservation of neighborhoods and community character, and compatibility.
- (1) **Landscaping, general.**
 - (a) Landscaping should emphasize native species trees, shrubs, and flowers to reduce maintenance, to help ensure longevity, and to reinforce the natural character of the area.
 - (b) Ornamental species may be used only for complementary plantings.
 - (c) Species should be selected partly on the basis of their visual appeal during different seasons of the year.
 - (d) Landscaping should consist of a combination of grass, shade trees, understory trees, evergreens, flowers, and shrubs arranged in such a manner as to complement the proposed structure or project and its adjacent neighborhood.
 - (e) To the extent possible, existing trees should be preserved and can count toward landscaping requirements.
 - (f) If landscape materials are removed, they should be replaced with material of similar size, shapeliness, function, hardiness, longevity, and appearance.
 - (g) The developer shall be responsible to assure the survivability of landscaping for two years.
 - (h) A change of use of an existing facility, with or without new construction, should require landscaping improvements consistent with the intent of this chapter.
 - (i) The Planning Commission, at its discretion, may require additional landscaping in addition to the landscaping plan proposed by the applicant.
 - (j) Landscaping should be designed to improve stormwater runoff and bio-retention.
 - (2) **Buffers and screening.**

- (a) Buffers and screening shall be designed to ensure that they do, in fact, function as "buffers and screens."
 - (b) Bufferyards should be required to separate incompatible zoning districts and/or land uses from each other in order to eliminate or minimize potential nuisances.
 - (c) Existing mature woodlands should be used whenever possible to serve as a bufferyard.
 - (d) Bufferyards shall be shown on all development plans and approved by the Planning Commission.
 - (e) Bufferyards shall not be located within any portion of an existing or planned public or private street or right-of-way.
 - (f) Bufferyards may be used for passive recreation and pedestrian, bicycle and equestrian trails provided the width and function of the bufferyard is maintained.
 - (g) Bufferyards may not obstruct the view from motor vehicles.
 - (h) Bufferyards may be owned by any group or individual provided survivability and maintenance of the vegetation are ensured.
- (3) Trees.
- (a) Deciduous shade street trees at two inches diameter at breast height (dbh) ("street trees") shall be provided, in a landscaped area between the sidewalk and curb, along both sides of all newly created streets, where required.
 - (b) Street trees shall be planted along internal streets, with at least one tree for every 40 feet of street frontage in all residential areas. Additional shade trees may be required in nonresidential areas.
 - (c) Street trees similar in species to existing street trees shall be planted for infill and redevelopment projects to ensure a continuation of a streetscape.
 - (d) The quantity, spacing, and species of tree shall be designed to create a sense of enclosure along the street when the trees reach full maturity.
 - (e) Trees planted as part of a nonresidential site should be designed to complement and enhance the function of the street trees.
 - (f) Trees shall not obstruct the view from motor vehicles.
 - (g) Every development should strive to retain all existing healthy trees and large and champion trees.
 - (h) The dripline of any retained large or champion trees shall be protected during site development.
- (4) Environmental standards.

- (a) A 100-foot natural buffer from all perennial streams shall be required for all development.
 - (b) Permanent or temporary stormwater and/or sediment control devices shall not be permitted in the 100-foot buffer.
 - (c) Encroachment into the buffer for road crossings is allowed if disturbance is minimized.
 - (d) The 100-foot buffer requirement may be reduced to no less than 75 feet by the Planning Commission for the following:
 - [1] If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the 100-foot buffer, and if evidence is provided that said development will meet all other applicable requirements, as required.
 - [2] Other public or community facilities provided disturbance is minimized insofar as possible.
 - (e) A fifty-foot buffer from all intermittent streams shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.
 - (f) The Planning Commission may require the 100-foot perennial stream buffer be expanded to include contiguous 100-year floodplain and non-tidal wetlands. In addition, the Planning Commission may require the 100-foot perennial stream buffer be expanded to include hydric soils, highly erodible soils and soils on slopes greater than 15% that are contiguous with the perennial stream.
 - (g) A twenty-five-foot buffer from all non-tidal wetlands shall be required for all development.
 - (h) No structure, impervious surface or land disturbance shall occur on steep slopes unless the Planning Commission determines that the structure, impervious surface or land disturbance is necessary for stabilization of the slope.
 - (i) A minimum fifty-foot buffer shall be established between development and the crest of slopes in excess of 25%.
 - (j) Development shall address habitat of rare, threatened, and endangered species areas as described by the Maryland Department of Natural Resources.
 - (k) Habitat corridors should encourage continuity with existing habitat corridors on adjacent properties, if possible.
- (5) Landscaping alternatives.
- (a) Natural growth may be retained on the site to meet the requirements of this section. The Planning Commission may require additional supplemental

plantings to obtain the effect intended by the purpose and intent of these requirements.

- (b) Landscaping consisting of a combination of architectural materials, including fountains, special bricks, interlocking paving, decorative features, statues, and other combinations of landscaping features, materials, or plantings, including street trees, is encouraged.

§ 210-51. Commercial and residential development design guidelines. [Amended 6-6-2016 by Ord. No. 2016-06062016]

- A. Purpose and intent. The purpose of these guidelines is to:
 - (1) Improve and protect the visual appearance along major highways and street corridors;
 - (2) Improve access and circulation to and within new and existing commercial and business sites;
 - (3) Improve sales and property values;
 - (4) Encourage new and improve existing design linkages between sites; and
 - (5) Require context-sensitive site planning and building design.
- B. General commercial and residential design provisions. The following standards apply to all commercial and residential developments:
 - (1) Relationship to surrounding development.
 - (a) New, infill, and redeveloped commercial sites adjacent to or in relatively close proximity to residential uses should relate well to surrounding development. Such development should respect adjacent residential uses and surrounding neighborhoods by ensuring intensive operations, such as loading areas, do not adversely impact neighbors.
 - (b) Commercial uses should transition to residential uses within a single block and be designed to seamlessly blend in with the change from commercial to residential character.
 - (c) The Planning Commission may impose conditions upon the approval of development applications to ensure that commercial development projects will be compatible with existing neighborhoods and uses, including, but not limited to, conditions on the following:
 - [1] Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
 - [2] Placement of trash receptacles; and
 - [3] Location of delivery and loading zones.
 - (2) Building design.

- (a) The primary mass of structures should include secondary projections that reduce the apparent scale, create visual interest, and promote compatibility with adjacent uses.
 - (b) Building size and mass shall not dominate required landscaped buffers Route 331. Commercial development projects should be compatible with or complement the established proportions and building mass of adjacent developments.
 - (c) Smaller and lower building mass should be located near edges of commercial development where adjacent buildings are smaller or residential in scale.
 - (d) Commercial development should be compatible with or complement the established architectural character of the surrounding area in terms of consistency of rooflines, roof materials and roof colors; similar window and door patterns; and similar decorative elements.
- (3) Multistory buildings greater than two stories.
- (a) The composition of the building should present a clearly recognizable base, middle, and top, or a clearly defined alternative building composition.
 - (b) A recognizable "base" may consist of one or more of the following, but is not limited to:
 - [1] Thicker walls, ledges, or sills;
 - [2] Integrally textured materials such as stone or other masonry;
 - [3] Integrally colored and patterned materials such as smooth-finished stone or tile;
 - [4] Lighter or darker colored materials, mullions, or panels; or
 - [5] Planters.
 - (c) A recognizable "top" may consist of one or more of the following, but is not limited to:
 - [1] Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials;
 - [2] Sloping roof with overhangs and brackets; or
 - [3] Stepped parapets.
- (4) Architectural detail: facades and entrances.
- (a) Facades. Primary facades are defined as any side of a building that faces a public right-of-way or a noncommercial zoning classification.
 - (b) Primary facades should be proportioned using features such as windows, entrances, arcades, arbors, and awnings along no less than 60% of the

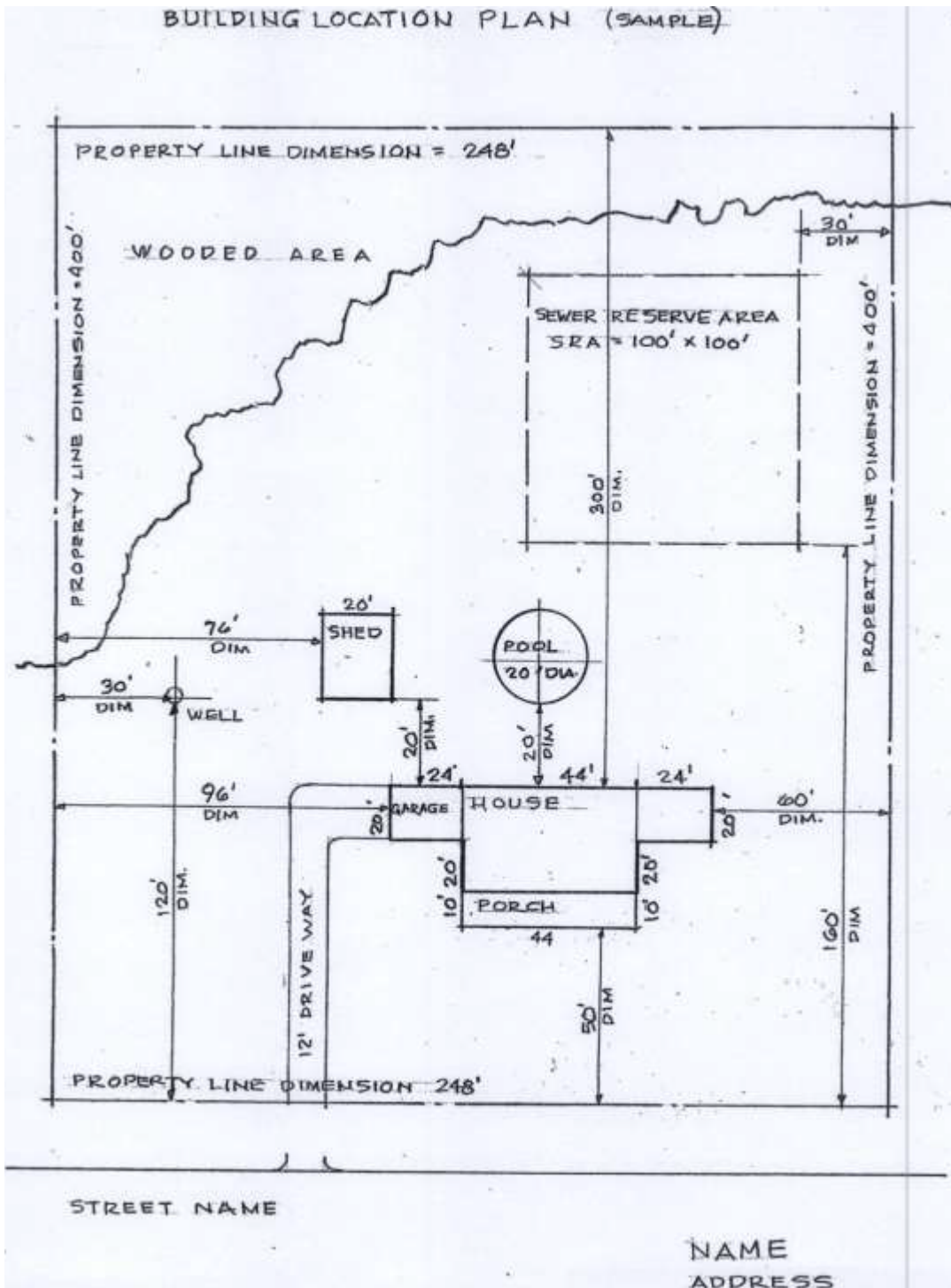
facade. A minimum of 25% of the entire such facade area should be composed of transparent materials, unless the Planning Commission finds that such transparency would be inconsistent with the operational requirements of the building. At least 1/2 of this amount should be provided so that the lowest edge of the transparent material is no higher than three feet above the street level.

- (c) The larger primary building facade should incorporate wall plane projections or recesses in order to break up the overall wall into smaller, appropriately scaled sections.
- (d) Each primary building facade should have a repeating pattern that includes instances of either:
 - [1] Color change;
 - [2] Texture changes;
 - [3] Material module change; or
 - [4] Expression of an architectural or structural bay through a change in plane, such as an offset, reveal, or projecting rib.
- (e) Building facades facing a primary access street should have clearly defined, highly visible customer entrances that include features such as the following:
 - [1] Canopies or porticos.
 - [2] Overhangs, recesses/projections.
 - [3] Arcades.
 - [4] Raised corniced parapets over the door.
 - [5] Distinctive roof forms.
 - [6] Arches, outdoor patios.
 - [7] Display windows.
 - [8] Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (5) Architectural detail: roofs. To the maximum extent practicable, where buildings are adjacent to residential uses, rooflines should be of a similar height or stepped down to a similar height to enhance the compatibility with nearby residential areas. In addition, roofs should include features such as the following:
 - (a) Parapets concealing flat roofs and rooftop equipment such as HVAC units. Parapets should feature three-dimensional cornice treatments and should be the primary means of screening rooftop equipment.
 - (b) Overhanging eaves.

- (c) Sloping roofs.
 - (d) Three or more roof slope planes.
 - (e) Downspouts should be incorporated into the facade design.
- (6) Architectural detail: awnings.
- (a) Awnings should be no longer than a single storefront.
 - (b) Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Awnings with a high-gloss finish and illuminated or plastic awnings are strongly discouraged.
 - (c) The rigid frame of an awning should stop at the top section and should not be included in the valence.
 - (d) Awning colors should be compatible with the overall color scheme of the facade from which it projects. Solid colors or subtle striped patterns are preferred.
- (7) Building materials and colors.
- (a) Commercial development should use high-quality materials and colors that are compatible with adjacent commercial and noncommercial areas.
 - (b) Building materials.
 - [1] All buildings should be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; integrally colored, textured, or glazed concrete masonry units; or glass.
 - [2] Natural wood or wood paneling may be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used, provided that the approval required in Subsection B(9) is obtained.
 - [3] Exterior building materials may include the following:
 - [a] Split shakes (may be used for canopies, arcades or similar appurtenances).
 - [b] Rough-sawn or board and batten wood.
 - [c] Vinyl or aluminum siding.
 - [d] Smooth-faced gray or stained concrete block, painted concrete block, or tilt-up concrete panels.
 - [4] Field-painted or pre-finished standard corrugated metal siding shall not be used except by special exception.

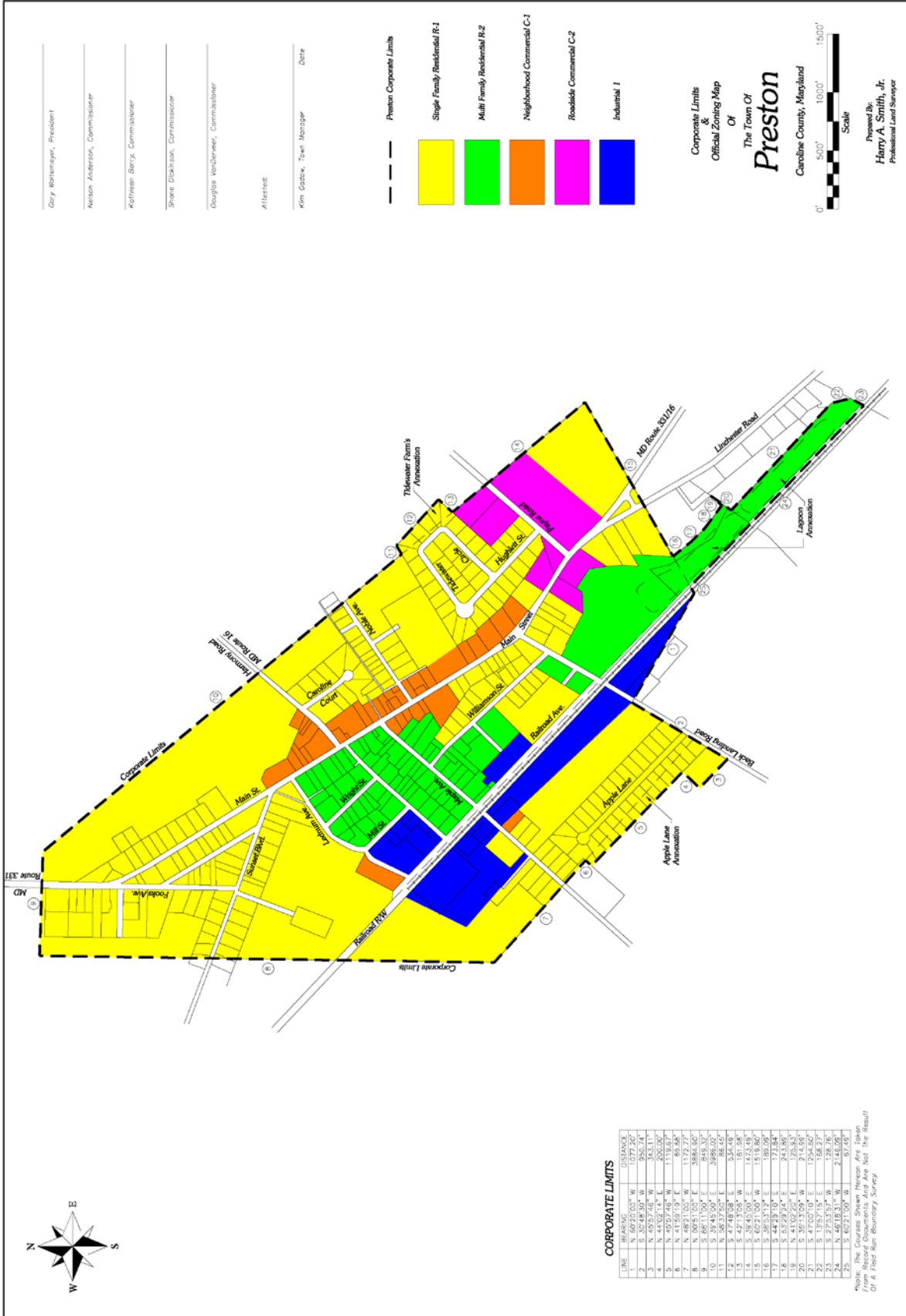
- [5] Standard single or double tee concrete systems shall not be used except by special exception.
 - [6] In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed and its surrounding properties.
- (c) Building color.
- [1] Color schemes should tie building elements and adjacent properties together, relate separate (freestanding) buildings within the same development together, and should be used to enhance the architectural form of a building.
 - [2] All building projections, including, but not limited to, chimneys, flues, vents, gutters, and downspouts, should match or complement in color the permanent color of the surface from which they project.
 - [3] Facade colors must be low reflecting, subtle, and neutral. Intense, bright, black, or fluorescent colors are prohibited.
- (8) Signage.
- (a) All commercial developments shall comply with the signage requirements set forth in § 210-44. Shared general freestanding informational signs, as part of an approved PUD plan, may exceed 80 square feet, as approved by the Planning Commission.
 - (b) Signage should be scaled appropriately to appeal to both pedestrians walking on the adjacent sidewalks and to vehicles driving at reduced speeds.
 - (c) On all street frontages, signage material should be integrated into the overall design of the building.
 - (d) Signs should be located to complement the architectural features of a building, such as above the building entrance, storefront opening, or other similar feature.
 - (e) Standard corporate logos and colors may be acceptable, provided that the approval required in Subsection B(9) is obtained.
- (9) All new structures and renovations to existing structures shall be reviewed by the Planning and Zoning Commission or the Commissioners to determine if the proposed structures or renovations are acceptable under the terms of this section.

§ 210-52. Building location plans.



ZONING REGULATIONS

210 Attachment 1



DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 2001 Code to 2024 Code.

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 2001 Code have been included in the 2024 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 2001 Code to 2024 Code.

KEY:

- NCM = Not Code material (legislation is not general or permanent in nature).
 REP = Repealed effective with adoption of Code; see Ch. 1, Art. II.
 NLP = New legislation is pending.

Chapter/Title From 2001 Code	Location in 2024 Code
Chapter 1: General Provisions	
Article I: Adopting Ordinance	NLP; see Ch. 1, Art. II
Article II: Construction	Ch. 1, Art. I
Chapter 2: Public Safety	
Article I: Hunting and Firearms	Ch. 87
Article II: Bicycles	REP
Article III: Cleaning Premises of Snow and Ice	Ch. 170, Art. I
Article IV: Clearing Public Streets of Snow and Ice	Ch. 192, Art. IV
Chapter 3: Nuisance	
Article I: Peddling, Soliciting and Vending	Ch. 134
Article II: Curfew	Ch. 38
Article III: Loitering	Ch. 102
Article IV: Alcoholic Beverages	Ch. 7
Article V: Animal Welfare and Control	Ch. 12
Article VI: Public Burning	Ch. 67, Art. I
Article VII: Anti-Noise Ordinance	Ch. 114, Art. I

Chapter/Title From 2001 Code	Location in 2024 Code
Article VIII: Improper and Unnecessary Noise	Ch. 114, Art. II
Chapter 4: Water and Sewer	
Article I: Water	Ch. 200, Art. I
Article II: Water Restrictions	Ch. 200, Art. II
Article III: Water and Sewer Rate or Charge Increase	Ch. 200, Art. III
Article IV: Rate Classification	Ch. 200, Art. IV
Article V: Sewerage Collection	Ch. 200, Art. VI
Chapter 5: Housing	
Article I: Housing	Ch. 83
Article II: Fences	Ch. 62
Article III: Control of Weeds, Grass and Littering	Ch. 141, Art. I
Article IV: Adoption of 1996 BOCA National Property Maintenance Code	Ch. 141, Art. II
Article V: Deteriorated Structures	Ch. 141, Art. III
Chapter 6: Internal Controls	
Article I: Salaries of Commissioners	Ch. 123, Art. I
Article II: Adoption of Personnel Manual	NCM
Article III: Purchases and Contracts	Ch. 145
Article IV: Road Naming and Addressing	Ch. 170, Art. II
Chapter 7: Miscellaneous	
Article I: Park Rules and Regulations	Ch. 130, Art. I
Article II: Yard-Garage Sales	Ch. 74
Chapter 8: Stormwater Management	
Article I: Adoption of County Ordinance	Ch. 165
Appendix	
Appendix A: Employee Evaluation, Discipline, and Merit Policy	NCM
Appendix B: Town of Preston Graded Positions	NCM
Appendix C: Grade and Step Increments, Town of Preston	NCM

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Preston reviewed for codification, indicating for each ordinance or resolution its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the 2024 publication of the Code was Resolution No. 2023-R-4, adopted September 5, 2023.

§ DL-1. Disposition of legislation.

KEY:

- NCM = Not Code material (legislation is not general or permanent in nature).
 NI = Not included in Code but saved from repeal.

Enactment	Adoption Date	Subject	Disposition
Res. No. 2001-01	10-3-2001	Charter Amendment	Charter
Ord. No. 2001-1	11-12-2001	Water and Sewers: Water Service Amendment	Ch. 200, Art. I
Ord. No. 2002-10-7	10-7-2002	Zoning Amendment	Superseded 9-25-2005
	7-7-2003	Parks and Recreation: Park Regulations Amendment	Ch. 130, Art. I
Res. No. 2005-3	3-7-2005	Comprehensive Plan Amendment	NCM
Res. No. 04041	4-5-2004	Fees and Fines	Superseded by Res. No. 2023-R-3
Res. No. 0504	5-3-2004	Fees and Fines Amendment	Superseded by Res. No. 2023-R-3
Res. No. 07041	6-7-2004	Water and Sewer Rate Increase	NCM
Res. No. 604-2	7-12-2004	Approve Trust Agreement	NCM
Ord. No. 2005-2	4-4-2005	Building Codes: Adoption of International Codes	Repealed 5-2-2011 by Ord. No. 32911
Res. No. 2005-6	4-4-2005	Adopt "How To Obtain a Building Permit" Process	NCM

Enactment	Adoption Date	Subject	Disposition
Res. No. 2005-7	4-4-2005	Comprehensive Plan Amendment	NCM
	8-1-2005	Adoption of National Incident Management System	NCM
	9-25-2005	Zoning	Ch. 210
Res. No. 2005-10	10-3-2005	Fees and Fines Amendment	Superseded by Res. No. 2023-R-3
Ord. No. 05-4	10-3-2005	Water and Sewer Capacity Fees	NCM
Res. No. 2005-8	10-3-2005	Smoking Policy	NCM
Ord. No. 05-1	10-24-2005	Adopt Grade and Step System	NCM
Res. No. 2006-1	1-4-2006	Sewer Capacity Plan	NCM
Ord. No. 020606	2-6-2006	Vehicles and Traffic: Parking	Ch. 192, Art. II
Ord. No. 2006-03	8-7-2006	Fees and Fines Amendment	Superseded by Res. No. 2012-0604
Res. No. 2007-1	2-5-2007	Comprehensive Plan Amendment	NCM
Res. No. 2007-5	5-7-2007	Charter Amendment	Charter
Res. No. 2007-2	6-4-2007	Parks and Recreation: Parks and Recreation Committee	Ch. 130, Art. II
Ord. No. 07-4	1-7-2008	Curfew Amendment	Ch. 38
Res. No. 2008-01	1-7-2008	Charter Amendment	Charter
Res. No. 2008-1	2-4-2008	Certificates of Achievement	NCM
Res. No. 2008-6	6-2-2008	Fees and Fines Amendment	Superseded by Res. No. 2023-R-3
Res. No. 100509	10-5-2009	Debt Management Policy	NCM
Res. No. 122809	12-28-2009	Charter Amendment	Charter
Ord. No. 10-01	3-1-2010	Officers and Employees: Salaries and Expenses of Commissioners Amendment	Ch. 123, Art. I
Res. No. 2010-3	3-22-2010	Authorize Appointment of Chief of Police	NCM
Ord. No. 40510	4-5-2010	Zoning Map Amendment	NCM
Res. No. 2010-6	6-7-2010	Charter Amendment	Charter

Enactment	Adoption Date	Subject	Disposition
	8-2-2010	Petition To Reinstate Shared Revenues	NCM
Ord. No. 6-2810	9-7-2010	Comprehensive Plan Amendment	NCM
Res. No. 1010	10-4-2010	Safety Policy	NCM
Ord. No. 1010-3	10-25-2010	Police Department Rules and Regulations	NCM
Ord. No. 10410	10-25-2010	Zoning Map Amendment	NCM
Ord. No. 1010	10-25-2010	Parks and Recreation: Park Regulations Amendment	Ch. 130, Art. I
Ord. No. 1010-2	10-25-2010	Property Maintenance: Weeds, Grass and Litter Amendment	Ch. 141, Art. I
Ord. No. 32811	5-2-2011	Building Codes: Adoption of International Codes Amendment	Repealed by Ord. No. 2021-O-03
Ord. No. 32911	5-2-2011	Building Codes: Adoption of International Codes	Repealed by Ord. No. 2021-O-03
Ord. No. 52611	6-27-2011	Property Maintenance: Weeds, Grass and Litter Amendment	Ch. 141, Art. I
	10-24-2011	Adopt 2011 County Hazard Mitigation Plan	NCM
Res. No. 121911	12-19-2011	Approve Trust Agreement	NCM
Res. No. 12-0214	3-5-2012	Comprehensive Plan Amendment	NCM
Res. No. 2012-06221	6-26-2012	Charter Amendment	Charter
Res. No. 2012-0604	6-26-2012	Fees and Fines Amendment	Superseded by Res. No. 2023-R-3
Ord. No. 2012-0622	7-2-2012	Ethics Amendment	NI
Ord. No. 2012-0925	9-25-2012	Charter Amendment	Charter
Ord. No. 2012-1105	12-3-2012	Zoning Amendment	Ch. 210
Ord. No. 2013-0128	2-4-2013	Water and Sewers: Bay Restoration Fee Exemption Program	Ch. 200, Art. V

Enactment	Adoption Date	Subject	Disposition
Ord. No. 2013-0204	3-4-2013	Charter Amendment	Charter
	6-3-2013	Budget for 2013-2014	NCM
Res. No. 2013-06242	6-24-2013	Adopt Risk Management and Safety Procedure Manual	NCM
Ord. No. 2013-0624	7-1-2013	Charter Amendment	Charter
Res. No. 2013-0923	10-7-2013	Fees and Fines Amendment	Superseded by Res. No. 2023-R-3
Res. No. 2013-1125	12-2-2013	Approve Regional Law Enforcement Compact	NCM
Res. No. 2014-0224	3-3-2014	Approve Public Works Mutual Aid Agreement	NCM
Res. No. 2014-0505	6-23-2014	Budget for 2014-2015	NCM
Ord. No. 2015-0126	2-2-2015	Zoning Amendment	Ch. 210
Ord. No. 04-2715	6-1-2015	Demolition Permits	Ch. 44
Res. No. 2015-0601	6-1-2015	Budget for 2015-2016	NCM
Res. No. 2015-07272015 A	7-27-2015	Adopt Hazard Communication Program	NCM
Res. No. 2015-07272 B	7-27-2015	Adopt Respiratory Protection Program	NCM
Ord. No. 2015-0924015	10-5-2015	Zoning Amendment	Ch. 210
Ord. No. 2016-06062016	6-6-2016	Zoning Amendment	Ch. 210
Ord. No. 05-222017	6-5-2017	Charter Amendment	Charter
Ord. No. 08282017	8-28-2017	Zoning Amendment	Ch. 210
Ord. No. 1162017	11-27-2017	Noise: Improper and Unnecessary Noise Amendment	Ch. 114, Art. II

Enactment	Adoption Date	Subject	Disposition
Ord. No. 05-282018	5-7-2018	Amendment of International Residential Code	Repealed by Ord. No. 2021-03
Res. No. 04-022018-A	5-7-2018	Water and Sewer Rate Increase	NCM
Res. No. 09-09102018	9-10-2018	Reimbursement for Wastewater Treatment Plant Upgrade	NCM
Ord. No. 11-222018	11-5-2018	Zoning Amendment	Ch. 210
Ord. No. 2019-0530	6-3-2019	Budget for 2019-2020	NCM
Res. No. 2019-0805	8-5-2019	Adopting 2019 County Hazard Mitigation Plan	NCM
Res. No. 09-302019	9-3-2019	Water and Sewer Rate Increase	NCM
Res. No. 2020-R-2	2020	Postpone 2020 Commissioner Election	NCM
Ord. No. 2020-O-1	4-6-2020	Charter Amendment	Charter
Ord. No. 2020-O-2	4-6-2020	Charter Amendment	Charter
Ord. No. 2020-O-3	6-1-2020	Budget for 2020-2021	NCM
Ord. No. 2020-O-4	9-14-2020	Business License Program	Ch. 31
Res. No. 2020-R-3	12-7-2020	Fees and Fines: Schedule of Fees and Fines	Superseded by Res. No. 2023-R-3
Ord. No. 2021-O-1	4-5-2021	Officers and Employees: Nepotism in Hiring	Ch. 123, Art. II
Res. No. 2021-R-1	5-3-2021	Participation in Sustainable Maryland Municipal Certification Program	NCM
Ord. No. 2021-O-2	5-3-2021	Charter Amendment	Charter
Res. No. 2021-R-2	6-28-2021	Water and Sewer Rate Increase	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 2021-O-3	10-4-2021	Building Codes: Adoption of International Codes	Ch. 25, Art. I
Ord. No. 2021-O-4	10-4-2021	Housing Amendment	Ch. 83
Ord. No. 2021-O-5	12-6-2021	Sale of Property at 172 Main Street	NCM
Ord. No. 2022-O-1	2-7-2022	Incorporation of Previous Amendments into Zoning Ordinance	See Ch. 210
Ord. No. 2022-O-2	3-7-2022	Special Events	Ch. 160
Ord. No. 2022-O-3	5-23-2022	Budget for 2022-2023	NCM
Res. No. 2022-R-1	6-6-2022	Water and Sewer Rate Increase	NCM
Res. No. 2022-R-3	11-7-2022	Proclamation for National Hunger and Homelessness Awareness Week	NCM
Res. No. 2023-R-1	6-5-2023	Water and Sewer Rate Increase	NCM
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