CODE OF THE

TOWN OF SUDLERSVILLE

AS OF JANUARY 2017

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AUTOMOBILE TRAILERS

Adopted by: Ordinance 001: 5/12/1970

AUTOMOBILE TRAILERS

Section 1: Definitions

a) An “Automobile Trailer”, “Trailer Coach”, “Mobile Home”, “Camper”, or “Trailer”, (here in referred to as trailer) means any vehicle or structure so designed and constructed in such manner as will permit occupancy there of as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designated that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power.
b) A “Trailer Camp” means any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designated, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach, mobile home, camper, or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. “Trailer Camp” shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.
c) A “Tourist Camp” means any park, tourist park, tourist court, camp, court, lot, site, parcel, or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week or month, whether a charge is made or not.
d) The word “ person” shall be construed to include persons, partnership, firm, company, corporation, tenant, owner, lessee or licensee, their agents, heirs or assigns.

Section 2:

a) It shall be unlawful, within the limits of the Town of Sudlersville, for any person to park any trailer on any street, alley, or highway, or other public place, or any tract of land owned by any person occupied or unoccupied, within the Town of Sudlersville.
b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
c) No person shall park or occupy any trailer on the premises of any occupied dwelling; except, the parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard, is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

Section 3:

Trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time.

Section 4:

It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a trailer camp or tourist camp or combination of the two within the limits of the Town of Sudlersville.

Section 5:

Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall by fined not less than five dollars and not more than $500 and every day such violation exists shall constitute a separate offense and be punishable as such hereunder.

Section 6:

a) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
b) All ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except, nothing in this ordinance shall be interpreted so as to conflict with the State Housing Laws, State legislation regulating trailers, trailer camps or tourist camps or any of the requirements of any ordinance of the Town of Sudlersville not mentioned or made inapplicable by the express terms of this ordinance.

Section 7: Effective Date

This ordinance shall take effect from and after its passage and publication.

BUILDING CONSTRUCTION and BUILDING CODE

Adopted by:	Ordinance 2002-03: 7/2/2002
Amended on:	12/5/2012, Ordinance 2012-03
Amended on:	10/7/2015, Ordinance 2015-03

BUILDING CONSTRUCTION and BUILDING CODE

§ 101-1. Adoption of Building Code.

The following codes, and any subsequent amendments thereto, are hereby adopted by reference as the "Building Code" of the Town of Sudlersville, as if the codes were set forth in full in this section, with the additions, insertions, deletions, and changes, if any, shown in Appendix A, attached hereto and made a part hereof.

1. The Maryland Building Performance Standards ("MBPS"), as set forth in COMAR 05.02.07.01 as amended from time to time by the Department of Housing and Community Development ("DHCD").

2. The International Building Code as amended and updated from time to time by the International Code Council ("ICC").

3. The International Residential Code for One- and Two-Family Dwellings, as amended and updated from time to time by the ICC.

4. The International Energy Conservation Code, as amended and updated from time to time by the ICC.

5. The Maryland Accessibility Code as set forth in COMAR 05.02.02, as amended from time to time by the DHCD.

§ 101-2. Violations and Penalties.

In addition to the provisions of the International Building Code, International Residential Code, and the International Energy Conservation Code, any person who violates a provision of the Building Code or who fails to comply with any other requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of the Building Code, shall be guilty of a municipal infraction and subject to a fine consistent with the provisions of Ordinance Enforcement and Municipal Infractions Ordinance (adopted January 8, 2002) and as specified from time to time by resolution of the Commission. Each day that a violation continues shall be deemed a separate offense.

§ 101-3. Inspections.

The Town may, from time to time, employ inspectors for the purpose of enforcing the Building Code or may designate such other person, firm, corporation, municipality or county as the Town sees fit to perform such inspections.

§ 101-4. Severability.

Should any provision, section, paragraph or subparagraph of this ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

§ 101-5. Existing Liabilities.

This ordinance shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this ordinance had not become effective.

§ 101-6. Automatic Residential Fire Sprinkler Systems in One- and Two-Family Dwellings.

An automatic residential fire sprinkler system shall be offered as an option to be installed in all one- and two-family dwellings in the Town of Sudlersville constructed after February 17, 2011, subject to the following provisions:

1. Option to buyer. A seller of a one- or two-family dwelling in the Town of Sudlersville constructed on or after February 17, 2011 shall offer the initial buyer or owner an option to install an automatic residential fire sprinkler system.

2. Disclosure of information. The real estate sales contract for the sale of a one- or two-family dwelling in the Town of Sudlersville constructed on or after February 17, 2011 shall disclose the estimated cost of installing an automatic residential fire sprinkler system and the anticipated estimate to maintain such system. By completing a Sprinkler Option Notification form, available in the Town Office, the buyer shall acknowledge receiving notice of the optional automatic residential fire sprinkler system and indicate whether the buyer intends to exercise the option to install an automatic residential fire sprinkler system to improve the life safety of the occupants and to reduce property damage from fire.

3. Every dwelling constructed on or after February 17, 2011 as a spec home, rental property, or part of a marketing campaign to sell one- or two-family dwellings in the Town of Sudlersville shall contain an automatic residential fire sprinkler system.

4. Before issuing a building permit, the Commission or its designee shall require the applicant to submit the Sprinkler Option Notification form that has been notarized

with signature indicating that the provisions of this section have been complied with.

5. The Commission or its designee shall withhold the issuance of a building permit for the construction of a new one- or two-family dwelling in the Town of Sudlersville that does not meet the provisions of this section in regards to notification to the buyer or submission of all necessary documentation.

6. An automatic residential fire sprinkler system shall not be required for additions or alterations to one- or two-family dwellings that are not already equipped with an automatic residential fire sprinkler system.

7. Following the date upon which the DHCD adopts the ICC's 2015 edition of the International Residential Code, this Section shall only apply to new one- or two-family dwellings constructed on either:

   A. A lot subject to a valid, unexpired public works permit executed prior to March 1, 2011; or

   B. A lot served by an existing water service line from a water main to the property line that:

      (i) Is less than a nominal 1-inch size;
      (ii) Is approved and owned by the public or private water system that owns the mains;
      (iii) Was installed prior to March 1, 2011; and
      (iv) Is fully operational from the public or private main to a curb stop or meter pit located at the property line.

APPENDIX A
(Ordinance No. 2012-03)

SECTION A – State Modifications

The Maryland Building Performance Standards ("MBPS"), as prescribed in COMAR §§ 05.02.07.01 thru .09, includes the International Building Code (2009 Edition) and the International Residential Code (2009 Edition) for the governance of one and two-family dwellings, with certain additions, insertions, deletions, and changes.

For State modifications and amendments to the International Building Code (2009 Edition), refer to COMAR 05.02.07.04-B.(1) through (15).

For State modifications and amendments to the International Residential Code (2009 Edition), refer to COMAR 05.02.07.04-C (1) through (10).

SECTION B – Town Modifications

The following modifications and amendments have been made pursuant to enabling legislation (Article 83B, §§ 6-401 through 6-466 and Pub. Safety §§ 12-501 through 12-508 of the Annotated Code of Maryland) and COMAR §§ 05.02.07.01 through .09, to amend the following regulations to conform to local building conditions peculiar to the Town of Sudlersville, as well as to complement existing statute and administrative processes to best serve the citizens:

Town Modifications to the International Building Code (2009 Edition):

<u>General.</u>

Whenever a local subdivision or [name of jurisdiction] is referred to in the International Building Code, it shall be deemed to mean the "Town of Sudlersville."

All references to "building official" shall mean the "building code official" designated by the Commission.

<u>Section 101.1 Title</u>.

Amend to read:

"These regulations shall be known, and may be cited as, the Building Code of the Town of Sudlersville."

Section 101.2.1 Appendices.

The following appendices are hereby adopted:

Appendix B –	Board of Appeals
Appendix C, Group U –	Agricultural Buildings
Appendix F –	Rodent Proofing
Appendix G –	Flood Resistant Construction

In Section G102.2. Insert "July 2nd, 2002".

Appendix H – Signs
Appendix I – Patio Covers

Section 103.1 Building Official.

Delete in its entirety and replace with the following:

"The 'building official' designated by the Commission to administer and enforce the Building Code shall be known as the 'building code official'."

Section 103.2 Appointment.

Delete in its entirety and replace with the following:

"The building code official shall be appointed by the Commission, and shall serve at the pleasure of the Commission. The Commission may contract with an independent agency or organization for Building Code inspection and enforcement services."

Section 109.1. Fees.

Add the following:

"The Commission shall establish, by resolution, the permit and other fees provided for under this Section."

Section 1612.3 Establishment of flood hazard areas.

Insert "Queen Anne's County" and "June 16, 1992".

Section 3412.1 Applicability.

Insert "July 2nd, 2002".

Town Modifications to the International Residential Code (2009 Edition

Whenever a local subdivision or [name of jurisdiction] is referred to in the International Residential Code, it shall be deemed to mean the "Town of Sudlersville." Town Modifications to the International Residential Code (2009 Edition):

General.

All references to "building official" shall mean the "building code official" designated by the Commission.

Section R101.1 Title.

Amend to read:

"These regulations shall be known, and may be cited as, the Building Code of the Town of Sudlersville."

Section R102.5 Appendices.

The following appendices are hereby adopted:

Appendix A –	Sizing and Capacities of Gas Piping
Appendix B –	Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed For Use and Type B Vents
Appendix C –	Exit Terminals Of Mechanical Draft And Direct-Vent Venting Systems
Appendix D –	Recommended Procedure For Safety Inspections Of An Existing Appliance Installation
Appendix E –	Manufactured Housing Used As Dwellings
Appendix F –	Radon Control Methods
Appendix G –	Swimming Pools, Spas and Hot Tubs
Appendix H –	Patio Covers
Appendix J –	Existing Building and Structures
Appendix K –	Sound Transmission
Appendix N –	Venting Methods
Appendix Q –	ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference

Section R103.1 Creation of enforcement agency.

Delete in its entirety and replace with the following:

"The official designated by the Commission to administer and enforce the Building Code shall be known as the building code official.
Section R103.2 Appointment.

Delete in its entirety and replace with the following:

"The building code official shall be appointed by the Commission, and shall serve at the pleasure of the Commission. The Commission may contract with an independent agency or organization for Building Code inspection and enforcement services."

Section R108.2 Fees.

Add the following:

"The Commission shall establish, by resolution, the permit and other fees provided for under this Section."

Section R313.2 One- and two-family dwellings automatic fire systems.

Delete in its entirety and replace with § 101-6 in Ordinance No. 2012-02.

Town Modifications to the International Energy Conservation Code (2009 Edition):

General.

Whenever a local subdivision or [name of jurisdiction] is referred to in the International Energy Conservation Code, it shall be deemed to mean the "Town of Sudlersville."

All references to "building official" shall mean the "building code official" designated by the Commission.

Section 101.1 Title.

Amend to read:

"These regulations shall be known, and may be cited as, the Building Code of the Town of Sudlersville."

Section 107.1 Fees.

Add the following:

"The Commission shall establish, by ordinance, the permit and other fees provided for under this Section."

CURFEW ORDINANCE

Adopted by:	Resolution 2014-02, 3/5/2014
Amended on:	10/7/2015, Ordinance 2015-03

CURFEW ORDINANCE

§ 1-01. Definitions

A. Town – The Town of Sudlersville with administrative offices located at 200 S. Church Street, Sudlersville, Maryland 21668.
B. Emergency – an unforeseen circumstance or combination of circumstances that requires immediate action. This term includes but is not limited to a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life, or extensive property damage.
C. Establishment – means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
D. Guardian – a person who is the legal guardian of a person or a minor; or a person or agency to whom legal custody of a minor has been given by court order.
E. Juvenile – for the purposes of this chapter, a juvenile is any unmarried, unemancipated person under 16 years of age.
F. Operator – means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment open to the public; the term includes the members or partners of an association or partnership and the officers of
a corporation.
G. Parent – any person having legal custody of a juvenile as a natural, step, or adoptive parent, a person over the age of 18 who stands in loco parentis
H. Public Place – any place to which the public or a substantial group of the public has access and includes but is not limited to, streets, sidewalks, alleys, common areas of schools, town library, parking lots, playgrounds, restaurants, shops, and similar areas that are open to the use of the public.
I. Remain – means to linger, tarry, or stay unnecessarily in a public place; or fail to leave
the premises of an establishment or place open to the public when requested to do so
by a police officer or an operator or employee of the place or establishment open to the
public.

§1-02. Curfew for Juveniles

It shall be unlawful, unless otherwise provided herein, for any juvenile to remain in any public place or on the premises of any establishment within the Town of Sudlersville during the following curfew hours:

A. Sunday, Monday, Tuesday, Wednesday, or Thursday – 10:00 PM until 6:00 AM of the following day.

B. Friday and Saturday – 11:00 PM until 6:00 AM of the following day.

§1-03. Exceptions.

The curfew for juveniles imposed in this ordinance shall not apply when the juvenile is:

A. Accompanied by the juvenile's parent or guardian.
B. On an errand at the direction of the juvenile's parent or guardian, without any detour
or stop, until the hour of 12:00 AM.
C. Accompanied by a person at least 18 years of age and authorized by the juvenile's parent or guardian to have temporary care or custody of the juvenile for a designated
period of time within a specified area.
D. With consent of the juvenile's parent or guardian, involved in interstate travel through
the Town of Sudlersville or beginning or ending in the Town of Sudlersville.
E. Engaged in a legal employment activity, or going to or returning home from a legal
employment activity, without any detour or stop.
F. Involved in an emergency.
G. On the property where the juvenile resides or on the sidewalk abutting the juvenile's
residence of a next-door neighbor; if the adult resident of the property has given permission for the juvenile's presence.
H. Attending, or returning directly home from, without any detour or stop and within one (1) hour of the end of:
    i. A school, religious, or recreational activity supervised by adults and sponsored by the Town of Sudlersville, a civic organization, or a voluntary association that takes responsibility for the juvenile; or
    ii. A place of public entertainment, such as a play or sporting event.
I. Exercising First Amendment rights protected by the United States constitution, such
as the free exercise of religion, freedom of speech, and the right of assembly, by first
delivering to the President of the Town of Sudlersville Commissioners a written communication which:
    i. Is signed by the juvenile and countersigned by the parent or guardian of the juvenile;
    ii. Includes the parent or guardian's home address and telephone number; and
    iii. Specifies, when, where, and in what manner the juvenile will be in a public place during curfew hours; or
J. Remaining in a public place in a case of reasonable necessity if the juvenile's parent or

Guardian has communicated to the President of the Town of Sudlersville Commissioners facts:

i. Establishing the reasonable necessity;
ii. Designating the specific public place and the points of origin and destination of
the juvenile's travel; and
iii. The times the juvenile will be in the public place or traveling to or from the public
place.

§1-04. Parental Responsibility.

It shall be unlawful for a parent or guardian of a juvenile to permit, or by insufficient control allow, the juvenile to remain in any public place or on the premises of an establishment with the Town of Sudlersville during curfew hours.

§1-05. Operator Responsibility.

It shall be unlawful for the owner, operator, or any employee of an establishment to allow a juvenile to remain upon the premises of the establishment during curfew hours. An owner, operator, or any employee of any establishment is not in violation of this ordinance if the owner, operator, or employee promptly notify the President of the Town of Sudlersville Commissioners that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

§1-06. Enforcement.

A. If a Police Officer reasonably believes a juvenile is in a public place in violation of Section 1-02, the officer shall notify the minor that he or she is in violation of the curfew law and shall require the juvenile to tell the officer his or her name, address, telephone number, date of birth, and how to contact the juvenile's parent or guardian.
B. The Police Officer may issue the juvenile a written warning that the juvenile is in violation of the curfew law and order the juvenile to promptly go home. The Police Officer shall give the juvenile's parent or guardian written notice of the violation pursuant to Section 1-04.
C. Queen Anne's County Sheriff's Department and/or Maryland State Police may have procedures that permit the Police Officer to take the juvenile home, if appropriate under the circumstances.
D. Notwithstanding subsection (B) of this section, the Police Officer shall take the juvenile into custody and transport the juvenile to the Barracks when:
   i. The juvenile has received one (1) previous written warning for a violation of the curfew law; or

ii. The Police Officer has reasonable grounds to believe that the juvenile has committed a delinquent act; or

iii. Taking the juvenile into custody is otherwise authorized under Section 3-814
of the Courts and Judicial Proceedings Article of the Maryland Code.

E. When a juvenile is taken into custody pursuant to subsection (D) of this section, the parent or guardian of the juvenile shall immediately be notified and required to proceed to the Barracks to take custody of the juvenile. The Police Officer shall determine whether, consistent with constitutional safeguards, the juvenile or the parent or guardian are in violation of the curfew law.

§1-07. Penalties.

A. Warning Notice to a juvenile:

i. If, after receiving a warning notice of a first violation by the juvenile, a parent or guardian violates Section 1-04 in connection with a second violation by the juvenile, this shall be treated as a first offense by the parent or guardian and shall be a civil violation or infraction pursuant to the Town Code.

ii. for the second offense the parent or guardian will be fined $50.00. For each subsequent offense the fine shall be increased by an additional $50.00 up to a maximum fine of $250.00.

B. Warning notice to an operator of an establishment

i. If, after a warning notice, the operator of an establishment open to the public violates Section 1-05 a second time, this shall be treated as a first offense by the operator and shall be a civil violation or infraction pursuant to the Town Code.

ii. for the second offense by an operator the fine shall be $50.00. For each subsequent offense the fine shall be increased by an additional $50.00 up to a maximum fine of $250.00.

FATS, OILS, and GREASE (FOG) ORDINANCE

Adopted by:	Resolution 2014-05, 4/2/2014
Amended on:	10/7/2015, Ordinance 2015-03

FATS, OILS and GREASE (FOG) ORDINANCE

§ 57-1 Purpose

§ 57-2 Definitions

§ 57-3 Control Plan for FOG and food waste

§ 57-4 General Criteria

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§ 57-9 Sand, Soil, and Oil Interceptors

§ 57-10 Laundries

§ 57-11 Control Equipment

§ 57-12 Alteration of Control Methods

§ 57-13 Enforcement and Penalties

§ 57-1 Objective.

It is the objective of the Commissioners of the Town of Sudlersville, Maryland to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

§ 57-2 Definitions and ward usage.

A. Grease – material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as Grease by definition. Grease does not include petroleum based products.

B. Grease Trap – a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids that settle, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

C. Food Service Facilities – those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the Town's Wastewater Collection System Superintendent (WCSS) who discharge applicable waste.

D. User – any person or establishment including those located outside the jurisdictional limits of the town that contributes, causes, or permits the contribution or discharge of wastewater into the Town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

E. Oil/Water separator – an approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved.

§ Section 57-3 Control Plan for (FOG) and food waste.

A. Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Town a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

B. Any existing Food Service Facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials in the wastewater collection system. Existing facilities shall be exempt from the requirements of this ordinance. There will be no "grandfathering".

§ Section 57-4 General Criteria.

A. Installation requirements – all existing, proposed, or newly remodeled Food Service Facilities inside the Town of Sudlersville wastewater service area shall be required to install, at the user's expense an approved, properly operated, and maintained grease trap.

B. Sanitary sewer flows – sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Floor drains – only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. Garbage grinders/disposals – it is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E. Dishwashers – commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F. Location – grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the town where the property size may warrant a grease trap connect to the sink plumbing fixtures.

G. Pass through limits – no user shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 413.

§ Section 57-5 Design Criteria.

A. Construction – grease traps shall be construed in accordance with the Town of Sudlersville standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the Town of Sudlersville. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B. Access – access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with case iron frame and cover.

C. Load-bearing capacity – in areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity (example: vehicular traffic in driving or parking areas).

D. Inlet and outlet piping – wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E. Grease trap sizing – the required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, multiple units

plumbed in series shall be installed unless other means have been established by the Town of Sudlersville.

§ Section 57-6 Grease Trap Maintenance.

A. Cleaning/pumping – the user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the Town's pass through limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components by Town appointed personnel. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B. Cleaning/pumping frequency – the grease trap must be pumped out completely a minimum of once every six months, or more frequently, as determined by the Town, as needed to prevent carryover of grease into the sanitary sewer system.

C. Disposal – all waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the Town's sanitary sewer collection system.

D. Maintenance log – a grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the town or its representative upon request.

E. Submittal of records – each user shall submit all cleaning and maintenance records to the Town. The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number.
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of the grease trap.
3. Types of maintenance performed.
4. Dates maintenance was performed.
5. Date of next scheduled maintenance.
6. Copies of manifests.

The user shall be required to submit maintenance records to the Town on an annual basis (once per year). Records shall be submitted by December 1st of each year. The records shall be submitted to:

The Town of Sudlersville
Attn: Grease Trap Ordinance
200 S Church Street
Sudlersville, MD 21668

The Town will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Town, the user shall be required to perform the maintenance and repairs of said inspection within 14 calendar days. Upon inspection by the Town the user may be

required to install, at the user's expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

§ Section 57-7 Additives.

Any biological additive(s) placed into the grease trap or building discharge line including but not limited to enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the Town prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

§ Section 57-8 Chemical Treatment.

Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

§Section 57-9 Sand, Soil and Oil Interceptors.

All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the Town) that have sources of sand, soil, and oil shall install effective sand, soil, and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment system. Users whose systems are deemed to be ineffective by the Town shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Town.

§ Section 57-10 Laundries.

Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids ½" or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

§ Section 57-11 Control Equipment.

The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with other applicable guidelines approved by the Town. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

If the Town of Sudlersville is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the Town including any fines incurred due to any sanitary sewer overflow due directly to the stoppage.

The Town retains the right to inspect and approve any and all installations of control equipment.

§ Section 57-12 Alteration of Control Methods.

The Town of Sudlersville reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant form interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

§ Section 57-13 Enforcement and Penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Sudlersville. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

FEES

Adopted by:	Ordinance 2003-01: July 1, 2003
Amended by:	Resolutions

FEES

1. Purpose.

The purpose of this Ordinance is to provide for a consolidated schedule of fees to be charged in the administration of Town laws, ordinances, regulations and resolutions.

2. Short title.

This Ordinance shall be known and may be cited as the "Town of Sudlersville Standard Schedule of Fees."

3. Applicability.

The fees and charges set forth herein shall apply to the provisions of all of the local laws, ordinances, regulations and resolutions adopted by the Commission and shall supersede any specific fee or charge contained or referred to in such local laws, ordinances, regulations or resolutions.

4. Schedule of fees.

A. Petitions for annexation.

(1) All persons, firms or corporations petitioning the Commission for annexation shall be required to pay, at the time of application, Two Thousand Dollars ($2000) for the processing, drafting, review and/or hearing expenses relative thereto.

(2) In addition to the fee specified in Paragraph (1), an applicant petitioning for annexation shall reimburse the Town for the public notice advertising costs incurred by the Town in connection with the petition for annexation. Such costs incurred shall be billed by the Town to the applicant and shall be promptly paid by the applicant to the Town upon said billing."

5. Costs of professional consulting services.

The Commission and agencies and boards of the Town may refer certain applications, or parts of applications, to such engineering, planning, environmental, traffic or other technical consultant as such Town agency or board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the region or pursuant to an existing contractual agreement between the

Town and such consultant. The Commission shall approve all such charges before they are incurred. The Commission may require an applicant, as a condition of its application, to pay for or reimburse the Town the costs of such study or consultation, or a portion thereof.

6. Refunds.

All petitions for refunds shall be made to the Commission. Refunds of fees will be allowed in proportion to the status of the application and any funds expended in the processing of such application. In no case shall more than one-half (1/2) or fifty percent (50%) of the fee be refundable. Where applications are submitted which do not contain the required materials for review, an administrative fee of ten percent (10%) of the application fee will be assessed with the returned application. No fee is refundable after the scheduling of a required public hearing.

7. Periodic review.

The Commission may periodically review the schedule of fees and charges set forth in this Ordinance and shall, by resolution after a public hearing for which proper notice is given prior thereto, amend the fees set forth herein.

IDENTITY THEFT PREVENTION PROGRAM

Adopted by: Ordinance 2009-02: June 3, 2009

IDENTITY THEFT PREVENTION PROGRAM

1. Definitions.

A. "Covered Account" means:

(1) An account that the Town offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions, including utility accounts; and

(2) Any other account that the Town offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

B. "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

C. "Creditor" means any person who regularly extends, renews, or continues Credit; any person who regularly arranges for the extension, renewal, or continuation of Credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue Credit.

D. "Customer" or "Consumer" means the person or entity that has a Covered Account with the Town.

E. "Identifying Information" is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol (IP) address, or routing code.

F. "Identity Theft" means fraud committed or attempted using the Identifying Information of another person without authority.

G. "Program" means the Identity Theft Prevention Program.

H. "Red Flag" means a pattern, practice or specific activity that indicates the possible existence of Identity Theft.

2. Identity Theft Prevention Program.

There is hereby established an Identity Theft Prevention Program to detect, prevent and mitigate Identity Theft. The Program includes reasonable policies and procedures to: (1) Identify relevant Red Flags for Covered Accounts and incorporate those Red Flags into the Program; (2) detect Red Flags that have been incorporated into the Program; (3) respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and (4) ensure that the Program is updated periodically to reflect changes in risks to the City and its Customers arising from Identity Theft.

3. Program Administration.

A. The Town Manager or his designee shall be responsible for the development, implementation, oversight and continued administration of the Program. The Town Manager or designee shall: (1) ensure that staff is trained, as necessary, to effectively implement the Program; (2) exercise appropriate and effective oversight of service provider arrangements, as provided in Section 24-93; (3) review reports prepared by staff regarding compliance; and (4) approve material changes to the Program as necessary.

B. Reports shall be prepared by the Clerk-Treasurer and submitted to the Town Manager at least annually, no later than June 30, on the Town's Program compliance. Such reports shall address and evaluate: (1) the effectiveness of the policies and procedures in addressing the risk of Identity Theft in regard to existing Covered Accounts and the opening of Covered Accounts; (2) significant incidents involving Identity Theft and management's response; (3) service provider agreements; and (4) recommendations for material changes to the Program.

4. Identification of Red Flags.

In order to identify relevant Red Flags, the Town shall consider the types of accounts that the City provides and maintains, the methods used to open accounts, the methods used to access accounts and previous experience with Identify Theft. The Town shall identify the following Red Flags in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies and Other Service or Information Providers.

(1) Report of fraud accompanying a credit report;

(2) Notice or report of a credit freeze on a Customer or applicant;

(3) Notice or report of an active duty alert for an applicant; and

(4) Indication from a credit report of activity that is inconsistent with a Customer's usual pattern or activity.

B. Suspicious Documents.

(1) Identification document or card that appears to be forged, altered or inauthentic;

(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

(3) Other document with information that is not consistent with existing Customer information (such as if a person's signature on a check appears forged); and

(4) Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information.

(1) Identifying Information presented that is inconsistent with other information that the Customer provides (example: inconsistent birth dates);

(2) Identifying Information presented that is inconsistent with other sources of information (for instance, an address not matching an address on the credit report);

(3) Identifying Information presented that is the same as information shown on other applications that were found to be fraudulent;

(4) Identifying Information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(5) Social Security number presented that is the same as one given by another Customer;

(6) An address or phone number presented that is the same as that of another person;

(7) A person fails to provide complete personal Identifying Information on an application when reminded to do so (however, by law social security numbers must not be required); and

(8) A person's Identifying Information is not consistent with the information that is on file for the Customer.

D. Suspicious Account Activity or Unusual Use of Account.

(1) Change of address for an account followed by a request to change the account holder's name;

(2) Payments stop on an otherwise consistently up-to-date account;

(3) Account used in a way that is not consistent with prior use (example: very high activity);

(4) Mail sent to the account holder is repeatedly returned as undeliverable;

(5) Notice to the locality that a Customer is not receiving mail sent by the locality;

(6) Notice to the locality that an account has unauthorized activity;

(7) Breach in the locality's computer system security; or

(8) Unauthorized access to or use of Customer account information.

E. Alerts from Others.

Notice to the Town from a Customer, Identity Theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

5. Detection of Red Flags.

A. New Accounts. In order to detect any of the Red Flags identified in Section 4 associated with the opening of a new account, the following steps shall be taken to obtain and verify the identity of the person opening the account:

(1) Require certain Identifying Information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;

(2) Verify the Customer's identity (for instance, review a driver's license or other identification card);

(3) Review documentation showing the existence of a business entity; and

(4) Independently contact the Customer.

B. Existing Accounts. In order to detect any of the Red Flags identified in Section 4 for an existing account, the following steps shall be taken to monitor transactions with an account:

(1) Verify the identification of Customers if they request information, whether in person, via telephone, via facsimile or via e-mail;

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.

6. Response to Suspected Identity Theft.

A. In the event a Red Flag is detected, one or more of the following steps shall be taken, depending on the degree of risk posed by the Red Flag:

(1) Continue to monitor an account for evidence of Identity Theft;

(2) Contact the Customer:

(3) Change any passwords or other security devices that permit access to accounts;

(4) Not open a new account;

(5) Close an existing account;

(6) Reopen an account with a new number;

(7) Notify the Town Manager or designee for determination of the appropriate step(s) to take;

(8) Notify law enforcement; or

(9) Determine that no response is warranted under the particular circumstances.

B. In order to further prevent the likelihood of Identity Theft occurring, the following steps involving internal operations shall be taken to protect Customer Identifying Information:

(1) Ensure that the Town's website is secure or provide clear notice that the website is not secure;

(2) Ensure complete and secure destruction of paper documents and computer files containing Customer information;

(3) Ensure that the office computers are password protected and that employees log off or lock their computers when leaving their work area;

(4) Keep offices clear of papers containing Customer information;

(5) Request only the last 4 digits of social security numbers (if any);

(6) Ensure computer virus protection is up to date; and

(7) Require and keep only the kinds of Customer information that are necessary for utility purposes.

7. Address Discrepancies.

A. The Town shall develop policies and procedures to enable it to form a reasonable belief that a credit report, when such a report is requested from the nationwide consumer reporting agency, relates to a Town Customer when a notice of an address discrepancy is received from the reporting agency indicating that the address given by the Customer differs from the address contained in the report. An address may be confirmed by the following means or by any other means deemed reasonable by management: (1) Verification by contacting the Consumer; (2) verification by

reviewing utility records; or (3) verification through third-party sources.

B. If an accurate address is confirmed by the process established under subsection (a) of this section, the Town shall furnish the address to the reporting agency from which it was received if: (1) the Town has established or will establish a continuing relationship with the account holder; and (2) the Town regularly, in the ordinary course of business, furnishes information to the reporting agency.

8. Oversight of Service Provider Arrangements.

In the event a service provider is engaged to perform an activity in connection with one or more Covered Accounts affected by the Program, the Town Manager or his designee shall ensure that the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft. A service provider engaged pursuant to this section shall be required by contract to have such policies and procedures in place and may, at the Town Manager's discretion, be required by contract to review the Town's Program and report Red Flags to the Town Manager or designee.

9. Updating the Program.

The Program shall be updated periodically to reflect changes in risks to Customers or to the safety and soundness of the Town's internal business practices in regard to Identity Theft. Such Program updates shall reflect the following elements:

A. Experiences involving Identity Theft;

B. Changes in the methods used in Identity Theft;

C. Changes in the methods used to detect, prevent and mitigate Identity Theft;

D. Changes in the types of accounts the Town offers or maintains;

E. Changes in the Town's business practices.

LOITERING ORDINANCE

Adopted by:	Resolution 2014-03, 3/5/2014
Amended on:	10/7/2015, Ordinance 2015-03

LOITERING ORDINANCE

§ 1-01. Definitions

Loitering means that a person:

A. remains on a public street, sidewalk, or pathway, including one privately owned, but used by the public in general, so as to obstruct the free passage of a pedestrian or vehicle after a member of law enforcement has notified the person that he or she is obstructing free passage and has requested the person to move;
B. remains in or on a vehicle on a public street, sidewalk, or pathway, including one privately owned, but used by the public in general, so as to obstruct the free passage of a pedestrian or vehicle after a member of law enforcement has notified the person that he or she is obstructing free passage and has requested the person to move;
C. refuses or fails to leave, or refuses or fails to remove a vehicle from a private business, commercial establishment, or parking lot that is posted with conspicuous "No Loitering" or "No Trespassing" signs if the business or establishment is not open for business and the person has been requested to leave by the owner, the owner's agent, or a member of law enforcement, unless the person has written permission from the owner, lessee, or operator to be present;
D. refuses or fails to leave a private business or commercial establishment that is open for business, or a parking lot of the business or establishment, after having been requested to do so by the owner, the owner's agent, or a member of law enforcement;
E. refuses or fails to leave a public building, public grounds, public recreational area, or a parking lot of a public building, public grounds, or a public recreational area, after being requested to do so by a member of law enforcement, a guard, watchman, or other authorized employee of the agency or entity responsible for the public building, public grounds, recreational area, or parking lot, if the circumstances indicate that the person has no apparent lawful business or purpose to pursue at that place; or
F. returns, for no apparent lawful business or purpose, to the same public or private property from which the person was asked to leave within the previous 24 hours.

§ 1-02. Exceptions

This chapter does not prohibit law picketing or orderly demonstration by the members of the public.

§ 1-03. Violations & Penalties

A. A person who loiters is guilty of a municipal infraction, and upon conviction or guilty plea is subject to the following fine:

i. for the first offense, a fine of $50; or

ii. for a subsequent offense, fines will be increased by an additional $50.00 up to a maximum fine of $250.00.

B. no person shall be charged with a violation of this chapter unless and until the arresting officer has first warned the person that he or she is in violation of obstructing free passage of a street, sidewalk, or pathway, and the person has failed or refused to stop by violation.

NOISE ORDINANCE

Adopted by:	Resolution 2014-12, 9/3/2014
Amended on:	10/7/2015, Ordinance 2015-03

NOISE ORDINANCE

§ 1-01. Purpose and Scope.

A. Purpose – the purpose of this chapter is to ensure that the public health, safety, an welfare shall not be abridged by the making and creating of public nuisances from disturbing, excessive, or offensive noises in the Town. The residents of the Town of Sudlersville recognize that uncontrolled noise represents damage to the health and welfare of themselves and their neighbors and that each resident of the community is entitled to live in an environment in which the level of impulse and amplified noise is minimized for the community good. This chapter attempts to foster mutual respect among all residents and to establish a community position against noise pollution.

B. Scope – this chapter applies to all persons, property, animals, equipment, appliances, instruments, and other sound-emitting devices, as regulated herein unless a waiver has been obtained from the Commissioners of the Town or is an emergency vehicle.

C. Relationship to other agencies – the provisions of this chapter are not intended to interfere with, abrogate, or annul other laws, rules, regulations, or ordinances, including any applicable laws of the State of Maryland, County of Queen Anne's or ordinances of the Town of Sudlersville. If more stringent standards concerning noise abatements are contained in other laws, rules, regulations, or ordinances, the more stringent standards shall apply.

§ 1-02. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. Ambient sound – the all-encompassing noise associated with a given environment, being usually a composite of sounds from any sources, far and near.

B. Decibel – a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the referenced pressure, which is 20 micronewtons per square meter.

C. Emergency Work – work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

D. Noise – any sound emitted by a person, animal, appliance, equipment, instrument or other device.

E. Noise disturbance – any sound which endangers or injures the safety or health of humans or animals, or noise that disturbs a reasonable person of normal sensitivities, or endangers, injures or seriously interferes with the quiet enjoyment or reasonable use of real or personal property, or exceeds the limits set out in § 1-05.

F. Person – includes an individual, firm, association, organization, partnership, trust, company, corporation, or any similar entity.

G. Sound level – the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting networks such as A, B, or C as specified in ANSI specifications for sound level meters. If frequency weighting employed is not indicated, the A-weighing shall apply.

H. Sound level meter – an instrument including a microphone, amp, output meter, and frequency waiting networks for the measurement of noise and sound levels in a specified matter.

§ 1-03. Prohibited noises.

A. It shall be unlawful for any person to make, continue or cause to allow to be made or continue any noise disturbance.

B. For the purpose of this chapter, noise disturbances include, but are not limited to, the following between the hours of 11 PM to 7 AM:

i. horns, signaling devices and the like. The sounding of any horn, or signaling device of any motor vehicle on any public place of the Town, continuously or intermittently, except as a danger or emergency warning.

ii. radios, phonographs, and the like. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabits or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or area in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonographs, machine or device between the hours of 11:00 PM and 7:00 AM, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle which it is located, shall be prima facie evidence of a violation of this chapter.

iii. yelling, shouting, and the like. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 PM and 7:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, apartment or other type of residence, or of any persons in the vicinity.

iv. animals, birds, and the like. 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.

vi. exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

vii. noisy vehicles. The use of any automobile, motorcycle, or other vehicles so out of repair, so loaded, or in such a manner as to cause loud and un necessary grading, grinding, rattling, or other noise.

viii. drums, loudspeakers, or other instruments. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, sale or display of merchandise.

ix. loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bails, boxes, crates, and containers.

C. The following noise disturbances are prohibited in the Town of Sudlersville unless a written exemption by the Commissioners of Sudlersville has been recorded in the records of the Town Office.

i. fireworks, explosives, and the like. The use of fireworks or other explosives so as to be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons of reasonable sensitivities within the area of audibility.

ii. noise near schools or churches. The creations of any excessive noise on any street adjacent to any school, institution of learning or church while same is in use, which unreasonably interferes with the workings of such institution, school, or church.

§ 1-04. Exemptions.

None of the terms of prohibitions of this chapter shall apply to or be enforced against:

A. All safety signals and warning devices (for example, intrusion alarms, backup alarms on trucks); authorized vehicles when responding to emergencies (for example, police, fire, and ambulance); or any other device used to alert persons to an emergency or used during the conduct of emergency work.

B. The provision, repair and maintenance of municipal services or public utilities.

C. Bells, chimes, or carillons used in conjunction with religious purposes, national celebrations, or public holidays.

D. Excavations or repairs of streets or sidewalks by or on the behalf of the Town, county, or state during the night when the public welfare and convenience renders it impossible to perform such work during the day.

E. Construction operations from 7:00 AM to 9:00 PM on weekdays and weekends for which building permits have been issued or construction operations not requiring permits.

F. Lawn mowers and agricultural equipment used between 7:00 AM and 9:00 PM when operated with all the manufacturers' standard mufflers and noise-reducing equipment in use and in property operating condition.

G. Activities permitted by permit, as provided herein, according to the terms and conditions of said permit.

§ 1-05. Maximum permissible sound levels.

A. No person shall make, continue, or cause to allow to be made or continued any noise disturbance as set forth in § 1-03B which exceeds the sound level limits set forth in Table 1 below when measured as hereinafter set forth. Any noise disturbance exceeding the level set forth for the appropriate zoning category in Table 1 shall constitute a per se violation of the general standards set for in § 1-03B, but not exceeding the level set forth in Table 1.

Table 1
Sound Levels by Zoning Districts

Zoning District on Which Source of Noise is Located	**Sound Level (7:00 AM to 9:00 PM)**	**Sound Level (9:00 PM to 7:00 AM)**
Residential	65 db (A)	65 db (A)
Commercial	75 db (A)	65 db (A)
Industrial	80 db (A)	75 db (A)

B. The sound level limits set forth in Table 1 above shall be exceeded when any one or more of the following occur:

i. the sound level at any one point in time exceeds any of the established zone limits in Table 1 above by a measured level of 15 db (A); or
ii. the sound level exceeds any of the established limits in Table 1 above by a measured sound level of 10 db (A) for cumulative total of one minute or more out of any ten-minute period; or
iii. the sound exceeds, except in the industrial districts, any of the established zone limits in Table 1 above by a measured sound level of 3 db (A) continually for a period of five minutes, or a total of five minutes of any ten-minute period.

C. In the event the background ambient sound levels in the area of suspected noise disturbance exceed the level set forth in Table 1 above, the sound level of the intrusive sound source shall be measured with the ambient level being substituted as the Table 1 sound level.

D. For the purpose of this section, sound shall be measured at or within the property line (boundary) of the property receiving the noise or not less than 20 feet from the source of the sound when the sources are in a public right-of-way.

E. All sound measurements shall be made on a sound level meter calibrated in the manner required by the manufacturer's specifications.

§ 1-06. Permits.

A. Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Town of Sudlersville or a duly authorized representative. Any permit granted by the Town hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Town of Sudlersville or its duly authorized representative may grant the relief as applied for if the following is found:

i. that additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this chapter; or
ii. the activity, operation, or noise source will be of a temporary duration and cannot be done in a manner that would comply with other sections of this chapter; and
iii. that no other reasonable alternative is available to the applicant.

B. Activities that require a permit are as follows:

i. musical, recreation, and athletic events conducted by the schools, local government, and nonprofit entities.
ii. fireworks, explosives, and the like which may be unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons of reasonable sensitivities within the area of audibility.
iii. drums, loudspeakers, or other instruments. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, sale or display of merchandise.

C. The Town of Sudlersville or its duly authorized representative may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or surrounding neighborhood.

§ 1-07. Violations and penalties.

The provisions of this chapter shall be enforced in the same manner as other violations of the Town Code of Ordinances. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as follows:

i. for the first offense, a fine of $50; or
ii. for a subsequent offense, fines will be increased by an additional $50.00 up to a maximum fine of $250.00.

This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Town or any person to such equitable legal remedies as may be available by law.

NUISANCES AND PUBLIC HAZARDS

Adopted by: Ordinance 2016-03, 9/7/2016

NUISANCES AND PUBLIC HAZARDS ORDINANCE FOR THE TOWN OF SUDLERSVILLE, MARYLAND

ARTICLE I
Definitions

§ 1-1. Definitions.

In this Ordinance, the following terms, phrases, words, and their deviations shall have the meanings indicated:

AFFECTED PERSON – A contiguous property owner or resident.

COMMISSION – The Commissioners of Sudlersville.

ENFORCEMENT OFFICER – The individual designated by the Commissioners to exercise the authority and perform the functions and duties set out in this Ordinance.

GARBAGE – All organic waste (i) consisting of the residue of animal, fruit, or vegetable matter; and (ii) resulting from the preparation, cooking, handling, or storage of food. "Garbage" does not include human or animal feces.

JUNK – Old or scrap:

(1) Copper and brass;

(2) Rope;

(3) Rags;

(4) Batteries;

(5) Paper;

(6) Trash;

(7) Rubber debris, including tires;

(8) Waste;

(9) Iron, steel, and any other old or scrap material, including wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; or

(10) Household appliances.

PERSON – An individual, group of individuals, organization, firm, corporation, association, partnership, government unit, or any other entity of any kind.

REFUSE – Ashes, garbage, rubbish, junk, industrial waste, motor drain oil, dead animals, and all other solid waste materials including salvageable waste.

RESIDENTIAL AREA – An area having an average housing density of one (1) acre or less per dwelling unit.

RUBBISH – All refuse other than garbage, whether combustible or noncombustible, including, but is not limited to:

(1) Rubbish from building construction or reconstruction;

(2) Dead trees, uprooted tree stumps, and other organic matter;

(3) Slash;

(4) Rubble;

(5) Street refuse;

(6) Two (2) or more untagged or unregistered vehicles;

(7) Inoperative lawn and garden machinery;

(8) Household appliances;

(9) Machinery;

(10) Bottles and cans;

(11) Plastic;

(12) Waste paper;

(13) Cardboard;

(14) Sawdust piles and slash remaining from abandoned sawmill operations; and

(15) All other waste materials and unsightly debris from any industry.

TOWN – The Town of Sudlersville.

UNFIT STRUCTURE – Any dwelling, building, or part of a dwelling or building that is a hazard to the safety, health, or welfare of the public because it is in disrepair, is unsanitary, or is vermin or rodent infested.

VEHICLE – A device, such as a piece of mechanized equipment, for transporting goods, passengers, or equipment, including, but not limited to, cars, trucks, motorcycles, and boats.

ARTICLE II
Nuisances and Public Hazards

§ 1-2. Nuisances and public hazards.

A. Each act or condition that is prohibited by this section constitutes a nuisance or a public hazard under this Ordinance.

B. Unless done in a manner approved by the Enforcement Officer or his or her properly designated agent, a person may not deposit or accumulate in or upon any land, sidewalk, street, highway, or alley:

   (1) Any foul, decaying, or putrescent substance;

   (2) Any garbage, refuse, or rubbish; or

   (3) Any other offensive matter.

C. Except for normal agricultural practices, a person may not discharge any foul liquids or sewage from any type of mobile vehicle holding tank, except into an approved sewer or treatment works.

D. A person may not dispose of human excrement, crab waste, dead chickens, hogs, horses, cows, sheep, dogs, cats, or any other fowl or animal in or upon any land, sidewalk, street, highway, or alley, or in or upon any other public or private place, unless the matter is:

   (1) Buried to a suitable depth; or

   (2) Otherwise disposed of in a manner approved by the Enforcement Officer.

E. A person may not convey garbage, swill, refuse, dead animals, dead fowl, or other filthy matter through any alley, street, or highway, public or private, in a manner not approved by the Enforcement Officer. This subsection does not prohibit the activities of licensed septage haulers or the transportation of sludge or sludge products otherwise licensed or allowed by law.

F. Except for licensed or governmentally operated sanitary landfills, a person may not use garbage, offal, or other decaying or putrescent matter, either by itself or in connection with ashes or other harmless matter, to fill in any land or other space.

G. A person may not permit any unfit structure to exist.

H. A person may not fail to exercise proper rodent control measures to discourage or eliminate the presence of rats and other vermin.

I. Presence for more than thirty (30) days.

(1) This subsection does not prohibit junkyards that are allowed and operated under the Town's Zoning Ordinance.

(2) A person may not allow on any property for more than thirty (30) days the presence of junk, garbage, refuse, or rubbish that is stored or maintained in an unsafe or unsanitary manner or within ten (10) feet of a public or private road or dwelling.

J. A person may not deposit or store materials containing a substance defined or identified as a hazardous substance under Title 7, Subtitle 2, of the Environment Article of the Annotated Code of Maryland, as amended from time to time, on any land in the Town.

K. Vehicles not legally tagged or registered.

(1) This subsection does not apply to an off-road recreational vehicle that is manufactured for off-road use and recreation and operational, regardless of whether the vehicle is tagged or registered.

(2) This subsection does not apply to any existing new or used car dealer or bona fide automotive repair shop within the Town.

(3) The owner or any other person charged with the possession or responsibility of any vehicle that is not tagged or registered with an appropriate State agency may not leave the vehicle unattended, abandoned, stored, or otherwise inoperative on any street, public way, or private property within the Town for a period of more than thirty (30) consecutive days.

(4) "Vehicle" under subsection (3) includes trailers.

L. Height of vegetation.

(1) This subsection does not apply to:

(i) Trees, cultivated crops, or cultivated ornamental shrubbery or plants;

(ii) Lots or parcels of land devoted to a bona fide agricultural use or designated by any governmental agency as a wildlife preserve, official wetland, or forest; or

(iii) Areas required to be maintained in a natural vegetative state by any governmental agency.

(2) A person may not allow any vegetation to grow higher than twelve (12) inches on any lot or parcel of land that is immediately adjacent to improved property.

M. Flow of liquid substances.

(1) No owner or tenant of any building or lot may permit any wastewater, slop, or liquid substance of any kind, except rainwater and water from noncommercial car washing or water from a hose, to run or flow from any building or lot into the alleys, streets, gutters, or sidewalks of the Town.

(2) No person in any business or industrial district within the Town may permit any wastewater, including rainwater, to run or flow from any building across any sidewalk of the Town.

N. No person may burn any paper, rubbish, or refuse in or upon any sidewalk, street, or alley within the Town.

O. No person may abandon, discard, store, or keep in any place accessible to children, or permit, as an owner, lessee, or manager, to remain on premises under his or her control, a refrigerator, freezer, or any other similar container of any kind that is no longer used for refrigeration purposes and that has an airtight door or lock that may not be released for opening from the inside of said refrigerator, freezer, or container, unless the attached doors, hinges, lids, or latches have been removed.

P. Grass, leaves, and yard waste.

(1) A person may not deposit, place, discard, drop, or in any other manner scatter any grass clippings, leaves, branches, or other lawn, garden, or tree waste in or upon the streets, curbs, sidewalks, drainage ditches, or alleys of the Town, except as permitted in subsections (2) and (3).

(2) Grass clippings, leaves, and garden clippings shall be placed in plastic bags and deposited at the appropriate street or alley line with other trash for collection. A person may call the Town Office to coordinate the placement and deposit of such yard waste at the appropriate street or alley line for collection. Branches and tree limbs not exceeding four (4) feet in length shall be placed together in bundles, bags, or cardboard boxes and placed at the appropriate street or alley line for trash collection.

(3) Nothing in this section shall be construed as prohibiting the temporary scattering of grass clippings, leaves, or other lawn or garden wastes in or upon the streets, curbs, alleys, drainage ditches, or sidewalks of the Town when it occurs incidental to and during mowing, raking, or clipping operations. Any such scattering of grass clippings, leaves, or other lawn or garden wastes shall be removed and corrected immediately at the conclusion of any mowing, raking, or clipping operations.

Q. No person shall permit any trees, bushes, vines, weeds, undergrowth, loose earth, or other objects or materials on private property, except buildings and similar structures affixed to the ground, that obstruct the vision of operators of vehicles traveling upon any public street, road, or highway, so as to constitute a traffic hazard, in the discretion of the Enforcement Official.

R. No person may place or allow to remain in, upon, or over any sidewalk, alley, or street within the Town any box, crate, barrel, carton, bricks, logs, lumber, lime, cement, or other building material, or anything else that might obstruct the free passage along and upon the sidewalk, alley, or street, or that may make the sidewalk, alley, or street unsightly or dangerous to the public health or safety, without first obtaining from the Commission a permit to place and maintain the obstruction.

§ 1-3. Responsibility of owner and occupant of property.

A. The owner and occupant of any premises in the Town are responsible for the sanitary condition of the premises.

B. A person may not place, deposit, maintain, or voluntarily allow to be placed, deposited or maintained on the person's premises any matter, material, or substance that constitutes a nuisance or public hazard under this Ordinance.

Article III
Enforcement

§1-4. Duty to enforce.

The Enforcement Officer and the sworn law enforcement officers who have jurisdiction in the Town are authorized to enforce this Ordinance.

§1-5. Enforcement Officer.

A. The Commission shall designate a qualified individual(s) to be the Enforcement Officer under this Ordinance.

B. The Enforcement Officer may conduct an investigation when he or she:

(1) Receives a complaint, in writing, from any legally qualified medical practitioner, affected person, or homeowners' association; or

(2) Determines that there is a reasonable basis to believe that a violation of this Ordinance exists.

C. If the Enforcement Officer determines that an act or condition constitutes a nuisance or public hazard under this chapter, he or she may serve a notice, in writing, on the person

responsible for the condition requiring the person to abate the act or condition within a time specified in the notice.

§1-6. Enforcement by Commission.

A. The Commission may take any action legally necessary to abate a nuisance or public hazard, including applying to a court of competent jurisdiction for injunctive or other appropriate relief.

B. Abatement and assessment.

(1) In addition to any other enforcement procedures under this Ordinance, the Commission may:

(a) Abate any nuisance or public hazard by any appropriate means; and

(b) Assess the property owner for the costs of the abatement and all inspections and legal proceedings relative to the abatement, including attorneys' fees.

(2) An assessment under this subsection shall be a lien against the real property that benefited from the abatement of the nuisance or public hazard, and may be collected in the same manner as real property taxes.

§ 1-7. Failure to abate nuisance or public hazard.

A. Pursuant to Md. Code Ann., Local Gov't § 6-101, et seq., as amended from time to time, a person who fails to abate a nuisance or public hazard is guilty of a Class A municipal infraction and shall be subject to a fine as set forth in Ordinance No. 2002-01 (Ordinance Enforcement and Municipal Infractions), as amended from time to time.

B. Each day that a violation of this Ordinance continues may be considered a separate offense and subject to a separate fine.

Article IV
Miscellaneous

§ 1-8. Severability.

If any portion of this Ordinance is held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance. It is the intent of the Commission that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

§ 1-9. Conflicts.

Nothing in this Ordinance shall be deemed to prevent the Town or Commission from enforcing any other Town Ordinance prohibiting or regulating any the nuisances and public hazards specified herein, nor shall any such Ordinance be deemed to be invalidated or repealed as a result of the enactment of this Ordinance. In the event of any conflict between this Ordinance and any other Town Ordinance prohibiting or regulating any of the nuisances and public hazards specified herein, that Ordinance which the Commission determines to be in the best interest of the health, safety, and welfare of the Town and its residents shall be deemed to control.

ORDINANCE ENFORCEMENT and MUNICIPAL INFRACTIONS

Adopted by: Ordinance 2002-01: January 8, 2002

ORDINANCE ENFORCEMENT and MUNICIPAL INFRACTIONS

1. Intent.

This ordinance shall provide that violations of town's ordinances and resolutions shall be, in certain cases, deemed to be municipal infractions and punishable by fine or imprisonment.

2. Definitions.

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

DEFENDANT – A person against whom a citation for a municipal infraction has been issued.

MUNICIPAL INFRACTION – Includes a violation of the littering, nuisance, zoning or environmental laws, and certain provisions of town ordinances, which has been designated a civil or municipal infraction by the Commission. A "municipal infraction" shall be deemed a civil offense.

PERSON – Any individual, group of individuals, organization, firm, partnership, corporation, government unit or any entity of any kind.

REPEATED VIOLATION – A recurring violation of the same provision of a town ordinance by the same person.

3. Citations.

A. Grounds for issuance. Town officials shall deliver, by personal service or certified mail, a citation to any person whom they adjudge to be committing a municipal infraction or on the basis of an affidavit submitted to the appropriate enforcement official, citing the facts of the alleged incident.

B. Contents. The town shall retain a copy of the citation which shall contain:

(1) The town's certification attesting to the truth of the matter set forth in the citation.

(2) The name and address of the person charged.

(3) The nature of the infraction.

(4) The location and time that the infraction occurred.

(5) The amount of the infraction fine assessed.

(6) The manner, location and time in which the fine may be paid to the municipality.

(7) The person's right to elect to stand trial for the infraction.

(8) The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

4. Citation not appealable.

The issuance of a citation is not appealable to any town board or commission. The redress available upon the issuance of a citation shall be the election to stand trial. This provision shall not prevent a defendant from requesting, either personally or through an attorney, additional information concerning the municipal infraction.

5. Trial and violation procedures.

A. Procedure for election of trial. A person receiving the citation for a municipal infraction may elect to stand trial for the offense by notifying the town of his intent to stand trial. The notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of notice of the intention to stand trial, the town shall forward to the District Court having venue a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date in accordance with the Annotated Code of Maryland, Article 23A, § 3, as amended. All fines, penalties or forfeitures collected by the District Court for violations of municipal infractions shall be remitted to the town.

B. Penalties. If any person shall be found by the District Court to have committed a municipal infraction:

(1) The person shall be required to pay the fine determined by the District Court.

(2) The person shall be liable for the costs of the proceedings in the District Court.

(3) The court may permit the town to abate any such condition at the person's expense.

6. Fines.

A. Unless otherwise specifically enumerated, any person who commits a municipal infraction shall be deemed to have committed a municipal infraction and shall be subject to a fine not to exceed four hundred dollars ($400).

B. A fine not to exceed four hundred dollars ($400) may be imposed for each conviction of a municipal infraction.

C. The fine is payable by the recipient of the citation to the town within twenty (20) calendar days of receipt of the citation.

D. Unless otherwise provided, each twenty-four (24) hour period in which a violation(s) exists shall constitute a separate violation.

E. The following schedule of fines shall be set for each municipal infraction, depending upon the class specified:

	Initial Violation	Repeated Violation
Class A	$ 400	$ 400
Class B	250	400
Class C	200	400
Class D	150	300
Class E	100	200
Class F	50	100
Class G	35	70
Class H	10	20

7. Failure to pay fine or give notice of intent to stand trial.

If the person receiving the citation for an infraction fails to pay the fine for the infraction by the date of payment set forth on the citation and fails to file a notice of his intention to stand trial for the offense, the person is liable for the assessed fine. The town may double the fine to an amount not to exceed one thousand dollars ($1,000.00) and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the municipality in the amount then due if a proper demand for judgment on affidavit has been filed.

8. Applicability of statutory provisions.

The proceedings for municipal infraction shall be subject to the requirements of the Annotated Code of Maryland, Article 23A, § 3, as amended.

9. Applicability of other remedies.

Notwithstanding the provisions of this ordinance or any other section of the town charter or town ordinances, alternative remedies such as injunction, mandamus or other appropriate forms of relief to enforce provisions of town legislation shall be effective as may be provided by law.

PARKING REGULATIONS AND RESTRICTIONS

Adopted by:	Ordinance 2006-06: June 6, 2006
Amended on:	9/5/2007, Ordinance 2007-05
Amended on:	4/1/2015, Resolution 2015-01
Amended on:	10/7/2015, Ordinance 2015-03

PARKING REGULATIONS AND RESTRICTIONS

1. Purpose.

The purpose of this Ordinance is to provide for regulations regarding the parking of motor vehicles or trailers within the limits of the Town, and establishing the penalties for the violation of those regulations.

3. Short title.

This Ordinance shall be known and may be cited as the "Town of Sudlersville Parking Regulations."

3. Traffic and parking control signs.

Whenever, in the judgment of the Commissioners of the Town of Sudlersville, it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Commissioners may erect or cause to be erected no-parking and other parking restriction signs designated to control, regulate, warn or guide traffic or limit the parking of motor vehicles and trailers on public streets, highways or other areas within Town limits.

4. Parking restrictions.

A. There shall be no parking, at any time, of any kind or nature of any motor vehicle or trailer along the following streets within the Town:

Name of Street	Side	Location
Miller Street	North	Between the intersections with Millington Road/N. Church Street to the east and Linden Street to the west
Main Street	*Both*	*Between Church Circle east to 108 East Main Street.*
Church Street	*Both*	*Between Church Circle south to 104 S Church Street*

B. There shall be no parking, at any time, of any kind or nature of any motor vehicle or trailer along or across any sidewalk or curb within the Town.

C. There shall be no overnight parking in the Town Parking Lot, located at 103 West Main Street.

D. Parking in the Town Parking Lot, located at 103 West Main Street, shall be limited to automobiles and light trucks operated by employees or customers of the Sudlersville Library and to customers doing business with establishments with in a two-block radius of the Town Center area located at the intersection of Main Street and Millington Road/N. Church Street.

5. Notice of violation, payment of penalty, issuance of summons.

The Sheriff of Queen Anne's County or Town officials duly authorized by the Commissioners of the Town of Sudlersville shall attach to any vehicle found to be in violation of paragraph 4 of this Ordinance or found to be in non-compliance with posted no-parking and other parking restriction signs designated to control, regulate, warn or guide traffic or limit the parking of motor vehicles and trailers on public streets, highways or other areas within Town limits a notice to the owner thereof that such vehicle has been in violation of the provisions of this Ordinance and instructing such owner to report to the Town Office during regular office hours thereof in regard to such violation. Each such owner shall, at such time as specified on the notice of violation attached to such vehicle, pay at the Town Office to the clerk in charge thereof, as a penalty and in full satisfaction of such violation, the sum as provided in paragraph 4 herein. Failure of such owner to make such payment upon such conditions shall classify that owner as a repeat offender and subject to the fines and penalties described in paragraph 6.

6. Violations and penalties.

It shall be the duty of all persons to observe and obey signs erected in furtherance of this Ordinance. Failure to do so shall be considered a violation of this Ordinance and punishable as a municipal infraction. A violation of this Ordinance is subject to a Class F fine in the amount of $50 as provided for in Ordinance No. 2002-01. A repeat offender may be assessed a fine of $100 as provided for in Ordinance No. 2002-01.

PROPERTY MAINTENANCE

Adopted by:	Ordinance 2002-02, 6/4/2002
Amended on:	11/2/2016, Ordinance 2016-04

PROPERTY MAINTENANCE

101-1. Adoption of Property Maintenance Code.

The International Property Maintenance Code, as published by the International Code Council, Inc., and any subsequent amendments, is hereby adopted by reference as the "Property Maintenance Code" of the Town of Sudlersville, Maryland, for the control of buildings and structures as provided herein, as if the code were set forth in full in the Section, with the additions, insertions, deletions, and changes, if any, shown in Appendix A, attached here to and made a part hereof.

101-2. Severability.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

101-3. Existing Liabilities.

This ordinance shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this ordinance had not become effective.

APPENDIX A
(Property Maintenance)

The following modifications and amendment have been made to amend the International Property Maintenance Code to conform to conditions peculiar to the Town of Sudlersville, Maryland, as well as to complement existing statute and administrative processes to best serve the citizens:

General.

Whenever a local subdivision or [name of jurisdiction] is referred to in the Property Maintenance Code, it shall be deemed to mean "Town of Sudlersville."

Section 101.1 Title.

Amend to read as follows:

"These regulations shall be known, and may be cited as, the Property Maintenance Code of the Town of Sudlersville."

Section 102.3 Application of other codes.

Delete in its entirety.

Section 103.1 General.

Delete in its entirety and replace with the following:

"The official designated by the Commission to administer and enforce the Property Maintenance Code shall be known as the code official."

Section 103.2 Appointment.

Delete in its entirety and replace with the following:

"The code official shall be appointed by the Commission, and shall serve at the pleasure of the Commission. The Commission may contract with an independent agency or organization for Property Maintenance Code inspection and enforcement services."

Section 103.6 Fees.

Delete in its entirety and replace with the following:

"The Commission may, by resolution, establish fees for activities and services performed by the code official in carrying out their responsibilities under this code."

Section 303.14 Insect screens.

Amend to read as follows:

"During the period from April 1 to September 30, every door…"

Section 602.3 Heat supply.

Amend to read as follows:

"…shall supply heat during the period from October 1 to March 31 to maintain a temperature…"

Section 602.4 Occupiable work spaces.

Amend to read as follows:

"…shall be supplied with heat during the period from October 1 to March 31 to maintain a temperature…"

PURCHASING and CONTRACTS

Adopted by: Ordinance 2002-04: July 2, 2002

PURCHASING and CONTRACTS

1. Purpose.

The purpose of this ordinance is to provide for an efficient and equitable system of public purchasing by the Town; to obtain the maximum purchasing value of public funds in procurement by the Town; to provide for a procurement system of quality and integrity; and, to provide for selling surplus goods in a manner which is efficient and equitable, and yields the highest sales price.

2. Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meanings set forth in this section:

CAPITAL IMPROVEMENT – Any public improvement undertaken by the town, including construction or reconstruction in whole or in part of any road, bridge, street, building or water, sewer or storm drain facility or any similar structure or facility necessary in carrying out the activities of the town government.

PUBLIC NOTICE – Notice deemed appropriate by the purchasing agent by way of posting at the Town office; posting in other conspicuous public places, including the Internet; advertisement in a newspaper of general circulation; announcement in a publication sponsored by the Town or a mailing by the Town, or some combination thereof.

PURCHASING AGENT – The Clerk-Treasurer or such other person as may be designated as such by the Commission.

SERVICES – Includes all types of services required by the town but not furnished by its own employees except professional services which are in their nature unusual and not subject to competition and shall not include capital improvements.

SUPPLIES (or GOODS) – Includes all commodities, materials, equipment and all other articles or things furnished to be used by any department or town official or employee, except supplies of an unusual or noncompetitive nature which shall not be subject to competitive bidding.

3. Emergency purchases.

(a) An emergency for purposes of this ordinance shall be deemed to exist when a breakdown in equipment, machinery and/or a threatened curtailment of essential services or a dangerous condition develops, or when any unforeseen circumstance arises causing curtailment or diminution of an essential service.

(b) In cases of emergency, the purchasing agent may purchase directly the required supplies or services. The purchasing agent shall, however, whenever practicable, obtain at least three (3) competitive telephone bids and order from the lowest responsible bidder. A written record shall be prepared as promptly as possible concerning the circumstances of the emergency and a tabulation of any bids and the amount expended and shall be presented to the Commission at its next meeting.

(c) The purchasing agent shall endeavor to reduce emergency purchases to a minimum by use of service contracts or other arrangements for standby services.

4. Procedure where cost exceeds $1,000.

All supplies, contractual services and capital improvements, where the estimated cost exceeds one thousand dollars ($1,000), shall be purchased by formal written contract from the lowest responsible bidder after public notice, as determined by the purchasing agent, inviting proposals. The following procedures shall be observed:

(a) The purchasing agent shall cause appropriate written specifications to be prepared.

(b) Public notice to prospective bidders shall be given at least fifteen (15) days before the date for the opening of bids. Such public notice shall include a general description of the supplies or contractual services involved or the capital improvement to be undertaken and shall state where bid forms and specifications may be obtained and state the place and time for opening bids.

(c) Each bidder shall accompany his bid with a statement under oath that he has not been a party with any other bidder to bid a fixed or uniform price. Failure to so provide such a statement shall invalidate the bid.

(d) Bids shall be opened publicly by the purchasing agent who shall present all bids to the Commission at its next meeting. No bid may be withdrawn within thirty (30) days of the bid opening.

(e) The Commission, by motion, shall award the contract to the lowest responsible bidder, except that the Commission may reject all bids, parts of all bids or all bids for any one (1) or more items included in the proposed contract whenever, in its judgment, the public interest will be served thereby.

(f) All contracts shall be signed on behalf of the town by the President of the Commission or other designated official of the town.

5. Procedure where cost is between $500 and $1,000.

Where the estimated cost of a contract for supplies, services or capital improvements is between five hundred dollars ($500) and one thousand dollars ($1,000), the following procedure applies:

(a) The purchasing agent shall cause appropriate written specifications to be prepared.

(b) The purchasing agent shall follow the procedures in Section 4 or, alternatively, may solicit informal bids by personal contact and/or by telephone. Whenever possible, at least three (3) bids shall be obtained, which shall be submitted to the Commission at its next meeting, which may award the contract or reject bids as set forth in Section 4. Following any award, a written contract or purchase order shall be signed on behalf of the town by the President of the Commission or other designated official. Bids may not be withdrawn within thirty (30) days from the date of the bid.

6. Procedure where cost is $500 or less.

When the cost of a contract for supplies, services or capital improvements is five hundred dollars ($500) or less, the purchasing agent may contract for the same without Commission approval. Whenever practicable, the purchasing agent shall obtain telephone prices from at least two (2) sources. A report of all such purchases shall be made to the Commission at its next meeting.

7. Surplus and obsolete items.

(a) The purchasing agent is authorized to exchange or trade in obsolete equipment or surplus supplies in part or full payment for new supplies or equipment. In addition, the purchasing agent may sell surplus supplies or obsolete equipment to the highest bidder after public notice at least fifteen (15) days prior to the date of sale. All proposed trade-ins must be approved by the Commission.

(b) The Commission may authorize the disposition of goods by any other lawful means when, because of the unusual character of the goods to be disposed of or unusual circumstances affecting the disposition of the goods, it appears to the Commission to be in the town's best interest to do so.

8. Other laws and regulations.

Whenever, by reason of revenue sharing or otherwise, State or federal laws or regulations apply to any anticipated contract for supplies, services or capital improvements, such laws or regulations shall prevail over any inconsistent provisions of this ordinance.

9. Division of contract.

No anticipated contract or purchase shall be subdivided to avoid the requirements of Section 4 or Section 5.

10. Lowest responsible bidder.

In determining the lowest responsible bidder under Section 4 and Section 5, the Commission and the purchasing agent shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(b) Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference.

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(d) The quality of performance of previous contracts or services.

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(f) Whether the bidder is in arrears to the town on debt or contract or is a defaulter on surety to the town or whether the bidder's town taxes or assessments are delinquent.

(g) Such other information as may have a bearing on the decision to award the contract.

12. Exceptions.

(a) The provisions of this ordinance do not apply to the purchase of goods or services when:

(1) a good or service is available from only one source of supply, or when standardization or compatibility is the overriding consideration;

(2) the purchase is pursuant to a contract with (i) the United States of America or any agency thereof or (ii) any other government unit or agency thereof within the United States for the purchase, lease or other acquisition of goods; or

(3) a special emergency exists involving the health and safety of the people or their property, consistent with Section 3.

(b) The purchasing agent shall prepare and submit to the Commission a written report concerning any purchase to be made pursuant to this Section and all such purchases shall be approved by the Commission. The Commission shall keep a record of all purchases made pursuant to this Section and these records shall be subject to public inspection in the manner provided by law.

13. Waiver Based on Other Government Purchases.

When the purchasing agent determines that it is in the best interest of the town to do so, the requirements of this ordinance may be waived for the purchase of goods or services from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that prescribed in Section 4 of this ordinance, contracted to furnish the same type of goods or services to:

(a) the United States of America or any federal agency;

(b) the State of Maryland or any agency or political subdivision of the State; or

(c) any other state or any agency or political subdivision of that state if the person or entity is willing to furnish the goods or services at the same or more favorable price, terms and conditions as those provided under the contract with the other unit or agency.

The Commission shall approve any purchase made under this Section.

RENTAL PROPERTY MAINTENANCE AND OCCUPANCY

Adopted by:	Ordinance 2006-04: December 5, 2006
Amended by:	Ordinance 2012-02: June 20, 2012

RENTAL PROPERTY MAINTENANCE AND OCCUPANCY

ARTICLE I RENTAL OCCUPANCY PERMITS

Section 1-101, Applicability.

The requirements of this article shall apply to:

A. Owners of real estate following the occurrence of an activity for which the issuance of a building permit under this chapter is required.

B. Lessors of residential real estate in accordance with the schedule set forth in Section 2 hereof.

Section 1-102, Inspection of Rental Units.

Unless the Commissioners shall designate a different grouping of rental units for inspection purposes, the following shall constitute the inspection schedule for rental housing.

A. Biennial inspection. All rental housing units within the Town of Sudlersville shall be inspected on a biennial basis (i.e., once every two years) or upon any change in tenant occupancy and prior to reletting the premises, for compliance with Building, and Property Maintenance Code standards.

B. Inspection in even-numbered years. In even-numbered years, all rental housing units located on the east side of Church Street shall be so inspected

C. Inspection in odd-numbered years. In odd-numbered years, all rental housing units located on the west side of Church Street shall be so inspected.

D. Administrative convenience. In order to alleviate the grouping of a disproportionate number of rental unit inspections in a single year, the Commissioners may assign one or more units to a different inspection year than that provided in Subsections B and C above and shall notify the owners of the units so assigned not less than 30 days prior to the due date of the application as provided in Subsection E.

E. Inspection process. Every residential housing unit owner, whether such unit is an apartment or a single-family residence, shall make application to the Town of Sudlersville for inspection on or before the 31st day of December of the year in which inspection is required, or upon any change in tenant occupancy and prior to reletting the premises. It shall be a further requirement of this ordinance that a copy of the owner's Lead Paint Registration Form shall be filed along with the application for inspection

Section 1-103. Permit required.

It shall be unlawful to occupy or to permit the use or occupancy of any building or premises or portion thereof as described in Section 1-101 B until the building or premises have been inspected and an occupancy permit issued stating that the proposed use of the building or premises conforms to the requirements of the Town Building Code and Town Property Maintenance Code.

Section 1-104. Inspection Fee.

The applicant for an occupancy permit shall pay a fee for such inspection in that amount established from time to time by resolution of the Commissioners of Sudlersville.

Section 1-105. Violations and Penalties.

A. Any person who shall occupy property without an occupancy permit where the same is required by this chapter shall be guilty of a Class D municipal infraction as set forth in the Ordinance Enforcement and Municipal Infractions Ordinance. Each day that occupancy without a required permit occurs shall constitute a separate offense.

B. Any rental property owner who shall fail to make application to the Town of Sudlersville for the inspection required by this chapter shall be deemed guilty of a Class A municipal infraction as set forth in the Ordinance Enforcement and Municipal Infractions Ordinance.

C. Once inspection shall have been made by the Town Code Enforcement Inspector, such property owner shall have 30 days to correct all violation found by the Inspector that are not subject to the emergency provisions of Section 109 of the 2003 International Property Maintenance Code or its successor code. Each day more than 30 days after the inspection the Town Code Enforcement Officer shall have made that non-emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the 2003 International Property Maintenance Code or its successor code.

SEWER

Adopted by:	Ordinance 002: February 1, 1975
Amended on:	5/8/1990, Ordinance 007
Amended on:	8/5/2015, Ordinance 2015-01

THE COMMISSIONERS OF SUDLERSVILLE
SEWER ORDINANCE FOR THE TOWN OF SUDLERSVILLE, MARYLAND

ARTICLE I.
Definitions and Word Usage

§ 1-1. Terms defined.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

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° Celsius, expressed in milligrams per liter.

BUILDING DRAIN – That part of the lowest horizontal piping of a drainage system which received the discharge from soil waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, the building drain terminating five feet outside the inner face of the building wall.

BUILDING SEWER – The extension of pipe from the building drain to the Town's sewer or other place of disposal.

COMBINED SEWER – A sewer receiving both surface runoff and sewage.

COMMISSION – The Town's legislative authority, created pursuant to Section 24-3 of the Charter of the Town of Sudlersville., as amended from time to time.

DWELLING UNIT OR FAMILY UNIT – A building or part thereof arranged or designed to provide living and sanitary facilities for only one family.

DISCHARGE – The direct or indirect introduction of pollutants into the Town's sewer system from any source, by any means.

EQUIVALENT DWELLING UNIT (EDU) – The average daily flow of wastewater generated by a residential dwelling unit, which may not exceed 250 gallons. The number of EDUs required for non-residential uses shall be calculated in accordance with the most recent version of the "Design Standards for Wastewater Facilities" published by the Maryland Department of the Environment.

FOOD SERVICE FACILITIES – Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéeing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a

receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the Town or its agents, who discharge applicable waste.

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

GREASE – Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as "grease" by definition. "Grease" does not include petroleum-based products.

GREASE TRAP – A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids that settle, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

IMPROVEMENT – Any dwelling, commercial building, or other structure of a fixed or permanent nature situated upon a single lot or parcel of land within the corporate limits of the Town.

INDUSTRIAL WASTES – The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake, or other body or surface or ground water.

PERSON – An individual, partnership, association, corporation, joint stock company, trust, unincorporated association, governmental body, political subdivision, or any other entity.

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING FIXTURES – The installed receptacles, devices, or appliances which receive or discharge liquids or liquid-borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

POLLUTED WATER – Water in which there are microorganisms, chemicals, or waste materials in a concentration which renders the water harmful or objectionable.

PRIVATE – Of, belonging to, or concerning a particular person and not open to or intended for the public.

PROPERLY SHREDDED GARBAGE – The wastes from the preparation, cooking, and dispensing of foods that have been shredded to a degree that all particles will be carried freely

under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any direction.

PROPERTY – Any real property, lot, or parcel of land within the corporate limits of the Town, regardless of whether any improvement is situated thereupon.

SANITARY SEWER – A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE or SEWERAGE or WASTES – A combination of the water-carried wastes from residences, business, buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be unintentionally admitted.

SEWAGE TREATMENT PLANT – Any arrangement of devices and structures used for treating sewage.

SEWAGE TREATMENT WORKS – All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER – A pipe or conduit for carrying sewage.

SLUDGE – Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during the normal operation.

STORM DRAIN or STORM SEWER – A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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.

TOWN – The Commissioners of Sudlersville, a municipal corporation of the State of Maryland, and/or its duly authorized officers or agents.

USER – Any person or establishment, including those located outside the jurisdictional area of the Town, that contributes, causes, or permits the contribution or discharge of wastewater into the Town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

WASTEWATER – Any combination of domestic and nondomestic water-carried wastes from dwelling units, business buildings, institutions, and commercial and industrial establishments, together with groundwater, surface water, and stormwater that may be present, that discharges into the Town sewer and sewerage system.

WATER ORDINANCE – The Town's Water Ordinance, initially passed as Ordinance No. 2009-09 on September 2, 2009, as amended from time to time.

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

B. Word usage. "Shall" is mandatory. "May" is permissive.

C. Abbreviations. In this Ordinance, the following abbreviations are used as indicated.

1. BOD – biochemical oxygen demand.

2. ^{o}C – degrees Celsius.

3. °F – degrees Fahrenheit.

ARTICLE II
Connection of Sewer Service

§ 2-1. Connections to Town sewer service required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Town or within sewer service districts beyond the Town's corporate limits that are served by the Town, or that are served by the Town's municipal water system, 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 or combined sewer of the Town, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the Town sewer in accordance with the provisions of this Ordinance, within a reasonable time, which shall not exceed 120 days, as prescribed in the official connection notice from the Town. Each house, mobile home and/or trailer unit used for residential or commercial purpose, and having domestic water and/or sanitary facilities therein, shall be considered a separate and independent building, and as such shall have its own separate and independent building drain and building sewer.

§ 2-2. Prohibited sewer connections; restrictions.

A. No person shall make connection of exterior foundation drains, area-way drains or other sources of surface or ground water runoff, storm drains, roof drains, gutters, and downspouts, yard drains, cellar drains, cellar pumps, swimming pool drains, or any other connection that may be restricted by law or as determined by the Commission from time to time, to any building sewer or building drain that is connected directly or indirectly to the Town sewer.

B. It shall be unlawful for any person to:

(1) Place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town, or in any area under the Town's jurisdiction, any human or animal excrement, garbage, or other objectionable waste;

(2) Discharge to any natural outlet within the Town, or in any area under the Town's jurisdiction, any sewerage or other polluted waters; or

(3) Except as hereinafter provided, construct, keep, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. All such facilities shall be filled and capped to the Town's satisfaction.

ARTICLE III
Building Sewers and Connection

§ 3-1. Unauthorized disturbance of Town sewer; appurtenances.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Town and without having complied with the connection permit and connection application requirements set forth in this Ordinance.

§ 3-2. Sewer permits.

In each case where a property owner is seeking Town sewer service for any residential, commercial, or industrial use, the owner or the owner's agents shall make application to the Town for a connection in the same manner as for Town water service as set forth in the Water Ordinance. The application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Town.

§ 3-3. Costs; installation and maintenance; indemnification.

A. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the property owner.

B. The Town will maintain all sewer services, pipes, and appurtenances from the street main to the property line. The Town's responsibility for maintenance, repair, or replacement of any sewer fixture, connection, or other apparatus shall be limited to those which are part of the public system or are located within the boundaries of a public way. The Town, where it shall deem such action necessary, may perform maintenance or repair work on private property, in which case the cost, including overhead expenses, shall be paid by the property owner. Likewise, the cost of any work outside of the property line made necessary by the neglect or through action of a property owner or tenant may be charged to the property owner.

C. The property owner is responsible for the installation and maintenance of service lines from the point of service connection to the property owner's dwelling unit or other

structure served. The point of service connection for sewer is the end of the service lateral where the lateral enters the property owner's dwelling unit or other structure served.

D. All piping and appurtenances upon the premises served must comply with and be installed and maintained in accordance with applicable local and State law, including but not limited to this Ordinance, the Town of Sudlersville Building Ordinance and the Plumbing Code of the State of Maryland, as each may be amended from time to time.

E. 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. During initial implementation and hookup of the Town's sewerage system, the Town may undertake the design, installation, and connection of building sewers.

§ 3-4. Extension of sewer services.

A. The extension of sewer services to properties located within the Town or sewer service districts beyond the corporate limits of the Town that are served by the Town is subject to the provisions regarding the extension of water services to such properties as set forth in the Water Ordinance.

B. The extension of sewer services to properties located outside the Town or sewer service districts beyond the corporate limits of the Town that are served by the Town is subject to the provisions regarding the extension of water service to such properties as set forth in the Water Ordinance.

§ 3-5. Separate building connections.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front may be extended to the rear building and the whole considered as one building sewer, and provided that this shall only apply when both buildings have the same ownership.

§ 3-6. Old building connections.

Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Town or its authorized agents, to meet all requirements of this Ordinance.

§ 3-7. Sewer connections to comply with Town requirements.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements or other applicable rules and regulations of the Town. A cleanout meeting the requirements of the Maryland Plumbing Code, as amended, shall be provided by the property owner at the point of connection of the property owner's building sewer to the public sewer. In the absence of code provisions, rules, or regulations thereof, the materials and procedures set forth in appropriate specification of the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

§ 3-8. Sewer elevations.

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 approved means and discharged to the building sewer.

§ 3-9. Connection specifications.

The connection of the building sewer into the public sewer shall conform to the requirements or other applicable rules and regulations in appropriate specifications of the ASTM and the WPCF as set forth in Manual of Practice No. 9. All such connections shall be made gastight and watertight. Pipe for building sewer shall be service weight (SV) or extra heavy (XH) cast iron soil pipe conforming to ASTM A-74, or extra strength clay pipe, ASTM C-700 with rubber O-ring compression joints, ASTM C-425. All connections of building sewer into the public sewer shall be performed by a Registered Master Plumber, licensed by the Maryland State Board of Commissioners of Practical Plumbing and Queen Anne's County, and in accordance with applicable local and State law. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

§ 3-10. Inspection of connections.

The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town or its representatives or agents.

§ 3-11. Public protections; restoration of public property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard or injury. Street, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE IV
Use of the Sewer System

§ 4-1. Certain water discharges restricted.

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.

§ 4-2. Discharge to storm sewers or natural outlets restricted.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, to a storm sewer or natural outlet.

§ 4-3. Restricted water or waste discharges enumerated.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any Town sewer:

A. Any gasoline, benzene, 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 sewer 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;

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, or personnel of the sewerage works; or

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 treatment works, such as by way of example, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, seafood waste, entrails, and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

§ 4-4. Discharges which are harmful to sewers or facilities.

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 Town that such wastes can harm either the sewers, sewerage treatment plant, or process or equipment, have an adverse

effect on the receiving stream, or can otherwise endanger life, limb, public or private property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject waste in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewerage treatment process, capacity of the sewerage treatment plant, degree of treatability of wastes in the sewerage 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 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 140° F. (0° and 60° C).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower (0.76 metric) or greater shall be subject to review and approval by the Town.

D. Any waters or wastes containing strong acid from pickling wastes or concentrated plating solutions, whether neutralized or not.

E. Any waters or waters containing iron, chromium, copper, zinc, and other similar objectionable or toxic substances or wastes exerting an excessive chlorine or other disinfectant requirement, to such degree that any material received in the composite sewerage at the sewerage treatment plant exceeds the limits established by the Town 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 Town, as necessary, after treatment of the composite sewerage, to meet the requirements of the State, federal, or other public agencies having jurisdiction for such discharge into the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.

H. Any water or wastes having a pH lower than 5.5 or higher than 9, or having any other corrosive property that may be hazardous to the Town system.

I. Materials which exert or cause:

1. Unusual concentration 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 sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand or chlorine or other disinfectant requirements in such quantities as to constitute a significant load on the sewerage treatment works.

4. Unusual volume of flow or concentration of wastes constituting “sludge” as defined herein.

J. Prescription medications or other pharmaceutical products.

K. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewerage treatment processes employed, or are amenable to treatment only to such degree that the sewerage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 4-5. Action by Town upon certain discharges.

A. 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 § 4-3 and/or § 4-4 of this Ordinance, and which, in the judgment of the Town, may have a deleterious effect upon the sewage treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Ordinance.

B. If the Town 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 Town and subject to the requirements of all applicable codes, ordinances and laws.

§ 4-6. Amalgam management at dental offices.

All dental offices and dental clinics shall confirm to best management practices in the handling and process of material containing amalgam and prevent the discharge of untreated amalgam into the wastewater system.

§ 4-7. Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes and/or other harmful ingredients, except that such interceptors shall not be required but are recommended for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 4-8. Sand, soil, and oil interceptors.

All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the Town) that have sources of sand, soil, and oil shall install effective sand, soil, and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment system. Users whose systems are deemed to be ineffective by the Town shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Town.

§ 4-9. Laundromats.

Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids 0.5 inches or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

§ 4-10. Control equipment.

A. The equipment or facilities installed to control food waste, sand, soil, oil, and lint must be designed in accordance with other applicable guidelines approved by the Town.

B. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

C. Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

D. If the Town, or its agent, is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof), the owner or operator shall be required to refund the labor, equipment, materials, and any

overhead costs to the Town, including any fines incurred due to any sanitary sewer overflow due directly to the stoppage.

E. The Town retains the right to inspect and approve any and all installations of control equipment.

§ 4-11. Alteration of control methods.

The Town reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of fats, oils, grease, or other food waste, sand, soil, lint, or any other undesirable materials.

§ 4-12. Preliminary treatment or flow equalizing 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.

§ 4-13. Control structures and observation facilities.

When required by the Town, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances, in the building sewer or control structure to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

§ 4-14. Measurements, tests, and analyses.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 structure provided or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure 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 treatment works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of any particular premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended-solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

§ 4-15. Special agreements or arrangements.

No statement contained in this Ordinance shall be constructed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern.

§ 4-16. Powers and authority of inspectors.

A. A duly authorized agent or employee of the Town, presenting the proper credentials, shall have the right of entry and access at all reasonable hours to any premises supplied with the Town's sewer service for the purposes of inspection, observation, measurement, sampling, testing, and for any other purpose which is deemed proper and necessary for the operation of the Town's sewer system. While performing such work, the Town's employees and agents shall observe all applicable laws and regulations, the property owner shall be held harmless for injury or death to such employees and agents, and the Town shall indemnify the property owner against loss or damage to the premises by such employees and agents and against liability claims and demands for personal injury or property damage asserted against the property owner, except as may be caused by negligence or failure of the property owner or occupant to maintain the premises in accordance with applicable laws and regulations.

B. The Town, and other duly authorized employees or representatives 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage treatment works lying within said 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 agreement pertaining to the private property involved.

ARTICLE V
Food Service Facilities Requirements; Grease Traps

§ 5-1. Food service; general requirements.

Any existing Food Service Facilities, or any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Town a food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. The food waste control plan shall conform to the following general criteria:

A. All existing, proposed, or newly remodeled Food Service Facilities inside the Town's wastewater service area shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap.

B. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F. Grease traps shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the town where the property size may warrant a grease trap connect to the sink plumbing fixtures.

G. Pass through limits – no user shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 413.

§ 5-2. Grease trap design criteria.

A. Grease traps shall be constructed in accordance with Town standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the Town. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with case iron frame and cover.

C. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity (example: vehicular traffic in driving or parking areas).

D. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E. The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, multiple units plumbed in series shall be installed unless other means have been established by the Commission.

§ 5-3. Grease trap maintenance.

A. The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the Town's pass through limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Such work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Cleaning shall also include a thorough inspection of the trap and its components by Town appointed personnel. The user is responsible for notifying the Town two weeks in advance of cleaning/pumping and for scheduling the Town inspection. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B. The grease trap must be pumped out completely a minimum of once every six months, or more frequently, as determined by the Town, as needed to prevent carryover of grease into the sanitary sewer system.

C. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the Town's sanitary sewer collection system.

D. A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the town or its representative upon request.

E. Each user shall submit all cleaning and maintenance records to the Town. The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number.
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of the grease trap.
3. Types of maintenance performed.
4. Dates maintenance was performed.
5. Date of next scheduled maintenance.
6. Copies of manifests.

The user shall be required to submit maintenance records to the Town on an annual basis (once per year). Records shall be submitted by December 1st of each year. The records shall be submitted to:

Town of Sudlersville
Attn: Grease Trap Ordinance
200 South Church Street
Sudlersville, Maryland 21668

The Town will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Town, the user shall be required to perform the maintenance and repairs of said inspection within 14 calendar days. Upon inspection by the Town the user may be required to install, at the user's expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

F. Any biological additive(s) placed into the grease trap or building discharge line including but not limited to enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the Town prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

G. Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

ARTICLE VI
Sewer Charges and Rates

§ 6-1. Sewer usage; basic charges.

A. Notwithstanding any rates, charges, or assessments established by this Ordinance, the Commission shall establish and amend from time to time a resolution to be known as the "Sewer System Fee Schedule Resolution." In addition to any charges set forth elsewhere in this Ordinance, the Sewer System Fee Schedule Resolution shall set forth the following rates and charges:

1. A basic service charge per the number of EDUs prescribed for the use of the property, or the next closest use, in the Town's discretion, which shall be based upon the most recent version of the "Design Standards for Wastewater Facilities" published by the Maryland Department of the Environment.

   a. When a structure containing multiple units is connected to the Town's sewer system, each residential dwelling unit shall be considered a separate service regardless of the number of physical connections to the sewer main serving the structure.

b. Where multiple non-residential uses in the same structure are served by a meter, the usage charge for all units shall be the same as for the most intense use as defined in the most recent version of the "Design Standards for Wastewater Facilities" published by the Maryland Department of the Environment.

2. A sewer connection charge. The sewer connection charge must be paid in full to the Clerk-Treasurer before construction begins and service connections are provided.

a. All funds to be expended having accumulated from the connection charge shall be expended solely for system expansion and improvement, including the cost of designing and constructing the improved or expanded sewer system or acquiring property for the same.

b. All of the funds collected from the connection charge shall be deposited in a separate account, which shall be interest-bearing.

c. The connection charge shall be 75 percent higher for properties lying outside the Sudlersville Sewer Service District or the Barclay Sewer Service District, unless otherwise specifically agreed to by the Commission.

3. Penalties for delinquent payment, including late fees, and fees for restoring service.

4. Any other rates or charges provided for in this Ordinance.

B. For the purpose of determining the amount of water used, a water meter shall be installed as set forth in the Water Ordinance. For the purpose of determining the amount of wastewater generated, the metered water consumption shall be used.

C. When two or more structures owned by the same party are connected to the Town's sewer system, the sewer bills for such structures may not be combined into a single bill.

D. The procedure for passing and adopting the Sewer System Fee Schedule Resolution and any amendment thereto shall be as follows:

1. Said resolution, or any amendment thereto, shall first be introduced and read aloud at a previously convened regular town meeting before holding a public hearing to receive public comment on said resolution.

2. A notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town prior to said hearing.

3. Said resolution or amendment shall be considered for adoption, with or without amendment, at a regular meeting subsequent to holding the public hearing. Such regular meeting may be held the same day as the public hearing.

4. The new rates and fees shall become effective 20 days after adoption of said resolution, unless a later effective date is specified in the resolution.

§ 6-2. Retirement of capital improvement debts.

The cost to retire debts for capital improvements to the Town's sewer system shall be included in the sewer service charge.

§ 6-3. Rates for properties located outside of Town.

Other than properties which are located within the Sudlersville Sewer Service District, the rates and charges for sewer service for consumers living outside of Town limits may be charged a sum not less than two (2) times the minimum rate charged consumers within Town limits. In the event that the Commission establishes a higher rate for out-of-town consumers, such rate shall not apply to those consumers and properties that are located within the Barclay Sewer Service District.

§ 6-4. Operation and maintenance costs.

Operation and maintenance costs for the Town's sewer system shall be reviewed by the Town on an annual basis. The sewer charges shall be adequate to assure the Town will have sufficient funds to operate and maintain the sewer system and shall provide sufficient funds to establish a reserve account for future replacement of capital equipment during the service life of the sewer system.

§ 6-5. Payment of sewer charges.

A. Billing for sewer charges shall be combined with billing for water charges and subject to the provisions related thereto as set forth in the Water Ordinance, including the penalties for nonpayment and delinquent payments. Accordingly, any delinquent sewer bill and the reconnection charge set forth in the Sewer System Fee Schedule Resolution that remains unpaid after 60 days from the sending of the notice required under the Water Ordinance shall become a first lien on the property served, and may be collected in the same manner and subject to the same interest as taxes are collected in Queen Anne's County. The provisions relating to tax sales under Tax-Property, § 14-808, et seq. of the Annotated Code of Maryland, as amended, shall apply and the property may be sold for such unpaid bill.

B. A payment plan may be approved by the Town Manager or his designee for any delinquent account based on a showing by the property owner of financial hardship or

inability to pay in a timely manner. Any payment plans approved as provided herein shall be reviewed at least once annually by the Commission.

§ 6-6. Unoccupied buildings.

For billing purposes, a building or building unit connected to the Town's sewer system shall be considered occupied until such time as the property owner shall pay the specified water turn off fee prescribed by the Commission and notify the Town office to turn off the service.

§ 6-7. Estimated billing.

A. The sewer portion only of the excess charges above the three-month seasonal average for a specific property may be abated if all of the following conditions are met:

1. The higher than normal usage is the result of leaking water that is not being sent through the wastewater system.

2. The high usage is not the result of outside water usage such as, but not limited to, lawn and garden watering, car washing, power washing, and the like.

3. The leak has been verified by the water superintendent and/or documented by a plumber licensed to work in Queen Anne's County.

4. The leak has been properly repaired by a plumber licensed to work in Queen Anne's County with written documentation of the repair submitted to the Town Clerk-Treasurer, or the repair has been inspected and approved by the water superintendent.

5. The abatement period shall be for a period not exceeding 60 days or two billing periods.
6. The request for abatement must be in writing and received by the Town Clerk-Treasurer within 45 days of the billing having the excessive usage, except where it can be verified that the resident has been away for an extended period.

B. The sewer portion only of the charges for metered water used to fill a residential swimming pool may be abated if all of the following conditions are met:

1. The Town Clerk-Treasurer and the Water Superintendent are notified at least three days in advance of the pool filling.

2. The volume of water used can be determined by pool dimensions or meter readings (an extra charge may apply for reading the meter).

3. The fill rate and time of fill are approved by a designee of the Town.

C. Abatements, if approved, will be applied as a credit to the user's account during the next billing cycle. The Town will not issue cash refunds.

ARTICLE VII
Penalties

§ 7-1. Violation and penalties.

A violation of any provision of this Ordinance shall be considered a Class B municipal infraction pursuant to Ordinance No. 2002-01 and shall be punishable as set forth therein. Each day that a violation continues shall be considered a separate offense. In addition to said fine, the Town may request during the adjudication of an infraction that the owner(s) abate the violation, or in the alternative, permit the Town to abate the violation, and that all costs incident to the abatement shall be charged against the property owner, and shall constitute a lien on the property. A violation of this Ordinance may also be deemed a material breach of contract, thereby authorizing the Town to discontinue service.

§ 7-2. Liability for damages.

Any person found violating any provision of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. If the Town is subjected to fines or penalties for a wastewater spill caused by a property owner or his designated agent or tenant damaging or failing to maintain sewer pipes, including but not limited to keeping cleanout caps in place, the property owner shall reimburse the Town in full for any fines, penalties or other costs or expenses arising from such a spill.

§ 7-3. Damaging, destroying, or tampering with works; penalties.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage treatment works. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding $500 for each violation. Each day upon which such violation continues shall be deemed a separate offense.

§ 7-4. Unpaid charges to become lien upon property.

All rates, charges, fees, and/or fines referred to in this Ordinance shall constitute a lien on the real property served and shall be levied, collected, and enforced in the same manner as are Town real property taxes or by suit at law, and shall have the same priority rights, bear the same interest and penalties, constitute a lien on the real property so assessed, and otherwise be treated as Town real property taxes.

ARTICLE VIII
Supplemental Sewer Regulations

§ 8-1. Adding or removing units in multi-unit structures.

A. When the total number of units or uses in a structure containing multiple units or users is reduced by combining units or downsizing the structure, any previously paid sewer connection and allocation fees shall not be refunded except as provided in this Ordinance. Basic sewer service charges will continue until the water meter(s) (where installed) for the corresponding down sized unit(s) are removed and the account paid in full.

B. When additional residential dwelling units or multiple non-residential users are added to an existing structure, such units shall not be connected to, or served by, the Town sewer system until the fees established by resolution of the Commission shall have been paid in full.

C. Failure to notify the Town when additional units or uses are added to a structure shall a constitute violation of this Ordinance subject to the penalties set forth in this Ordinance.

§ 8-2. Abandonment and expiration of service.

For the purpose of this section, a service shall be considered abandoned when no service, maintenance, or usage charges have been billed for five years or the meter and service line have been removed. After abandonment and/or expiration of service, a property owner shall pay the applicable connection fees to have service resumed.

§ 8-3. Change of use after service is connected.

A. When an existing non-residential service or use is changed to a different service or use, the property owner shall pay an additional allocation charge, as applicable, for the additional anticipated usage in accordance with the most recent version of the "Design Standards for Wastewater Facilities" published by the Maryland Department of the Environment and by resolution of the Commission.

B. When an existing residential service or use is changed to a non-residential service or use resulting in an anticipated water usage in excess of 250 gallons per day, the property owner shall pay an additional allocation charge, as applicable, for the additional anticipated in accordance with the most recent version of the "Design Standards for Wastewater Facilities" published by the Maryland Department of the Environment and by resolution of the Commission.

C. No portion of previously paid allocation or connection fees shall be refunded if a use is downgraded to a use that uses less water.

§ 8-4. Executive regulations.

The Commission may, from time to time, pass such supplemental ordinances and adopt such supplemental resolutions are permitted by State law necessary for the safe and efficient operation of the Town's water and sewer system.

§ 8-5. Public works agreements.

The Commission shall have the right to require that any person or property owner that has requested the Town's sewer services execute public works agreement and/or development rights and responsibilities agreement to address the conditions of extensions or services, including, but not limited to: financing, timing of work, scope of work, plans and specifications for infrastructure or facilities, warranties, allocations, performance and/or payment bonds or other security obligations, and such other terms and conditions that the Commission determines, in its discretion, are necessary or required for the use or extension of the Town's facilities.

§ 8-6. Miscellaneous.

A. All ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

B. It is hereby declared to be the intention of the Commission that the sections, paragraphs, sentences, clauses, and words of this Ordinance are severable, and if any word, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the other remaining words, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Commission without the inclusion herein of any such unconstitutional or otherwise invalid word, clause, sentence, paragraph, or section.

STORMWATER MANAGEMENT

Adopted by:	Ordinance 005, 7/23/1984
Amended on:	1/6/2016, Ordinance 2015-04

COMMISSIONERS OF SUDLERSVILLE
STORMWATER MANAGEMENT ORDINANCE FOR THE TOWN OF SUDLERSVILLE, MARYLAND

ARTICLE I
General Provisions

§ 1-1. Intent.

The purpose of this ordinance is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain after development the predevelopment runoff characteristics, as nearly as possible, and to reduce stream channel erosion, pollution, siltation, sedimentation, and local flooding, and use appropriate structural best management practices (BMP) only when necessary. This will restore, enhance, and maintain the chemical, physical, and biological integrity of streams, minimize damage to public and private property, and reduce the impacts of land development.

§ 1-2. Authority; explanation of provisions.

The provisions of this ordinance, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, as amended from time to time, are adopted under the Charter of the Town of Sudlersville and shall apply to all development or redevelopment occurring within the incorporated area of the Town. The application of this ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. The Commissioners of Sudlersville or their designee shall be responsible for the coordination and enforcement of the provisions of this ordinance. Any development that has not received final approval for erosion and sediment control and stormwater management plans by May 4, 2010 shall comply with the provisions of this ordinance, unless the development or redevelopment is granted an administrative waiver under Article III, § 3-2 of this ordinance.

§ 1-3. Incorporation by reference.

The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment, April 2000 and as may be amended), shall be incorporated by reference and shall serve as the official guide for stormwater management principles, methods, and practices.

The USDA Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000 and as may be amended) shall be incorporated by reference.

§ 1-4. Title.

This ordinance shall be known and may be cited as the “Sudlersville Stormwater Management Ordinance”.

ARTICLE II
Terminology

§ 2-1. Definitions.

For the purpose of this ordinance, the following definitions describe the meaning of the terms used in this ordinance.

ADMINISTRATION – The Maryland Department of the Environment (MDE), Water Management Administration.

ADVERSE IMPACT – For purposes of stormwater management, any deleterious effect on waters or wetlands including their quality, quantity, surface area, species, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL LAND MANAGEMENT – Those methods and procedures used in the cultivation of land in order to further crops or livestock production and conservation of related soil and water resources. Logging and timber removal operations shall not be considered a part of this definition.

APPLICANT – Any person, firm, or government agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

APPROVING AUTHORITY – The Commissioners of Sudlersville or the agency, department, or person designated thereby to enforce the provisions of this ordinance.

AQUIFER – A porous water-bearing geologic formation generally restricted to materials yielding an appreciable supply of water.

BEST MANAGEMENT PRACTICE (BMP) – A structural device or non-structural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

CHANNEL PROTECTION STORAGE VOLUME – The volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I and II.

CLEARING – The removal of trees and/or brush from the land but which shall not include the ordinary mowing of grass.

CONCEPT PLAN – For stormwater management purposes: The first of three (3) plan approvals that includes information necessary to allow an initial evaluation of a proposed project.

DESIGN MANUAL – The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment, April 2000 and as may be amended), that serves as the official guide for stormwater management principles, methods, and practices.

DETENTION STRUCTURE – A permanent structure for the temporary storage of runoff that is designed so as not to create a permanent pool of water.

DEVELOP LAND – To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

DIRECT DISCHARGE – The concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Chesapeake Bay Critical Area.

DRAINAGE AREA – That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

EASEMENT – A grant or reservation by a property owner of the right to use an identifiable piece of land or right for a specified purpose or purposes, and which must be included in the conveyance of land affected by such easement.

ENVIRONMENTAL SITE DESIGN (ESD) – Using small-scale stormwater management practices, nonstructural techniques, and site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing practices are specified in the Design Manual.

EXEMPTION – Those land development activities that are not subject to the stormwater management requirements contained in this ordinance.

EXTENDED DETENTION – A stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.

EXTREME FLOOD VOLUME – The storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100-year floodplain.

FINAL STORMWATER MANAGEMENT PLAN – The last of three (3) plan approvals that includes the information necessary to allow all approvals and permits relating to stormwater management to be issued by the approving agency.

FLOW ATTENUATION – Prolonging the flow time of runoff to reduce the peak discharge.

GRADING – Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

IMPERVIOUS SURFACE – Any surface that does not allow stormwater to infiltrate into the ground.

INFILTRATION – The passage or movement of water into the soil surface.

MAXIMUM EXTENT PRACTICABLE (MEP) – Designing stormwater management systems so that all reasonable opportunities for using ESD planning techniques and treatment practices are exhausted and only where absolutely necessary, a structural BMP is implemented.

OFF-SITE STORMWATER MANAGEMENT – The design and construction of a facility necessary to control stormwater from more than one development.

ON-SITE STORMWATER MANAGEMENT – The design and construction of systems necessary to control stormwater within an immediate development.

OVERBANK FLOOD PROTECTION VOLUME – The volume controlled by structural practices to prevent an increase in the frequency of out-of-bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.

PERSON – The federal government, the State, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind or any partnership, firm, association, public or private corporation or any other entity.

PLANNING TECHNIQUES – For stormwater management purposes, a combination of strategies employed early in the project design to reduce the impact from development and to incorporate natural features into a stormwater management plan.

RECHARGE VOLUME – That portion of the water quality volume used to maintain ground water recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

REDEVELOPMENT – Any construction, alteration, or improvement exceeding 5,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional, or multi-family residential and existing site impervious area exceeds forty (40) percent.

RETENTION STRUCTURE – A permanent structure that provides for the storage of runoff by means of a permanent pool of water.

RETROFITTING – The implementation of ESD practices, the construction of a structural BMP or the modification of an existing structural BMP in a previously developed area to improve water quality over current conditions.

SEDIMENT – Soils or other surficial materials transported or deposited by the action of wind, water, or artificial means.

SITE – Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which are under one ownership, or are contiguous and in diverse ownership where development is to be performed as a part of a unit, subdivision, or project.

SITE DEVELOPMENT PLAN – The second of three (3) plan approvals that includes the information necessary to allow a preliminary evaluation of the site engineering of a proposed project.

STABILIZATION – The prevention of soil movement by any of various vegetative and/or structural means.

STORMWATER – Water that originates from a precipitation event.

STORMWATER MANAGEMENT SYSTEM – Natural areas, ESD practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

STRIPPING – Any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VARIANCE – The modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.

WAIVER – A reduction or relaxation of stormwater management requirements by the Approving Authority for a specific development on a case-by-case review basis. A waiver will be allowed to preclude a regulatory taking for which just compensation would be required.

WATER QUALITY VOLUME – The volume needed to capture and treat ninety (90) percent of the average annual rainfall events at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

WATERCOURSE AND/OR DRAINAGEWAY – Any natural or artificial watercourse (including, but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwaters.

WATERSHED – The total drainage area contributing runoff to a single point.

ARTICLE III
Applicability

§ 3-1. Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses or redevelop land without having provided for appropriate stormwater management measures that control or manage runoff from such developments, except as provided in this section. Stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or polices as stated in Article IV, § 4-1 of this ordinance for redevelopment.

§ 3-2. Grandfathering.

A. Definitions applicable to the grandfathering.

For the purpose of determining the grandfathering of development stormwater management plans as set forth in Subsection (B) of this ordinance certain words are hereby defined.

ADMINISTRATIVE WAIVER – A decision by the Approving Authority pursuant to this ordinance to allow the construction of a development to be governed by the stormwater management ordinance in effect as of May 4, 2009. An administrative waiver is distinct from a waiver granted pursuant to Article III, § 3-4 of this ordinance.

APPROVAL – A documented action by the Approving Authority following a review to determine and acknowledge the sufficiency of submitted material to meet the requirements of a specified stage in a local development review process. Approval does not mean acknowledgment by the Approving Authority that material has been received for review.

FINAL PROJECT APPROVAL – Approval of the final stormwater management plan and erosion and sediment control plan required to construct a project's stormwater management facilities. Final approval also includes the bonding or financing for final development plans if required as a prerequisite for approval.

PRELIMINARY PROJECT APPROVAL – Approval of the preliminary development plan that includes at a minimum:

(1) The number of planned dwelling units or lots;

(2) The proposed project density;

(3) The proposed size and location of all land uses for the project;

(4) A plan that identifies:

(a) The proposed drainage patterns;

(b) The location of all points of discharge from the site; and

(c) The type, location, and size of all stormwater management measures based on site-specific stormwater management requirement computations;

(5) Any other information required by the Approving Authority including but not limited to:

(a) The proposed alignment, location and construction type and standard for all roads, access ways, and areas of vehicular traffic;

(b) A demonstration that the methods by which the development will be supplied with water and wastewater services are adequate; and

(c) The size, type, and general location of all proposed wastewater and water system infrastructure.

B. Administrative waivers.

The Approving Authority may grant an administrative waiver to a development that received a preliminary project approval prior to May 4, 2010. Administrative waivers expire according to Subsection (C) of this ordinance and may be extended according to Subsection (D) of this ordinance. The Approving Authority may impose such conditions upon the approval of an administrative waiver deemed necessary to secure compliance with the spirit and intent of this ordinance.

C. Expiration of administrative waivers.

Except as provided for in Subsection (D) of this ordinance, an administrative waiver shall expire on May 4, 2013, if the development does not receive final project approval prior to May 4, 2013, or May 4, 2017, if the development receives final approval prior to May 4, 2013. All construction authorized pursuant to an administrative waiver must be completed by May 4, 2017, unless otherwise extended according to Subsection (D) of this ordinance. Administrative waivers which receive an extension shall expire according to the requirements of Subsection (D) of this ordinance.

D. Extension of administrative waivers.

(1) In order to grant an extension to an administrative waiver, the Approving Authority shall find the following:

(a) The project received preliminary project approval prior to May 4, 2010; and

(b) The project was subject to a Development Rights and Responsibilities Agreement, a Tax Increment Financing Approval, or an annexation agreement.

(2) Administrative waivers which receive an extension shall expire with the expiration of the Developers Rights and Responsibilities Agreement, the Tax Increment Financing Approval, or the Annexation agreement.

§ 3-3. Exemptions.

The following development activities are exempt from the provisions of this ordinance and the requirements of providing stormwater management:

A. Normally accepted agricultural land management practices.

B. Additions or modifications to existing single family detached residential structures provided that these additions or modifications do not disturb over 5,000 square feet of land.

C. Development or redevelopment that does not disturb over 5,000 square feet of land.

D. Land development activities that the Maryland Department of the Environment determines will be regulated under specific state laws, which provide for managing stormwater runoff.

§ 3-4. Waivers.

A. The Approving Authority may grant a waiver of the stormwater management requirements for an individual development or redevelopment based on a case by case review. A written waiver request shall be submitted by the applicant containing descriptions, drawings and any other information that is necessary to evaluate the proposed development or redevelopment and demonstrate that ESD and other BMPs have been implemented to the maximum extent practicable. A separate written request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions or modifications to a development receiving a waiver.

B. A waiver of stormwater quantitative control may be granted only to those projects that can conclusively demonstrate that:

(1) The project is within an area where a watershed management plan has been developed consistent with this ordinance; or

(2) If the project is not in an area where a watershed management plan has been developed consistent with this ordinance, a waiver may be granted to a proposed development or redevelopment project provided the applicant has demonstrated

that environmental site design has been implemented to the maximum extent practicable and provided that:

(a) The proposed development or redevelopment project has direct discharges to tidally-influenced receiving waters; and

(b) Circumstances exist that prevent the reasonable implementation of quantity control practices, as determined by the Approving Authority.

C. Waivers of stormwater management qualitative control may be granted only to those projects that can conclusively demonstrate that:

(1) The project is an in-fill development where ESD has been implemented to the MEP and other BMPs are not feasible;

(2) The project is a redevelopment that satisfies the requirements of this ordinance; or

(3) Sites where the Approving Authority determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.

D. Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and shall:

(1) Be on a case by case basis;

(2) Consider the cumulative effects of the Sudlersville waiver policy; and

(3) Reasonably assure the development will not adversely impact stream quality.

E. The Approving Authority may develop quantitative waiver and redevelopment provisions for stormwater management that differ from the requirements of this ordinance as a part of an overall watershed management plan. Watershed management plans developed for this purpose shall, at a minimum:

(1) Include detailed hydrologic and hydraulic analyses to determine hydrographic timing;

(2) Evaluate both quantity and quality management and opportunities;

(3) Include cumulative impact assessment of current and proposed watershed development;

(4) Identify existing flooding and receiving stream channel conditions;

(5) Be conducted at a reasonable scale determined by the Approving Authority;

(6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented; and

(7) Be approved by the Maryland Department of the Environment.

§ 3-5. Variances.

A. The Approving Authority may grant, upon application a written variance from the stormwater requirements found in Article V of this ordinance. A written request for variance shall be provided to the Approving Authority and shall state the specific variances sought and reasons for their granting.

B. The variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable unwarranted hardship as distinguished from variations sought by an applicant for purposes or reasons of convenience, profit, or caprice.

C. The Approving Authority shall evaluate the cumulative effects of developments that are relinquished from the requirements of stormwater management.

D. In order to grant a variance, the Approving Authority must find the following:

(1) Exceptional circumstances exist applicable to the site such that strict adherence to the provisions of this ordinance will result in unnecessary hardship and not fulfill the intent of the ordinance; and

(2) Implementation of ESD to the MEP and other BMPs have been investigated thoroughly**.**

E. The decision granting or denying the variance shall be in writing and shall be signed by the Approving Authority. The Approving Authority shall mail a copy of the decision to the applicant. The decision shall be made a part of the public record of the proceedings on file with the Approving Authority.

F. After the Approving Authority has granted a variance, the variance so granted shall lapse after the expiration of one (1) year if no substantial construction has taken place in accordance with the approved plan for which such variance was granted or if the decision does not specify a period longer than one year for good cause shown.

G. The procedure for amendment of a variance already approved or a request for a change of conditions attached to an approval shall be the same as for a new application.

H. Within thirty days of the decision, any person aggrieved by the decision of the Approving Authority may appeal the decision to the Sudlersville Board of Appeals in the manner provided for in Article 7 of the Zoning Ordinance for the Town of Sudlersville.

ARTICLE IV
Redevelopment

§ 4-1. Redevelopment requirements.

This section applies to any construction, alteration, or improvement performed on sites where existing land use is commercial, industrial, institutional, or multi-family residential and existing site impervious area exceeds forty (40) percent.

A. Stormwater management plans are required by the Town of Sudlersville for all redevelopment, unless otherwise specified by watershed management plans developed according to this ordinance. Stormwater management measures shall be consistent with the Design Manual.

B. Subject to the exception in Subsections (C)-(E) below, a redevelopment design shall:

(1) Reduce impervious surface area within the limit of disturbance (LOD) by at least fifty (50) percent in accordance with the Design Manual;

(2) Implement ESD to the MEP to provide water quality treatment for at least fifty (50) percent of the existing impervious surface area within the limit of disturbance; or

(3) Use a combination of Subsections (B)(1) and (B)(2) of this ordinance for at least fifty (50) percent of the existing site impervious area.

C. Alternative stormwater management measures may be used to meet the requirements of Subsection (B) of this ordinance if the applicant satisfactorily demonstrates to the Approving Authority that impervious area reduction has been maximized and ESD has been implemented to the MEP. Alternative stormwater management measures include, but are not limited to:

(1) On-site BMPs;

(2) Off-site BMPs to provide water quality treatment for an area equal to or greater than fifty (50) percent of the existing impervious area; or

(3) A combination of impervious area reduction, ESD implementation, and an on-site or off-site BMPs for an area equal to or greater than fifty (50) percent of the existing site impervious surface area within the limit of disturbance.

D. The Approving Authority may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of Subsections (A) and (B) of this ordinance cannot be met. Any separate redevelopment policy shall be reviewed and approved by the Maryland Department of the Environment and may include but not be limited to:

(1) A combination of ESD and an on-site or offsite BMP;

(2) Retrofitting including existing BMP upgrades, filtering practices and offsite ESD implementation;

(3) Stream restoration in the same twelve (12)-digit watershed as the proposed development and an area restored equivalent to the area required for treatment;

(4) Pollution trading with another entity;

(5) Payment of a fee to be dedicated to a water quality improvement project in lieu; or

(6) A partial waiver of the treatment requirements if ESD is not practicable.

E. The determination of alternatives available may be made by the Approving Authority at the appropriate stage in the development review process. The Approving Authority shall consider the prioritization of alternatives in Subsection (D) of this ordinance after it has been determined that it is not practicable to meet the 2009 regulatory requirements using ESD. In deciding the alternatives that may be required, the Approving Authority may consider factors including but not limited to the following:

(1) Whether the project is in an area targeted for development incentives such as a Priority Funding Area;

(2) Whether the project is necessary to accommodate growth consistent with the Comprehensive Plan; or

(3) Whether bonding or other financing mechanisms have been secured based on an approved development plan.

F. Stormwater management shall be addressed according to the new development requirements for any net increase in impervious areas.

ARTICLE V
Stormwater Management Controls and Measures

§ 5-1. Stormwater minimum control standards.

Stormwater management shall be accomplished for all new development according to the minimum requirements established in this section and the Design Manual as follows:

A. All planning techniques, nonstructural practices, and design methods specified in the Design Manual shall be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices shall be exhausted before any structural BMP is implemented. Stormwater management plans for development projects subject to this

ordinance shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Design Manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

B. Control of the two (2)- and ten (10)-year frequency storm event is required according to the Design Manual. The Approving Authority may determine that additional stormwater management is necessary because historical flooding problems exist in the vicinity of the proposed development or redevelopment and the development of the applicant's property or already existing on the applicant's property contributes to such flooding problems.

C. The Approving Authority may require more than the minimum control requirements specified in this ordinance if hydrologic or topographic conditions warrant or if flooding problems exist in the vicinity of the proposed development or redevelopment and the development of the applicant's property or already existing development on applicant's property contributes to such flooding problems.

D. Alternate minimum control requirements may be adopted subject to approval by the Maryland Department of the Environment. The Maryland Department of the Environment shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood damages, accelerated stream erosion, water quality and sedimentation. Comprehensive watershed studies may also be required.

E. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976 to the extent achievement of consistency will not result in a regulatory taking for which just compensation is owed to the applicant.

§ 5-2. Stormwater management measures.

The ESD planning techniques and practices and structural BMP established in this ordinance and the Design Manual shall be used, either alone or in combination in a stormwater management plan. The applicant shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing a stormwater management plan.

A. ESD techniques and practices.

(1) The following planning techniques shall be applied according to the Design Manual to satisfy the applicable minimum control requirements established in Article V, § 5-1 of this ordinance:

(a) Preserving and protecting natural resources;

(b) Conserving natural drainage patterns;

(c) Minimizing impervious areas;

(d) Reducing runoff volume;

(e) Using ESD practices to maintain 100 percent of the annual predevelopment groundwater recharge volume;

(f) Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;

(g) Limiting soil disturbance, mass grading, and compaction;

(h) Clustering development; and

(i) Any other practice approved by the Maryland Department of Environment.

(2) The following ESD practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Article V, § 5-1 of this ordinance.

(a) Disconnection of rooftop runoff;

(b) Disconnection of non-rooftop runoff;

(c) Sheet flow to conservation areas;

(d) Rainwater harvesting, including rain barrels, rainwater tanks, and cisterns;

(e) Submerged gravel wetlands;

(f) Landscape infiltration;

(g) Infiltration berms;

(h) Dry wells;

(i) Micro-bio retention;

(j) Rain gardens;

(k) Swales;

(l) Enhanced Filters; or

(m) Any other practice approved by the Maryland Department of Environment.

(3) Requirements in the Zoning Ordinance for the Town of Sudlersville or in other ordinances of the Town of Sudlersville regulating development will not excuse implementation of ESD to the MEP. As the Town of Sudlersville implements this ordinance, the Commissioners of Sudlersville will evaluate provisions in the Zoning Ordinance or other ordinances or development requirements as necessary or appropriate in order to eliminate or mitigate impediments to implementing ESD to the MEP according the Design Manual.

B. Structural stormwater management measures.

(1) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Article V, § 5-1 in this ordinance:

(a) Stormwater management ponds;

(b) Stormwater management wetlands;

(c) Stormwater management infiltration;

(d) Stormwater management filtering systems;

(e) Stormwater management open channel systems.

(2) When selecting structural stormwater management practices, the applicant shall consider the performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance.

(3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic conditions in the Eastern Shore.

C. Alternative practices and measures.

Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if the practices and measures meet the performance criteria in the Design Manual and all subsequent revisions and are approved by the Maryland Department of Environment. Practices used for redevelopment projects shall be approved by the Approving Authority.

D. Recordation of practices and measures.

ESD techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in Article V, § 5-1 of this ordinance must be recorded in the Land Records of Queen Anne's County and remain unaltered by subsequent property owners. Prior approval from the Approving Authority shall be obtained before any stormwater management practice is altered.

E. Modification.

For purposes of modifying the minimum control requirements or design criteria, the applicant shall submit an analysis to the Approving Authority of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrographic timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation shall be established with the concurrence of the Approving Authority, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

F. Specific design criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Approving Authority and the Maryland Department of Environment shall be those of the Design Manual.

ARTICLE VI
Stormwater Management Plans

§ 6-1. Review and approval.

A. For any proposed development not exempt under Article III, § 3-3 of this ordinance, a phased stormwater management plan shall be submitted to the Approving Authority for review and approval. Unless otherwise determined by the Approving Authority, plans shall be submitted for the concept, site design, and final stormwater management construction. When deemed appropriate by the Approving Authority due to minor cumulative impacts of the development and when the applicant has demonstrated that ESD standards have been met to the MEP, the site design and final stormwater management construction phases may be combined. Site plans, subdivisions, and building permits with a total proposed impervious lot coverage of fifteen (15) percent or less and total land disturbance less than 20,000 square feet may combine all review phases when the applicant has demonstrated that ESD standards have been met to the MEP using the Standard Plan. Site plans and building permits that meet the criteria outlined on the Queen Anne's County Standard Stormwater Plan may utilize the Standard Stormwater Management Plan.

B. Conceptual stormwater management plans should be submitted with preliminary sketch site or subdivision plans and shall include sufficient information for an initial assessment of the proposed project and proposed stormwater. The concept review process will review at a conceptual level, the feasibility, design and environmental characteristics of the proposal with a goal to ensure that significant natural areas are protected and to determine if stormwater management can be provided according the Stormwater Management Measures identified in Article V, § 5-2 of this ordinance**.**

C. Following conceptual approval and where applicable in conjunction with the preliminary site or subdivision plan, the applicant shall submit a site development plan. The site development plan shall include detailed designs for stormwater management and erosion and sediment control. The site development plan process will review the plan to ensure that all options for implementing ESD have been exhausted and comments received during conceptual review have been incorporated into the site development plan.

D. Following site development plan approval and where applicable in conjunction with the final site or subdivision plan and the sediment and erosion control plan, the applicant shall submit a final stormwater management plan. The final stormwater management plan shall include stormwater construction drawings accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design. The final stormwater plan process will review the plan and supporting documents for compliance with all applicable regulations and to ensure that when structural practices are used, all reasonable options for implementing ESD have been exhausted.

E. The Approving Authority shall perform a comprehensive review of the stormwater management plans for each phase of the site design. Coordinated comments will be provided for each plan phase that reflects input from all appropriate agencies including but not limited to the Queen Anne's County Soil and Water Conservation District and the Sudlersville Planning Commission. All comments shall be addressed and reflected in the next phase of project design.

F. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of the signature of the Approving Authority on the plan.

§ 6-2. Contents of stormwater management plans.

A. Concept plan.

A concept stormwater management plan shall include:

(1) Scale of 1 inch = 100 feet or greater detail;

(2) Vicinity map with site location clearly marked;

(3) North arrow;

(4) Existing natural features, water and other sensitive resources;

(5) Topography;

(6) Natural drainage patterns;

(7) Anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;

(8) Location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;

(9) Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;

(10) A narrative that supports the concept design and describes how ESD will be implemented to the MEP; and

(11) Any other information required by the Approving Authority that is consistent with the preliminary nature of concept plan review.

B. Site development plan.

A site development plan shall include:

(1) Scale of 1 inch = 100 feet or greater detail;

(2) Vicinity map with site location clearly marked;

(3) North arrow;

(4) All the information provided in the concept stormwater management plan;

(5) Final layout;

(6) Exact impervious area locations and acreages;

(7) Proposed topography;

(8) Delineated drainage areas at all points of discharge from the site;

(9) Stormwater volume computations for ESD and quantity control;

(10) Preliminary erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural

resources and an overlay showing the types and locations of ESD and erosion and sediment control practices to be used;

(11) A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measures; and

(12) Any other information required by the Approving Authority that is consistent with the intermediate nature of site development plan review.

C. Final stormwater plan.

A final stormwater plan shall be of sufficient detail to permit all stormwater management approvals and permits to be issued and shall include:

(1) Final erosion and sediment control plans submitted according to COMAR 26.17.01.05, as amended;

(2) Include construction drawings;

(3) A report that includes sufficient information to evaluate the effectiveness of the proposed runoff and control design. The report shall include but is not limited to the following:

(a) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the final stormwater management design;

(b) Drainage area maps depicting predevelopment and post development runoff flow path segmentation and land use;

(c) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;

(d) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;

(e) Narrative that supports the final stormwater management design; and

(f) Any other information required by the Approving Authority that is consistent with the final nature of final stormwater plan review.

(4) Construction drawings that include but are not limited to the following:

(a) Vicinity Map;

(b) North arrow;

(c) Existing and proposed topography;

(d) Proposed drainage areas including areas necessary to determine downstream analysis for proposed stormwater management facilities;

(e) Proposed improvements including the location of buildings and other structures, impervious surfaces, storm drainage facilities, and all grading;

(f) Location of existing and proposed structures and utilities;

(g) Existing and proposed easements and right-of-ways;

(h) Delineation of 100-year floodplains and on site tidal and nontidal wetlands, where applicable;

(i) Structural and construction details including representative cross sections for all components of the proposed drainage system or systems and stormwater management facilities;

(j) All necessary construction specifications;

(k) Sequence of construction;

(l) Data for total site area, disturbed area, new impervious areas, and total impervious areas;

(m) Table showing the ESD and unified sizing criteria volumes required in the Design Manual;

(n) Table of materials to be used for stormwater management facility planting;

(o) All soil boring logs and locations;

(p) Inspection and maintenance schedule;

(q) Owners certification that all stormwater management construction will be done according to the approved stormwater management plan;

(r) As-built certification signature block to be executed after project completion; and

(s) Any other information required by the Approving Authority.

(5) When the stormwater management plan involves direction or redirection of some or all runoff from the site, a change in stormwater runoff volume and/or a change in the nature of stormwater runoff from the site, it is the responsibility of the applicant to obtain from the adjacent property owners any easements or other necessary property interests concerning such runoff. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without the adjacent property owner's permission.

§ 6-3. Plan preparer.

A. Stormwater management plans shall be prepared by a professional engineer, professional land surveyor, and/or landscape architect licensed in the State of Maryland.

B. If a stormwater BMP requires either a dam safety permit from the Maryland Department of the Environment or small pond approval by the Queen Anne's County Soil and Water Conservation District, the stormwater management plan shall be prepared by a professional engineer licensed in Maryland.

ARTICLE VII
Permits and Plan Approval

§ 7-1. Permits.

A grading or building permit may not be issued for any parcel or lot unless the final erosion and sediment control and stormwater management plan has been approved by the Approving Authority as meeting all the requirements of this ordinance and the Design Manual. Where appropriate, a building permit may not be issued without:

A. Recorded easements for the stormwater management facilities and practices and easements to provide adequate access for inspection and maintenance from a public right of way;

B. A recorded stormwater management maintenance agreement as described in Article X, § 10-2 of this ordinance;

C. A performance bond, an irrevocable letter of credit or other surety; as described in this ordinance; and

D. Permission from adjacent property owners, as may be required.

§ 7-2. Permit fees and review fees.

A. The Commission shall establish, and amend from time to time, by resolution a schedule of fees and collection procedures for stormwater management review and permits. Permits fees will be based on fees and charges assessed by the Approving Authority and the relative complexity of the project and may cover the cost of plan review,

administration and management of the permit process, and inspection of all projects subject to this ordinance.

B. No permits shall be issued nor action taken on amendments or other matters pertaining to this ordinance until the fee has been paid in full.

§ 7-3. Suspension and revocation.

Any grading or building permit issued by the Approving Authority may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

A. Any violation(s) of the conditions of the stormwater management plan approval;

B. Changes in site runoff characteristics from those upon which an approval or waiver was granted;

C. Construction not in accordance with the approved plans;

D. Non-compliance with correction notice(s) or stop-work order(s) issued for the construction of the stormwater management practice; or

E. An immediate danger in a downstream area that may be caused, exacerbated, or relieved by the suspension or revocation of the permit, in the opinion of the Approving Authority.

§ 7-4. Conditions for approval.

In granting the plan approval, the Approving Authority may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this ordinance and the preservation of the public health and safety.

ARTICLE VIII
Sureties

§ 8-1. Performance bonds or other surety.

The Applicant is required to obtain a surety, irrevocable letter of credit, or other means of security acceptable to the Approving Authority and payable to The Commissioners of Sudlersville prior to the issuance of any building and/or grading permit for construction of an improvement requiring stormwater management. The amount of the security shall not be less than 125 percent of the total estimated construction cost of all stormwater management facilities and practices. The security so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all the provisions of this Section and other applicable laws and regulations, and any time limitations. The security shall not be fully released without a final inspection of the completed work by the Approving Authority, submission of “as-built” plans, and certification of completion by the Approving Authority that all stormwater management facilities and practices

as being in compliance with the approved plan and the provisions of this ordinance. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described, and scheduled on the required plans and specifications. The provision for partial release of the surety shall be specified by the Approving Authority in writing prior to stormwater management plan approval. The Applicant shall notify the Approving Authority upon completion of each stage that is ready for inspection.

ARTICLE IX
Inspections

§ 9-1. Inspection schedule and reports.

A. The owner/applicant shall notify the Approving Authority for stormwater inspection at least forty-eight (48) hours before beginning any work in conjunction with site development, the stormwater management plan and completion of construction.

B. Regular inspections shall be made and documented for each ESD planning technique and practice at the stages of construction specified in the Design Manual by the Approving Authority, or a certified engineer licensed in the State of Maryland. At a minimum, all ESD and other nonstructural practices shall be inspected upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

C. Written reports will be prepared for every inspection and shall include:

(1) The date and location of the inspection;

(2) Whether construction was in compliance with the approved stormwater management plan;

(3) Any variations from the approved construction specifications; and

(4) Any violations that exist.

D. The owner/applicant and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.

E. Work shall not proceed until the work previously completed is approved by the appropriate inspector and the inspector furnishes the owner/applicant with the results of the inspection reports. The inspector should provide copies of the inspection report to the owner/applicant as soon as possible after completion of each required inspection.

§ 9-2. Inspection requirements during construction.

At a minimum, regular inspections shall be made and documented at the following specific stages of construction:

A. Ponds:

(1) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures including but not limited to:

(a) Core trenches for structural embankments;

(b) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors; and

(c) Trenches for enclosed storm drainage facilities.

(2) During placement of structural fill, concrete, and installation of piping and catch basins;

(3) During backfill of foundations and trenches;

(4) During embankment construction, and

(5) Upon completion of final grading, establishment of permanent stabilization.

B. Wetlands - At all stages specified for pond construction, during and after wetlands reservoir planting, and during the second growing season to verify a vegetation survival rate of at least fifty (50) percent.

C. Infiltration trenches:

(1) During excavation to subgrade;

(2) During placement and backfill of under drain systems and observation wells;

(3) During placement of geotextiles and all filter media;

(4) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and

(5) Upon completion of final grading and establishment of permanent stabilization.

D. Infiltration basins. At all stages specified for pond construction, during placement of and backfill of under drainage system.

E. Filtering systems:

(1) During excavation to subgrade;

(2) During placement and backfill of under drain systems;

(3) During placement of geotextiles and all filter media;

(4) During construction of appurtenant conveyance systems such as diversion structures, pre-filters, and filters, inlets, outlets, and flow distribution structures; and

(5) Upon completion of final grading and establishment of permanent stabilization.

F. Open channel systems:

(1) During excavation to subgrade;

(2) During placement and backfill of under drain systems for dry swales;

(3) During installation of diaphragms, check dams, or weirs; and

(4) Upon completion of final grading and establishment of permanent stabilization.

G. ESD practices. At the stage of construction specified in the Design Manual for each ESD planning technique and practice and at a minimum upon completion of final grading, the establishment of permanent stabilization and before issuance of use and occupancy approval.

§ 9-3. As-built plans.

Once construction is complete, "as-built" plan certification shall be submitted by a professional engineer or professional land surveyor licensed in the State of Maryland to ensure that ESD techniques, treatment practices ,and structural stormwater management practices and conveyance systems comply with the specifications contained in the approved plan. At a minimum, "as-built" certification shall include a set of drawings comparing the approved plan with what was constructed. Other information shall be submitted as required by the Approving Authority.

§ 9-4. Notice to the Maryland Department of the Environment.

Within forty-five (45) days of construction, the Approving Authority shall submit a notice of construction completion to the Maryland Department of the Environment on a form supplied by the Maryland Department of the Environment for each structural stormwater management

practice. The type, number, total drainage area, and total impervious area treated by all ESD techniques and practices shall be reported to the Maryland Department of the Environment. A notice of construction completion shall be sent to the Queen Anne's County Soil and Water Conservation District when BMPs requiring District approval are constructed.

ARTICLE X
Maintenance

§ 10-1. Maintenance inspection.

A. The Approving Authority shall ensure that preventive maintenance is performed by inspecting all ESD treatment systems and structural stormwater management measures. Inspections shall occur during the first year of operation and then at least once every three years thereafter. A maintenance agreement between the property owner and the Approving Authority shall be executed for privately owned ESD treatment practices and structural stormwater management measures as described in this ordinance.

B. Inspection reports will be maintained by the Approving Authority for all ESD treatment systems and structural stormwater management measures. Inspection reports shall include the following:

(1) Date of inspections;

(2) Name of inspector;

(3) An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;

(4) The condition of:

(a) Vegetation or filter media;

(b) Fences or other safety devices;

(c) Spillways, valves, or other control structures;

(d) Embankments, slopes, and safety benches;

(e) Reservoir or treatment areas;

(f) Inlet and outlet channels or structures;

(g) Underground drainage;

(h) Sediment and debris accumulation in storage or forebay areas;

(i) Any nonstructural practice to the extent possible; and

(j) Any other item that could affect the proper function of the stormwater management system; and

(5) Description of needed maintenance.

C. After notification is provided to the owner of the inspection results, the owner shall have thirty (30) days, or other time frame to which the Approving Authority and the owner mutually agree, to correct the deficiencies. The Approving Authority shall then conduct an inspection to ensure completion of the repairs.

D. Failure to complete the repairs or repairs found to be improperly completed shall be considered violations and subject to the provisions of Article XI, § 11-3 of this ordinance.

E. If, after an inspection by the Approving Authority, the condition of a stormwater management facility presents an imminent danger to the public health or safety, because of an unsafe condition, improper construction, or poor maintenance, the Approving Authority shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the Approving Authority shall be assessed against the owner(s).

§ 10-2. Maintenance agreement.

A. Prior to the issuance of any building permit for which stormwater management is required, the Approving Authority shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Approving Authority, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.

B. The agreement shall be recorded by the applicant and/or owner in the Land Records for Queen Anne's County, Maryland. A copy of the recorded agreement shall be returned to the Approving Authority and to the Town of Sudlersville.

C. The agreement shall also provide that if, after notice by the Approving Authority to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (thirty (30) days maximum), the Approving Authority may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties, and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the Town of Sudlersville.

§ 10-3. Maintenance responsibility.

A. The owner of the property on which work has been done pursuant to this ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all ESD practices, state grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with previously approved or newly submitted plans.

B. A maintenance schedule shall be developed for the life of any stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion and who shall perform the maintenance. This maintenance schedule shall be on the stormwater management plan.

ARTICLE XI
ADMINISTRATION AND ENFORCEMENT

§ 11-1. Appeals.

Any person aggrieved by the action of any official charged with the enforcement of this ordinance as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation or an alleged failure to properly enforce the ordinance in regard to a specific application shall have the right to appeal the action to the Sudlersville Board of Appeals. The appeal shall be filed, in writing, within thirty (30) days of the date of official transmittal of the final decision or determination to the applicant and shall state clearly the grounds on which the appeal is based.

§ 11-2. Violations and penalties.

A. A violation of this ordinance shall be punishable as a Class A municipal infraction, subject to Ordinance No. 2002-01 (Ordinance Enforcement and Municipal Infractions), as amended from time to time. Violators may be assessed a fine not to exceed $400. Repeat offenders may be assessed a fine not to exceed $400 for each repeat offense. Each twenty-four (24) hour period in which a violation exists shall constitute a separate violation.

B. Neither the issuance of a permit under the provisions of this ordinance nor the compliance with the provisions hereof or with any condition imposed by the Approving Authority shall relieve any person from any responsibility for damage to persons or property, including public utilities or services, otherwise imposed by law or impose any liability upon the Town of Sudlersville for damages to persons or property. The Approving Authority shall not be responsible for damage to downstream properties for the failure of any work done pursuant to this ordinance.

C. In addition to the criminal and civil penalties provided for herein, enforcement procedures for violations of the stormwater management provisions of this ordinance may also consist of any one or a combination of the following actions:

(1) When the Approving Authority determines that a violation of the approved stormwater management plan has occurred, the Approving Authority shall notify the on-site personnel or the permittee in writing of the violation, describe the required corrective action and the time period in which to have the violation corrected.

(2) A stop work order shall be issued for the site by the Town of Sudlersville if the violation persists. If a person is working without a permit, the inspection agency shall stop work on the site except activity necessary to provide erosion and sediment control.

(3) Bonds or securities shall be withheld or the case may be referred for legal action.

(4) The Approving Authority may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of a building or grading permit or approved erosion and sediment control plan.

(5) The Approving Authority may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons:

(a) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit.

(b) Non-compliance with violation notices or stop work orders issued.

(c) Changes in site characteristics upon which plan approval and permit issuance was based.

(d) Any violation(s) of this ordinance or any rules and regulations adopted under it.

(6) Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.

(7) The Approving Authority shall receive complaints and initiate enforcement procedures when violations are confirmed. Any complaint received shall be acted upon, routinely within three (3) working days and the complainant shall be notified of any action or proposed action routinely within seven (7) working days of receipt of the complaint.

§ 11-3. Severability.

If any portion of this ordinance is held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance. It is the intent of the Commission that this ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

§ 11-4. Effective date.

And be it further enacted that this ordinance shall take effect on January 1, 2016.

STREETS AND SIDEWALKS ORDINANCE

Adopted by: Resolution 2014-06, 4/2/2014

Amended on: 10/7/2015, Ordinance 2015-03

STREETS AND SIDEWALKS ORDINANCE

§ Article 1-01. General Provisions

Deposit of materials; covering of loaded vehicles.

A. No person engaged in excavation, 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 Town, either by placing, spilling, dropping or tracking from the wheels of vehicles any earth, clay, mud, sand, gravel, or other material. If any such deposit occurs, every person whose duty it is under this section 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.

B. No one being the owner, driver, manager, or conductor of any vehicle shall carry or convey or cause to be carried or conveyed in such vehicle any coal, earth, sand, gravel, broken stone, dirt, ashes, paper, and other rubbish or any loose fluid or offense articles or matter or any articles whatsoever within the Town 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 and wastepaper products, baled, sacked, or otherwise, shall be closely and securely covered.

§ 1-02. Removal of snow from sidewalks.

It shall hereby be the duty and obligation of the adult occupants of property abutting a sidewalk, within 48 hours after the snow has fallen, to remove the snow. In the case of a multi-unit building with more than one occupant, it shall be the duty of the property owner to remove the snow. Any adult occupant of property abutting a sidewalk in a public right-of-way, property owner of a multi-unit building, or tenant obligated by the property owner who fails to remove the snow from the abutting sidewalk within 48 hours after the snow has fallen shall be guilty of a violation of this Code.

§ 1-03. Removal of brush, grass, and weeds from sidewalks.

It shall be unlawful for the owner, tenant, or occupant of any land to permit weeds, brush, hedges, shrubbery, or any tree or plant to grow to such a height that it will interfere with the operator of any automobile approaching such intersection from clearly seeing an automobile approaching upon the intersecting street or to permit the same to overhang upon any street or sidewalk so as to interfere with the free passage of any person on any streets or sidewalks of the Town.

§ 1-04. Maintenance.

A. Property Owner Responsibilities: it shall be the duty and obligation of the owner of the property abutting a sidewalk or public right-of-way to maintain the abutting sidewalk, driveway apron, and area between the sidewalk and street in a condition as to be safe for public use.

B. Town Responsibilities: it shall be the duty and obligation of the Town to maintain the property of the Town, which includes the repair, replacement, and installation of curbs, gutters, sidewalks, and Town streets as funding becomes available.

§ 1-05. Repairs.

A. Any person who enters or crosses over the public right-of-way for the purpose of engaging in construction on adjacent or adjoining property shall be responsible for the repair of any damage to the sidewalk, driveway apron, area between the sidewalk and street, curb, street, or gutter within the right of way adjacent to the construction site, and the work shall be done in accordance with Town standards.

B. In addition to the cost to repair the damaged area to its original condition, a fine of $50.00 shall be imposed, for each subsequent offense the fine shall be increased by an additional $250.00 up to a maximum fine of $500.00.

§ 1-06. Portable Basketball Courts and Recreational Equipment.

It shall be unlawful for any person or persons to construct or place a basketball goal or any similar device, including portable goals, within any public right-of-way within the Town of Sudlersville, or to attach basketball hoops or other similar devices to any tree, sign post, or utility post within a public right-of-way.

The penalty for violating this article will result in the removal of the portable court within 24 hours of notification; if not removed by the owner, a fine of $50.00 will be assessed.

For each subsequent offense, the fine shall be increased by an additional $50.00 up to a maximum fine of $250.00.

§ 1-07. Appeals

Any person aggrieved by any decision of the Code Enforcement Officer or any agency acting under the provisions of this article may, within 30 days of the notice of the Code Enforcement Officer's decision, request a hearing before the Commission. Any person aggrieved by the action of the Commission may appeal to the Circuit court within 30 days of the notice of the Commission's decisions.

§ 1-08. Violations and Penalties.

Violation of any provision of this article shall be deemed a municipal infraction and shall be punished by a fine as per the appropriate article of this ordinance.

TOWN OF SUDLERSVILLE

SUBDIVISION REGULATIONS

Recommended to:

The Town Commissioners of Sudlersville

By:

Vote of the Planning Commission
March 3, 2004

Adopted August 2, 2005

Technical Assistance Provided by:

Jakubiak & Associates, Inc.

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ARTICLE 1

INTRODUCTION

1-100 PURPOSE AND INTENT

The purpose of this Ordinance is to regulate and control the division of land within Sudlersville in order to promote the public health, safety, morals, and general welfare of the Town.

It is the general intent of this Ordinance to regulate the division of land as to:

A. Guide the future growth and development of the community consistent with the Town of Sudlersville's adopted comprehensive plan;

B. Regulate the orderly layout and use of land;

C. Guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for harmonious development and economic stability;

D. Lessen congestion in the streets and highways and provide for proper ingress and egress or roadways;

E. Insure adequate open space for recreation, light and air and security from fire and flood;

F. Provide for open spaces through the most efficient design and layout of development, consistent with density standards as established in the Town's Zoning Ordinance;

G. Coordinate existing streets with proposed streets;

H. Protect existing town character and natural resources contributing to the quality of life of residents of Sudlersville;

I. Provide a means to design new residential communities of lasting beauty and civic quality;

J. Facilitate adequate provision for water, sewerage, schools, parks and other public facilities;

K. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the protection of natural resources throughout the Town of Sudlersville.

1-101 Short Title

This Ordinance may be cited as the "Sudlersville Subdivision Regulations."

1-102 Separability

It is hereby declared to be the legislative intent that

A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect to such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions which are expressly stated in the decision to be invalid or ineffective,

and all other provisions of this Ordinance shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be effected.

1-103 Jurisdiction and Interpretation

This Ordinance shall apply to all land located within the incorporated area of Sudlersville.

The provisions of this Ordinance shall be held to be minimum requirements to meet the stated purpose and intent of this Ordinance. Where the provisions of this Ordinance impose greater restrictions or higher standards than those of any statue, other regulations, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any statue, other regulations or ordinance impose greater restrictions or higher standards than those of this Ordinance, the provisions of such statue, regulation or ordinance shall prevail.

ARTICLE 2

DEFINITIONS

2-200 GENERAL

A. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meaning in the following clauses.

B. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows

1. Words used in the present tense include the future;

2. The singular includes the plural;

3. The word “person” includes a corporation, institution, partnership, and association as well as the individual;

4. The word “lot” includes the word “plot” or “parcel;”

5. The word “Commission” and the words “Planning Commission” always mean the Town of Sudlersville Planning Commission;

6. The word “County” shall always mean Queen Anne’s County;

7. The word “Town” shall always mean the Town of Sudlersville.

C. If a word or term is not defined in this Article, the definition in the Sudlersville Zoning Ordinance shall apply. Any word or term not defined in this document or the Zoning Ordinance shall be used with a meaning of standard usage.

2-201 Administrator

The administrator of the Subdivision Regulations of the Town of Sudlersville

2-202 Alley

A minor way, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

2-203 Applicant

Any person who submits to the Planning Commission subdivision plans for the purpose of obtaining approval thereof.

2-204 Block

An area of land containing one or more lots and bounded by streets providing access to such lot or lots.

2-205 Building

A structure having a roof, which is used or intended to be used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

2-206 Building Setback Line, Build-to-Line

The rear line of the minimum required front yards of the Zoning Ordinance for the district in which the lot is located. The building setback line shall be measured from the future right-of-way line.

2-207 Community Sewerage Facilities, Community Water Supply Facilities

Any system, whether publicly or privately owned, serving two or more individual lots, for the collection and disposal of sewerage or industrial wastes of a liquid nature, including various devices for the treatment of such sewerage and industrial wastes or a source of water and a distribution system, including treatment and storage facilities for two or more individual lots.

2-208 Developer (see Subdivider)

2-209 Easement

A grant of the use of a parcel of land to the use of the public, a corporation, or person for a specific purpose, without including title to the land.

2-210 Floodplain

An area of relatively flat or low land adjoining a river or water body which is subject to partial or complete inundation. The boundaries of the floodplain shall be determined by that area with one chance in one hundred, or a one percent chance of being flooded in any given year as defined by the Federal Emergency Management Agency.

2-211 Improvements

Those physical additions, installations, and changes, such as streets, curbs, sidewalks, walkways, bicycle paths, water mains, sewers, drainage facilities, public utilities, and other appropriate items required to render land suitable for the use proposed.

2-212 Original Lot or Parcel

A lot, tract or parcel of land existing by deed or plat description in the Land Records of Queen Anne's County on or prior to December 4, 1990.

2-213 Lot

A parcel of land used or set aside and available for use as the site of one or more buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way.

2-214 Lot, Panhandle: A lot which does not meet minimum road frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. The access road, if less than the minimum lot frontage, will not be used in computing the minimum required lot area or delineating the required building envelope.

2-215 Resubdivision

A further division or modification of an existing subdivision properly recorded in the Land Records of Queen Anne's County after December 4, 1990.

2-216 Right-of-Way

A strip of land occupied or intended to be occupied by a street, alley, planting strip, bicycle path, crosswalk, sanitary or storm sewer, drainage ditch, or for another special use. The usage of the term "right-of-way" for land plotting purposes in the Town shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from lots or parcels and adjoining such right-of-way, and not included with the dimensions or areas of such lots or parcels.

2-217 Right-of Way -Future

A. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

B. A right-of-way established to provide future access to or through undeveloped land.

2-218 Street

A public or private way used or intended to be used for passage or travel by vehicles and pedestrians and to provide access to abutting properties.

2-219 Street Line

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that where a future right-of-way width for a street has been officially established, the street line shall be the side of the future right-of-way so established.

2-220 Street Trees

Trees planted by property owners along lot frontages to mitigate adverse impacts of the impervious surfaces of development and provide for a sense of street enclosure for the public right-of-way.

2-221 Subdivider, Developer

An individual, partnership or corporation (or agents thereof) that undertakes the responsibility for any or all of the activities covered by this Ordinance, particularly the deign and submission of a subdivision or development plan or plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is a necessary means to the end of assuring a satisfactory development, the term "subdivider" is intended to include the term "developer," even though the personnel or entity involved in successive stage of the project may vary.

2-222 Subdivision

A. The division of a single lot, tract, or parcel of land or part thereof into two (2) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development.

B. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

2-223 Subdivision, Major

Any subdivision containing five (5) or more lots, plats, sites or other divisions of land.

2-224 Subdivision, Minor

The division of a single lot, tract or parcel of land into four (4) or fewer lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer ownership or of building development, provided the proposed lots, tracts, or parcels of land thereby created have frontage on an improved public street or streets, and providing further that the subdivision does not create any new street or streets. The residual or remaining portion of the lot subdivided shall be counted as one of the lots created.

2-225 Walkway

As distinguished from a sidewalk, which is incorporated in a road right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street.

ARTICLE 3

CONTROL AND PENALTIES

3-300 SUBDIVISION CONTROL

It shall be unlawful for the owner of any land within the jurisdiction of the Town to which this Ordinance may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open and dedicate for public use or travel, any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

A. A plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in Section 5 Article 66B of the Annotated Code of Maryland, as amended;

B. Approval is secured thereof from the Planning Commission as provided herein; and;

C. Said Commission has caused copies of said plat to be recorded in the office of the Clerk of the Court.

3-301 Plat Approval Required

No plat of any subdivision shall be recorded until it shall have been submitted to and approved by the Planning Commission as provided herein. The Commission shall not approve said plat unless it is satisfied that the requirements of this Ordinance have been complied with.

3-302 Exemptions from Subdivision Approval

Subdivision approval shall not be required for those properties that qualify under one or more of the following exemptions:

A. Correction of engineering, drafting or surveying errors;

B. Combining of two or more lots into a single lot;

C. Adjustment of common boundary lines between adjoining property owners, providing that the adjustment results in no violation of the Zoning Ordinance of the Town of Sudlersville or the Sudlersville Subdivision Regulations. A survey plat must be submitted.

D. Partition of lands by will or through action of a court of competent jurisdiction, unless or until development of the land is proposed.

E. Where a property has been changed in size or shape by reason of the taking of a part of such property for public use by reference to a properly drawn and recorded plat, such as a right-of-way plat; provided, that the outlines and dimensions of such remainder may be clearly determined by references to the previously recorded plats.

F. A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as part of an electric transmission line right-of-way or other public utility right-of-way; provided, that if a parcel resulting from such division is ever to be used as a building site for other than an electric transmission line or other public utility right-of-way, then before a building permit may be issued for such other use, a plat must be filed, approved and recorded in accordance with this Ordinance.

Upon verification of these conditions and conformity with the Town requirements, the Planning Commission may authorize the Town Administrator or Town Clerk to execute plats for recordation purposes, stating that subdivision approval is not required.

3-303 Transfer of Land -Insurance of Building Permits

A. No land in a subdivision created after the adoption of this Ordinance shall be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of such subdivision shall have been recorded in accordance with this Ordinance and the provisions of the State, and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.

B. No building depending upon public water and sewage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

3-304 Penalty

Whoever, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved and recorded, or filed in the office of the clerk of Circuit Court of Queen Anne's County, shall forfeit and pay a civil penalty of not less than $500 and not more than $3,000 in the secretion of the Court, for each lot or parcel so transferred or sold; and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process or selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided. The Town of Sudlersville may enjoin the transfer or sale by action for injunction bought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

Every act or omission in violation of this Ordinance shall be punishable as provided in this Section. Where such an act or omission is of a continuing nature, each and every day during which such act or omission continues shall be deemed a separate violation.

The person(s) violating this Ordinance shall be liable for the Town of Sudlersville's attorney fees and court costs, if found in violation by the court(s) of jurisdiction or if the person(s) violating the Ordinance so agrees.

ARTICLE 4

PROCEDURE

4-400 INTRODUCTION

The procedures hereinafter specified provide not only for the conditional approval of a preliminary plat and approval of a final plat, but also for a pre-application tentative sketch plan. The tentative sketch plan procedure is optional to the applicant and is not a prerequisite to the approval of the final plat. However, this optional procedure is strongly recommended because it provides the applicant with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat.

4-401 Minor Subdivisions

The following procedures are established for the filing and review of minor subdivision plats.

The subdivider with a minor subdivision plat application shall follow the same procedures for plat approval as major subdivisions with the exception of the following provisions:

A. Minor subdivision plats shall follow the application and plat requirements for minor subdivision plats found in Section 8-804 of this Ordinance. No Planning Commission site inspection is required.

B. Minor subdivisions shall follow the required improvement standards for sidewalks and street lighting unless the Planning Commission deems them unnecessary.

C. Minor subdivision plats shall conform in all respects to the requirements of the Real Property Article, Section 3-108, Annotated Code of Maryland.

PART 1. TENTATIVE SKETCH PLAN AND SITE INSPECTION

4-402 Purpose

The purpose of the "Tentative Sketch Plan" is to afford the applicant the opportunity to consult early and informally with the Town Planner, Town Engineer, Zoning Administrator, and Planning Commission before preparation of the preliminary plat and formal application for approval.

During the "Tentative Sketch Plan" procedure, the applicant can make use of the services of the administrative personnel of the Town as well as the Planning Commission to help the applicant analyze challenges to the development and plan more adequately for its sound coordination with the community. This procedure also affords Town administrative personnel and the Planning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

4-403 Tentative Sketch Plan Procedure

A. Applicant prepares sketch plan and application.

B. Applicant submits seven (7) copies of the sketch plan and application to the Zoning Administrator. The applicant may be asked to provide more copies if necessary.

C. Zoning Administrator checks submissions against a checklist for completeness; and

1. If submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or

2. If submission is complete, accepts sketch plan and application.

D. Zoning Administrator shall immediately distribute copies of the sketch plan and application to:

1. Town Commissioners .....one (1) copy

2. Planning Commission.....one (1) copy

3. Town Planner.....one (1) copy

4. Town Engineer.....one (1) copy

5. Queen Anne's County Planning Commission..... one (1) copy

6. Town Attorney..... one (1) copy

7. One (1) copy shall be retained for the Town files.

E. Following the applicant's completed tentative sketch plan submittal and before the meeting in which the tentative sketch plan is discussed, the Planning Commission shall conduct a site inspection of the proposed development. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. If there is a tentative sketch plan site inspection, it is not necessary to conduct a preliminary plat site inspection during the preliminary plat procedure.

The purpose of the site inspection is to familiarize the Planning Commission with the property's existing conditions and special features, to identify site design issues and to provide an informal opportunity to discuss site design concepts, potential layout of streets, stormwater management facilities, open space and buildings. Comments made by the Planning Commission or Town staff or consultants shall be interpreted as being only suggestive. No formal recommendations or official decisions shall be made at the site inspection.

F. At their first regular meeting held not less than four (4) weeks following receipt of the completed submission of the tentative sketch plan to the Zoning Administrator, the Planning Commission:

1. Receives and reviews the applicant's submission;

2. Receives and reviews reports by the Town Planner and other town staff as may be necessary;

3. Hears applicant's presentation; and

4. Discusses submission with the applicant.

G. The Planning Commission the same evening of the applicant's presentation shall:

1. Evaluate applicant's submission, presentation, discussion with applicant, and Town Planner's and/or Town Engineer's reports;

2. Review the sketch plan with regard to the following:

(a) General suitability of the site for the type, size and location of development proposed;

(b) General suitability of the design with regard to topography, drainage, soils, natural features and surrounding land use;

(c) General compatibility with the Zoning Ordinance and Comprehensive Plan;

(d) Interior road configuration and pavement width;

(e) Method and suitability of access;

(f) Type of water and sewerage service and stormwater management practices;

(g) Land planning techniques;

(h) General and specific suitability and compatibility of the site plan in regards to information and experience gained from the tentative sketch plan site visit.

3. Make a decision to approve, approve with modifications, or deny the applicant's submission. The Commission shall inform the applicant in writing within two (2) week of the decision, including required changes in the tentative sketch plan and the reasons for the decision.

PART 2. PRELIMINARY PLAT AND SITE INSPECTION

4-404 Purpose

The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions before a final plat is submitted.

4-405 General

A preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically authorized in writing by the Planning Commission.

4-406 Preliminary Plat Procedure

A. Applicant prepares preliminary plat and application;

B. Applicant submits six (6) copies of the preliminary plat and application to the Zoning Administrator. The applicant may be asked to provide more copies if necessary. The submittal must be at least four (4) weeks before the regular meeting of the Planning Commission.

C. Administrator checks submission against checklist for completeness; and

1. If submission is incomplete, immediately returns submission to applicant and indicates deficiencies;

2. If submission is complete, accepts preliminary plat, application and fees.

3. The applicant may make major changes of a submitted application up to two (2) weeks before the Planning Commission meeting and minor changes to the preliminary plat up to one (1) week before the Planning Commission meeting. The Zoning Administrator shall make the determination on what constitutes a major or minor change.

D. Zoning Administrator shall immediately distribute copies of the preliminary plat and application to:

1. Town Commissioners.....one (1) copy

2. Planning Commission.....one (1) copy

3. Town Planner.....one (1) copy

4. Town Engineer.....one (1) copy

5. Queen Anne's County Planning Commission.....one (1) copy

6. One (1) copy shall be retained for the Town files.

E. Following the applicant's completed preliminary sketch plan submittal and before the meeting in which the preliminary sketch plan is discussed, the Planning Commission shall conduct a site inspection of the proposed development. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. If there was a tentative sketch plan site inspection, it is not necessary to conduct a preliminary plat site inspection. If the application is a minor subdivision preliminary plat, a site inspection is not required.

The purpose of the visit is to familiarize the Planning Commission with the property's existing conditions and special features, to identify site design issues and to provide an informal opportunity to discuss site design concepts, potential layout of streets, stormwater management facilities, open space, and buildings. Comments made by the Planning Commission or Town staff or consultants shall be interpreted as being only suggestive. No formal recommendations or official decisions shall be made during the site inspection.

F. At the first regular meeting not less than four (4) weeks following receipt of the completed submission to the Zoning Administrator, the Planning Commission

1. Receives and reviews the applicant's submission;

2. Receives and reviews reports by the Town Planner and Town Engineer;

3. Hears applicant's presentation; and

4. Discusses submission with the applicant.

G. The Planning Commission, either the same evening or within one (1) month following the applicant's presentation to the Commission, shall:

1. Evaluate applicant's submission, presentation, discussion with the applicant, and the Town Planner's report;

2. Determine whether the preliminary plat meets the objectives and requirements of the Subdivision Regulations and other regulations and ordinances;

3. Review the general and specific suitability and compatibility of the site plan in regards to information and experience gained from the tentative sketch plan or preliminary plat site visit.

4. Evaluate the applicant's determination of the adequacy of planned public facilities to serve the needs of the subdivision. If the applicant does not prove to the Planning Commission that adequate public facilities exist, the Planning Commission may deny preliminary plat approval;

5. Consult with County and State Road Departments regarding proposed development adjacent to roads under their jurisdiction; and

6. Inform the applicant in writing of the decision including required changes in the preliminary plan and the reasons for the decisions.

H. Approval of the preliminary plat shall constitute conditional approval of the subdivision as to character and intensity but shall not constitute approval of the final plat or authorize sale of lots or construction of buildings.

1. Upon approval, the Chairperson of the Planning Commission shall sign two (2) copies of the preliminary plat, one of which shall be returned to the subdivider and the other which shall be retained by the Zoning Administrator. Any modifications or conditions of approval shall be recorded in the Minutes of the Planning Commission and attached to the signed plats.

2. A preliminary plat approval shall be valid for one (1) year from the date of approval. Preliminary plat approval may be extended by the Planning Commission for an additional six (6) months where the subdivider has demonstrated a good faith effort to complete the development in a timely manner.

3. A denied or voided preliminary plat has no status and any further submission shall be treated as a new application.

PART 3. FINAL PLAT

4-407 Purpose

The purpose of the final plat is to require formal approval by the Zoning Administrator before plats for all subdivisions are recorded as required by Section 3-300 of this Ordinance.

4-408 General

A final plat shall be submitted conforming to the changes that the Planning Commission directed be made during the preliminary plat procedure. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specified in writing by the Planning Commission.

4-409 Final Plat Procedure

A. Applicant prepares final plat and application.

B. Applicant submits six (6) copies of the final plat and application within one (1) year from the date of receiving conditional approval of the preliminary plat to the Zoning Administrator. The applicant may be asked to provide more copies if necessary.

C. The Zoning Administrator may not review the final plat until all appropriate improvement plans and guarantees for construction have been reviewed by appropriate intergovernmental agencies. The Zoning Administrator shall not offer final approval of the final plat until entry into contract and production of completion guarantee as set forth in Article 7.

D. Zoning Administrator checks the final plat for consistency with the approved preliminary plat. The final plat shall substantially conform to the approved preliminary plat. A significant deviation shall be considered as a new preliminary plat submission.

E. Zoning Administrator checks submission against checklist for completeness; and

1. If submission is incomplete, immediately returns submission to applicant and indicates deficiencies;

2. If submission is complete, accepts final plat and application.

F. Zoning Administrator shall:

1. Receive and review the applicant's submission;

2. Determine whether the final plat meets the objectives and requirements of the "Subdivision Regulations" and other regulations and ordinances; and

3. Inform the applicant in writing within two (2) weeks of the decision, including required changes and the reasons for the decision.

G. If approved:

1. Three (3) exact copies of the approved final plat on linen or equivalent with the required signatures as specified in Article 7, and one (1) additional copy on Mylar or other reproducible base shall be submitted to the Planning Commission.

2. Prior to the signing of the final plat by the Chairperson of the Planning Commission, the following approvals should be indicated:

(a) The Zoning Administrator should affix his or her signature certifying that that the final plat meets the requirements of this Ordinance and the Sudlersville Zoning Ordinance, and that the guaranty for construction of improvements as required in Article 7 have been executed.

(b) The Town Engineer or the County Public Works Engineer should affix his or her signature certifying that all required public improvements plans meet the current Town or Queen Anne's County Design Standards and Specifications, except as noted.

(c) The County Health Officer or other approving authority should affix his or her signature certifying that the final plat meets all requirements for water supply and sewerage and conforms to the requirements of the Queen Anne's County Comprehensive Water and Sewerage Plan.

H. The Planning Commission shall then file the three (3) cloth or equivalent prints for record with the Clerk of the Court of Queen Anne's County, and shall distribute other prints to official agencies as may be needed. Recording fees shall be paid by the subdivider.

4-410 Effect of Recording

A. Streets, parks, and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.

B. Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

PART 4. ACCEPTANCE OF STREETS AND IMPROVEMENTS BY THE TOWN

4-411 Preliminary Public Improvements Inspection

A. The applicant shall notify the Town Engineer of the completion of the required improvements.

B. The Town Engineer shall:

1. Inspect the completed required improvements; and

2. Submit in writing a report to the Town Commissioners specifying those items of construction, material, and workmanship which do not comply with the Town specifications or the final plat.

C. The applicant upon notification from the Town Engineer shall:

1. Proceed, at the applicant's own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and

2. Notify the Town Planner and Town Commissioners upon completion, requesting final inspection.

4-412 Final Public Improvements Inspection

The Town Engineer, Town Planner, Town Commissioners, and other proper authorities shall make a final inspection with the applicant of all required improvements.

4-413 Acceptance

The Town Commissioners and Town Planner shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Town.

4-414 Resubdivision

The following regulations shall be followed when subdividing or combining lots;

A. Letters rather than numbers should be used to indicate lots whose boundary and area have been affected. The numerical sequence should remain intact to avoid confusion in the future.

B. Plats shall be submitted to the Planning Commission which:

1. Clearly indicates the lot or parcel to be subdivided, including a boundary survey by authorized surveyor and size of the parcel to be added to adjoining lands.

2. Clearly indicates the lot or parcel to which the addition is being made.

3. Complies with the required information, style and form for a minor subdivision plat, including environmental health approval.

4. A note on the plat shall state:

"This subdivision is made solely for the purpose of adding the parcel shown herein as _____ to the adjoining lands of _____ as recorded in _(land records) _. Said parcel does not constitute a separate building lot and may not be transferred separately from said adjoining lands. Any future subdivision of said parcel or building development shall be submitted for approval in accordance with the Zoning Ordinance and Subdivision Regulations in effect at that time."

5. The approved plat shall be recorded with the Clerk of the Circuit Court of Queen Anne's County.

ARTICLE 5

REQUIRED IMPROVEMENTS

5-500 PURPOSE

A. The purpose of this article is to establish and define the public improvements that the applicant will be required to construct as conditions for final plat approval.

B. The subdivider shall complete all construction in accordance with the specific conditions of the commitment and the accepted drawings and specifications, and in the manner acceptable to the Town Commission, Town Planner, Planning Commission, and other applicable officials.

5-501 Revision of Plans

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Planning Commission with the advice of the Town Planner shall be secured before the execution of such changes.

5-502 Maintenance

Adequate provisions for the satisfactory maintenance of all streets and other required improvements, where applicable, shall be made by dedication to, and acceptance for maintenance by the Town, or by other acceptable means.

5-503 Adequate Public Facilities

It is the responsibility of the subdivider of a major subdivision to determine and prove to the Planning Commission that existing or planned public facilities on- and off-site are adequate to serve the needs of the subdivision. Public facilities, which may be considered, include, but shall not be limited to: roads, drainage, schools, emergency services, solid waste collection and disposal, and sewerage.

A. Central water supply may be also considered for intensive uses.

B. The Queen Anne's County Board of Education shall be consulted regarding the adequacy of school facilities.

C. The Planning Commission may require that studies be conducted, at applicant expense, to determine the adequacy of facilities and the impact of the development on such facilities. The Planning Commission may require that any adverse impacts to public facilities, including those facilities located off-site, be mitigated. Prior to any such study, the applicant shall meet with the Town Planner and/or Engineer to develop the scope and technical requirements of the study.

5-504 Community Facilities

A. In major subdivisions of more than ten (10) units and elsewhere deemed essential by the Planning Commission, and particularly in planned unit developments, the Commission may require reservation, for the common use of all property owners in the proposed subdivision, of suitable land for schools and other community facilities. Major subdivisions of fewer than ten (10) units shall adhere to open space requirements described in Section 6-608 of this Ordinance.

B. Where the subdivision contains community 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.

5-505 Drainage Facilities

A. Every subdivision shall be provided with a positive drainage system adequate to collect and dispose of all water originating on or flowing across the property without inundating or damaging roads, lots or other property.

B. The subdivider shall demonstrate that adequate drainage outlets exist, or shall be responsible for providing such outlets.

C. Where any lots front on a State, County or Town road or an open section road, and the Planning Commission deems an entrance pipe is necessary for adequate drainage, the subdivider shall install an entrance pipe for each lot, or shall pay the Queen Anne's County Roads Agency, prior to final plat approval, the Agency's current cost to install such entrance pipes. The subdivider or lot purchaser may subsequently request the Agency to install the entrance pipes so paid for at anytime without further charge.

5-506 Fire Protection Facilities

Every subdivision of lots of such size as to require a community water system shall provide an adequate number of appropriately spaced fire hydrants and other necessary fire protection facilities. The source of water supply and quantity and location of the fire hydrants and other fire protection facilities shall be sufficient as required by Town or County standards, whichever may be controlling.

5-507 Grading and Sediment Control

As required by the Queen Anne's County Grading and Sediment Control Ordinance, grading and sediment control plans shall be approved prior to the start of any grading, excavation, fill, or other construction activities integral to the development of the subdivision, including roads, drainage ditches, sediment basins, and buildings.

5-508 Public Sanitary Sewers

Every subdivision of lots of such size as to require a community sewer system, as specified by zoning or health regulations, shall be provided with a complete sanitary sewer system connected to the Town system and shall become a part thereof without cost to the Town.

5-509 Streets and Sidewalks

The construction of streets and sidewalks as shown upon final plats and as contained on contract agreements shall in every respect conform to the Town Commission construction requirements of streets and sidewalks effective at the time of final plat approval.

5-510 Street Lighting

The subdivider of every major subdivision shall provide lighting for vehicular and pedestrian traffic as required by the Town Commissioners or Queen Anne's County and Article 6 of this Ordinance.

5-511 Street Signs

The owner shall erect at every intersection a street sign or street signs thereon the names of the intersecting streets.

5-512 Water Supply and Sewerage Facilities

A. The Planning Commission shall determine the type (individual or central) of water supply system(s) required and assure that water supply sources are available and approved by appropriate authorities.

B. All major subdivision lots shall provide for individual, community or public waste supply and public sewerage facilities. Individual water supply facilities may be utilized where existing or planned community or public facilities are not reasonably available, or where the Planning Commission determines that they are suitable for the proposed development. In their determination the Planning Commission shall consider the following factors but is not limited to them: the subdivision's relationship to the Comprehensive Plan; zoning district classification; number of lots; type of development; soil, topography and other physical site characteristics; and location with respect to other development.

C. Where determined appropriate by the Planning Commission, all subdivisions shall be designed so as allow for the future installation of a community or public water supply facilities in the most efficient and economical manner. Utility easements shall be reserved in all locations necessary for the future installations of community or public water facilities.

D. Where individual water supply is used, the plat shall include a note using language approved by the Planning Commission indicating that such systems are interim and that they shall be discontinued and connection made to community or public facilities when they become available.

ARTICLE 6

DESIGN STANDARDS

6-600 PURPOSE

Standards and requirements for the design of development in Sudlersville is a reflection of the Town's intent to preserve and perpetuate the community character that contributes to the quality of life and unique built landscape of Sudlersville. This set of design standards serve to maintain property values, protect unique cultural resources, preserve the integrity of Sudlersville's small town atmosphere and provide the basis for beautiful and efficient development.

6-601 Application

Where literal compliance with the standards herein specified is clearly impractical, the Planning Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

6-602 General

A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and landlocked areas shall not be created.

B. All improvements shall conform to the standards, specifications and all other requirements contained in the Queen Anne's County Design Standards and Specifications or otherwise adopted by the Town Commissioners of Sudlersville, or by such other agency as may have jurisdiction over each facility. Any deviation from the required standards and specifications shall be fully detailed and approved by the applicable agency.

C. The subdivision design shall take advantage of the site's unique features such as its

location, access, topography, soils, wooded areas, water bodies, and its relationship to adjoining subdivisions and land uses, both proposed and existing.

D. All required improvements shall be deemed to have been offered for dedication to public ownership. However, the offer of dedication of any such facility shall not be accepted without inspection and formal written resolution by the appropriate agency or body.

E. Where trees, graves, waterways, scenic points, scenic visas, historic spots or other Town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features. The subdivider must identify those environmental and natural features outlined in Article 5 Section 6 of the Sudlersville Zoning Ordinance and provide appropriate protection as provided under that Section. To the extent practicable, the subdivider shall also incorporate wildlife corridors to provide continuity of plant and wildlife habitat with nearby existing habitat.

F. Land subject to flooding or property and land deemed to be topographically unsuitable shall not be subdivided or developed for residential occupancy or for such other uses as may endanger health, life, property, or aggravate erosion or flood hazards until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plats. Land with slopes greater than fifteen percent (15%), or land where the K-value for soil erodibility exceeds .35 and slopes are greater than five percent (5%), shall also be deemed unsuitable for residential development. Such land within a subdivision shall be set aside on the plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

G. Cluster development shall be used whenever feasible for planned unit developments to gain environmental protection while providing needed commercial and other development.

6-603 Blocks

A. Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots.

B. Maximum block length shall be eight hundred (800) feet.

C. Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to schools, parks, and other community facilities.

6-604 Floodplain and Natural Resources Protection

A. All lots shall contain an area beyond the required twenty-five (25) foot non-disturbance buffer surrounding the one hundred (100) year floodplain sufficient for the placement of any proposed structures, and on-side domestic water supply wells.

B. Building restriction lines shown on the subdivision plat shall exclude all portions of the twenty-five (25) foot buffer and one hundred (100) year floodplain from building development subject to the minimum yard requirements of the Sudlersville Zoning Ordinance.

C. The finished elevation of new subdivision roads shall be at least one (1) foot above the one hundred (100) year flood elevation.

D. New subdivisions shall be designed to avoid impacts on the Natural Resources Protection Areas as referenced Article 5 Section 6 of the Sudlersville Zoning Ordinance.

E. New subdivisions shall be designed to comply with tree and forested areas protection provisions of the current Maryland Forest Conservation Act.

6-605 Lots

A. All lots shall abut on a street.

B. In general, side lot lines shall be at right angles or radial to the street line.

C. Lots excessively deep in relation to width, or lots excessively irregular in shape are to be avoided. A proportion of two and one-half in depth to one in width (2½:1) shall be considered a proper maximum.

D. Lot sizes and dimensions shall not include any part of a public road, pedestrian walkway, or served space. Easements shall be included within the lot.

E. Panhandle lots are not permitted.

6-606 Monuments

A. Monuments shall be placed at all lot corners, points of curvature, intersection or tangency; angle breaks; and at any other points as may be necessary to identify the location of boundaries. Areas to be conveyed for public use shall be fully monumented at their external boundaries.

B. Monuments at lot corners adjoining a road shall be stone or concrete of at least twenty (20) inches in length. Monuments at other points may be either stone or concrete, or steel bars or iron pipes of least five-eighths (5/8) inches in diameter and eighteen (18) inches long.

C. Monuments shall be placed in the ground after final grading is completed at a time specified by a registered land surveyor.

D. The Town Engineer shall check all monuments for accuracy, or their accuracy certified by the owner's engineer. No lot shall be transferred or sold until after all monuments defining the lot have been placed.

6-607 Planting Strip

On streets with closed section roads and sidewalks, there shall be a planting strip between the sidewalk and street of at least five (5) feet in width.

6-608 Recreation and Open Space

The purpose of this Section is to ensure that open space is provided as an integral design element within subdivisions and the facilities contained within are of an adequate scale in relation to the

size of the development and which provide residents and/or visitors of the subdivision with a variety of opportunities for passive enjoyment and active recreation. Open space is also intended to provide a buffer between developed areas and/or incompatible uses; establish a balance between developed and undeveloped lands; and preserve and enhance natural areas, wildlife habitats, and historic features.

A. Dedication Required

The Planning Commission shall require the reservation of open space, passive and recreation areas, and the subsequent construction of facilities by the applicant of a character, extent, and location suitable to the need created by a development as defined and in accordance with the design guidelines in this Section. The Planning Commission may require the dedication or reservation of a reasonable recreational or open space area, beyond the minimum requirements, based on the character of the site or the surrounding area, or the nature of the proposed development.

B. Open Space Dedication/Reservation

The subdivider shall allocate five one-hundredths (0.05) acres of common open space per dwelling unit intended to be constructed on the subdivided land. Open spaces must be comprehensively planned within the subdivision to interrelate with the built environment and other open spaces if there is more than one space. In addition, they must be useable or function efficiently for their intended design. Open space areas must be accessible to all residents of the subdivision and shall not consist solely of buffer areas surrounding the proposed subdivision.

C. Exemption to Open Space Dedication/Reservation

Small major subdivision developments shall be exempted from the open space dedication/reservation with the following provisions:

1. Residential subdivisions of less than five (5) acres of land and less than ten (10) dwelling units shall be exempt from the land requirements set forth in paragraph B of this Section.

2. Residential subdivisions that, by reason of their proximity to existing open space, active recreation areas, or other unique circumstances may be permitted to dedicate fewer acres to open space areas as determined by the Planning Commission.

3. Phases or sections within developments that are commonly proposed for development shall not be considered as individual residential subdivisions qualified for exemptions under this Section.

D. Active Recreation Areas Required.

Ten percent (l0%) of dedicated/reserved open space shall be developed for active recreation and designed in accordance with paragraph F of this Section. Active recreation

areas are defined in paragraph E. The remaining land not reserved or designed as active recreation areas shall be preserved as passive open space and designed in accordance with paragraph H. Passive open space is defined in paragraph G.

E. Active Recreation Areas Definition.

The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the active recreation area requirements of this Section:

1. Improved walking, jogging, or biking trails;
2. Swings, slides and play apparatus;
3. Tennis, handball, racquetball, basketball, and volleyball courts;
4. Neighborhood/community swimming pools;
5. Fitness and exercise rooms.

F. Active Recreation Areas Design Guidelines.

1. Accessible.
Recreation areas shall be accessible within the development and arranged in a manner that affords reasonable access to all residents within the development. When warranted, recreation areas can be dispersed throughout the development if each remote location is accessible.

2. Pedestrian oriented.
Recreation areas shall be designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

3. Age oriented.
The nature and scope of planned recreation areas shall reflect an awareness of, and sensitivity toward, the anticipated age groups that would reside within proposed development.

4. Parking.
Designs shall consider the need for parking facilities associated with recreation areas.

5. Walking, Jogging, and Biking Trails.
The developed portion of walking, jogging, and biking trails shall be the only area counted toward the area requirement.

6. Setbacks.
No structure, equipment, or game court surface shall be located closer than thirty (30) feet from any lot line of any lot to be used for residential purposes nor nearer than twenty-five (25) feet from any right-of-way line.

7. Landscaping.
Where warranted, visual screening of parking areas, game courts, playground areas and other features as necessary to preserve and protect the interests of adjoining residential properties may be required.

8. Area.
The minimum area of a recreation area shall be two thousand (2,000) square feet.

G. Passive Open Space Definition.

Passive open space shall include land or an area of water, or combination of land and water within a development site designed and available for the use and enjoyment of residents of the development, not including, offstreet parking areas set aside for public facilities and right-of-ways, and areas to be preserved as wetlands or floodplains as required and any other lands unsuitable for development. The following are illustrative of the types of passive open space required in this Section:

1. Mature forests and groves;
2. Hedge rows;
3. Water courses;
4. Riparian forest buffers;
5. Historic, cultural, or archeological landmarks and resources;
6. Landscaped buffers and berming designed to promote privacy;
7. Open landscaped areas suitable for being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
8. Storm water detention ponds and other stormwater absorption areas when suitably designed to emulate natural features by incorporating irregular shapes, gradual slopes (no greater than 1:4) and appropriate landscape plantings;
9. Sensitive natural areas.

H. Passive Open Space Design Guidelines

1. Land areas must be at least twenty feet (20’) in width.
2. Selective clearing of natural vegetation may be permitted to form trails and clearing within woodland areas in accordance with woodland preservation provisions in Section 5-604 of the Zoning Ordinance.
3. Open spaces shall attempt to be contiguous and designed with linkages to existing and planned public walkways and with other existing or planned recreation areas.

I. Ownership and Maintenance

All common recreational or open space areas may be offered for public dedication. All such areas, and all other dedications and /or reservations of land not dedicated to Sudlersville shall be owned and maintained by the original developer, a homeowner’s association, community open space trust or nature trust. Third party ownership of passive open space may be permitted, with appropriate deed restrictions ensuring the land will remain perpetually in passive open space, upon approval by the Planning Commission.

If the dedication has not been accepted prior to the construction of forty percent (40%) of the development, title to the reserved area shall be vested in name of the homeowners association or similar organization, or if none exists, shall continue to be the responsibility of and be maintained by the subdivider.

J. Construction Phasing

The construction/improvements of open space areas shall be completed in proportion

equal of or greater than the proportion of residential dwelling units completed, except that one hundred percent (100%) of the recreation areas shall be completed prior to issuing building permits for the final twenty percent (20%) of the dwelling units proposed, unless a written agreement is in place between the subdivider and the Planning Commission. Building permits shall not be issued for dwelling units unless the requirements of this Section are met.

6-609 Streets - General

A. The arrangement, character, extent, grade, and location of all streets shall be acceptable to the Planning Commission and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, pedestrian accessibility, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. Where appropriate, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.

C. Residential streets shall be laid out so that their use by through traffic will be discouraged. The subdivider shall design roads that do not encourage speeding.

D. Streets ending in cul-de-sacs shall be limited to special situations where the Planning Commission deems such streets as the most effective way to access subdivided lots. Cul-de-sac roads shall not exceed five hundred feet (500') in length.

E. Residential streets shall be so laid out so that street connectivity insures more than one access point to a residential subdivision, provides alternate roads for vehicular traffic, and allows for the greater access of public service vehicles.

F. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets.

G. If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.

H. Private roads may be allowed when the Planning Commission deems them acceptable.

I. Gates, fences, or other means shall not be placed on private roads to limit access to subdivisions.

J. Road names shall be subject to approval by the Planning Commission.

6-610 Street Standards

A. Where a subdivision abuts or contains and existing street of adequate right-of-way width, a right-of-way width as required by the Town Commission shall be indicated on the plat and offered for dedication.

B. The subdivider shall provide minimum right-of-ways, access easements, drainage facilities, horizontal alignments, vertical alignments, sight distances, sidewalks, curbs,

curb radii, offsets, and street grades in accordance with the requirements of the Town Commission or the Queen Anne's County Roads Ordinance.

C. All streets shall be graded to:

1. The grades shown on the street profiles and cross-section plan submitted and approved with the final plat;

2. The full width of the right-of-way.

6-611 Street Intersections

A. Multiple intersections including junction of more than two (2) streets shall be avoided.

B. Streets shall be laid out to intersect as nearly as possible at right angles. No two-way street shall intersect another two-way street at an angle of less than sixty (60) degrees.

6-612 Street Stub Linkages

Within major subdivisions, street stub linkages shall be provided among adjoining existing and proposed subdivisions in order to allow convenient and effective travel among neighborhoods. Linkage street stubs shall be provided at a ratio of at least one (1) linkage street right-of-way per eight hundred (800) linear feet of subdivision or land development boundary line, which adjoins vacant or undeveloped land, unless determined to be unnecessary by the Planning Commission. Street linkage stubs shall be planned and constructed to the subdivision or land development boundary line. If the stub is in excess of one hundred (100) feet in length, then a temporary paved turn-around area shall be provided. When the adjoining land is developed, its street system must connect with and incorporate the previously constructed linkage street stubs.

6-613 Sidewalks

The subdivider shall install sidewalks where:

A. Any lot is smaller than twenty thousand (20,000) square feet in area; or

B. Two-family or multi-family residential development is proposed; or

C. Commercial or industrial development is proposed; or

D. Where sidewalks are desirable because of the character of the neighborhood to join sidewalks in the new development with existing or proposed sidewalks in adjoining development(s); or to provide pedestrian access to community facilities, schools, shopping and recreation areas.

E. The minimum width of a sidewalk shall be five (5) feet. The Planning Commission, at its discretion, may also require sidewalk widths in excess of five feet depending on the intensity of surrounding development, volume of pedestrian traffic expected, and to accommodate a bicycle path within the right-of-way.

F. It shall be the responsibility of the homeowner with lot frontage on the street right-of-way to

maintain the sidewalk for pedestrian safety. This may include, but is not limited to, keeping the sidewalk free of debris and obstructions, removing snow and ice in a timely manner, and providing for any needed replacement of the sidewalk.

G. All sidewalks shall be provided and constructed in accordance with accepted design standards as approved by the Town Commission.

6-614 Street Lighting

To provide lighting for vehicular and pedestrian traffic, every major subdivision shall install street lamps with full cutoff fixtures to direct light onto the ground. In order to provide adequate lighting suitable to the context of the streetscape, the street light pole height shall be limited to and shall be spaced according to the following table:

Street Pavement Width (feet)	Maximum Pole Height (feet)	Maximum Pole Spacing (feet)
40 (or greater)	20	60
25	18	60
22	18	60
18	12	40

6-615 Street Signs

All street signs shall be provided and constructed to designs acceptable to the Town Commission.

6-616 Street Trees

There must be one (1) street tree in the planting strip for every thirty (30) feet of lot frontage onto the street right-of-way, or as otherwise provided in an approved Design Manual for residential subdivision as required in Article 5 of the Zoning Ordinance. In situations where there is no planting strip, the street trees may be planting in the street right-of-way.

A. Street trees shall be placed so that the tree crowns shall abut one another at the expected growth of the trees at maturity. At a minimum there shall be no less than two street trees for each lot. The minimum caliper of street trees at the time of planting shall be two and one half (2½) inches, measured four (4) inches above the root ball.

B. All trees are to be planted in the planting strip between the sidewalk and street unless otherwise specified by the Planning Commission. Along open section roads or in other situations where there is no planting strip, the Planning Commission may require trees to be planted outside the right of way on adjoining property. A home owner's association, if one exists, may make provisions for street trees in its covenants, conditions and restrictions.

C. It shall be the responsibility of the homeowner with lot frontage on the street right-of-way for the maintenance and cultivation of the trees contained within that adjoining right-of-way. However, in the case of collector streets the Town of Sudlersville shall be responsible for the

care and maintenance of street trees in the street right-of-way. Preferably, the care and provision of residential street trees shall be provided for in covenants, conditions, and restrictions of the controlling home owner's association, if one exists.

ARTICLE 7

IMPROVEMENT GUARANTEES

7-700 CONTRACTS

7-701 Improvement Plan and Written Agreement

Before the Planning Commission shall offer final approval of the final plat of any subdivision (except in the case of minor subdivisions wherein the Commission imposes no condition or conditions for the approval of the plat), and as requisite for the approval thereof:

A. The subdivider shall prepare and submit all drawings, plans and specifications required to complete the construction of all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities, and other utilities and improvements required and shown on said final plat. These drawings and plans shall collectively be known as the Improvement Plans.

1. At least seven (7) copies of the Improvement Plans shall be filed with the Zoning Administrator.

2. The subdivider shall submit with the Improvement Plans an estimate of all quantities and costs, including contingent items, related to constructing all required improvements.

3. The subdivider shall furnish any design data and computations as required by the reviewing agencies, in accordance with the form and procedures established by the applicable agency.

4. Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland by the appropriate professionals for each drawing or plan.

B. The subdivider shall enter into a written agreement with the Town in the manner and form set forth by the Town Attorney where the subdivider shall agree:

1. To construct or cause to be constructed, at the subdivider's own expense, all when required to do so by the Planning Commission in accordance with the standards and specifications of the Town;

2. To maintain at the subdivider's own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities, and other improvements, until the same are accepted by the Town;

3. To obtain the easements and releases required when any street, drainage facility, or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at the subdivider's own cost, and to obtain from the subdivider of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, the street, drainage facility, or other improvement, and such releases shall insure to the benefit not only of the subdivider of the subdivision but to the Town as well.

4. To repair damage to Town and County roads, drainage facilities, curbs, gutters, and sidewalks as a result of grading or construction activities in the subdivider's subdivision.

C. Prior to the signing of the final plat by the Chairperson of the Planning Commission, all required improvements shall be completed, inspected, and accepted by the Town Engineer, Town Planner, Town Commissioners, and other proper authorities.

7-702 Guaranty

In order to assure the Town that the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities and other utilities and improvements shown on said final flats, which Planning Commission shall require the subdivider to install, at the subdivider's own expense, will be constructed and installed in strict accordance with the plats, as fully approved, and with the standards, regulations, and specifications of the Town, and will be maintained until accepted by the Town, the subdivider shall furnish to the Town:

A. A surety bond. The amount of the surety bond shall be based on the sum of the contracts entered into by the subdivider for the completion of all required improvements, or the Town Commissioners estimate if contracts have not yet been executed, plus a minimum contingency of fifteen percent (15%). the Town Commissioners may contact governmental agencies and technical experts for advice.

The surety bond shall be conditioned upon:

1. The subdivider constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and with the Town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities, and other improvements, until the same are accepted by the Town for public use.

2. The subdivider maintaining at the subdivider's own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities, and other improvements, until the same are accepted by the Town for public use.

3. The faithful performance by the subdivider of the contract provided for in this Ordinance.

B. Placement of funds in escrow with an escrow agent satisfactory to the Town Commissioners, together with an agreement governing the release of funds from escrow.

C. An irrevocable letter of credit.

D. The subdivider shall be required to complete all required improvements within twenty-four (24) months from the date of final plat approval. An extension may be granted by the Town Commissioners only upon a showing of good faith effort by the subdivider to complete the improvements within the specified time period.

E. No guaranty shall be accepted by the Town Commissioners for construction of required improvements in additional sections of a subdivision if the required improvements in any previous section are not complete and the time limit for completion has expired.

4-703 Preliminary Public Improvements Inspection

A. The applicant shall notify the Town Engineer of the completion of the required improvements.

B. The Town Engineer shall:

1. Inspect the completed required improvements; and

2. Submit in writing a report to the Town Commissioners specifying those items of Construction, material and workmanship which do not comply with the Town Specifications or the final plat.

B. The applicant upon notification from the Town Engineer shall:

1. Proceed, at the applicant's own expense, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and

2. Notify the Town Planner and Town Commissioners upon completion, requesting final inspection.

ARTICLE 8

APPLICATION AND PLAT REQUIREMENTS

8-800 GENERAL

Plats are required for all subdivision in accordance with the procedures, plan requirements, and design standards set forth in this Ordinance.

8-801 Application Requirements

For the purpose of having a subdivision reviewed and approved by the Planning Commission, the applicant shall file with the Zoning Administrator the respective plans and applications in accordance with Article 4 of this Ordinance.

8-802 Tentative Sketch Plan

A tentative sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission.

A. Data furnished in the tentative sketch plan shall include the following information:

1. Name of the subdivision.

2. Name and address of the owner.

3. Name and address of the engineer or surveyor.

4. Tract boundaries.

5. North point and date.

6. Streets on and adjacent to the tract.

7. Significant topographical and physical features.

8. Proposed general street layout.

9. Proposed general lot layout and building setback lines.

10. Contours based on U.S.G.S. topography.

11. Location of environmentally sensitive areas

12. Proposed location of stormwater management facilities

13. Proposed lands for dedicated open space

8-803 Preliminary Plat

The preliminary plat shall show or be accompanied by the following information:

A. Drafting standards:

1. The plat shall be drawn at a scale of 1”=50’ or 1”=100’ or at a scale approved by the Town Planner.

2. Dimensions shall be in feet and decimal parts thereof, and bearing in degrees, minutes, and seconds.

3. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

4. When more than one (1) sheet is required, an index sheet shall be include which shows the entire subdivision and the portions of the subdivision to be found on

each separate sheet. All required information and certificates shall be shown on each sheet.

5. Where any revision is made, or when the plat is a revision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.

6. The plat shall be so prepared and bear and adequate legend to clearly indicate existing and proposed features.

7. The boundary line of the subdivision shall be shown as a solid heavy line and dimensions of boundary.

B. Information to be shown – General:

1. Name of the subdivision.

2. Name and address of the owner.

3. Name and address of the engineer or surveyor responsible for the plat.

4. Names of adjoining property owners with liber and folio. If the property adjoins a recorded subdivision, indicate its name, recording reference and lot numbers.

5. Present zoning classification of the property and the adjoining properties.

6. Date, north point, and scale.

7. Signature blocks for the Planning Commission signatures and other approving authorities if appropriate.

8. A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred feet to the inch (800':1") showing the relation of the tract to adjoining property and to all streets, sidewalks, location of water courses, flood plains, and other environmentally sensitive areas, wooded areas, sanitary sewers and storm drains and municipal boundaries existing within one thousand feet (1,000') of any part of the property proposed to be subdivided.

C. Existing features

1. Complete outline survey of the property to be subdivided showing all courses, distances, and area, and tie-ins to all adjacent street intersections.

2. The location, names, and widths of streets and sidewalks, the location of property lines and name of owners, major topographical features, the location of water courses, sanitary sewers, storm drains, and similar features within four hundred feet (400') of any part of the land to be subdivided.

3. Location of all existing monuments and culturally significant features such as structures, foundations, graves, and walls.

4. Location, size, and ownership of all underground utilities, and any rights-of-way within property.

5. Location and areal extent of all soils exhibiting the following characteristics as determined by the Queen Anne's County soil survey:

   (1) Septic limitations;

   (2) Wet soils; and

   (3) Hydric soils and soils with hydric properties;

   (4) Highly erodible soils (soils on slope greater than five percent (5%) with "K" values greater than 0.35.)

6. Topography on two foot (2') contours, provided, however, that if ground slope is sufficiently steep for five foot (5') contours, to show the surface configuration, the large contour interval may be permitted. Smaller contour intervals may be required where two foot (2') contours do not indicate existing surface conditions.

D. Proposed layout

1. The layout of streets and sidewalks including names and widths.

2. The layout and approximate dimensions of lots and building setback lines.

3. A reference to any land offered for dedication for active and passive recreation areas, schools, widening of streets, or other public uses. A written statement must be submitted to the Planning Commission explaining the provision or conditions of the proposed reservation or conveyance and the proposed arrangements for ownership and maintenance.

4. The average and minimum lot size.

5. Location and size of all stormwater management facilities, storm drains, sanitary sewers, culverts, water courses and all appurtenances thereof, water mains, fire hydrants and other fire protection facilities.

6. Rights-of-way and/or easements proposed to be created for all drainage purposes and utilities.

7. Proposed grading and sediment and erosion control methods including soil stabilization methods, location and type of silt fences, construction phasing, maximum area exposed at any one time and outer boundaries of the area of disturbance.

8. Indicate type of water and sewerage service to each lot. Indicate the number of

gallons per day for each unit of use and give overall totals.

9. Elevation drawings with sufficient detail to evaluate the development's compliance with the community design standards and new town design standards if applicable (Article 5, Section 2) of the Zoning Ordinance.

10. Tentative typical cross-sections and center line profiles for each proposed street shown on the preliminary plat. These plats may be submitted as separate sheets.

11. Where the preliminary plat covers only a part of the owner's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.

12. The words "Preliminary Plat -Not to be Recorded," shall be shown on the plat.

8-804 Minor Subdivision Plat

The minor subdivision plat shall show or be accompanied by the following information:

A. Drafting standards

1. The plat shall be drawn at a scale of 1"=50' or 1"=100' or at a scale approved by the Town Planner.

2. The plat shall be a clear and legible white paper print.

3. Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.

4. The boundary line of the subdivision shall be shown as a solid heavy line.

5. Minor subdivision plats shall be on sheets either 18" x 22" or 36" x 44" and all lettering shall be so drawn as to be legible if the plat should be reduced to half size.

B. Information to be shown -General

1. Name of the subdivision.

2. Name and address of the owner.

3. Name and address of the engineer or surveyor.

4. Zoning classification and requirements of the property and the adjoining properties.

5. Names of adjoining property owners with liber and folio. If the property adjoins a recorded subdivision, indicate its name, recording reference and lot numbers.

6. Date, north point, and scale.

7. Signature blocks for the Planning Commission signatures and other approving authorities if appropriate.

8. A location map for the purpose of locating the site with respect to nearby landmarks, roads, streams, and other major features at a scale of not less than eight hundred feet (800') to the inch.

9. State Department of Health Certification.

C. Existing features

1. Complete outline survey of the property to be subdivided, showing all distances, and area, and tie-ins to all adjacent street intersections.

2. The location, names and widths of streets, sidewalks and utility easements/rights-of-ways within the lot, the location of property lines and names of owners of adjoining properties, the location of water courses, sanitary sewers, storm drains, and similar features within four hundred feet (400') of any part of the land to be subdivided.

3. The location of existing buildings, steep slopes, wetlands, water courses and other environmentally sensitive areas and required buffers from same; wooded areas; and areas subject to flooding.

4. Location and areal extent of highly erodible soils or soils with septic limitations.

D. Proposed layout

1. Proposed layout of lots.

2. Lots numbered.

3. Building setback lines.

4. Total area and minimum lot size.

5. Location of any stormwater management facilities.

6. Elevations drawings with sufficient detail to evaluate the development's compliance with the community design standards or new town design standards, if applicable, (Article 5, Section 2) of the Zoning Ordinance.

8-805 Final Plat

The final plat shall show or be accompanied by the following information

A. Drafting standards

1. The plat shall be drawn at a scale of 1”=50’ or 1”=100’ or at a scale approved by the Town Planner.

2. The plat shall be clear and legible white paper print.

3. Dimensions shall be in feet and decimals to the nearest hundredth of a foot, and the bearings in degrees, minutes, and seconds.

4. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

5. The boundary line of the subdivision shall be shown as a solid heavy line.

6. Final plats shall be on sheets either 18” x 22” or 36” x 44” and all lettering shall be so drawn as to be legible if the plat should be reduced to half size.

B. Information to be shown –General:

1. Name of the subdivision.

2. Name and address of the owners.

3. Names of adjoining property owners with liber and folio. If the property adjoins a recorded subdivision, indicate its name, recording reference and lot numbers.

4. Name and address of the engineer or surveyor.

5. Date, north point, and scale.

6. Signature blocks for the Planning Commission signatures and other approving authorities if appropriate.

7. A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch showing the relation of the tract to the inch showing the relation of the tract to adjoining property and to all streets, sidewalks, roads, and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.

8. State Department of Health Certification.

9. Such other certifications as may be required by State agencies and the Planning Commission.

C. Existing features:

1. Complete outline survey of the property to be subdivided, showing all distances, and area, and tie-ins to all adjacent street intersections;

2. The location, names, and widths of streets, sidewalks, the location of property lines and name of owners, major topographical features, the location of water courses, sanitary sewers, storm drains, and similar features within four hundred (400) feet

of any part of the land to be subdivided;

3. Location, size, and ownership of all underground utilities, and any rights-of-way within the property;

4. Location of existing buildings, the outlines of all wooded areas, marshy areas, and areas subject to flooding;

5. Location and aerial extent of all soils exhibiting the following characteristics as determined by the Queen Anne's County soil survey:

   (a) Septic limitations;

   (b) Wet soils; and

   (c) Hydric soils and soils with hydric properties;

   (d) Highly erodible soils (soils on slope greater than fifteen percent (15%) or soils on slope greater than five percent (5%) with "K" values greater than 0.35);

6. Location of wetlands on the site;

7. Location of all existing monuments and culturally significant features such as structures, foundations, graves, and walls;

8. Topography on two (2) foot contours, provided, however, that if ground slope is sufficiently steep for five (5) foot contours, to show the surface configuration, the large contour interval may be permitted. Smaller contour intervals may be required where two (2) foot contours do not indicate existing surface conditions. Slopes exceeding fifteen percent (15%) shall be clearly indicated.

D. Proposed layout:

1. Lot layout, including dimensions and bearings and consecutive numbering of lots and building setback lines.

2. The proposed names, pavement width, pedestrian walkways, and right-of-way widths of all proposed streets.

3. Sufficient data to determine readily the location, bearing and length of every street.

4. The location and amount of land offered for dedication for active and passive recreation areas, schools, widening of streets, or other public uses.

5. The proposed grading

6. The location, width, and purpose of all easements or rights-of-way and boundaries by bearings and dimensions.

7. The average and minimum lot size.

8. Elevation drawings with sufficient detail to evaluate the development's compliance with the community design standards (Article 5, Section 2) of the Zoning Ordinance.

9. The location, size, and invert elevations of all stormwater management facilities, sanitary sewers, storm sewers, and locations of all manholes, inlets and culverts, and design calculations of same along with the plat and profile of same and any appurtenances. Stormwater management facilities must comply with Queen Anne's County Stormwater Management Ordinance.

9. The location of all existing and proposed fire hydrants and fire protection facilities.

10. Typical cross sections and street profiles for all streets. Such profiles shall show the existing and proposed grades along the proposed street centerlines.

8-806 Record Plat

The record plat shall be clear and legible blue or black line print on white opaque linen or equivalent and shall be an exact copy of the approved minor subdivision plat or final plat on a sheet of the size required for minor subdivision plat or final plat.

The following information shall appear on the record plat, in addition to the information required in Section 8-804 or Section 8-805 of this Article.

A. Seals

1. The impressed seal of the license engineer or surveyor responsible for the plat.

2. The impressed corporation seal, if the applicant is a corporation.

3. The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.

B. Acknowledgments and Certifications

1. An owner's certification to the effect that the applicant is the owner of the subdivision shown on the final plat, that it is made with the owner's consent and that the owner desires to record the same.

2. An acknowledgment that said statement was made before an officer authorized to take acknowledgments or certifications.

3. A surveyor's certification to the effect that the surveyor is registered with the State if Maryland, listing the surveyor's number: That the property has been surveyed and subdivided as described and shown on the final plat, and that such plat is a correct representation of that survey and subdivision: That all distances are shown in feet and decimals thereof: That all lots meet the requirements of the

Zoning Ordinance for the Town of Sudlersville, Maryland, the Sudlersville Subdivision Regulations and any other certifications as required by state or County agencies.

4. An owner/subdivider's certification to the effect that in addition to meeting all the requirements of the Town of Sudlersville that the owner will obtain all applicable federal, state, county and local permits and approvals required before beginning any land disturbing activities; and that all construction will be strictly according to the approved plans.

5. A dedication certification to the effect that the owner of the property, shown on this plat and described in the surveyor's certification, adopts this plan of subdivision; and that the owner offers for dedication the streets, right-of-way, open space, all slope, public improvement and drainage easements as shown on this plat to public use, if applicable. If deemed necessary by the Planning Commission, a deed conveying fee simple title to all such rights-of-way shall be provided by the subdivider.

C. The following signatures shall be placed directly on the plat in black india ink or equivalent.

1. The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.

2. The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.

3. The signature of the licensed engineer or surveyor who prepared the plat.

4. The signature of the Chairperson and Secretary of the Planning Commission.

5. Signature of the Town Planner.

6. The signature of the Deputy State Health Officer of Queen Anne's County.

7. Signature of such other State authorities as may be required.

8-807 Modification of Requirements

The above requirements for preliminary and final plats and for the supporting data may be modified by the Planning Commission.

In subdivisions requiring no new streets, and in the case of resubdivision, the requirements for the contours may be waived at the discretion of the Planning Commission.

ARTICLE 9

ADMINISTRATION

9-900 HARDSHIP

Where the Planning Commission finds that because of unusual circumstances of shape, physical surroundings, topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with this Ordinance; there may be granted a modification of this Ordinance when requested by the subdivider.

9-901 Modifications

The Planning Commission shall not approve any modification unless it makes findings based on the evidence present to in each specific case that:

A. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property.

B. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought, and are not applicable generally to other properties.

C. The modification will not conflict with the provisions of the Zoning Ordinance or the Comprehensive Plan.

D. The granting of the modification will not bestow upon the applicant a benefit not enjoyed by other similarly regulated properties.

9-902 Appeals

Any person aggrieved by the action of the Planning Commission or Board of Appeals pursuant to this Ordinance may appeal directly to the Circuit Court of Queen Anne's County.

9-903 Amendments

A. The Town Commissioners may, from time to time, adopt amendments to this Ordinance.

B. The Planning Commission shall hold a public hearing on any proposed amendment prior to submitting its recommendation to the Town Commissioners. The time, place and date of the hearing, together with a brief synopsis of the proposed amendment, shall be published in at least one (1) newspaper of general circulation in the Town of Sudlersville once each week for two (2) successive weeks prior to the hearing.

C. Upon receipt of the recommendation of the Planning Commission, the Town Commissioners shall hold a public hearing. Notice of the hearing shall comply with the requirements of Article 25, Section 3(r), Annotated Code of Maryland.

9-904 Fees

Fees to cover the cost of considering, examining, and checking the several plats and plans required herein and for recording the final plat shall be collected at the time of filing a preliminary plat, in accordance with a fee schedule of charges adopted by resolution of the Town Commissioners and modified from time to time as they deem necessary.

APPENDIX A

SUBDIVISION APPLICATION -SUDLERSVILLE, MARYLAND

Date of Application _____ Fee Paid_____
Planning Commission File No._____

Application for Tentative Sketch Review_____
Preliminary Review_____
Final Review_____

1. Owner of record of land Name_____
   Address_____
   Telephone No._____

2. Applicant Name_____
   Address_____
   Telephone No._____

3. Agent or Attorney (if any) Name_____
   Address_____
   Telephone No._____

4. Registered Engineer or Surveyor_____
   Address_____
   Telephone No._____

5. Name of Subdivision_____

6. Where deed is recorded_____

7. No. of Lots_____

8. Average Lot Size_____

9. Total Area to be Subdivided_____

10. Water Supply Public system_____ on lot system_____

11. Sewerage System Public system_____ on lot system_____

12. Zoning Classification of subject land_____

13. Lineal feet of new streets_____

14. Copy of all restrictions, covenants, etc., if any, under which lots are to be sold.

    Attached_____
    None_____

15. Improvements to be made by applicant to subject land with estimated cost of each:

	Unit Cost	No. of Units	Total
a. Widening of Existing Streets.....	_____	_____	_____
b. New Street.....	_____	_____	_____
c. Street Signs.....	_____	_____	_____
d. Water Supply and Fire Hydrants.....	_____	_____	_____
e. Sewerage Disposal..	_____	_____	_____
f. Storm Drainage.....	_____	_____	_____
g. Monuments.....	_____	_____	_____
h. Curbs.....	_____	_____	_____
i. Sidewalks.....	_____	_____	_____
j. Street Lights.....	_____	_____	_____
k. Park Land.....	_____	_____	_____

16. Statement fixing period requested for completion of all items in par. 15 above_____
_____
_____

17. A copy of the description of land as set forth in deed shall be attached. _____

_____
Signature of Owner

APPENDIX B

SUDLERSVILLE, MARYLAND
CHECK LIST FOR TENTATIVE SKETCH PLAN

Name of Subdivision_____ File No._____ P.C.

The following check list summarizes the information which must be shown in order to be reviewed by the Planning Commission. The check list shall be filled out by the Zoning Administrator and applicant at the time of submission, and if incomplete, the plan shall be returned to the applicant noting the deficiencies.

	Check Item If Complete
1. Seven (7) copies of the tentative plan, appropriate fee, and application	_____
2. Name of subdivision	_____
3. Name and address of the owner	_____
4. Name and address of the engineer or surveyor	_____
5. Tract boundaries	_____
6. North point and date	_____
7. Streets on and adjacent to the tract	_____
8. Significant topographical and physical features	_____
9. Proposed general street layout	_____
10. Proposed general lot layout and building setback lines	_____
11. Contours based on U.S.G.S. topography	_____
12. Location of environmentally sensitive areas	_____
13. Proposed location of stormwater management facilities	_____
14. Proposed lands for dedicated open space	_____

_____
Date of Completed Submission

Signatures:

_____ _____
Administrator Applicant

APPENDIX C

SUDLERSVILLE, MARYLAND

CHECK LIST FOR
PRELIMINARY PLAT

Name of Subdivision_____ File No._____P.C.

The following check list summarizes the information which must be shown on the preliminary plat in order to be reviewed by the Planning Commission. The check list shall be filled out by the Zoning Administrator and if incomplete, the plat shall be returned to the applicant noting the deficiencies.

	Check Item If complete
1. Six (6) copies of the preliminary plat, appropriate fee and application	_____
2. Name of the subdivision	_____
3. Name and address of the owner	_____
4. Name and address of the engineer or surveyor	_____
5. Zoning classification and dimensional requirements	_____
6. Date, north point, and scale	_____
7. Scale of 1" = 50' or 1" =100' or other approved by Town Planner	_____
8. Location map	_____
9. Property boundaries indicated by a solid heavy line and dimensions with names of adjoining property owners with liber and folio. If the property adjoins a recorded subdivision, indicate its name, recording reference and lot numbers.	_____
10. The location, names, and widths of streets and sidewalks, the location of property lines and name of owners, major topographical features, the location of water courses, sanitary sewers, storm drains, and similar features within four hundred feet (400') of any part of the land to be subdivided.	_____
11. Existing monuments and culturally significant features such as structures, foundations, graves, and walls.	_____
12. Location, size, and purpose of underground utilities, rights-of-way, and easements within property.	_____
13. Topography on two or five foot contours	_____

14. Location on property of existing buildings, location of wetlands, water courses and other environmentally sensitive areas and required buffers from same, wooded areas, and areas subject to flooding _____

15. Location of highly erodible, wet or hydric soils and soils with septic limitations _____

16. Proposed regraded surface of the land and erosion and sediment control features _____

17. Layout of proposed streets and sidewalks, pavement widths, street names, right-of-ways, and dedicated open space or land for public uses _____

18. Location of storm and sanitary sewers, water mains (if any), storm drains and inlets, culverts and other stormwater management facilities _____

19. The prospective street layout for the remainder of property, if any _____

20. Layout and approximate dimensions of lots, minimum and average size of lots, and building setback lines _____

21. Location of all existing and proposed fire hydrants and fire protection facilities _____

22. Cross-sections and centerline profiles for each proposed street _____

23. Sites to be dedicated for open space and other public uses with written statement about ownership and maintenance _____

24. Elevation drawings with sufficient detail to evaluate the development's compliance with the community design standards (Article 5, Section 2) of the Zoning Ordinance. _____

25. Type of water and sewerage for each lot indicated, gallons per day use for each unit and total subdivision. _____

26. Signature blocks for the Planning Commission signatures and other approving authorities if appropriate. _____

27. The words "Preliminary Plat -Not to be Recorded," shall be shown on the plat. _____

_____
Date of Completed Submission
Signatures:

_____ _____
Administrator Applicant

APPENDIX D

SUDLERSVILLE, MARYLAND

CHECK LIST FOR FINAL PLAT

Name of Subdivision_____ File No. _____ P.C.

The following check list summarizes the information which must be shown on the final plat in order to be reviewed by the Planning Commission. The check list shall be filled out by the Zoning Administrator and applicant at the time of submission, and if incomplete, the plat shall be returned to the applicant noting the deficiencies.

	Check Item If Complete
1. Six (6) copies of the final plat, appropriate fee, and application	_____
2. Sheet size of 18” x 22” of 36” x 44”	_____
3. Name of subdivision	_____
4. Name and address of the owner	_____
5. Name and address of the engineer or surveyor	_____
6. Zoning classification and dimensional requirements	_____
7. Date, north point, and scale	_____
8. Scale of 1” = 50’ or 1” = 100’ or other approved by Town Planner	_____
9. Location map	_____
10. Property boundaries indicated by a heavy solid line showing bearings and distances	_____
11. Location within 400 feet of property of street names, and right-of-ways and pavement widths of existing streets and sidewalks, location of property lines and names of adjoining property owners, location of water courses and other environmentally sensitive areas, wooded areas, sanitary sewers and storm drains	_____
12. Location of all monuments and culturally significant features such as structures, foundations, graves, and walls.	_____
13. Location, size, and purpose of underground utilities, rights-of-way, and easements within property	_____
14. Topography with two or five foot contours	_____

15. Location on property of existing buildings, location of wetlands, water courses and other environmentally sensitive areas and required buffers from same, wooded areas, and areas subject to flooding _____

16. Location of highly erodible, wet or hydric soils and soils with septic limitations _____

17. Layout of proposed streets and sidewalks, names, right-of-ways and pavement widths _____

18. Layout and approximate dimensions of lots, average and minimum lot size, and building setback lines _____

19. Street cross-sections and profiles _____

20. Location and invert elevation of sewers, storm drains and inlets, culverts and other stormwater management facilities _____

21. Location of all existing and proposed fire hydrants and fire protection facilities _____

22. State Department of Health Certificate _____

23. Sites to be dedicated for open space and other public uses _____

24. Proper signature blocks as required in Section 8-805 of the Subdivision Regulations _____

25. The words "Final Plat" _____

_____
Date of Completed Submission

Signatures

_____ _____
Administrator Applicant

APPENDIX E

SUDLERSVILLE, MARYLAND

CHECK LIST FOR
MINOR SUBDIVISION PLAT

Name of Subdivision _____ File No._____ P.C.

The following check list summarizes the information which must be shown on the minor subdivision plat in order to be reviewed by the Planning Commission. The check list shall be filled out by the Zoning Administrator and applicant at the time of submission, and if incomplete, the plat shall be returned to the applicant noting the deficiencies.

	Check Item If Complete
1. Six (6) copies of the plat and application	_____
2. Sheet size of 18” x 22” or 36” x 44”	_____
3. Scale of 1” = 50’ or 1” = 100’ or other approved by Town Planner	_____
4. Name of subdivision	_____
5. Name and address of owner	_____
6. Name and address of engineer or surveyor	_____
7. Zoning classification	_____
8. Date, north point, and scale	_____
9. Location map	_____
10. Tract boundaries indicated by solid line showing bearings and distances	_____
11. The location, names and widths of streets and sidewalks, the location of property lines and names of owners of adjoining properties, the location of water courses and other environmentally sensitive areas, wooded areas, sanitary sewers, storm drains, and similar features	_____
12. The location of existing buildings	_____
13. Proposed layout of numbered lots	_____
14. Total area and minimum lot size and building setback lines	_____
15. State Department of Health Certification	_____
16. Elevations drawings with sufficient detail to evaluate the development’s compliance with the community design standards	

and new town design standards (if applicable) (Article 5, Section 2) of the Zoning Ordinance. _____

17. Location and a real extent of highly erodible soils or soils with septic limitations. _____

_____
Date of Completed Submission

Signatures:

_____ _____
Administrator Applicant

WATER

Adopted by:	Ordinance 2009-03, 10/7/2009
Amended on:	10/5/2011, Ordinance 2011-02
Amended on:	7/12/2012, Ordinance 2012-01
Amended on:	10/7/2015, Ordinance 2015-02

WATER ORDINANCE

Part 1 – General Provisions

1-1 Definitions.

A. For the purposes of this ordinance, the following words or phrases shall have the meanings respectively ascribed to them by this section: "Covered Account" means:

COMMISSION – The Town's legislative authority, created pursuant to Section 24-3 of the Charter of the Town of Sudlersville

CUSTOMER – The user of service receiving water at one household, apartment, house trailer or place of business.

IMPROVEMENT – Any dwelling, commercial building, or other structure of a fixed or permanent nature situated upon a single lot or parcel of land within the corporate limits of the Town.

MAIN – The Town-owned piping and fixtures in or along public highways and streets, or along privately owned rights-of-way, used for the transmission or distribution of water to customers.

PERSON – An individual, partnership, association, corporation, joint stock company, trust, unincorporated association, governmental body, political subdivision or any other entity.

PREMISES – A single dwelling or business unit situated upon a single lot or parcel of land, or a single structure consisting of multifamily or multiple business units situated upon a single lot or parcel of land.
PROPERTY – Any real property, lot, or parcel of land within the corporate limits of the Town, regardless of whether any improvement is situated thereupon.

TOWN – A body corporate and municipal corporation legally known as the Commissioners of Sudlersville.

WATER SYSTEM – The water works, water supply and water distribution system facilities, together with all appurtenant facilities and properties, including all property, real, personal or mixed, which the Town has acquired heretofore, and all property including real, personal, mixed and all rights, powers, licenses, easements right-of-way, privileges, franchises and all other property or interests in property of any kind, for use in connection with constructing, operating, and maintaining said water

facilities, and all additions, extensions, alterations and improvements which hereafter, from time to time, may be made thereto.

B. Word Usage: Use of the word “shall” is mandatory and use of “may” is permissive”

1-2. Rights of the Town.

A. An authorized agent or employee of the Town, presenting the proper credentials, shall have the right of entry and access at all reasonable hours to any property and any improvements thereupon supplied with public water for the purpose of reading meters, examining fixtures and pipes, inspecting private wells, observing the manner of water usage, and for any other purpose which is deemed proper and necessary for the operation of the Water System

B. As necessity may arise in case of water main breaks, emergencies or other unavoidable cause, the Town shall have the right to temporarily cut off the water supply in order to make necessary repairs, connections, improvements, and changes to the Water System, but the Town shall use all reasonable and practicable measures appropriate to the circumstances to notify customers in advance of such discontinuance of service.

C. Neither the Town nor the Commission shall be liable for any direct or indirect damages or inconvenience suffered by a customer, nor shall the Town or the Commission be liable for any claim against it at any time, for interruption for service, diminishment of supply, fluctuating or inadequate pressure, or any other cause beyond its control.

D. All customers having boilers, heat exchangers, motors, or any other fixture, appliance, device, or facility that depends on the consistency of water temperature, volume, pressure, quality, or any other characteristic of water in its operation may be subject to and are cautioned against possible interruption or problems with service. Any damage shall be borne exclusively by the customer.

E. The Town shall have the right to reserve a sufficient supply of water at all times in its reservoirs and tanks to provide for fire or any other emergencies and may restrict or regulate the quantity of water used by its customers in case of scarcity or whenever the public welfare may require.

F. Any customer requiring reduced water pressure shall do so through pressure-reducing valves to be furnished and installed at the customer’s expense on the outlet side of the meter ahead of the stop and drain valve.

G. The Town shall have the right to require a property owner to install adequate spigots, toilets, and any other fixtures prior to receiving or continuing to receive water service.

1-3. Private Wells.

A. Upon any property making a service connection to the municipal Water System pursuant to this ordinance, all pipes, lines, and conduits from any private well to any improvements situated thereupon shall be permanently disconnected, thereby preventing any interconnection between the Water System and any private well.

B. After connection is made to the Water System, any well located on a given property shall be examined to determine whether it is contaminated or may become a menace to public health and safety. Any well found to be threat to the public~~,~~ shall be closed in a manner satisfactory to the Commission. A well closure shall be accomplished at the property owner's expense pursuant to all applicable local, state, and federal regulations.

C. In the event a well is retained by a property owner, it *may* be inspected on an annual basis by an agent or representative of the Town to ensure compliance with this ordinance and other applicable regulations. After connection is made to the Water System, no well for household use or for use as potable water shall be allowed on any private property within the corporate limits of the Town.

D. Water from private wells located on properties serviced by the Town's Water System shall be used only for such purposes as watering lawns and shrubbery, operating fountains and swimming pools, and washing automobiles and other vehicles.

E. The Town may assess a fee to cover the cost of administration, inspection, and other incidental costs.

1-4. Conservation.

A. The Town Commissioners shall exercise control of the water supply at all times and in case of storage or for any other reason, the Commissioners, in their discretion, may determine that the water supply should be conserved.

B. Any customer or user of water system services, upon notice from the Town, its agents, employees or upon notice published in a newspaper of general circulation in the Town, shall comply with any order passed by the

Town Commission or any drought management plan it has adopted pursuant to the ordinance.

C. In exercising its authority under the section, the Town Commissioners are authorize to adopt by resolution drought management plans which may result in the issuance of an order imposing mandatory water use restrictions upon the Town and any water system customers.

1-5. Allocation Policies.

A. In times of water shortages, limited plant or system capacity, or the implementation of initial service to properties located throughout the Town or service area, as determined by the Town Commission, it may adopt, by resolution, an allocation policy regarding the prioritization of the issuance of water service connections. In adopting such policy, the Commission shall consider the needs of the various existing and future uses including:

1. Projects that have been identified by the Queen Anne's County Health Department as requiring water service for public health and safety reasons.

2. Schools and other public facilities.

3. Churches, hospitals, medical, or nonprofit facilities.

4. Industrial and commercial projects.

5. Residential.

B. The Town Commission is further authorized to establish, by resolution, a contingency plan to prohibit, restrict and allocate the issuance of water service connections in the event of major operational problems, supply interruption, contamination of the Town's water supply resources, or in the event of regulatory intervention by the State of Maryland.

C. No water service connection shall be approved unless it is in accordance with any allocation policy or contingency plan adopted by the Town Commission and effective at the time of the application.

1-6. Violations and Penalties.

A. A violation of Subsection 1-2.A. of this ordinance shall be a misdemeanor pursuant to Section 24-70 of the Town Charter and shall be punishable by a fine not exceeding $100 or imprisonment for up to 30 days in the county jail, or both, pursuant to Section 24-83 of the Town Charter.

B. A violation of any order of the Commission issued pursuant to Section 1-4 (Conservation) of this ordinance shall be considered a Class C municipal infraction pursuant to Ordinance No. 2002-01 and punishable as set forth therein.

C. A violation of Section 2-5 (Tampering) of this ordinance shall be a misdemeanor pursuant to Section 24-71 of the Town Charter and shall be punishable by a fine not exceeding $100 or imprisonment for up to 30 days in the county jail, or both, pursuant to Section 24-83 of the Town Charter.

D. A violation of the requirement to make a connection to the Water System pursuant to Subsections 3-1.A. and 3-3.B. of this ordinance shall be considered a Class E municipal infraction.

E. Except as otherwise stated herein or the Town Charter, a violation of any other provisions of this ordinance shall be considered a Class E municipal infraction.

F. A violation of this ordinance may be considered a material breach of contract thereby permitting the Town to discontinue service as provided for in Section 2-6 of this ordinance

Part 2 – Water Service

2-1 Applications.

A. All applications for water service shall be made, in writing, on a form provided by the Town. Applications for service must be made by the property owner or his agent or representative. The application may be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town.

B. An accepted and approved application by the Town shall constitute a contract between the Town and the applicant, obligating the applicant to pay the Town its rates and charges as established or as may be established from time to time. An application accepted by the Town shall further obligate the applicant to abide by the Town's rules and regulations governing the Water System.

C. In all cases where any property owner, after filing an application accepted by the Town, shall thereafter part with ownership of such property, or where the title to such property shall change by deed, devise, descent, or in any other manner, the supply of water to the property shall continue for such time until a bill is presented and the account becomes delinquent.

Any debt for water services shall become a lien on the property, and shall become the obligation of the new property owner; however, the predecessor in interest shall remain personally liable for the debt that accrued while the prior owner held possession of the property, which may also be collected by a suit at law.

D. No contract for service shall be entered into by the Town with any applicant until all arrears and charges due by the applicant at any property now or previously owned by the applicant within the corporate limits of the Town shall have been paid or satisfied.

E. Applications for service installations shall be accepted subject to the availability of existing and adequate mains in a street or right of way abutting the property to be served. Receipt of an application or acceptance of a contract shall in no way obligate the Town to extend its mains in order to service the property under consideration.

F. When an applicant has made application for new service or has applied for the reinstatement of a preexisting service, it is assumed that the piping and fixtures which the service will supply are in good order to receive the same, and the Town will not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the supply of water or failure to supply the water or the freezing of water pipes or fixtures, nor for any damage to the property which may result from the usage or nonusage of water supplied.

G. After review of the completed application and the payment of all fees and charges required under this ordinance, the Town may accept and approve the application, provided that the property serviced is identified as W-1 or W-2 on the Queen Anne's County Master Plan for Water and Sewerage. Additionally, the development of the property must be consistent with the Town Master Plan as determined by the Commission based on a recommendation of the Planning Commission.

H. Appropriate condition may be attached to an approved application and any approved application shall remain valid pending connection by the applicant for a period of one year.

2-2. Service Outside Corporate Limits.

Water service shall not be provided to any property or improvements lying outside the municipal boundaries of the Town except by written agreement. This agreement shall be prepared by a licensed attorney and presented to the Commission for approval and signature by the President of the Commission. The agreement must be recorded among the Land Records of Queen Anne's County at

the property owner's expense prior to receiving said water services. The agreement shall include at least the following provisions:

A. Said property owner shall agree, should the Commission so request at any subsequent time, that the property owner shall consent for himself, herself, or itself, their heirs, successors, and assigns, to annexation within the corporate limits of the Town.

B. Said property owner shall agree to limit the use and development of said property to those uses that would be consistent with the municipal zoning classification that would apply if annexation were enacted to include said property as determined by the Commission based on recommendation of the Town Planning Commission.

C. Said property owner shall agree to pay all fees and charges including all fees for any delinquent or unpaid invoices. The agreement shall further state that any unpaid fees shall constitute a lien on the property and may be collected in the same manner as if the delinquent property were subject to municipal taxes.

D. Said property owner shall agree and the agreement shall clearly indicate the property owner's understanding and willingness to be bound by the provisions of this ordinance.

2-3. Unimproved Properties.

No unimproved property abutting any water main of the Town shall be improved unless a connection to the Water System shall be provided for and effective prior to the completion of any habitable improvement on said property.

2-4. Temporary Water Service.

Temporary water service for building and other construction work may be furnished. Upon filing of an application and payment of a suitable deposit, a temporary water connection may be constructed by the applicant from the main to the applicant's temporary structure or facility with an outside meter installed at the property line or other suitable location. The temporary connection and meter shall be removed at the applicant's expense once construction is completed.

2-5. Tampering.

A. It shall be unlawful for any person to wrongfully connect, disconnect, tap, interfere, disturb, or tamper with any of the water sources, earthworks, reservoirs, waterworks, water towers, pumping houses, plugs, mains, pipes, conduits, connections, taps, fixtures, meters, valves, engines, and

machinery or any other appliance of the Water System of the Town for the purpose of wasting, contaminating, or using the Town's water supply, or otherwise tampering with any meters used to register the amount of water consumed, unless such person shall be properly authorized by the Commission.

B. It shall be unlawful for any person to climb upon, enter, or attempt to climb upon any water tank, tower, or pumping station, unless such person shall be properly authorized by the Commission.

C. It shall be unlawful for any person to take or draw water from the connection or spigot of another person without permission of such other person.

D. No connection shall be made to any 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 service to the property may be cut off at the main until such unlawful connection is disconnected and abandoned. Any expense incurred in order to correct the aforementioned discrepancy shall be paid by the property owner before service is restored.

2-6. Discontinuance of Service.

A. Whenever the property owner desires to have a water services contract terminated or have water service discontinued, the property owner shall notify the Town in writing. Until such notice is received and reasonably acted upon by the Town, the property owner shall remain responsible for the payment of all services rendered by the Town, including charges for meter repairs and other costs attributable to the customer.

B. The Town may discontinue service for any one or more of the following reasons:

1. Use of water for purposes other than for consumption on the property served.

2. Misrepresentation on the application for services.

3. Willful waste of water.

4. Tampering or interfering with Town Property.

5. Vacancy.

6. Nonpayment of water or sewer bills, or both, when delinquent.

7. Cross-connection of the Town's water service line with any other water supply source.

8. Refusal to provide reasonable access to property.

9. Violation of any water conservation measures enacted or order by the Town.

10. Unlawfully connecting to the municipal Water System.

Part 3 – Water Connections

3-1 Adequate Water Service Connection.

A. When any water main of the Town's Water System is declared by the Commission to be complete and ready for the delivery of water, every abutting property owner shall connect to the main within the timeframe prescribed by the Commission and comply with the provisions of Section 1-3 herein, if applicable.

B. The Town may, in its sole discretion, defer from making any connections until the weather and ground conditions shall reasonably permit such connections to be accomplished.

C. The Town shall not be required to make any connection which it may deem not to be economically feasible or which may constitute an undue burden upon the Town's physical water plant or system.

D. The service connection from the main to the property line shall be installed by the Town. Title to all equipment or facilities from the main to the property line and the meter shall be vested in and remain the property of the Town and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the Town and the Town reserves the right to remove or change it at any time.

E. Specifications for all service pipes shall be established by resolution of the Town Commissioners and may be amended from time as deemed necessary.

F. Curb stops shall not be used by the customer or his agent for turning on or shutting off the water supply. The control of water supply by the customer shall be by means of a separate stop located inside the building wall. Curb stops are for the exclusive use of the Town.

G. Every service pipe must be provided with a stop and waste cock on the inside of the cellar or foundation wall adjacent to the location where the pipe passes through it, easily accessible and fully protected from freezing, and all pipes in the building must be laid in such a way that they can be fully drained by such waste cock.

I. The service pipe from the property line to the premises shall be installed at the expense of the property owner. The owner or applicant shall employ a competent registered plumber, satisfactory to the Town, to do the work in compliance with the State Plumbing Code found in Title 9, Subtitle 20 of the Code of Maryland Regulations, as supplemented or amended from time to time by the Town.

H. The materials and method of construction shall be approved by the Town, and if the service has not been installed in accordance with the Town's requirements, water service shall not be turned on until such defects have been remedied. The service pipes between the property line and the improvements served as well as all piping and related fixtures and connections serving the improvements of the property owner or applicant shall be maintained by the property owner and all such work shall be performed by a Licensed Master Plumber, satisfactory to the Town. All such work shall be performed in accordance with the State Plumbing Code found in Title 9, Subtitle 20 of the Code of Maryland Regulations, as supplemented or amended from time to time by the Commission, and shall be inspected by Middle Department Inspection Agency, or such other agency as the Commission may designate from time to time, to ensure compliance with this ordinance.

I. In the event that it becomes necessary to dig up or excavate the street or alley in order to make a service connection as required under this section, the entire cost of removing and replacing the road or sidewalk surface shall be borne by the property owner requiring said connection. All disturbed areas shall be restored or repaved in accordance with the standards and specifications established by the Town.

J. In all future installations or reinstallations of service lines, only one improvement will be supplied service through one service pipe and under the control of one curb stop. Any violation of this ordinance by any customer who installs a service line in violation of this ordinance shall be deemed a violation by all property owners involved, and the Town may take such action as could be taken against any single violator.

K. In the event that any service line between the curb box and the meter is improperly maintained or is damaged, the Town shall have the right to discontinue service to such property upon written notice to the customer. Service shall not be restored until satisfactory repairs have been made.

L. Except as stated in this section or in Section 3-2, the service line for any property shall not be laid over or through any other property except in an approved right-of-way or easement and no person shall connect or cause to be connected any property with a service pipe belonging to or supplying any other property. This provision, however, shall not prevent an accessory structure from being supplied by the same service pipe if the Commission deems it acceptable.

M. Should it be found that an existing water connection is inadequate or too small; the property owner shall be notified of the situation and will be required to install a larger water connection, meter, and any other necessary appliances. If the property owner refuses to correct the situation after due notice, the Commission shall arrange for the disconnection and abandonment of the existing water connection and the installation of water service and a water meter of a suitable size as they shall determine is necessary. The cost of such disconnection, abandonment, and installation shall be the responsibility of the property owner and shall act as a lien against the property as set forth in this ordinance.

N. The Town shall make the determination as to the number of service lines or connections that shall be made to a single property and any improvements thereupon.

3-2. Special Connections.

A. A group of public, educational, charitable, ecclesiastical, farm, or industrial buildings under one person's or entity's ownership and on one single tract of land consisting of a group of properties or a single property may be served by one connection under such conditions as the Commission shall determine.

B. Other uses under one ownership and located on a single tract of land may be served by a single connection by special permit under such conditions as the Commissioners may require.

3-3. Main Extensions.

A. The Town shall be solely responsible for any and all main extensions. Unless the Commission deems otherwise, no extension shall be made except upon the written request of a property owner or group of property owners.

B. Whenever the Town shall have extended or allowed to have extended its water mains so as to be reasonably accessible to any property, the property

owner shall make connection with the main or service line in accordance with this ordinance within a reasonable time, as determined by the Commission, following notice of such extension. Notification shall be by first class mail sent to the address of the property owner of each property as shown on the tax rolls of the Town. A property owner whose property is serviced by a private well shall comply with the provisions of Section 1-3 herein.

C. The property owner applying for such water main extension shall be responsible for the cost of making such an extension, including the installation of fire hydrants and other support equipment. After completion and acceptance, title to the main shall be vested in the Town, and the main shall at all times be considered the sole property of the Town and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the Town and may be used as the Town deems fit.

D. When water facilities are to be constructed, the property owner shall furnish plans for review by the Town and all other agencies having jurisdiction. These plans shall denote the location, profile, specifications, and any other pertinent details required by the agencies having jurisdiction. The Town may further require a public works agreement to be entered into between the parties stating any conditions or obligations that shall exist before or after the main is extended.

E. Before an extension of a main is made by or for the Town, the property owner or applicant shall post security for the estimated cost of the water main extension in a form acceptable to the Town. Final adjustments shall be made to the bond or security upon the receipt of all estimates and expenses that may be incurred in the extension of a main. Any surplus security shall be returned to the property owner.

F. The Town shall not be required to make any reimbursement to the property owner or applicant requesting an extension for any subsequent connections made to a main extension and the Town shall not enter into any buy-back agreements.

G. The Town may impose fees as is deemed necessary for the preparation, review, and approval of construction drawings, plans, and other related documents for all main extensions. Said fees shall be based upon the costs of providing such services and shall be in addition to any costs incurred by the property owner or applicant in designing or constructing the facility.

3-4. Mingling Waters and Cross Connections.

No water shall be furnished to any property where any possibility exists of the mingling of water furnished by the Town with water from any other source, nor shall the Town permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemicals, or any other matter which may flow back or have a cross-connection into the Town's service pipes or mains or any other water facilities that may consequently endanger or adversely affect the water supply. An exception may be made to this requirement at the option of the Commission, provided that proper safeguards are installed which shall be inspected and approved by the Town.

Part 4 – Meters

4-1 Meters.

A. The minimum water meter size shall be 5/8 inch by 3/4 inch. The minimum meter size for new construction must comply with the State law requirements for sprinkler systems.

B. All meters shall be furnished by and remain the property of the Town. The Commission reserves the right to stipulate the size, type, and make of meter to be used as well as the location of the meter setting.

C. When practicable, the meter shall be set in the basement at a convenient location or in a meter box near the curb or property line. In the event a customer desires to change the installed position of a meter, meter box, or vault such change in location shall be made by the Town at the cost and expense of the property owner.

D. The Town shall be responsible for maintaining the meter during normal wear and tear, but the property owner shall be responsible for damages resulting from freezing, hot water, neglect, vandalism, or other external damages that could be prevented by the customer. When such damage occurs, the Town will replace the meter at cost to the property owner.

E. A property owner may be required to install a suitable check valve and relief valve in the service line on the outlet side of the meter to prevent the return of hot water to the meter and shall pay the cost of any repairs necessitated by failure to do so.

F. The quantity of water recorded by the meter shall be accepted to be the amount of water passing through the meter, which amount shall be deemed conclusive by both the property owner and the Town, except when the meter is found to be registering improperly or has ceased to register. In such cases, the quantity may be determined by the average

registration of the meter in the corresponding past period when the meter was operating properly or by the average registration of the new meter, whichever method is deemed by the Town to be most representative of the conditions existing during the period in question.

G. The Town reserves the right to remove and test any meter at any time and to substitute another meter. In case of a disputed account involving the accuracy of a meter, such meter shall be tested by the Town upon written request of the customer. If the meter is found to be inaccurate, the Town shall bear the cost of replacement, otherwise the property owner shall bear the cost of testing.

H. The property owner and/or customer shall permit no one except the Town or its agent to remove, inspect, or tamper with the meter, meter seal, or any other property of the Town located on the property owner's property. The property owner and/or customer shall promptly notify the Town of any malfunction or injury to the meter.

Part 5 – Charges and Rates

5-1 Existing Connections; Waiver of Connection Charges.

A. In cases where a service connection already exists, a property owner requesting service shall be assessed only the costs for turning on the service and installing a meter, as applicable. The charge for restoring service shall be established by resolution of the Town Commission.

B. The applicant shall prepay to the Town the appropriate connection charge, unless the connection charge is waived by the Town, in its sole discretion. The minimum water meter size shall be 5/8 inch.

5-2. Water System Fee Schedule Resolution.

A. Notwithstanding any rates, charges, or assessments established by this ordinance, the Commission shall from time to time establish by a resolution to be known as the "Water System Fee Schedule Resolution." In addition to the charges set forth elsewhere in this ordinance, the Water System Fee Schedule Resolution may set forth the following rates and charges:

1. An appropriate connection charge, which shall be prepaid by the applicant, unless such connection charge is waived by the Town in its sole discretion. In cases where a service connection already exists, a property owner requesting service shall only be assessed the charges for turning on the service and installing a meter, as applicable.

a. All funds to be expended having accumulated from the connection charge shall be expended solely for system expansion and improvement, including the cost of designing and constructing the improved or expanded water system or acquiring property for the same.

b. All of the funds collected from the connection charge shall be deposited in a separate account, which shall be interest bearing.

c. The connection charge shall be 75 percent higher for properties lying outside the corporate limits of the Town, unless otherwise specifically agreed to by the Commission.

2. A base charge for all property, improved or unimproved, that abuts on any street, road, lane, alley, or right-of-way in which there is a water main, so long as any improvement capable of connecting to the Water System could be constructed in accordance with applicable law on the property. The base charge may be based on an equivalent dwelling unit ("EDU") per quarter. Unless otherwise specified by the Commission, the EDU shall be based on the statewide standard of 250 gallons of water per day.

3. A consumption charge based on the amount of water actually consumed.

4. A base charge for commercial and large-scale uses, such as retail and business properties, hotels and motels, apartments, care homes, schools, and industrial, or for dwelling units for each class of property. Any such charge may differ from the base charge per EDU set forth in Section 5-1 (A) (2). In any instance where an existing improvement is altered or converted to afford additional dwelling units, hotel or motel rooms, commercial and industrial units, or business offices, the base charge shall be modified to reflect the change in EDUs, if any.

5. Additional rates and charges based on excess consumption, the size of the meter servicing the property, or any other rate, charge, fee, or assessment described in or relating to this ordinance as the Commission deems necessary for connecting to the Water System and for water supplied, including but not limited to the cost of acquiring, designing, constructing, improving, repairing, maintaining, and operating such Water System.

6. Penalties for delinquent payment, including late fees, and fees for restoring service.

B. The procedure for passing and adopting the Water System Fee Schedule Resolution and any amendment thereto shall be as follows:

5. Said resolution, or any amendment thereto, shall first be introduced and read aloud at a previously convened regular town meeting before holding a public hearing to receive public comment on said resolution.

6. A notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town prior to said hearing.

7. Said resolution or amendment shall be considered for adoption, with or without amendment, at a regular meeting subsequent to holding the public hearing. Such regular meeting may be held the same day as the public hearing.

4. The new rates and fees shall become effective 20 days after adoption of said resolution, unless a later effective date is specified in the resolution.

5-4. Waiver of Sewer Charges.

Upon application, all customers that prove that water is being used for cooling, product manufacturing, or other similar use, and is not being returned for processing by the Town's waste water treatment system shall not be charged a sewer charge for water purchased pursuant to this ordinance. Costs for installment of any equipment or meters necessary to ascertain the amount of unused water shall be borne by the property owner. The applicant shall consent in writing to inspection of the subject property at any time by the Town to ensure compliance with the terms herein.

5-5. Resale.

Except as permitted by the Town, no person shall resell water to another person or otherwise supply water to another property.

5-6. Tank Truck Sales.

Any water sold and dispensed to a truck or tank shall be at the rate established by the Commission in the Water System Fee Schedule Resolution. The Sudlersville Volunteer Fire Company shall be exempt from this charge for all water used for fire prevention purposes within the corporate limits of the Town or within the service area of the Water System.

Part 6 – Billing

6-1 Cycle.

Water bills shall be rendered quarterly to all property owners receiving water service.

6-2 Obligation.

A. All bills shall be due and payable each quarter and shall be appropriate for disconnection after 30 days of nonpayment.

B. A payment plan may be approved by the Town Manager or his designee for any delinquent account based on a showing by the property owner of financial hardship or inability to pay in a timely manner. Any payment plans approved as provided herein shall be reviewed at least once annually by the Commission.

C. Bill shall not be rendered to tenants of property owners except a duplicate may be rendered to tenants upon request, in writing, by the property owner; and the payment of the fee established for such service as established by the "Water System Fee Schedule Resolution."

D. The presentation or failure to present a water bill to a customer shall not be deemed a waiver of any requirement, obligation or regulation found in this ordinance.

6-3 Delinquent Bills and Liens

A. All delinquent water bills, including all rates in arrears for 30 days after their due date, shall be and become liens upon the property served, which liens may be collected in the same manner as the collection of delinquent taxes or by suit at law.

B. The provisions relating to tax sales contained in the Annotated Code of Maryland, Tax-Property Article, Section 14-808 *et seq*. shall apply and the property may be sold for such unpaid water fees or charges as so provided.

Part 7 – Fire Services

7-1 Fire Hydrants.

A. Water from hydrants or other fire protection systems shall be used only in case of fires, except that water from public fire hydrants may be used in a reasonable amount and at such times and places as the Town may permit. The testing of hydrants and fire-fighting apparatus by any fire company

may be permitted upon request by an authorized agent or employee. No pumps will be permitted to be connected with water pipes so as to draw water directly from the main or service pipe, except for fire purposes, without the specific permission from the Town.

B. Except in case of fire, the opening or closing of any fire hydrant or plug without written permission from the Town shall be deemed a tampering with the Water System of the Town.

7-2 Sprinkler Service Connections.

A. A connection charge shall be made for each connection to the Town's Water System for private, commercial, or industrial sprinkler systems. The charge shall be set forth in the Town's Water System Fee Schedule Resolution. Each customer shall pay for all costs of installation from the main to the protected premises.

B. Service lines for one and two-family residential dwellings including National Fire Protection Association ("NFPA") 13D sprinkler systems shall be a minimum of one-inch inside diameter from the corporation valve to the sprinkler system supply. The line from that joint for the domestic use will be reduced to 3/4-inch inside diameter. The minimum meter size for new construction must comply with the State law requirements for sprinkler systems. Type K copper with compression fittings is required to the full open valve inside the foundation. Installation requirements for the domestic service line are provided in Parts 3 and 4 of this ordinance. The sprinkler service shall have one double check valve and one 3/4-turn full open valve with a 1/2 valve and plug.

C. The NFPA 13D sprinkler system requires 26 gallons per minute at two sprinkler heads. If the water supply does not provide this pressure, the property owner or developer will be required to install an additional pressure system and tank to meet this supply requirement. The Fire Marshal or his agent shall inspect the sprinkler system.

ZONING

Adopted by:	Ordinance 8, 12/5/1989
Amended on:	12/4/1990, Ordinance 009
Amended on:	8/2/2005, Ordinance 2005-01
Amended on:	3/7/2006, Ordinance 2006-01
Amended on:	8/16/2006, Ordinance 2006-03
Amended on:	1/6/2010, Ordinance 2009-04
Amended on:	9/7/2016, Ordinance 2016-02

ZONING ORDINANCE

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ARTICLE I. GENERAL PROVISIONS

§ 1-1. Title.

This Zoning Chapter shall be known as the “Zoning Ordinance for Sudlersville, Maryland.”

§ 1-2. Authority.

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

§ 1-3. Applicability.

This Zoning Ordinance shall apply to the incorporated territory of Sudlersville, Maryland. It is the intent of this Zoning Ordinance that the extent of its applicability be automatically changed in accordance with the provisions of state law which may affect the applicability of this Zoning Ordinance.

§ 1-4. Purpose.

A. This Zoning Ordinance is intended to promote the orderly development of the Town of Sudlersville, Maryland in accordance with the Sudlersville *Comprehensive Plan* or any of the component parts thereof and in compliance with the Land Use Article of the Annotated Code of Maryland, as amended.

B. The purpose of this Zoning Ordinance is to promote the health, safety, order, convenience and general welfare of the citizens of the Town in accordance with present and future needs. It also is the purpose of the Zoning Ordinance to provide for efficiency and economy in the process of development; for the appropriate and best use of land; for convenience of traffic and circulation of people and goods; for the appropriate use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement, including the preservation and enhancement of the attractiveness of the community; and for adequate public utilities, public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use.

C. It also is the objective of this Zoning Ordinance is to implement the "Visions" contained in the Maryland Growth Management, Resource Protection and Economic Development Act, namely:

1. A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.

2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.

3. Growth is concentrated in existing population and business centers, growth areas are adjacent to these centers, or strategically selected new centers.

4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.

5. Growth Areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. A well-maintained, multi-modal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.

7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.

8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged.

9. Land and water resources, including the Chesapeake and Coastal Bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.

10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.

11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.

12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

§ 1-5. Jurisdiction.

A. Except as provided for in Subsection B below, this Zoning Ordinance shall apply to all land, structures and buildings within the corporate limits of the Sudlersville.

B. This Zoning Ordinance shall not apply to land, structures and buildings owned by or leased solely to the Federal Government, State of Maryland, Queen Anne's County Commissioners or the Town of Sudlersville, provided that such land, structure or building is used for the sole purpose of providing a public service or carrying out a legitimate government function.

§ 1-6. Conformity with Ordinance provisions.

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

A. No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved or structurally altered externally, unless in conformity with all the regulations herein specified for the zoning district in which it is located.

B. No building or other structure shall hereafter be erected or altered to: exceed the height; accommodate or house a greater number of families; occupy a greater percentage of lot area; or have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

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

§ 1-7. Interpretations.

A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare of the Town of Sudlersville.

B. Conflicting Resolutions. Whenever any provisions of this Ordinance impose a stricter requirement or a higher standard than is required in any Federal or State statue or other Town ordinance or regulation, the provisions of this Ordinance shall govern.

C. All provisions of this Ordinance shall be construed to be in addition to all other applicable laws, ordinances or rules of the Federal government, the State of Maryland, Queen Anne's County, and the Town of Sudlersville. Reference in this Ordinance to any law, statute, ordinance, rule or regulation in force on the date of enactment of this Ordinance or as amended and in force at the time to which such reference relates, shall apply.

§ 1-8. Severability.

Should any section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

ARTICLE II. ZONING DISTRICTS AND MAPS

§ 2-1. Establishment of zoning districts.

The incorporated territory of the Town of Sudlersville shall be divided into zoning districts defined in Article 3.

§ 2-2. Zoning Map.

A. The locations and boundaries of the zoning districts are established on the "Official Zoning Map, Sudlersville, Maryland." The Official Zoning Map and all explanatory material on the map is incorporated by reference and made a part of the Ordinance. The Official Zoning Map is located in the Sudlersville Town Hall and shall be the final authority as to the current zoning status of any property within the Town's jurisdiction. Copies of the map may be prepared and published for guidance but shall not be considered to supersede the Official Zoning Map.

B. The Official Zoning Map shall be identified by the signature of the President of the Town Commissioners and attested by the Town Clerk upon adoption.

C. If, in accordance with the provisions of this Ordinance and the Land Use Article, Title 2, Annotated Code of Maryland, changes are made in zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners.

D. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures set forth in this Ordinance.

§ 2-3. Interpretation of Official Zoning Maps.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Maps, or under circumstances not covered under this section, the Board of Appeals shall interpret the location of the zoning district boundaries § 9-22.

§ 2-4. Replacement of Official Zoning Map.

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

B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and may incorporate validly enacted amendments to the official zoning map, but no such correction shall itself have the effect of amending the original zoning ordinance or any subsequent amendment of the zoning map.

C. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners. The new Official Zoning Map shall be identified by the signature of the Town Commissioners attested to by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map adopted (date of adoption) is part of the Zoning Ordinance of the Town of Sudlersville, Maryland."

§ 2-5. Annexed lands.

A. Should lands be proposed for annexation to the Town, the Planning Commission, concurrently with the annexation proceedings, shall propose district boundaries for the new lands. Upon adoption of the resolution for annexation, the Town Commission shall amend this Ordinance to zone the new lands with the effective date of amendment to be that of the annexation date.

B. The zoning district classification assigned to annexed land shall be consistent with the Sudlersville Comprehensive Plan.

ARTICLE III. ZONING DISTRICTS

Part 1 Zoning District

§ 3-1. Districts Established

A. The incorporated area of the Town of Sudlersville shall be divided into base zoning districts as follows:

1. TCC: Town Central Commercial;
2. MU: Mixed Use;
3. TR: Town Residential; and
4. SF: Single-Family Residential.

B. In addition to the base zoning districts described above, the Zoning Ordinance provides for the following special districts:

1. CR: Community Redevelopment District;
2. PN: Planned Neighborhood District Floating Zone; and
3. PED: Planned Employment District Floating Zone.

C. These districts are established to regulate the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings; to protect water quality and sensitive environmental areas; to maintain the traditional visual characteristics of the Town that define its uniqueness and are

important to the economic stability of the Town; and to implement the recommendations of the Sudlersville Comprehensive Plan

§ 3-2. Purpose of districts.

A. TCC: Town Central Commercial - The TCC District is intended to preserve, protect, and enhance the area considered to be the historical core of Sudlersville. Land uses are a mixture of residential and commercial including a variety of intensities in site utilization. The intent of this district is also to legitimize existing structures and uses and to minimize instances in which existing development is classified as "nonconforming."

B. MU: Mixed Use - The MU District is intended to provide for higher intensity non-residential uses in the existing light industrial and heavier commercial areas of Town and in some adjacent potential annexation areas. A limited amount of higher density residential uses are also appropriate. Mixed-uses are encouraged. It is the further intent of this district to legitimize existing structures and uses and to minimize instances in which existing development is classified as "nonconforming." Commercial uses existing as of the date of adoption of this Ordinance are expressly deemed consistent and compatible with the purpose of this Ordinance.

C. TR: Town Residential - The TR District is intended to preserve and protect the Town's traditional primarily residential neighborhoods and allow certain non-residential uses that are compatible with residential character; and to encourage and facilitate redevelopment and infill that is compatible in use, scale, and impact with residential uses and the existing pattern of buildings, streets and blocks.

D. SF: Single-Family Residential - The SF District is to promote harmonious living in single family residential dwellings with allowable low impact home occupation uses.

Part 2 Special Districts

§ 3-3. Floating Zone District.

A. Purpose. Floating zones provided for uses that may be appropriate for the Town but are not given specific mapped locations at the time of adoption of the most recent comprehensive revision to the Sudlersville Zoning Ordinance. The purpose of the designated floating zones is to permit the mapping of appropriate areas for land uses that may be required over the next 20 years. The designated floating zone provides 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. Designation of floating zones. The following are designated as floating zones:

1. "PN" Planned Neighborhood Development Floating Zone.

2. "PED" Planned Employment Floating Zone

C. The President and Commissioners and Planning Commission find that they are not able to locate the Floating Zones with precision in advance and that it is desirable to leave specific locations and conditions for future determination as the Town grows and specific needs develop.

§ 3-4. Overlay Districts.

A. Overlay zones build on the underlying zoning by establishing additional or stricter standards and criteria. The standards of the overlay zone apply in addition to those of the underlying zoning district.

B. The following overlay district shall apply in the corporate limits of Sudlersville:

1. CR Community Redevelopment Overlay District

§ 3-5. "PN" Planned Neighborhood Floating Zone District.

A. Purpose. The Planned Neighborhood ("PN") District is a floating zone, which 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 Official Zoning Map. The PN District is intended to permit master planned, mixed-use developments of large tracts of land. The PN District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Zoning Chapter and that is approved by the Town Commissioners at the time the PN zoning is applied to specific land(s). The PN provisions provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:

1. Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;

2. A range of housing types and densities to accommodate a diverse population of age groups and income levels;

3. Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking when appropriate for the development;

4. Open spaces integral to the community; and,

5. Location adjacent to and extending the fabric of existing development.

B. Applicability. The PN District is intended to apply to large tracts of land of at least twenty-five (25) acres. Smaller tracts may be considered when the development of such land is found to be compatible with an adjacent, existing, or proposed PN type development and/or adjacent Town land uses.

C. Density

1. The minimum residential density for a proposed PN District shall be three and one-half (3 1/2) dwelling units per net tract acre. For purposes of calculating the minimum

residential density for a proposed PN District, non-residential acres, open space, and conservation acres shall be subtracted from the gross tract acres.

2. The maximum allowable residential density is six (6) dwelling units per net tract acre.

D. General Design Requirements.

1. Design standards referenced in this section 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 four (4) use areas: Single-Family Residential Areas (SRA), Central Residential Areas (CRA), Neighborhood Center Areas (NCA), and Conservation Areas (CA). At a minimum, a planned neighborhood must contain both a SRA and a CA. The four (4) use areas are defined as follows:

a. Single-Family Residential Areas (SRA) provides locations for a broad range of housing types, including single-family detached, semi-detached, and attached.

b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, and habitat protection areas.

c. Central Residential Areas (CRA) are intended to contain a variety of housing options and related uses. These areas are typically located adjacent to primary neighborhood centers.

d. Neighborhood Center Area (NCA) is the identifiable focal point of each neighborhood and is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-story and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance, specifically including second-floor residential uses.

E. Permitted Uses Table for the PN District.

1. Permitted uses listed in Table G.2 shall apply in the use areas in the PN District.

2. Applicable supplemental use regulations in Article V also shall apply.

3. 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 PD plan.

TABLE G.2				
USE DESCRIPTION	**SRA**	**NCA**	**CRA**	**CA**
AGRICULTURAL USES				
Agriculture, crop production				P
Agriculture, buildings and structures				P
Forestry				P
Wildlife Conservation & Refuge Area				P
Greenhouse – on premise sales permitted				P
RESIDENTIAL USE				
Dwelling – Single Family Detached	P		P	
Dwelling – Two-Family	P		P	
Dwelling – Multi-Family	P		P	
Dwelling – Townhouse	P		P	
Dwelling – Apartment			P	
Accessory Dwelling Unit				
- In conjunction with a principal residential use (Limited to one accessory dwelling unit per parcel)	P		P	
- In conjunction with a principal commercial use		P		
PUBLIC, CIVIC AND INSTITUTIONAL USE				
Schools, Public	P	P	P	
Schools, Private	P	P	P	
Churches and parish halls, temples and convents and monasteries, mosques, houses of worship	P	P	P	
Libraries, museums		P	P	
Private Clubs		P		
Medical facility or clinic for human care		P		
Funeral Home		P		
Athletic fields	P		P	P
Community Center including indoor recreation	P	P	P	
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
UTILITIES				
Essential Service	P	P	P	P
COMMERCIAL USE				
Animal services		P		
Assembly and entertainment		P		
Broadcast or recording studio		P		
Commercial service		P		
Business support service		P		
Consumer maintenance and repair service		P		
Personal improvement service		P		
Day care		P	P	
Day care center				
Day care home	P	P	P	
Eating and drinking establishments		P		

TABLE G.2				
USE DESCRIPTION	**SRA**	**NCA**	**CRA**	**CA**
Financial service		P		
Funeral and mortuary service		P		
LODGING				
Hotel and motel		P		
Bed and Breakfast, Inn	P	P	P	
Office		P		
Retail sales		P		
Studio, instructional or service		P		
Fueling station		P		
OTHER USE				
Drive-in or drive-through facility		P		
Temporary uses	P	P	P	
Privately owned country clubs swimming or tennis clubs approved as part of some residential development	P		P	
ACCESSORY USE				
Home Occupation	P		P	

F. Development Standards.

1. The following development standards shall apply to the PN District:

a. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PN shall be established for each individual project by the Planning Commission in accordance with the *Appendix B Sudlersville Design Guidelines.* In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent neighborhoods.

b. Minimum Required Open Space: A minimum of twenty percent (20%) of the gross site acreage shall be open space including parks and recreational areas. Not less than fifteen percent (15%) 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, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent (50%) of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

2. Residential Unit Mix

a. The minimum and maximum percentages of types of residential units for each PN District, and each phase thereof, shall be as set forth in subsection c below.

b. At a minimum each PN development shall have at least three (3) of the five (5)

unit types. Each phase of a proposed PN shall have at least three (3) of the five (5) unit types. The Planning Commission may vary this phase requirement if a majority of its members are satisfied that at build-out three (3) of five (5) unit types are included in the overall PN development. Each phase of a proposed PN development shall provide housing opportunities for a diverse population mix of age groups and income levels.

c. Residential Unit Mix.

Unit Type	**Minimum**	**Maximum**
Detached Single Family Dwelling	50%	80%
Two (2) Family Dwelling	20%	40%
Townhouse	5%	40%
Multi-Family	5%	40%
Apartments	5%	15%

G. Small Planned Neighborhood Projects. The Town Commissioners may modify the minimum performance standards established in subsection G, herein, for a PN District development of less than twenty-five acres (25) acres provided that:

1. The proposed development in the PN District can be integrated with a Master Development Plan for an adjacent and larger PN District project by such features as street extensions, compatible location of SRAs and common areas. In addition, the Town Commissioners must find that the proposed design meets the goals and objectives of the *Sudlersville Comprehensive Plan*, as amended, and the intent of this section; or

2. The Town Commissioners find that the proposed PN District is for an infill or transition project between existing developed areas and/or adjacent to a proposed or planned large scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the Sudlersville Comprehensive Plan and the intent of this section.

3. The design of all PN projects shall conform to the *Appendix B Sudlersville Design Guidelines*.

H. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PN District and until the Commissioners of Sudlersville approve a PN Plan in accordance with § 3-7 of this Ordinance.

§ 3-6. "PED" Planned Employment Floating Zone.

A. Purpose. It is the purpose of the Planned Employment floating Zone to establish standards for planned developments of light and medium industrial uses along with related commercial uses. Additional purposes of this zone are:

1. To encourage development which presents an attractive appearance and is compatible with uses in the surrounding area by means of appropriate siting of buildings, service areas and landscape treatment.

2. To locate development on land that is or can be served with public water and sewer facilities and on sites that are clearly suitable for the physical characteristics of development for such uses.

3. To provide a more flexible approach to the comprehensive development of large tracts of land in terms of land use, intensity and design.

4. To be used to implement the Comprehensive Plan and other policies in a manner closely compatible with said plans and policies.

5. To establish standards through which the land use objectives and recommendations of the Comprehensive Plan can serve as the basis for evaluating individual PED proposals.

6. To promote the development and location of qualified target industries as designated by the County Economic Development Commission.

7. To require the orderly, staged construction of large-scale, comprehensively planned employment centers.

8. To assure compatibility of land uses proposed in such a development with uses in the surrounding area of the site by incorporating higher standards of land planning and site design.

B. Applicability. The PED District is intended to apply to large tracts of land of at least twenty (20) acres.

C. General Design Requirements.

1. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PED shall be established for each individual project by the Planning Commission in accordance with the Planned Development Design Guidelines.

2. In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent areas.

D. Permitted Uses Table for the PED District.

1. Permitted uses listed in Table D.3 shall apply in the use areas in the PED District.

2. Applicable supplemental use regulations in § 5-8 also shall apply.

TABLE D.3
USE DESCRIPTION
AGRICULTURAL USE
Agriculture, crop production
Agriculture, buildings and structures
Forestry
Wildlife Conservation & Refuge Area
Greenhouse – on premise sales permitted
Indoor plant cultivation
PUBLIC, CIVIC AND INSTITUTIONAL USE
College or university
Governmental facility
Safety service
Utilities and public service facility
Wireless telecommunications
COMMERCIAL USE
Animal service
Broadcast or recording studio
Commercial service:
Building service
Business support service
Research service
Financial service
Funeral and mortuary service
Office.
Self-service storage facility
Retail sales, building supplies and equipment
Trade school
Vehicle sales and service
WHOLESALE, DISTRIBUTION & STORAGE USE
Equipment and materials storage, outdoor
Trucking and transportation terminal
Warehouse
Wholesale sales and distribution
INDUSTRIAL USE
Artisan industrial
Limited industrial
General industrial
Fuel storage
OTHER USE
Temporary uses

E. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PED District and until the Commissioners of Sudlersville approve a PN Plan in accordance with § 3-7 of this Ordinance.

§ 3-7. Procedure for Planned Development (PD) Approval.

A. Purpose. The following procedures apply to the PN Planned Neighborhood Development Floating Zone and the PED Planned Employment Floating Zone, hereafter referred to as Planned Developments. The purpose and intent of the Planned Development floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned project that is carefully planned, well-designed and appropriately located.

B. PD District Design. Applicants for a Planned Development shall be guided throughout the review process by the *Appendix B Sudlersville Design Guidelines*. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The *Appendix B Sudlersville Design Guidelines* shall serve as a tool for the Town by providing a checklist of elements to be considered. The Planned Development Design Guidelines shall also inform the design professionals of items that shall be considered or included from the outset of the design process.

C. Application. Application for a floating zone amendment for a Planned Development approval shall be made to the Commissioners of Sudlersville. Applications shall include:

1. A written petition for location of a Planned Development District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.

2. A narrative describing the following:

a. Statement of present and proposed ownership of all land within the development;

b. Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of this Ordinance, the proposed Planned Development district, and the Sudlersville Comprehensive Plan;

c. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;

d. Description of Stormwater management concepts to be applied;

e. Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;

f. General description of architectural and landscape elements, including graphic representations; and

g. If the applicant desires to develop the property in phases, a preliminary phasing plan indicating:

(1) 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.

(2) If different land use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.

3. A Concept Master Development Plan, which includes:

a. Boundary survey of the area subject to the application;

b. Graphic and tabular presentation of proposed site development information that clearly depicts the following, as applicable:

(1) Total acreage of subject property and identification of all adjoining landowners;

(2) Description of proposed land uses, including residential, commercial, institutional, and recreational;

(3) Maximum number of dwelling units, approximate densities of residential areas and anticipated population if applicable;

(4) Land area and locations generally allocated to each proposed use;

(5) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and

(6) Maximum non-residential floor area proposed.

D. Referral of Application to Planning Commission. Upon submission to the Commissioners of an Application for a Planned Development zoning amendment and a Master Development Plan, the Commissioners shall refer said Application and Master Development Plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, the Town staff, and any consultants or professionals on behalf of the Planning Commission or the Town to analyze said Application and Master Development Plan, in accordance with all applicable review processes and procedures. The Planning Commission or the Commissioners may require the cost of any analysis or consultant or professional be paid for by the applicant. No development may occur until:

1. A floating zone has been applied to the property by legislative action of the Commissioners;

2. A Master Development Plan is approved for the floating zone by the 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.

E. Master Development Plan Submittal to the Planning Commission. After the Commissioners refer the Application and Master Development Plan, the applicant shall submit the following to the Planning Commission for review and recommendations to the Commissioners:

1. Graphic Master Development Plan Requirements:

a. Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans shall be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.

b. The referred Master Development Plan;

c. Boundary Survey, including identification of adjacent property owners;

d. Existing condition information, including (information may be displayed on more than one sheet for clarity):

(1) Topographic survey (minimum 1' contour interval);

(2) Soils;

(3) Forested areas and tree lines;

(4) Wetlands, hydric soils, streams, and water features;

(5) Habitat protection areas;

(6) Steep slopes;

(7) Easements and deed restrictions;

(8) Roads, driveways, and right-of-ways;

(9) Existing buildings;

(10) General location of storm surge boundaries for all categories of storm events; and

(11) Existing land uses.

e. Proposed open space, protected areas, and public and private parks;

f. Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments;

g. Detailed plan of at least one (1) phase, showing:

(1) Road alignments;

(2) Lot configuration;

(3) Industrial, business, and commercial area plans, if applicable;

(4) Public and private open space(s);

(5) Perspective streetscape (typical for represented phase);

(6) Examples of proposed architecture;

(7) Plan view, perspective and elevations of private and/or public community facilities; and

(8) Plan view, perspective and elevations of entrances including gateway improvements, if applicable.

2. Phasing plan, including:

a. The general boundaries or location of each phase. Although the Phasing Plan shall include the information required by (b) and (c) 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.

b. 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.

c If different land use types are to be included, the Master Development Plan shall include the approximate mix of uses anticipated to be built in each phase.

3. 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 one (1) mile of the project that may be impacted by traffic generated by the proposed project;

b. Nontidal wetlands delineation;

c. Habitat protection areas study prepared by qualified professionals; and

d. A concept plan indicating how storm water will be managed on the site in accordance with applicable State, County or local regulations.

4. Master Development Plan Design Standards shall generally conform to the elements of the all applicable Design Planned Development Guidelines. The Master Development Plan Design Standards shall 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 industrial, business or commercial areas, including: size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.

c. Landscape, buffer, and environmental standards, including: location, scope, materials, and scheduling.

5. Project Scheduling Information, including: anticipated permitting hearings, approvals, construction start, 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 as a tool for long-range planning activities, but shall not be binding.)

6. The Master Development 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, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and

c. Parks, parkways, walking paths, cycle ways, playgrounds, and open spaces.

7. The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and the Commissioners.

8. The Commissioners may establish additional and supplemental requirements for the Master Development Plan prior to its referral of the Application, if the Commissioners determine such requirements are necessary to enable the Commissioners to evaluate the particular floating zone amendment request.

F. Planning Commission Review and Recommendation – Floating Zone Amendment and Master Development Plan.

1. The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Ordinance and consistency with the Comprehensive Plan and the *Appendix B Sudlersville Design Guidelines*.

2. The Planning Commission shall evaluate the degree to which the proposed floating zone request and Master Development Plan incorporate and/or address the *Appendix B Sudlersville Design Guidelines* and furthers the goals and objectives of the Sudlersville Comprehensive Plan.

3. The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of

the Planning Commission, shall cause the proposal to better conform to the requirements of the Sudlersville Comprehensive Plan, the *Appendix B Sudlersville Design Guidelines* and the goals and objectives of this Ordinance. The applicant may resubmit the Master Development Plan to the Planning Commission in light of the Planning Commission's comments.

4. If, after four (4) Master Development Plan submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Planning Commission shall make a negative recommendation to the Commissioners setting forth its reasons as to why the Master Development Plan should not be approved.

5. After a public hearing, the Planning Commission shall consider and comment on the findings required of the Commissioners, as set forth in G.2 herein, and shall make a favorable or negative recommendation to the Commissioners.

6. The Planning Commission shall forward the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Commissioners for action pursuant to the floating zone and Master Development Plan approval process.

G. Commissioners Approval of Floating Zone and Master Development Plan.

1. The Commissioners shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.

2. After a public hearing, the Commissioners may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan, and shall follow the procedures set forth in§ 13-5 of this Ordinance. Concurrently with the location of a floating zone, the Commissioners may approve the Master Development Plan, which, in addition to the provisions of PN or PRC District whichever is applicable, shall govern the subdivision and/or development of the property. In approving Planned Development floating zone map amendment, the 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 areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Commissioners may approve the Planned Development District map amendment if it finds that the proposed floating zone amendment is:

   a. consistent with the Sudlersville Comprehensive Plan;

   b. conforms to the *Appendix B Sudlersville Design Guidelines*;

   c. consistent with the stated purposes and intent of the Planned Development District;

   d. complies with the requirements of this Ordinance; and

e. is compatible with adjoining land uses.

4. When a Planned 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.

5. As part of the final Master Development Plan approval, the Commissioners shall approve a date for initiation of the proposed development.

6. In the event that a floating zone amendment is approved by the Commissioners without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development review and approval provisions of this Ordinance, and may not be developed except in conformance with a site plan as required by and in conformance with this Ordinance.

H. Additional Required Procedures.

1. The administrative procedures for approval of a site plan for property located within the Planned Development District are set forth in § 7-9 of this Ordinance. Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.

2. The administrative procedures for approval of a subdivision located within the Planned Development District shall be those of the Town's Subdivision Regulations, set forth in the Town Code. Final subdivision plats shall conform to the approved Master Development Plan.

3. Any development, site plan or subdivision approval for land in a Planned Development District shall be consistent with the provisions of the PN or PED District as applicable, and the specific Master Development plan applicable to the property, as approved or amended by the Commissioners.

I. Amendment of Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the Planned Development or any phase(s) thereof, subject to guideline (3), below; internal road locations or configurations; the number, type or location of dwelling units, subject to guideline (5) below; and the location of public amenities, services, or utilities. The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts upon the delivery or the Town's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed

amendment is a “minor amendment. In addition to the foregoing, an amendment shall be deemed a “minor amendment”, provided that such amendment:

1. Does not conflict with the applicable purposes and land use standards of this Ordinance;

2. Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;

3. Does not significantly change the general character of the land uses of the approved Master Development Plan;

4. Does not result in any substantial change of major external access points;

5. Does not increase the total approved number of dwelling units or height of buildings; and

6. Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.

J. Conflict with other Articles. Provisions of the Planned Development Floating Zone, when found to be in conflict with other provisions of this Ordinance, shall supersede those other provisions with which they conflict. Provisions of the Planned Development Floating zone, when found to be in conflict with provisions of the Sudlersville Subdivision Code, shall supersede those provisions with which they conflict.

K. A Planned Development District shall be considered to be a “floating zone” and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each Planned Development district shall be as set forth in Town of Sudlersville Zoning Ordinance and shall be the basis for approval or denial by the Commissioners of Sudlersville without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

§ 3-8. CR Community Redevelopment Overlay District.

A. Intent

It is the general intent of this district to:

1. Accommodate growth by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of residents.

2. Encourage efficient use of land and public services in the context of existing communities.

3. Stimulate economic investment and development in older established communities.

4. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.

5. Create a high quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.

6. Implement the goals, objectives, and policies of the comprehensive plan.

7. Improve approval certainty for infill development by providing clear development standards.

8. Encourage compact development that is pedestrian-scaled.

B. Applicability.

1. The provisions of this district apply to all land located within the Sudlersville Community Redevelopment Overlay Zone as designated on the official zoning map.

2. All land uses and development shall be located and developed in accordance with the applicable provisions of the underlying zoning district and all other applicable land development regulations except as modified by this subsection.

C. Permitted Uses.

Permitted uses shall be limited to those allowed in the underlying zone except as follows:

1. The Planning Commission may permit small-scale commercial service and retail infill or redevelopment. Any infill or redevelopment involving an existing historic or contributing building, structure, or site shall be limited to adaptive reuse only.

2. The Planning Commission may permit a variety of residential unit types.

D. Development standards.

1. Density may exceed the underlying zone for the purpose of creating a neighborhood having a variety of housing types.

a. Total number of dwelling units as well as location to be established at the time of preliminary plan approval.

b. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.

2. Site development and design shall be judged on accordance with the *Appendix B Sudlersville Design Guidelines*.

E. Findings Required and Conditions of Approval

1. The Planning Commission may approve a proposed infill or redevelopment project upon finding that:

a. The plan accomplishes the intent and minimum standards and requirements of the overlay district and the design conforms to the *Appendix B Sudlersville Design Guidelines*;

b. The plan is consistent with the *Sudlersville Comprehensive Plan;*

c. The plan is internally and externally compatible and harmonious with existing and planned land uses in the area; and

d. Existing or planned public facilities are adequate to service the proposed development.

2. The Planning Commission may establish reasonable and appropriate conditions for approval of non-residential uses concerning such as things as hours of operation, buffer and screening, signage and lighting to insure compatibility with adjacent residential uses.

F. Application process

1. Notice: Property or properties proposed for infill or re-development under the terms of this subsection shall be posted by the Town. Such posting shall appear on the site at least (14) days prior to the application being considered by the Planning Commission. At the time of posting, all required application information, as outlined herein, shall be present and available for review in the Town Office.

2. The applicant has the full burden of proof to demonstrate the proposed infill or redevelopment proposal meets or exceeds the development standards in Section D and the compatibility standards in Section E herein.

3. Applications shall include adequate information to address this burden of proof requirement and shall, at a minimum, include the following:

a. A description of the proposed development site, i.e., a plot plan or survey plot.

b. A description of existing conditions in the vicinity of the site (e.g. block face on both sides of the street within 500 feet of the proposed development site).

4. Descriptions shall include documenting photographs and an analysis of the prominent architectural features along adjacent block faces and shall address the following:

a. Site location and topography;

b. Street connections;

c. Pedestrian pathways;

d. Lot coverage;

e. Building orientation; and

d. A description of existing neighborhood architectural characteristic and features, including:

(1) Massing and proportions;

(2) Entryways;

(3) Windows;

(4) Garage doors;

(5) Finishes and materials;

(6) Ornamentation;

(7) Roof detail;

(8) Porches, stoops, dooryard improvements; and

(10) Colors.

e. A description of the proposed infill or redevelopment including:

(1) Elevations of all proposed buildings;

(2) A description of how the proposed infill or redevelopment is compatible with the features described in 3 and 4 above; and

(3) A statement of how the proposed infill or redevelopment meets the development recommendations of the *Appendix B Sudlersville Design Guidelines* and the findings requirements set forth in D above.

F. Remedies. Appeals from the decision of the Planning Commission concerning any application for infill or redevelopment may be made as provided in Article 9, Part 3 of this Ordinance.

ARTICLE IV. PERMITTED USES

§ 4-1. Use of the designations P, PC, SE and SC in the table of permissible uses.

When used in connection with a particular use in the Table of Permissible Uses included in this Article, the letter "P" means that the use is permissible in the indicated zone with a zoning certificate issued by the Administrator. When used in connection with a particular use in the Table of Permissible Uses, the letter "C" means that the use is permissible in the indicated zone with a zoning certificate issued by the Administrator provided the conditions stipulated in Article V are met. The letters "E" means the conditions of approval stipulated in in Article V for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals.

§ 4-2. Use categories.

This section establishes and describes the use categorization system used to classify principal uses in this chapter.

A. Use categories**.**

This chapter classifies principal land uses into major groupings. These major groupings are referred to as "use categories." The use categories are as follows:

1. Residential
2. Public, Civic and Institutional
3. Commercial
4. Wholesale, Distribution and Storage
5. Industrial
6. Agricultural
7. Other
8. Accessory

B. Use subcategories.

Each use category is further divided into more specific "subcategories." Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

C. Specific use types.

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

D. Determination of use categories and subcategories.

1. The Administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this ordinance.

2. In the event the Administrator is unable to classify uses on the basis of the use category, subcategory and specific use type descriptions of this ordinance and where such use is not specifically prohibited from the district the Administrator shall submit to the Board of Appeals a written request for a determination of the unclassified use in accordance with § 9-21.

3. If the Board of Appeals determines that the use is of a similar character and meets the intent of the principal permitted uses within the district, then it shall instruct the Administrator to issue a zoning permit.

4. In the event that the Board of Appeals determines that the proposed use in the district is consistent with the character and intent of the uses permitted by special exception within the district, then the applicant shall apply for a special exception in the normal manner.

5. Once a use has been allowed or disallowed by the Board, it shall then be considered classified under the appropriate category in the district.

§ 4-3. Residential use category.

A. Household Living.

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living specific use types:

1. Detached House - A detached house is a principal residential building occupied by one dwelling unit located on a single lot with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units.

2. Attached House - An attached house is a dwelling unit that is attached to one or more dwelling units, each of which is joined together by party wall or walls or is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

3. Two-family - Two dwelling units which are located one over the other and having two side yards.

4. Duplex - Two dwelling units which are attached side by side by a party wall and having one side yard adjacent to each dwelling unit.

5. Townhouse - Three or more dwelling units which each occupy a separate lot and which are attached side by side by party walls and having a side yard adjacent to each end unit.

6. Multi-family/Apartment/condo - A multi-family/apartment/condo building is a residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

7. Accessory Apartment - a separate complete housekeeping unit that is contained within a residential or commercial structure.

8. Accessory Dwelling Unit - a separate complete housekeeping unit that is substantially contained within the structure of a single family unit or a commercial structure, but can be isolated from it.

9. Manufactured Housing Unit - A manufactured housing unit is a residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, et seq.).

10. A. Mobile Home- Any vehicle or similar portable structure with any or all of the following characteristics:

    a. Manufactured as a relocatable dwelling unit intended for year- round occupancy and with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar axles and wheels;

    b. Designed to be transported after manufacture on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house moving equipment;

    c. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations..

11. Modular Dwelling or Building, Pre-Manufactured Dwelling - dwelling or building, consisting of a system of building sub-assemblies, including the necessary facilities and other service systems, manufactured in its entirety or in substantial part off-site, and transported to the point of use for installation or erection as a finished building or as part of a finished building, designed for use only on a site-built permanent foundation, not designed for ready removal to another site and not constructed on a permanent, integral chassis. A modular dwelling or building shall not be distinguished from a conventionally or site built dwelling or structure.

B. Group Living. Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care facilities, retirement centers, homeless centers, shelters and halfway houses. The group living subcategories are as follows:

1. Group domiciliary care home – a facility that is licensed by the Maryland Department of Health and Mental Hygiene shared by persons who are unable to live alone because of age-related impairments or physical, mental or visual disabilities and who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Group domiciliary care homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.

2. Sheltered Care – An activity accessory to and affiliated with a religious facility providing maintenance and personal care for those in need.

3. Continuing Care Retirement Communities - Establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.

4. Senior Housing Project - A comprehensively planned residential community for residents over the age of 55 years. A Senior Housing Project may contain areas devoted to support services in addition to housing such as social and recreational uses for the residents and their guests. A Senior Housing Project may range from conventional forms of development that are simply age-restricted, to specialized assisted living facilities. Senior housing project may be composed of various housing types including detached, attached and multi-family types of dwellings.

5. A halfway house is a residence designed to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living. Halfway houses aim to assist in community transition, and may provide vocational training, counseling, and other services. Release to a halfway house is used in situations such as the release of mental patients and prisoners. They are also used for people in addiction recovery as a means to adapt to sober living. They usually require residents to follow certain rules, such as sign in and sign out procedures and curfews. A halfway house may allow residents to go out to work or study during daytime and return at night. Residency requirements, purposes, and rules vary at each halfway house.

§ 4-4. Public, civic and institutional use category.

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows:

A. Cemetery - Land or structures used for burial or permanent storage of the dead or their cremated re-mains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

B. College or university - Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.

C. Community center - A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.

D. Fraternal organization - The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

E. Governmental facility - Uses related to the administration of local, state or federal government services or functions.

F. Hospital - Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

G. Library - Collections of books, manuscripts and similar materials for free public lending, studying and reading.

H. Museum or cultural facility - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.

I. Natural resources preservation - Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums and flood management projects.

J. Parks and recreation - Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and country clubs.

K. Religious assembly - Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. This category includes buildings and all customary accessory uses or structures, including, but not limited to, a chapel, day-care center, school of general instruction, gymnasium, social hall and social services programs.

L. Safety service - Facilities provided by the town, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

M. School - Schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.

N. Utilities and public service facility

1. Essential services - Underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.

2. Public utility - Uses or structures, except essential services, which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.

O. Wireless telecommunications - Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:

1. Freestanding towers - A structure intended to support equipment that is used to transmit and/or receive tele-communications signals including monopoles and guyed and lattice construction steel structures.

2. Building or tower-mounted antennas - The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

3. Satellite earth station, satellite dish: A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

§ 4-5. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows:

A. Adult entertainment establishment (not permitted in Sudlersville).

1 Adult oriented business - Any business, operation, or activity a significant amount of which consists of the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar, restaurant, club, lodge, or similar establishment; or

2. Adult book or video store – Adult oriented business, including the sale, rental, transfer, loan, dissemination, distribution, provision or promotion of adult entertainment or material, in any format, form, or medium, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, other electronic recordings but not including coin operated or pay-view-viewing.

3. Adult oriented businesses and adult book or video stores.

B. Animal service - Uses that provide goods and services for care of companion animals.

1. Grooming - Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.

2. Boarding or shelter/kennel - Animal shelters, care services and kennel services for dogs, cats and companion animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters. For purposes of this ordinance, the keeping of more than 4 dogs, cats or similar household companion animals over 4 months of age or the keeping of more than 2 such animals for compensation or sale is deemed a boarding or shelter-related animal service use and is allowed only in those zoning districts that allow such uses.

3. Veterinary care - Animal hospitals and veterinary clinics.

C. Assembly and entertainment - Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas and theaters.

D. Broadcast or recording studio - Uses that provide for audio or video production, recording or broadcasting.

1. Broadcast facility is an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television and film.

2. Recording studio is an establishment primarily engaged in sound or video recording.

E. Commercial service - Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.

1. Building service - Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.

2. Business support service - Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.

3. Consumer maintenance and repair service - Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the re-pair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, lock-smiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."

4. Personal improvement service - Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs, yoga studios, martial arts studios, and businesses purporting to offer fortune-telling or psychic services.

5. Research service - Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

F. Day care - Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care.

1. Day care center - A facility licensed by the State of Maryland that provides day care for more than 8 children or any number of adults.

2. Day care home - A dwelling unit licensed by the State of Maryland in which day care is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit.

G. Eating and drinking establishments – The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared foods and beverages for on- or off-premise consumption. Typical uses include restaurants, short order eating places or bars and cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments, which may include a bar area that is customarily incidental and subordinate to the principal use as an eating establishment.

H. Financial service - Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments.

I. Funeral and mortuary service - Uses that provide services related to the death of humans or companion animals, including funeral homes, mortuaries, crematoriums and similar uses.

J. Lodging - Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses may provide food or entertainment on premises. Lodging includes the following specific categories:

1. Hotel and motel - An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including hotel, motel, lodge, tourist park and similar establishments, but not including a boarding- or lodging house, inn or bed-and-breakfast establishment.

2. Bed and breakfast - A single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients and at which no meal other than breakfast is served to guests, which is included in their room charge.

3. Boardinghouse - A private dwelling or part thereof where lodgings with or without meals are provided for compensation to persons not members of the resident family.

K. Office.

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

1. Business - Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

2. Professional - Offices where services are provided that require specialized training or professional certification including but not limited to accountant , appraiser, attorney, architect, landscape architect, engineer, surveyor, and stockbroker but not including offices of medical, dental and health practitioners.

3. Medical, dental and health practitioner - Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories.

L. Parking, non-accessory.

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.

M. Retail sales.

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified.

1. Convenience goods - Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands and florists.

2. Consumer shopping goods - Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops.

3. Building supplies and equipment - Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

N. Self-service storage facility (e.g., mini-storage) - An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

O. Studio, instructional or service - Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios. See also “personal improvement service” in the commercial services use category.

P. Trade school - Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

Q. Vehicle sales and service.

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

1. Commercial vehicle repair and maintenance - Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, watercraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

2. Commercial vehicle sales and rentals - Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

3. Fueling station - Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.

4. Personal vehicle repair and maintenance - Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops.

5. Personal vehicle sales and rentals - Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational water-craft. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).

6. Vehicle body and paint finishing shop - Uses that primarily conduct vehicle body work and repairs or that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

§ 4-6. Wholesale, distribution & storage use category.

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows:

A. Equipment and materials storage, outdoor - Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

1. Contractor's shop - An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor’s business office.

2. Fuel storage – An establishment that includes "fuel storage tank" or any vessel or tank that stores gases or liquids, including fuel products such as gasoline, diesel fuel, heating oil, natural gas, natural gas liquids, propane, synthetic gas or similar products.

3. Grain storage - Bulk storage, drying or other processing of grain and livestock feed or storage and sale of fertilizer, coal, coke or firewood with effective control of dust and particulates during all operations.

B. Trucking and transportation terminal - Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

C. Warehouse - Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “trucking and transportation terminal.”

D. Wholesale sales and distribution - Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms.

§ 4-7. Industrial use category.

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

A. Artisan industrial - On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

B. Limited industrial - Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.

C. General industrial - Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property.

D. Intensive industrial - Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic.

E. Junk or salvage yard - An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

§ 4-8. Recycling use category.

This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

A. Recyclable material drop-off facility - An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities shall be limited to non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this chapter shall not include general construction or demolition debris facilities, and/or transfer stations, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as “recyclable material processing facilities.”

B. Recyclable material processing - Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

§ 4-9. Agricultural use category.

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops.

A. Agriculture, animal production - The (principal or accessory) use of land for the keeping or raising of farm animals. Animal production is expressly prohibited in the Town.

B. Agriculture, crop production - The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.

C. Agriculture, buildings and structures – This category includes all buildings and structures associated with agriculture uses as opposed to the activities associated with crop or animal production.

D. Community garden - An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.

E. Indoor plant cultivation - A building or structure and the associated premises used to grow plants under roof which may include accessory storage and processing of plants grown on premises. Included in this category are greenhouses and hydroponic facilities.

§ 4-10. Other use category.

This category includes uses that do not fit the other use categories.

A. Drive-in or drive-through facility - Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.

B. Temporary uses. Use of a building or premises for a purpose that does not conform to the regulations prescribed by this chapter, does not involve the erection of substantial buildings, and is permitted for a defined time period.

1. Temporary Use, Emergency – Structures and/uses for emergency public health and safety needs/land use activities.

2. Temporary Use, Construction - On-site contractors' mobile home used in conjunction with an approved construction project on the same site.

3. Temporary Use, Sale - One trailer or the use of one building as a temporary field or sales office in connection with building development.

§ 4-11. Accessory use category.

The category includes uses or structures subordinate to the principal use and customarily incidental to the principal use.

§ 4-12. Table of Permitted Uses.

§ 4-12. Table of Permitted Uses.				
CATEGORY	**ZONING DISTRICT**			
	TCC	**MU**	**TR**	**SF**
HOUSEHOLD LIVING				
Single Family Residential-Detached	P	P	P	P
Two Family Residential	P	P	P	
Accessory Apartment § 5-2. Accessory apartments.	P	C	P	C
Townhouse	C	C	C	C
Multi-family Dwelling	C	C	C	C
GROUP LIVING				
Group Home § 5-3. Group home, home day care.		E	E	
Senior Housing project	C	E	C	E
Continuing Care Retirement Communities	C	C	C	

§ 4-12. Table of Permitted Uses.				
CATEGORY	**ZONING DISTRICT**			
	TCC	**MU**	**TR**	**SF**
PUBLIC, CIVIC AND INSTITUTIONAL				
Civic Community Center	P	P	C	C
Fire or Rescue Service	P	C	C	C
Hospital		C	C	
Library, Museum, similar	P	P	P	C
Fraternal organization , Service Club, Private Club	C	P	C	C
Religious assembly, Place of Worship, Parish Hall or Rectory	C	C	C	C
Public or Governmental Building	P	C	C	C
Public/Private Primary or Secondary or Collegiate School	P	C	C	C
Artist, Photographer Gallery, similar	P	P	P	C
Public or non-profit Park and/or Recreational area	P	P	P	P
Cemetery or Memorial Garden	C	C	C	C
UTILITIES AND PUBLIC SERVICE FACILITY				
Municipal Water and Waste Water Treatment Facility	P	P	P	P
COMMERCIAL USE				
Assembly and Entertainment				
Outdoor Recreational Facility	C	C	C	C
Movie, Cinema, Theater	C	C		
Outdoor Commercial Amusement, Indoor Arcade	E	C		
Animal Care and Services				
Animal Care and Services	P	P	C	C
Services				
Group Day Care Center, Nursery School, Preschool		P	P	P
Trade, Vocational, Commercial or Business School	E	P	C	C
Catering Services	P	P	P	C
Business Service Shop	P	P	C	C
Personal improvement service				
Health Spa/Fitness Center/Tanning Salon	P	P	C	C
Salon, Barber	P	P	P	C
Retail Sales				
Convenience, Grocery, Hardware, Drug	P	P	C	C
Dry Goods Store	P	P	C	C
Shopping Center		C	C	C
Auction House, Sale Barn		P		
Farmer’s Market	P	P	P	
Retail Bakery	P	P	C	C
Specialty Retail selling primarily one type of goods	P	P	C	C
Eating and drinking establishments				

§ 4-12. Table of Permitted Uses.				
CATEGORY	**ZONING DISTRICT**			
	TCC	**MU**	**TR**	**SF**
Coffee Shop, Ice Cream Shop	P	P	C	C
Restaurant, Class I	P	P	C	C
Restaurant, Class II	P	P	C	C
Tavern, Night Club, Lounge		E	C	C
Consumer maintenance and repair service				
Dry Cleaner (dry cleaning performed off site)	P	P	C	C
Repair Shop, including service/repair such as clocks, jewelry, small appliances, shoe, television and radio and associated storage facility	P	P	C	C
Dry Cleaner(full service)	P	P		
Funeral and mortuary service				
Funeral Home	C	E		
Business support service				
Printing, Publishing	P	P		
Studio, instructional or service				
Studio for Instruction in Dance, Art, Music, similar	P	P	C	C
Financial service				
Bank, Financial Institution	P	C	C	C
Lodging				
Bed and Breakfast	P		P	C
Hotel, Motel		C		
Office				
Health Clinic	C	C	C	C
Professional Office, Business Office (non-medical	P	P	C	C
Professional Office (medical)	P	P	C	C
Commercial vehicle repair and maintenance				
Agricultural Machinery, Equip. or supplies sales & repair	P	P	C	
Engine and Motor sales and service	P	P	C	
Gasoline Service Station, Auto repair § 5-9	C	C	C	
Large Truck Repair or Service shop	P	P		
Temporary Storage and service of transient Trailers, Camping Trailers, Touring Vans, etc.	C	P	C	
Commercial vehicle sales and rentals				
Automobile or Boat sales, rental	E	P		
Personal vehicle repair and maintenance				
Small auto, small truck and tractor repair § 5-9	C	C	C	
WHOLESALE, DISTRIBUTION & STORAGE				
Plumbing Shop, Contractor Shop	P	P	C	C
Wholesale Distribution Warehouse, Commercial		P		
Feed and Grain Supply and Storage Facility				

§ 4-12. Table of Permitted Uses.				
CATEGORY	**ZONING DISTRICT**			
	TCC	**MU**	**TR**	**SF**
WIRELESS TELECOMMUNICATIONS				
Communication Tower § 5-5.	E	E		C
INDUSTRIAL § 5-4.				
Small Scale Manufacturing and Assembly such as cabinet making, furniture upholstery	P	P	C	
Agricultural Products Processing Plant		E		
Bulk Plant		E		
Utility Building or Facility	E	P		
Fuel Storage over 10,000 Gallons		E		
Lumber Yard, Storage Yard, Stone Monument Dealer		P		
Other General Manufacturing, assembly or light industrial plant and uses		E		
Research and Development Facility		P		
Sawmill, Commercial		E		
Water and/or Waste Water Treatment Supply Facility (non-accessory)		E	E	E
ACCESSORY USE				
Day care home		P	P	
Boarding House, Lodging House	C		C	C
Garage/Yard Sale	P	P	P	P
Home Occupation § 5-6.	C	C	C	C
Outdoor Storage § 5-7.	C	C	C	C
Accessory Buildings or Uses	P	P	P	P
AGRICULTURE				
Agriculture, crop production				P
Agriculture, buildings and structures				P
Community garden			P	P
Indoor plant cultivation, Commercial Greenhouse or Nursery		P		
OTHER				
Emergency Mobile Home	C	C	C	C
Automobile Parking Lot (non-accessory use)	P			
Temporary uses § 5-8.	C	C	C	C
Game Check-in Station	P	P	C	C

ARTICLE V. SUPPLEMENTAL USE REGULATIONS

§ 5-1. General.

A. This Article contains regulations that supplement the requirements for specific uses found in § 4-12.

B. The following conditions and specific standards apply to land uses designated "C" (Conditional) and "E" (Special Exception) in § 4-12. When applying for a zoning permit, the applicable conditions shall be satisfied during the period of the use and occupancy.

§ 5-2. Accessory apartments.

Accessory apartments are permitted in in the SF and MU districts and subject to the requirements of that district except as herein provided:

A. In the SF district the principal dwelling shall be a single-family detached dwelling and shall be located on a lot of at least 10,000 sq. ft. In the MU district the principal structure may be in commercial use. Residential apartments may be placed over commercial and institutional uses where accessory apartments are permitted.

B. Only one (1) accessory apartment will be allowed per lot.

C. At least one (1) off street parking space must be provided for the apartment.

D. For accessory apartments in the SF and MU districts, the owner shall reside either in the principal dwelling or in the accessory apartment on the property.

E. The accessory apartment shall contain a minimum of seven hundred fifty (750) sq. ft. and a maximum of one thousand (1,000) sq. ft. of gross floor area.

F. All design and lot dimension requirements for the underlying zoning district shall be met.

G. The exterior appearance of the apartment must be compatible with the principal structure.

§ 5-3. Group home, home day care.

Group home, home day care are permitted in the MU and TR districts and subject to the requirements of that district except as herein provided:

A. The maximum number of residents of the facility shall be eight (8).

B. In addition to the residents, there shall be a maximum of three (3) full-time non-resident employees on the premises.

C. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a group home without a Special Exception granted by the Board of Appeals.

D. Besides the required parking for the dwelling unit, one (1) additional parking space per each non-resident employed on the premises is to be located to the side or rear yard.

E. No outside storage of equipment shall be permitted.

§ 5-3. Institutional Uses.

Special Exception uses categorized as Institutional in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

A. To reduce the impact of traffic and parking, the total floor area devoted to the use shall be limited to 15,000 square feet (in addition to any basement or attic areas used solely for storage).

B. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of any adjoining residential properties as described in Article 4, Section 5.

C. No building shall be located within 30 feet of any property line unless the lot is adjacent to a non-residential use, in which case, the side yard adjoining the non-residential use may be reduced to 10 feet.

D. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building scale and massing, materials, colors, roofs and rooflines as described in Article 4, Section 2.

E. All exterior lights must be directed downward and not produce glare on adjoining residential properties.

F. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as described in Article 4, Section 5.

G. All establishments must adhere to all other State or federal applicable restrictions on use, location and space requirements.

H. If the establishment is a Family Day Care Center, the day care provider is registered with the Maryland Department of Human Resources pursuant to Section 5-557 of the Family Law Article, Annotated Code of Maryland and a copy of the registration is on file at the Town Hall and the owner or manager shall live on the premises and shall have quarters that are separate and distinct from the facilities used for the operation of the day care center.

§ 5-4. Industrial.

Special Exception and Conditional uses categorized as Industrial in§ 4-12 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

A. The industrial development tract must be at least 20,000 sq. ft. in size.

B. The maximum allowable plant size shall be one hundred thousand (100,000) sq. ft. unless a Special Exception is granted by the Board of Appeals.

C. The total number of employees per plant shall not exceed one hundred (100) employees per plant unless a Special Exception is granted by the Board of Appeals.

D. Each industrial establishment shall be designed, operated, maintained, and buffered so as to offer reasonable protection to the surrounding neighborhood and the environment particularly regarding the hazards of fire, explosion and any adverse impacts of noise, dust, light, vibration and traffic congestion from the industrial development. All exterior lights must be directed downward and not produce glare on adjoining residential properties. There shall be extensive vegetative and other buffering or screening from any adjoining residential properties.

E. The manufacture of material or products which decompose by detonation will be limited to five (5) pounds per year.

F. The storage of solid flammable materials shall be contained within walls having a fire resistance of no less than two hours or protected by an automatic fire extinguishing system or be in a building no less than forty (40) feet from all lot lines. The outdoor storage shall be located no less than fifty (50) feet from all lot lines.

G. The storage capacity of flammable liquids shall not to exceed sixty thousand (60,000) gallons. The storage of flammable gases shall not exceed two hundred thousand (200,000) standard cubic feet (scf) at 60°F and 2992 Hg in above ground storage and four hundred thousand (400,000) scf stored below ground.

H. Approval must be obtained from all appropriate local, state, and federal authorities before development may commence.

I. The location of the container which holds flammable liquids and gases is subject to the restrictions of Queen Anne's County or the State of Maryland, whichever is more restrictive.

§ 5-5. Communication Towers.

Communications towers are permitted in the SF provided the minimum lot size on which a communication tower shall be located is five (5) acres.

§ 5-6. Home Occupation.

A home occupation is permitted in the SF **[and TR]** district subject to the requirements of the districts where located, except as herein provided:

A. The occupation is conducted entirely within the dwelling or accessory building and is clearly secondary to the use of the dwelling for residential purposes.

B. The occupation uses no more that twenty-five percent (25%) of the dwelling floor area.

C. In addition to the employed residents, there shall be a maximum of three (3) full-time non-resident employees on the premises.

D. No outside storage of equipment, materials or items to be repaired or sold shall be permitted.

E. No article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the services offered.

F. No display of products may be shown as to be visible from outside the dwelling.

G. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.

H. Besides the required parking for the dwelling unit, additional parking located to the side or rear yard shall be provided as follows: one (1) space for each non-resident employed on the premises.

§ 5-7. Outdoor Storage.

A. Outdoor storage is a place in or outside of a building or structure, where goods or supplies are put or stored.

B. Outdoor storage shall be neat, orderly and as inoffensive as practical; and shall be typical to the use of the lot; and shall not exceed 20% of the total area within the building envelope and shall be contained within the building envelope area.

C. Where appropriate as determined by the Administrator, outdoor storage shall be effectively and attractively screened. There shall be no storage or accumulation of junk, junked vehicles or scrap.

§ 5-8. Temporary Uses.

The Planning Commission may authorize a temporary use of a building, structure or premises in any district as follows:

A. Temporary use, construction - The Planning Commission may permit a temporary buildings and structures, including trailers for uses incidental to construction work having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.

B. Temporary use, sales – The Planning Commission may permit one trailer, or the use of one building as a temporary field or sales office in connection with building development. The temporary sales trailer shall be removed at the point in time when all the residential lots have been sold and the sales office is closed. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.

C. Temporary use, emergency – An emergency mobile home may be permitted by the Planning Commission in any zoning district subject to the following requirements:

1. A mobile home on the premises may provide emergency housing in the event of the original housing is destroyed by fire, flood or any other sudden catastrophe to a degree so

as to make it unsafe or unhealthy for human occupancy. The Administrator may issue a Zoning Permit and/or Building Permit for the sole purpose of providing housing for the displaced persons.

2. The mobile home shall be removed from the premises when the damaged dwelling is habitable or within six (6) months, whichever comes first, unless the Board of Zoning Appeals shall grant a Special Exception Use to extend the time to a total of no more than twelve (12) months.

3. The mobile home shall meet all requirements of the "Mobile Home Construction and Safety Standards" of the US Department of Housing and Urban Development, or it shall bear the insignia of the Maryland Department of Housing and Community Development in accordance with the "Industrialized Building and Mobile Homes Act."

§ 5-9. Vehicle Repair Services.

Small auto, small truck and tractor repair and gasoline service station and auto repair are permitted in the TCC, MU and TR districts provided no more than three (3) junked automobiles or other motor vehicles shall be parked or otherwise stored on the premises and each for no longer than sixty (60) days.

ARTICLE VI DEVELOPMENT REQUIREMENTS

§ 6-1. Lot Size, Bulk and Density Standards.

A. The purpose of lot size and bulk requirements are to ensure that the use of the property does not infringe on the rights of adjacent property owners. These requirements are also intended to ensure that there is adequate light and air for the health and safety of residents, business operators, and patrons. In addition, open space is required to make the entire area an attractive and pleasant place to be. Finally, certain requirements are intended to ensure the fire and rescue personnel and equipment will have sufficient access to the side and rear of structures in an emergency.

B. Except as may otherwise be provided under the terms of Article IX, Part 5 or § 7-14 the lot size and building requirements in § 6.2 shall apply to new construction.

§ 6-2. Table of Height, Area Bulk and Density Standards

§ 6.2 . Table of Height Area, Bulk and Density Standards								
		Minimum Lot Requirements	Minimum Lot Dimensions	Minimum Required Yards				Max Density
Zoning District	Maximum Height (ft.)	Lot Area Per Unit (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Front Yard Depth1 (ft.)	Side Yard Width (ft.) 2 required	Rear Yard Depth (ft.)	(Dus/Acre)
SR Single Family Residential								
Detached Single Family	35	9,000	80	100	10	5	10	4
Two Family	35	7,000	60	100	10	5	10	4
Townhouse	35	2,400	20	100	10	5	10	4
Multifamily	35	NA	NA	Na	10	5	10	4
TR Town Residential								
Detached Single Family	35	7,000	60	100	10	5	10	5
Two Family	35	6,000	50	100	10	5	10	5
Townhouse	35	2,400	20	100	10	5	10	5
Multifamily	35	NA	NA	NA	10	5	10	5
TCC Town Center Commercial								
Detached Single Family	35	7,000	60	100	8	5	10	5
Two Family	35	6,000	50	100	8	5	10	5
Townhouse	35	2,400	20	100	8	5	10	5
Multifamily	35	NA	NA	NA	8	5	10	5
Nonresidential	35	NA	NA	NA	8	5	10	NA
MC Mixed Use								
Detached Single Family	35	7,000	60	100	10	5	10	5
Two Family	35	6,000	50	100	10	5	10	5
Townhouse	35	2,400	20	100	10	5	10	5
Multifamily	35	NA	NA	NA	10	5	10	5

§ 6.2 . Table of Height Area, Bulk and Density Standards								
		Minimum Lot Requirements	**Minimum Lot Dimensions**	**Minimum Required Yards**				**Max Density**
Zoning District	**Maximum Height (ft.)**	**Lot Area Per Unit (sq. ft.)**	**Lot Width (ft.)**	**Lot Depth (ft.)**	**Front Yard Depth1 (ft.)**	**Side Yard Width (ft.) 2 required**	**Rear Yard Depth (ft.)**	**(Dus/Acre)**
Nonresidential	50	NA	NA	NA	10	5	10	NA
1 For new construction in an established neighborhood, front setbacks shall be equal to the average setbacks for buildings on the same side of the street within three hundred (300) feet of the building, or setback eight (8) feet whichever is less								

§ 6-3. General Lot Requirements.

A. Except as provided herein, no more than one principal building shall be erected on a single lot.

B. Where a lot is used for a commercial or industrial purpose, more than one principal building may be located on the lot, provided all minimum setback requirements are met for the zoning district in which the lot is located.

C. A building or other improvements may be erected on any lot which of record prior to adoption of this Ordinance even if the lot is a nonconforming lot, provided the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this Ordinance to the extent practical.

D. Subdivision of existing lots is not permitted where the subdivision would create any lots which do not comply with all requirements of this Ordinance or where the subdivision would render any existing structure nonconforming.

E. The minimum yards, setback requirements, parking, open space and lot areas required by this Ordinance for each and every structure shall not be encroached upon or considered yard or open space for any other building.

F. Panhandle or flag lots are not permitted.

§ 6-4. Yard Dimensions.

A. Front. Interior lots with two street frontages must have at least the minimum required front yard on each street.

B. Side. For the purpose of side yard regulations, a group of commercial, residential, or industrial buildings separated by common walls shall be considered as one building.

§ 6-5. Exceptions to Lot Size and Bulk Requirements.

A. Fences and walls are not subject to setback requirements from public ways and adjoining lots.

B. Where a right-of-way has been established for the future widening or opening of a road upon which a lot abuts, then the depth of a front or side yard shall be measured from the nearest boundary of the right-of-way to the nearest point of the structure.

C. Side or Rear Yard Setbacks.

1. Where a side or rear yard lot line of a non-residential use coincides with the side or rear yard lot line of a residential use, a side or rear yard setback shall be provided along such lot line not less than that which would be required under this Article for a residential use on the adjacent lot, or fifteen (15) feet, whichever is greater.

2. Where a side or rear lot line of a non-residential use coincides with a side or rear lot of another non-residential use, the side or rear lot line may be reduced to zero provided the following three conditions are met.

   a. Emergency vehicle access and maintenance issues are addressed;

   b. Approval is given by the Fire Marshall; and

   c. The proposed use would not adversely impact the use, safety and welfare of the users of the adjoining use.

3. The minimum depth of side yards for schools, libraries, places of worship, community centers, and other public and semi-public buildings shall be twenty-five (25) feet.

D. In the case of the replacement of a damaged nonconforming structure, the yard setbacks of the previously existing structure may continue to exist as previously or altered within five (5) feet of the original building lines when such an alteration would bring the structure into greater conformity with the zoning district setback requirements. This provision does not apply to the redevelopment of nonconforming structures which substantially alters the structure from its original appearance and size.

E. Extensions into Yard Area. The following features may extend into required minimum yard setback areas but only as qualified below:

1. Cornices, canopies, awnings, eaves, or other such similar features, all of which are at least eight (8) feet above grade, may extend four feet into any required yard in any district. This exemption does not include garages.

2. Any uncovered and completely unenclosed patio, terrace, porch or deck with its floor no higher than that of the first floor level of the building may extend eight (8) feet into any required yard, but not nearer to any lot line than a distance of four (4) feet.

F. Adjustment of Front Yard Setbacks.

1. For new construction in an established neighborhood, front setbacks shall be equal to the average setbacks for buildings on the same side of the street within three hundred (300) feet of the building, or setback ten (10) feet whichever is less; or

2. There shall be a front yard of at least fifteen (10) feet in depth on the side road of a corner residential lot in any zoning district. The Planning Commission shall be guided by the pattern of development in the vicinity of the lot in question in determining which road is the side road.

§ 6-6. Structures Permitted Above Height Limit.

A. The building height limitations of this Ordinance shall not apply to roof structures for housing stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings; fire or parapet walls, elevator bulkheads, towers, church spires and steeples, flag poles,

smoke stacks, fire towers, masts, radio and television antennas, windmills, solar panels, monuments, or other structures or roof ornamentation that project into the air. In addition, the height restrictions shall not apply toward agricultural structures such as grain elevators, conveyors, and silos.

B. Public and semi-public service buildings, hospitals, institutions, schools, and places of worship may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for every foot of additional building height above the height regulations for the zoning district in which the building is located.

§ 6-7. Accessory Swimming Pools.

A. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard provided that they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line.

B. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.

C. Fences and other barriers designed to restrict access to the pool shall be provided as required in the Building Code.

§ 6-8. Accessory Structures.

Except for provisions regarding accessory structures, no structure shall exist within lot setback requirements described in this Ordinance, nor project beyond a required setback line along any Town, County or State road. Other requirements:

A. No accessory building shall be erected within any required front yard.

B. Unless specified in this Ordinance, accessory structures of less than one thousand (1,000) square feet in floor area may be placed or erected within the side and rear building setback lines, but shall be at least five (5) feet from both the side and rear lot lines.

C. Accessory structures of less than one hundred twenty (120) square feet in floor area and not constructed on a permanent foundation do not require a zoning permit.

§ 6-9. Mix of Uses.

Where a given use or building contains a mix of commercial and residential uses, the development requirements for commercial uses in this Ordinance shall apply.

§ 6-10. Visibility at Intersections.

On a corner lot in any zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between the height of two and a half (2 1/2) and ten (10) feet above

the centerline grades of the intersecting streets in the areas bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection of two residential streets and one hundred (100) feet from the point of intersection of a collector or arterial road unless otherwise allowed by the Administrator.

ARTICLE VII. ADMINISTRATION

§ 7-1. Administration and Enforcement.

A. All departments, officials and public employees of Sudlersville which are vested with the authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue any permit, certificate or license for any use, building, structure, or purpose which would be in conflict with the provisions of this Ordinance.

B. Any permit, certificate, or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

C. It shall be the duty of the Administrator to administer and cause the enforcement of the provisions of this Ordinance.

D. The Planning Commission shall serve as the Administrator until the appointment of an administrator by the Town Commission.

§ 7-2. PowersandDutiesoftheAdministrator.

It shall be the duty and power of the Administrator of this Ordinance to:

A. Receive and examine all applications for Zoning Permits and Certificates;

B. Issue Permits only where there is compliance with the provisions of this Ordinance, and with other Town Ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals

C. Receive application for subdivisions and site plans and forward these applications to the Planning Commission for action thereon;

D. Receive applications for special exceptions, and forward these applications to the Planning Commission for review and recommendation, and to the Board of Appeals for action thereon;

E. Following refusal of a permit, to receive applications for interpretation and variance appeals and forward these applications to the Planning Commission for review and recommendation, and to the Board of Appeals for action thereon;

F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance;

G. Issue stop, cease and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance;

H. With the approval of the Town Commissioners, or when directed by them, initiate in the name of the Town an appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure or land, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions;

I. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provision of this Ordinance;

J. Record or file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be public record;

K. Maintain a map or maps showing the current zoning classifications of all land in the Town;

L. Determine the nonconforming/conforming status of structures and uses. Maintain a map of all nonconforming uses and special exception uses in the Town, and maintain a file on each such use; and

M. Upon request of the Town Commissioners, the Planning Commission, or the Board of Appeals, present such bodies facts, records, or reports which they may request to assist them in making decisions, or assist them in any other way as requested.

§ 7-3. Questions of Interpretation.

A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Administrator, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Land Use Article, Title 4, Annotated Code of Maryland.

B. It is further the intent of this Ordinance that the duties of the Town Commissioners in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Town Commissioners shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.

2. Establishing a schedule of fees and charges as provided in Section 6-104 of this Ordinance.

§ 7-4. Schedule of Fees, Charges, and Expenses.

A. The Town Commissioners shall establish a schedule of fees, charges, and expenses, and a collection procedure for subdivision review, site plan review, zoning permits, occupancy permits, appeals, variance, special exceptions, amendments, and other matters pertaining to this Ordinance.

B. Fees may include the reasonable cost of the consulting services of an independent engineer, architect, landscape architect, land planner or similar service as may be used to assist the Town in the review of proposed development and improvement plans. These fees shall be provided for in a cost recovery agreement between the Town and the applicant.

C. The schedule of fees shall be posted in the offices of the Administrator and may be altered or amended only by the Town Commissioners, upon recommendation of the Planning Commission.

D. No permit, special exception, or variance shall be issued unless or until such costs, charges, Fees, or expenses, have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals or the Planning Commission unless or until preliminary charges and fees have been paid in full.

§ 7-5. ZoningPermitRequired.

A. No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning permit for the subject property, issued by the Administrator.

B. No zoning permit shall be issued except in accordance with the provisions of this Ordinance, except after written order from the Board of Appeals.

§ 7-6. ApplicationforZoningPermit.

A. All applications for zoning permits shall be accompanied by a plot plan or site plans complying with all the provisions of § 7-9or § 7-10 as applicable.

B. The application shall include such other information as lawfully may be required by the Administrator, and such other matters as may be necessary to determine compliance with, and provide for the enforcement of, this Ordinance.

§ 7-7. ZoningPermitsforNew,Altered,orNonconformingUses.

A. It shall be unlawful to use, change the use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit has been

issued by the Administrator, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

B. No nonconforming structure or use shall be renewed, changed, or extended until the Administrator has issued a zoning permit following a Board of Appeal approval. The zoning permit shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance.

C. No permit for erection, alteration, moving, or substantial repair of any building shall be issued until an application has been made for a zoning permit. No permit shall be considered as complete or permanently effective until the Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.

D. A temporary zoning permit may be issued by the Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

E. The Administrator shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

F. Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under § 7-13 of this Ordinance.

§ 7-8. Expiration of Zoning Permit.

A. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Administrator, and written notice thereof shall be given to the persons affected.

B. If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance, unless work is satisfactorily proceeding thereof, said permit shall expire and be cancelled by the Administrator, and written notice shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

§ 7-9. Plot Plan Requirements.

Plot plans that are submitted in conjunction with applications for zoning approval shall include all of the following information:

A. Lot dimensions and total lot area in square feet.

B. Location and dimensions of all existing structures including sheds, garages, house, deck etc.

C. Location and area (in square feet) of all impervious surface, (this includes driveways, patios and

walkways).

D. Set back measurements for existing structure as well as setback measurements for proposed structures. (Front yard setback shall be measured from the street right-of-way unless otherwise approved by the Administrator).

E. Height of all proposed structures.

F. Location of any easements.

G. Plot plan drawings are not required to be drawn to scale, however a plot plan drawn to scale will help to expedite the review process.

§ 7-10. Site Plan Review.

A. Prior to issuing a building permit for construction, expansion or change in use, a plot plan or site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.

B. The purpose of plot and site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.

C. Applicability. All development or land use activities within the town shall require site plan review before being undertaken except the following which shall require a plot plan unless otherwise determined by the Administrator:

1. Construction or expansion of a single family dwelling, two-family dwelling and ordinary accessory structures, and related land use activities.

2. Ordinary repair or maintenance to existing structures or uses.

3. Exterior alterations or additions to existing structures determined by the Administrator to not require site plan approval.

4. Agricultural or gardening uses.

D. Site plan applications shall include the information listed in Appendix A for preliminary and final major and minor site plans. The Administrator may at his or her discretion waive any information or preliminary requirements which he or she determine are not relevant to the proposed use and site or only require a plot plan.

E. The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.

2. Location, arrangement, appearance and sufficiency of off-street parking and loading.

3. Location, arrangement, size and design of buildings, lighting and signs.

4. Relationship of the various uses to one another and their scale.

5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.

6. Adequacy of storm water and sanitary waste disposal.

7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.

8. Compatibility of development with natural features of the site and with surrounding land uses.

9. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.

10. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.

11. Adequacy of pedestrian access.

12. Conformity to the *Appendix B Sudlersville Design Guidelines*.

F. The Planning Commission may attach conditions upon any approval of a site plan, including but not limited to the following:

1. Hours of operation.

2. Specific performance standards with regard to physical vibration, noise, traffic, water quality, glare and air quality standards.

3. Visual screening.

4. Regulation of vehicular traffic, including points of ingress and egress, parking and off/on loading areas.

5. Signage.

G. The Administrator may require additional information which appears necessary for a complete assessment of the project.

H. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.

I. Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may be appropriate.

J. When all required plans and data have been received, and if the Planning Commission finds that a proposed final plan is in accordance with and represents detailed expansion of the preliminary plan heretofore approved, that it is in conformance with the provisions of this chapter and the Subdivision Regulations if applicable, and that it complies with all of the conditions which may have been imposed in the approval of the preliminary site plan or in the review of the final site plan by the Planning Commission, the Planning Commission shall approve such final site plan within thirty (30) days from the date of the meeting.

K. Construction of required improvements.

1. Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission or appropriate town review and approval agencies.

2. The town may require inspection of the improvements.

L. Expiration and Extension

1. Approval of all site plans shall be for a one (1) year period and shall expire at the end of such period unless building construction has begun. Building construction start will be judged based on the following criteria:

a. The issuance of a valid building permit; and

b. Actual, physical commencement of significant and visible construction pursuant to the building permit, and

c. The commencement of construction must be undertaken in good faith with the intention to continue with the construction and to carry it through to completion.

2. Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one (1) year extension may be given by the Planning Commission.

3. Such request shall be acknowledged and a decision rendered thereon not more than forty-five (45) days after filing of said request.

§ 7-11. Construction and Use to be as Provided in Applications, Plans, and Zoning Permits.

A. Zoning permits issued on the basis of approved site plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

B. Use, arrangement, or construction differing with that authorized shall be deemed violation of this Ordinance, and punishable as provided by § 7-12 of this Article.

§ 7-12. Complaints Regarding Violations.

A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint.

B. The complaint, stating fully the causes and basis of the alleged violation, shall be filed with the Administrator.

C. The Administrator shall record properly such complaint, immediately investigate, and take action on the matter as provided by this Ordinance.

§ 7-13. Penalties for Violation.

A. Generally

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars ($100) or imprisoned for not more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case.

2. Each day such violation continues shall be considered a separate offense.

3. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties described here.

4. The person(s) violating this Ordinance shall be liable for the Town of Sudlersville's attorney fees and court costs, if found in violation by the court(s) of jurisdiction.

B. Other Lawful Action as Necessary

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 7-14. Administrative Variances.

A. Administrative variances.

1. An administrative variance may be granted by the Planning Commission for:

a. A request to vary a setback/yard requirement in a residential district provided no structure or use encroaches closer than one (1) foot to any property line nor result in the construction of a principal structure located within ten (10) feet of another principal structure located on an adjacent property; and

b. A minor expansion of a nonconforming structure provided the structure to the

following limitations:

(1) The expansion encroaches no further than the existing structure into a required setback.

(2) The expansion will not enlarge the existing structure by more than 20 percent of the gross floor area existing (**date of adoption of these Administrative Variance provisions).

2. An administrative variance may not be granted for the following:

a. Density, minimum lot size and minimum lot width requirements.

b. Requirements not related to the location or dimensions of structures, such as number of employees and time of operation.

B. Standards for an administrative variance.

The Planning Commission shall approve or deny an administrative variance pursuant to the standards for variances provided below.

1. In order to vary or modify the provisions of this ordinance, the Planning Commission must determine that the application meets all of the criteria in A above.

2. The Planning Commission shall:

a. Make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established in paragraph (1) above; and,

b. Base their written findings on evidence introduced and testimony presented by the applicant, the town or any other government agency, or any other person deemed appropriate by the town, with due regard for the person's experience, technical competence, and specialized knowledge.

3. If the Planning Commission finds that the activity or structure for which a variance is requested commenced without permits or approvals and:

a. Does not meet each of the variance criteria under this subsection, the Planning Commission shall deny the requested variance and order removal or relocation of any structure and restoration of the affected resources; or

b. Does meet each of the variance criteria under this subsection, the Planning Commission may grant approval to the requested administrative variance.

4. The Planning Commission may impose conditions on the use or development of a property which is granted an administrative variance.

D. Approval time and notice requirements.

1. The Planning Commission shall, at least fourteen (14) days before acting on any application for an administrative variance, post on the land or building involved a notice of the application.

2. The Planning Commission shall send written notice of an application for administrative variance to adjacent property owners by registered, certified or first class mail. The "date of notice" shall be the date the notice is mailed. The notice shall specify that the Planning Commission will approve or disapprove the administrative variance request not less than twenty one (21) days after the date of notice. If written notice is provided by first class mail, then an affidavit that such notice has been sent must be filed with the application.

3. The notice required to be served upon adjacent property owners shall contain the following information:

a. Name and address of the applicant;

b. Address and location of the property for which the administrative variance is sought;

c. Current zoning of the property for which the administrative variance is sought;

d. The administrative variance requested and the reason for the requested administrative variance;

e. The application file number; and

f. Contact information for the Administrator.

4. If an adjoining property owner objects to the application, in writing, prior to the date the Planning Commission renders the decision on the application, then the application shall be transferred to the Board of Appeals for a decision as provided in § Article IX, Part 3.

ARTICLE VIII. NONCONFORMING LOTS, STRUCTURES, AND USES

§ 8-1. Generally.

Lots, structures, or uses lawfully existing at the time of the adoption of the Zoning Ordinance of the Town of Sudlersville, Maryland on or at the time of subsequent amendment or re-adoption, and which are rendered nonconforming by such adoption, amendment, or re-adoption, shall be permitted to remain or continue until removed or abated.

A. Nonconforming lot - A nonconforming lot is one that has been legally subdivided and recorded in the land records in the Queen Anne's County Courthouse but does not comply with the yard or area requirements of this Ordinance. No structure which fails to conform to the minimum yard or setback requirement for the applicable zoning district shall be erected on any nonconforming lot, unless a variance is granted by the Board of Appeals.

B. Nonconforming Structure - A nonconforming structure does not comply with the height, area, bulk, yard, or setback requirements of this Ordinance for the zoning district in which it is located.

C. Nonconforming use of land and/or structure - a nonconforming use of land and/or structure does not comply with the use regulations of this Ordinance for the zoning district in which it is located.

D. Uses that do not constitute a nonconforming use - The casual, intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use.

E. Entire premises may not be nonconforming - The existence of a nonconforming use on a part of a premise shall not be construed to establish a nonconforming use on the entire premise.

F. Determination of nonconformance - The Planning Commission shall determine, based on fact, whether or not a nonconforming use exists. Such a determination may be appealed to the Board of Appeals.

§ 8-2. Discontinuance of a Nonconforming Use.

No land, structure, or portion thereof used in whole or in part for a nonconforming use in any zoning district which remains idle, unused, or abandoned for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the zoning district in which such land or structure is located.

§ 8-3. Damage to a Nonconforming Structure or Use.

A. A nonconforming structure or any conforming structure containing a nonconforming use which has been damaged by any cause may be restored. All rights as a nonconforming structure or use may be continued as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve months of the date of damage.

B. Prior to the granting of any building permit approval, the Planning Commission may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to reduce or minimize any effect of such use upon other properties in the neighborhood.

C. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this Ordinance.

§ 8-4. Expansion of or Addition to a Nonconforming Structure or Use.

A. Except as may be provided for under the terms of Article IX, Part 5 or § 7-14 no nonconforming structure may be modified so as to increase its nonconformity, except that exterior walls may be extended parallel to side lot lines, or forming a 90 degree angle with the front of the structure, so long as the extension does not bring the wall closer to the property line, beginning from the point closest to such a property line prior to structural alteration.

B. Except as may be provided for under the terms of § 7-14 no nonconforming use shall be modified, expanded, or enlarged, unless a variance is granted by the Board of Appeals.

ARTICLE IX. BOARD OF APPEALS

PART 1

§ 9-1. Purpose.

The Board of Appeals (the "Board") shall have the following powers and duties:

A. Hear and decide appeals from any order, requirement, decision, or determination made by the Administrator or his agent in the administration and enforcement of this Ordinance as authorized under Part 3 of this Article.

B. Hear and decide applications for special exceptions as are authorized under Article 3, Section 4 of this Ordinance. The Board shall follow the procedures outlined in Part 2 of this Article.

C. Authorize, upon appeal in specific cases, a variance from the terms of the Ordinance as provided in Part 5 of this Article.

D. Hear and decide applications for interpretations of the Official Zoning Map where there is uncertainty as to the location of a zoning district boundary, as provided in Part 4 of this Article.

§ 9-2. Authority and Establishment.

The Board of Appeals is established pursuant to the provision of Title 3, § 4-301 of the Land Use Article Annotated Code of Maryland.

§ 9-3. Membership.

A. The Board shall consist of three (3) members appointed by the Town Commissioners, and shall be removable for cause, upon written charges, and after public hearing. All members shall be residents of the Town.

B. Members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term.

C. The Town Commissioners shall designate one (1) alternate member for the Board of Appeals who may be empowered to sit with 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.

§ 9-4. Proceedings of the Board of Appeals.

A. Procedures.

The Board shall elect a chairperson from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of Subtitle3, § 4-302 Land Use Article Annotated Code of Maryland and this Ordinance for the conduct of its affairs. The Board shall elect at its first meeting in each calendar year a Chairperson from among its membership to serve for one year or until their successors are elected. In the event of a vacancy, a successor shall be elected to serve for the unexpired term of the vacated office.

B. Meetings.

The Board shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. Two members present shall constitute a quorum.

C. Records and Decisions.

1. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office and shall be public record. All actions of the Board shall be taken by resolution in which two members present during the proceedings must concur. Each resolution shall contain a statement of the grounds, and any findings forming the basis of such action or decision.

2. The Board shall notify the Town Commissioners, Planning Commission, and Administrator of all decisions and resolutions.

§ 9-5. Hearings; Appeals; Notice.

A. Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by an officer or bureau of the governing body of the Town affected by any decision of the Administrator. Such appeals shall be taken by filing with the Administrator and with the Board a notice of appeal specifying the grounds thereof.

B. The Board of Appeals shall hold a public hearing on each application at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.

C. All hearing of the Board shall include at least fourteen (14) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town.

§ 9-6. Time Limitations on Board Approvals.

A. A decision of the Board permitting the erection or alteration of a building shall be valid for period of one (1) year, unless a zoning permit for such erection or alteration is obtained within this

period, and the erection or alteration proceeds to completion in accordance with the terms of the decision.

B. No decision of the Board permitting the use of a building or land shall be valid for a period longer than one (1) year, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

§ 9-7. Appeals from the Board of Appeals.

Any person or persons, or any board, taxpayer, or department of the Town aggrieved by any decision of the Board of Appeals may seek review by the Circuit Court of such decision, in the manner provided by the laws of Maryland and particularly by§ 4-401 of the Land Use Article, Annotated Code of Maryland.

PART 2 SPECIAL EXCEPTIONS

§ 9-8. Intent.

A. The development and execution of this Zoning Ordinance are based upon the division of the Town into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. The intent of this Part is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.

C. The granting of a special exception does not exempt the applicant from complying with all other requirements of this Ordinance or of the law.

§ 9-9. Initiation of Special Exceptions.

Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

§ 9-10. Application for Special Exception.

A. Such application for special exception shall be filed with the Town Administrator on a form prescribed by the Planning Commission.

B. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application shall be forwarded from the Town Administrator to the Planning Commission for recommendation to the Board of Appeals for review within forty-five (45) days of receipt of the application by the Town Administrator.

§ 9-11. Hearing on Application.

A. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.

B. At least fourteen (14) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town. The notice shall contain the name of the applicant or appellant, the date, time and place of the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal.

§ 9-12. Authorization.

For each application for a special exception, the Board of Appeals shall normally, within ninety (90) days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

§ 9-13. Standards.

No special exception shall be approved by the Board of Appeals unless such Board shall find:

A. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.

B. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

C. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

D. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided.

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

F. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Sudlersville.

G. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.

H. Prior to the granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in herein. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

§ 9-14. Effect of Denial of a Special Exception.

No application for a special exception which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

§ 9-15. Complaints.

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the Board which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

§ 9-16. Revocation.

A. Whenever the Board shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such Town or state agencies or administrative officers as may be appropriate.

B. Whenever the Board shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one year after the date of approval, that its annual proof referred to above has not been filed within forth-five (45) days of its due date, or that all of the terms and conditions of its grant are not being complied with, the Administrator shall notify the Board and the Town attorney's office. Upon receipts of notice of such determination by the Board, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special

exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have 60 days from the date of written notice of expiration to file an appeal of said notice.

PART 3 APPEALS

§ 9-17. Initiation.

Any person or agency aggrieved or affected by a decision of the Administrator or the Planning Commission may appeal such decision to the Board of Appeals.

§ 9-18. Appeals and Applications Processing Requirements.

Applicants and Appellants to the Board shall follow the following requirements:

A. Any appeal shall be made by filing with the Administrator within thirty (30) days after a decision.

B. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Administrator.

C. All appeals and applications shall refer to the specific provisions of the Ordinance involved.

1. Interpretation Appeals: Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that is claimed.

2. Variance Appeals: Appeals for variance from the strict application of this Ordinance shall include the zoning permit application denied by the Administrator or Planning Commission along with a statement with any supporting data regarding the requirements listed in § 7-6 and elsewhere in this Article.

3. Special Exception Use Applications: Applications for special exceptions shall include a zoning permit application and a site plan with all the information required therein, and a statement with any supporting data regarding the merits of the proposed use at the proposed location, and how the proposal complies with the general and specific requirements of this Ordinance.

D. The Administrator shall immediately transmit to the Board of Appeals all papers, records, and information regarding the appeal.

E. The Board shall fix a reasonable time for the hearing of appeal, give public notice of the hearing as well as due notice to the parties in interest, and hold the public hearing not less than thirty (30) days nor more than forty-five (45) days from the date of filing of the notice of appeal.

F. At least fourteen (14) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town. The notice shall contain the name of the applicant or appellant, the date, time and place of the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal.

G. Post, in a conspicuous place on the property involved, a notice of the pending action containing the same information as in F. above, at least fourteen (14) days prior to the date of the public hearing.

H. Give written notice of the time and place of such hearing to the applicant or appellant.

I. At least thirty (30) days before the date of hearing on an application for a special exception, interpretation or variance, the Secretary of the Board of Appeals shall transmit or confirm transmission of a copy of said application to the Planning Commission together with a notice of the aforesaid hearing. The Board shall request an advisory opinion from the Planning Commission on any application for a special exception use.

The Planning Commission is to submit a report of such advisory opinion prior to the decision by the Board on an application. Advisory opinions of the Commission regarding special exception uses, variances, and interpretations shall be rendered within thirty (30) days after submission to it; otherwise, such special exception, variance, or interpretation shall be deemed to have been recommended for approval.

J. At the hearing, any party may appear in person or by agent or attorney. The Board shall then decide on the special exception use, variance or interpretation within ten (10) days from the time of hearing.

PART 4 INTERPRETATIONS

§ 9-19. Interpretations of the Board of Appeals.

Upon appeal from a decision by the Administrator or Planning Commission, the Board shall decide any question involving the interpretation of any provisions of this Ordinance including determination of the exact location of any district boundary if there is uncertainty concerning the boundary; and where it is alleged there is error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease, and desist made by the Administrator in the enforcement of this Ordinance.

§ 9-20. Decisions of the Board of Appeals.

A. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Administrator from whom the appeal is taken.

B. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

C. If any application or request is disapproved by the Board, thereafter the Board shall not accept application for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval.

D. If an appeal to the Board is perfected and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same proposal on the same premises for one (1) year from the date of withdrawal.

§ 9-21. Determination of Use Categories and Subcategories.

A. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the Board of Appeals is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the Board of Appeals must consider:

1. the types of activities that will occur in conjunction with the use;

2. the types of equipment and processes to be used;

3. the existence, number and frequency of residents, customers or employees;

4. parking demands associated with the use; and

5. other factors deemed relevant to a use determination.

B. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the Board of Appeals must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

C. If the Board of Appeals is unable to determine the appropriate use category for a proposed use, the Board of Appeals is authorized to classify the use as a prohibited use.

§ 9-22. Rules for interpretation of zoning boundaries.

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

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.

E. Where a lot is divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located.

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through E above, the Board of Appeals shall interpret the zone boundaries.

G. The regulations pertaining to a zoning district shall extend throughout the whole area bounded by the zoning district lines.

H. Where a boundary line is shown as being located a specific distance from a street or other physical feature, this distance shall control and shall be measured from the center of the feature.

§ 9-23. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Administrator from whom the appeal is taken and on due cause shown.

PART 5 VARIANCES

§ 9-24. Purpose.

A property owner may apply to the Board of Appeals for a variance of the strict application of the terms of this Ordinance. The Board of Appeals may authorize a variance in the strict application of any specific requirement of this Ordinance, when owing to special features, circumstances or conditions regarding a specific site, a literal enforcement or implementation of this Ordinance would result in unwarranted hardship to an applicant.

§ 9-25. Processing and Public Hearing Requirement.

A. Applications for a variance shall be submitted to the Administrator and should include the following:

1. Written statement detailing the specific provisions of this Ordinance from which a variance is sought.

2. The nature and extent of the variance sought.

3. The special conditions of the property, the nature of, the use and/or development of immediately adjacent property which would make a variance necessary.

4. A statement indicating why the variance should be granted.

B. The Board of Appeals shall process all applications for variances in accordance with the provisions of Part 1 of this Article.

C. No variance shall be authorized by the Board until a public hearing has been held on it in accordance with the provisions of Part 1 of this Article.

§ 9-26. Decision on Variances.

A. Standards. The Board of Appeals shall not vary the regulations of this Ordinance unless it makes findings based upon evidence presented to it in each specific case that:

1. That 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 zoning district, and that a literal enforcement or implementation of this Ordinance would result in unwarranted hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Evidence of variance granted under similar circumstances shall not be considered.

2. There must be proof of unnecessary hardship. If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance.

3. That a literal interpretation of the provisions of this Ordinance and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.

4. That the special conditions and circumstances do not result from the actions of the applicant.

5. That granting the variance requested will not confer on the applicant any special privilege that is ordinarily denied by this Ordinance to other lands, structures, or buildings in the same zoning district.

6. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.

7. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised, and only under peculiar and exceptional circumstances.

B. The Board of Appeals shall make additional findings that:

1. The standards of § 9-26.A have been met by the applicant for a variance.

2. That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

C. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation 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 Ordinance and punishable under§ 7-12 of this Ordinance.

D. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the zoning district.

ARTICLE X. PARKING AND LOADING

§ 10-1. Off-Street Parking Areas Required.

A. Off-street parking, loading and unloading facilities shall be required to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either a covered garage space or an uncovered parking lot space located off the public right-of-way.

B. The net parking space per vehicle shall not be less than nine feet wide and 18 feet long.

C. Off-street parking and loading areas and the approaches thereto shall be either paved or covered with a durable and dust-free surface approved by the Administrator.

§ 10-2. Applicability.

A. General

Unless otherwise expressly stated, the regulations of this article apply to all districts and uses.

1. New uses and development.

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

2. Enlargements and expansions.

a. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include

additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.

b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

3. Change of use.

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning ordinance, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

4. Existing.

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

§ 10-3. Minimum required parking ratios.

A. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 10-3.B.

Table 10-3.B.		
CATEGORY	**USE**	**MIMUMUM PARKING REQUIRED**
Household living		
	Single Family Residential-Detached	2 spaces per dwelling unit
	Two Family Residential	2 spaces per dwelling unit
	Accessory Apartment	1.5 spaces per dwelling unit
	Townhouse	2 spaces per dwelling unit
	Multi-family Dwelling	2 spaces per dwelling unit
Group living		
	Senior Housing project	Per § 10-6
	Nursing Home, Convalescent Home [Continuing Care Retirement Communities]	1 parking space for each three beds, plus one space for each two employees.
Public, civic and institutional		
	Civic Community Center	1 space per 4 occupants (maximum capacity)

Table 10-3.B.		
CATEGORY	**USE**	**MIMUMUM PARKING REQUIRED**
	Fire or Rescue Service	Per § 10-6
	Hospital	Per § 10-6
	Library, Museum, similar	5 spaces per 1,000 sq. ft.
	Fraternal Organization	1 space per 10 members
	Place of Worship, Parish Hall or Rectory	1 space per 8 occupants (maximum capacity)
	Public or Governmental Building	Per § 10-6
	Public/Private Primary or Secondary or Collegiate School	1 space per 5 students plus 1 space per employee
	School, College or University.	
	- Elementary and middle school	0.10 spaces per student
	- High school	0.30 spaces per student
	- College, university	Per § 10-6
	Artist, Photographer Gallery, similar	1 space per 500 square feet GFA
	Parks and Recreation	
	- Park	5 spaces per acre
	- Swimming Pool	10 spaces per 1,000 sq. ft. of water surface
	- Tennis Courts	2.25 per court
	Cemetery or Memorial Garden	Per § 10-6
Utilities and public service facility		
	Municipal Water and Waste Water Treatment Facility	Per § 10-6
	Essential Services	Per § 10-6
	Public Utility	Per § 10-6
Commercial use		
	Assembly and Entertainment	1 parking space for every 200 square feet of gross floor area
	Movie, Cinema, Theater	1 space per 3 seats plus 1 per employee
	Outdoor Commercial Amusement, Indoor Arcade	1 space per 3 seats at maximum capacity plus 1 per employee
	Indoor Recreational facility	1 space per 3 seats plus 1 per employee
Services		
	Animal Services	2 spaces per examination table
	Group Day Care Center, Group Home, Nursery School, Preschool	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft.
	Trade, Vocational, Commercial or Business School	1 space per 5 students
	Catering Services	1 space per 300 square feet

Table 10-3.B.		
CATEGORY	**USE**	**MIMUMUM PARKING REQUIRED**
	Business Service Shop	1 space per 400 square feet GFA
Personal improvement service		
	Health Spa/Fitness Center/Tanning Salon	1 space per 300 square feet GFA
	Salon, Barber	1 space per 250 square feet GFA
	Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
	Food market and grocery stores over 20,000 square feet	4.5 spaces per 1,000 square feet
	Convenience, Grocery, Hardware, Drug	1 space per 300 square feet GFA
	Dry Goods Store	1 space per 400 square feet GFA
	Shopping Center	1 space per 300 square feet GFA
	Auction House, Sale Barn	1 space per 3 seats in assembly rooms
	Farmer's Market	1 space per 3 seats in assembly rooms
	Retail Bakery	1 space per 300 square feet GFA
	Specialty Retail selling primarily one type of goods	1 space per 500 square feet GFA
	Eating and Drinking Establishments (except for the following uses)	1 parking space for every three seats
	Carry-out restaurant	1 parking space for each 50 feet of gross floor area, plus one space for each two employees.
	Coffee Shop, Ice Cream Shop	1 space per 300 square feet GFA
	Tavern, Night Club, Lounge	1 space per 3 patrons at maximum capacity
Consumer maintenance and repair service		
	Dry Cleaner (dry cleaning performed off site)	1 space per 400 square feet GFA
	Dry Cleaner(full service)	1 space per 400 square feet GFA
	Repair Shop, including service/repair such as clocks, jewelry, small appliances, shoe, television and radio and associated storage facility	
Funeral and mortuary service		
	Funeral and Mortuary Service	12.5 spaces per 1,000 sq. ft.
Business support service		
	Printing, Publishing	1 space per 500 square feet GFA
Studio, instructional or service		
	Studio for Instruction in Dance, Art, Music, similar	1 space per 5 students
Financial service		

Table 10-3.B.		
CATEGORY	**USE**	**MIMUMUM PARKING REQUIRED**
	Bank, Financial Institution	1 space per 300 square feet GFA
Lodging		
	Bed and Breakfast	1 space per guest room and two spaces for the owner-occupant.
	Hotel, Motel	1 parking space for each guest room plus 1 space per employee
Office		
	Health Clinic	2 spaces per examining table plus 1 space per employee
	Professional Office, Business Office (non-medical	1 space per 300 square feet GFA
	Professional Office (medical)	
	Medical, Dental and Health Practitioner	6 parking spaces for each professional, plus one space for each employee.
Commercial vehicle repair and maintenance		
	Agricultural Machinery, Equip. or supplies sales & repair	1 space per 300 square feet GFA
	Engine and Motor sales and service	1 space per service bay plus one per employee
	Gasoline Service Station, Auto repair	1 space per pump, 1 space per bay, plus 1 space per employee
	Large Truck Repair or Service shop	1 space per service bay plus one per employee
	Temporary Storage and service of transient Trailers, Camping Trailers, Touring Vans, etc.	Per § 10-6
	Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
	Automobile or Boat sales, rental	1 space per 300 square feet GFA
	Personal vehicle repair and maintenance	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
	Small auto, small truck and tractor repair	1 space per service bay plus one per employee
Wholesale, distribution & storage		
	Plumbing Shop, Contractor Shop	1 space per 500 square feet GFA
	Wholesale Distribution Warehouse, Commercial	1 space per 500 square feet GFA
	Feed and Grain Supply and Storage Facility	Per § 10-6
Wireless		

Table 10-3.B.		
CATEGORY	**USE**	**MIMUMUM PARKING REQUIRED**
telecommunications		
	Communication Tower	Per § 10-6
Industrial		
	Small Scale Manufacturing and Assembly such as cabinet making, furniture upholstery	2 per employee
	Agricultural Products Processing Plant	Per § 10-6
	Bulk Plant	Per § 10-6
	Utility Building or Facility	Per § 10-6
	Fuel Storage over 10,000 Gallons	Per § 10-6
	Lumber Yard, Storage Yard, Stone Monument Dealer	1 space per 500 square feet GFA
	Other General Manufacturing, assembly or light industrial plant and uses	Per § 10-6
	Research and Development Facility	Per § 10-6
	Sawmill, Commercial	Per § 10-6
	Water and/or Waste Water Treatment Supply Facility (non-accessory)	1 space per 500 square feet GFA
Accessory use		
	Family Day Care Center	1 space per employee plus 2 spaces for residence
	Boarding House, Lodging House	2 parking spaces, plus one parking space per rented room
	Garage/Yard Sale	NA
	Home Occupation	1 parking space plus 2 spaces for the residence
Agriculture		
	Commercial Greenhouse or Nursery	1 space per 500 square feet GFA
Other		
	Emergency Mobile Home	Per § 10-6
	Automobile Parking Lot (non-accessory use)	NA
	Temporary Structure incidental to Construction	NA
	Game Check-in Station	NA

§ 10-4. Calculation of required parking.

The following rules apply when calculating the required number of off-street parking spaces:

A. Multiple uses.

Unless otherwise expressly allowed in accordance with the shared parking regulations of § 10-3.B, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

B. Fractions.

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

C. Area measurements.

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses.

D. Bench seating.

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See Figure 104.D.

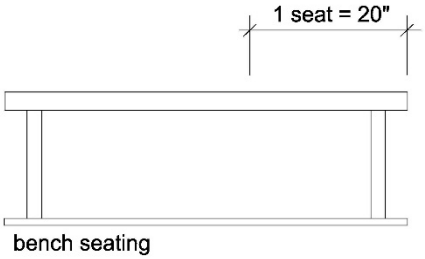

Figure 10-4.D: Bench Seating Measurement

E. Occupancy- or capacity-based standards.

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

F. Flexibility in administration required.

1. The Town recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth herein may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.

2. Without limiting the generality of the foregoing, the Planning Commission may allow deviations from the parking requirements set forth herein when it finds that:

   a. A residential development is irrevocably oriented toward the elderly;

   b. The proposed development is an infill or redevelopment project located in the CR Community Redevelopment District; or

   c. A business is primarily oriented to walk-in trade.

3. Whenever the Planning Commission allows or requires a deviation from the parking requirements set forth herein, it shall enter on the face of the zoning certificate and/or site plan the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

4. If the Planning Commission concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by § 10-3 for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements.

§ 10-5. Modification of Parking Requirement.

Should the configuration of the lot, the placement of existing conforming structures, or a change of use to a conforming but more intensive use, preclude strict adherence to this paragraph, the Planning Commission may modify the parking requirements provided that the owner demonstrates:

A. On-street parking is available and adequate and that the parking required by the contemplated use will not materially impede the flow of traffic or preempt existing parking, and/or;

B. A written agreement, allowing parking required by the use of an adequate private or public off-street parking lot within a walking distance of three hundred (300) feet.

C. In the situation of two or more establishments seeking to share the same off-street parking facility, the following conditions apply:

1. Individual establishments shall not normally be opened or used during the same principal operating hours.

2. The establishments sharing parking spaces shall be bound by a written legal agreement.

§ 10-6. Unlisted uses and establishment of other parking ratios.

A. The Planning Commission is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted.

B. Such ratios may be established on the basis of a similar use/parking determination (as described in § 10-3), on parking data provided by the applicant or information otherwise available to the Planning Commission.

C. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.]

§ 10-7. Location of off-street parking.

A. General.

Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

B. Setbacks.

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks of the subject zoning district.

1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway. Driveways must be improved with a hard, dustless material approved by the Administrator.

2. Nonresidential parking areas shall be located at least 10 feet from every street line and six (6) feet from every residential lot line.

C. Off-site parking.

1. When Allowed. All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and parking required for residential uses may not be located off site.

2. Location. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the farthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit the principal use to be served by the off-site parking spaces, unless approved as a special exception.

3. Design. Off-site parking areas must comply with all applicable parking area design and parking lot landscape regulations of this zoning ordinance and conform to the Appendix B Sudlersville Design Guidelines to the maximum extent practical as decided by the Planning Commission.

4. Control of off-site parking area. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided, in a form approved by the town attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

§ 10-8. Use of off-street parking areas.

A. Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential-zoned property from displaying vehicles for sale on the property's off-street parking facilities provided the vehicle is owned by the owner or occupant of the residential property. Except for flagrant or repeated violations, the town will endeavor to obtain voluntary compliance with the restrictions on displaying cars for sale prior to initiation of enforcement proceedings.

B. No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential or business zoning district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises. The sale of gasoline and motor oil in conjunction with off-street parking facilities is not permitted in any residential zoning district.

§ 10-9. Parking of recreational vehicles and equipment.

A. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the required front yard setbacks.

B. Notwithstanding the regulations of § 10-8A, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard, in the street yard if stored on a driveway, or on an adjacent street provided that the Administrator is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding ten (10) days in aggregate (which may or may not be consecutive) within any period of thirty (30) consecutive days.

C. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.

D. The recreational vehicle, recreational equipment, or utility trailer must be properly licensed.

E. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground so as to prevent its ready removal.

F. No parked or stored recreational vehicle may be used for living, sleeping or business purposes.

§ 10-10. Parking area design.

A. Tandem and valet parking arrangements.

Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem parking which may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit.

B. Stall sizes and parking lot geometrics.

1. Off-street parking areas must be designed and constructed in accordance with the regulations of Table 10-10.B.2. See also Figure 10-10.B2.

Table 10-9.B.2 Parking area dimensions.

	Angle of Parking			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	33 (middle), 24 (ends)	18	19	18
Aisle Width (feet)	14 (one-way), 24 (two way)	14	15	24
Module Width (feet)		50	53	60
Note: Dimensions must be measured from the centerline of the strip delineating the space.				

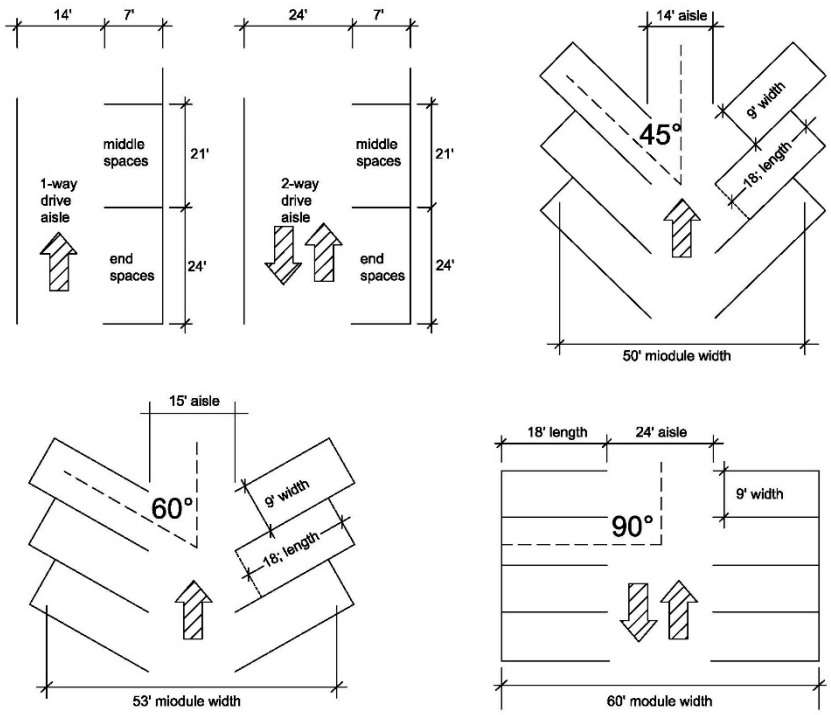

Figure 10-10.B.2: Parking Area Dimensions

C. Striping.

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted with the standard ADA white symbol on blue background. See Figure 10-10.C.

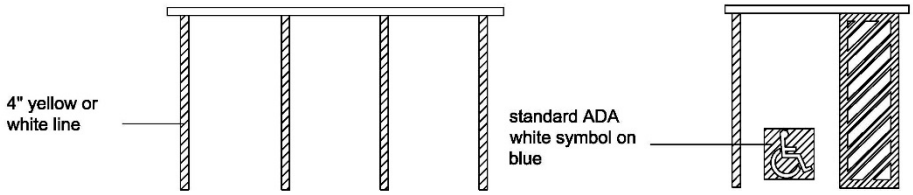

Figure 10-10.C: Parking Lot Markings

D. Surfacing.

All outdoor parking spaces must be properly engineered and improved with a compacted stone base and surfaced with asphaltic concrete, or other comparable all-weather, dustless material approved by the Administrator.

E. Wheel Stops.

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.

F. Curb and gutter.

Combination concrete curb and gutter or concrete barrier curbs are required around the perimeter of all parking lots containing 5 or more parking spaces and around all landscape islands and divider medians. Alternatives to curb and gutter that comply with the town's best management practices for stormwater management may be approved at the sole discretion of the Administrator.

G. Landscaping.

All off-street parking lots containing 5 or more spaces must be landscaped in accordance with Article XII.

J. Access.

1. Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space.

2. All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.

3. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed sixteen (16) feet in width, excluding any flared pavement portion, as measured at the lot line. See Figure 10-9.J.

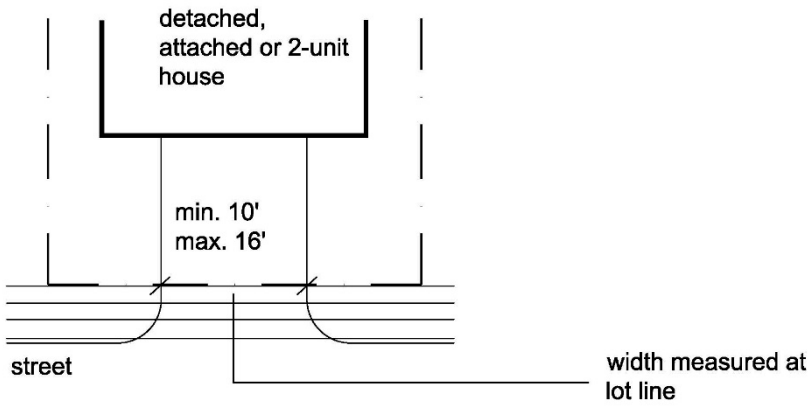

Figure 10-10.J: Driveway width

4. All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Administrator.

5. All driveways must be improved with an all-weather, dustless material approved by the Administrator.

§ 10-11. Accessible parking for people with disabilities.

A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Maryland Accessibility Code.

B. Accessible spaces must be provided in accordance with Table 10-11.B.

C. Accessible parking spaces count towards the total number of parking spaces required.

D. Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See Figure 10-11.D.

Table 10-11.B: Minimum accessible parking space ratios.

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20% of total
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

E. Accessible parking spaces must be signed in compliance with applicable State law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by the town.

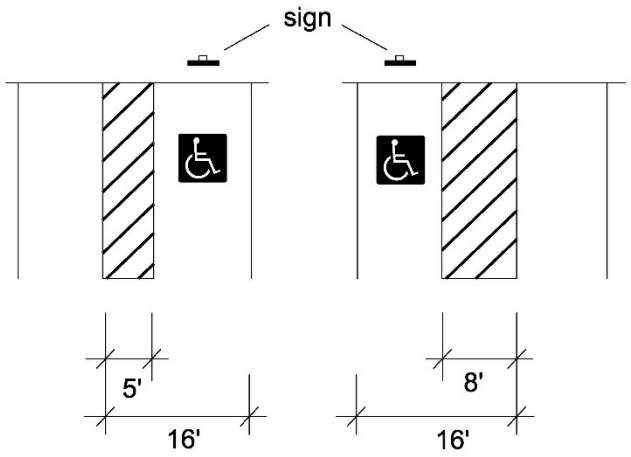

Figure 10-11.D: Accessible Parking Spaces

F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

§ 10-12. Drive-through and drive-in facilities.

A. Purpose.

The regulations of this section are intended to help ensure that:

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;

2. vehicles awaiting service do not impede traffic on abutting streets; and

3. impacts on surrounding uses are minimized.

B. Applicability.

The regulations apply to new developments, the addition of drive-through and drive-in facilities to existing developments and the relocation of existing drive-through facilities.

C. Stacking spaces required.

Stacking lanes must be provided in accordance with the minimum requirements of Table 10-12.C.

Table 10-12.C: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	8 total spaces, with at least 3 spaces between the order and pick-up station
Other	3 spaces per lane, ordering station or machine

D. Stacking lane dimensions, design and layout.

1. Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 10 feet.

2. All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

E. Setbacks.

Stacking lanes must be set back at least 50 feet from any abutting residential zoning district and at least 25 feet from all other lot lines.

F. Noise.

Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.

G. Site plans.

Site plans must show the location of drive-through windows and associated facilities (for example: communications systems and access aisles), as well as adjacent residential uses.

§ 10-13. Off-street loading.

A. Minimum ratios.

Off-street loading spaces must be provided in accordance with Table 10-13.A.

Table 10-13.A: Off-street loading space requirements**.**

Use Type	**Minimum Loading Spaces Required**
Multi-unit or Mixed-use residential	
Under 60 units	None
60+ units	1 space per 60 units
Nonresidential	
Under 20,000 square feet	None
20,000 to 99,999 square feet	1
100,000 plus square feet	1 space per 100,000 square feet

B. Design and location.

1. Off-street loading spaces must be at least 12 feet in width and 50 feet in length unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.

2. All loading spaces must be located on the subject lot and include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the Administrator.

3. Off-street loading spaces may occupy all or any part of any required yard, except a front yard. Nonresidential off-street loading spaces shall be located at least 15 feet from every street line and six feet from every residential lot line. The edges of the loading spaces shall be curbed or buffered, and the space between the off-street loading area and the street or lot line shall be landscaped and maintained in a sightly condition.

4. All off-street loading areas must be properly engineered and improved with an all-weather, dustless surface approved by the Administrator.

5. Plans for the location, design and construction of all loading areas are subject to approval by the Administrator.

6. Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

ARTICLE XI SIGNS

§ 11-1. Purpose.

The purpose of this Article is to permit signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, morals and general welfare; to permit and regulate signs in such a way as to support and complement land use objectives set forth in this

Ordinance; to prevent the proliferation of signs which detract from the appreciation of the landscape; and to preserve and enhance the attractiveness of the Town of Sudlersville.

§ 11-2. Applicability.

A. Any sign erected, placed, attached, altered, reconstructed, or modified after the adoption or amendment of this Ordinance shall conform to the following. For purposes of this Section, the term "alter" shall mean any change whatsoever except mere repainting, minor repair or changing the message of a conforming sign.

B. For the purposes of this Section, the term "indirect illumination" shall mean a sign which does not produce artificial light from within itself but which is opaque, and illuminated by spotlights or flood lights, not a part of or attached to the sign itself.

C. These regulations do not apply to a sign on a truck, bus, or other vehicle which identifies the product, service or activity for which the vehicle is used and which is incidental to the primary business use of the vehicle for transportation.

§ 11-3. General Regulations.

A. No signs requiring permits shall be erected until approved by the proper authority. Signs for new permitted business, commercial and industrial establishments require approval during site plan review before the Planning Commission. The Administrator approves new signs for existing structures and businesses.

B. No sign shall be fastened to, and supported by, or on the roof of a building; and no projecting sign shall extend over or above the roof (including mansard roofs) or a parapet wall of a building.

C. No attached signs shall project more than three (3) feet beyond the building line.

D. No freestanding signs shall project beyond the property line or road right-of-way nor shall they be placed in a location which obstructs pedestrian traffic or vehicular visibility. Official traffic signs may be located in the road right-of-way.

E. Any freestanding sign shall be set back from the side and front lot lines a distance at least equal to the height of the sign or a minimum distance of ten (10) feet, whichever is greater.

F. All real estate signs advertising property for sale shall be removed within seven (7) days following the sale of the property.

G. Campaign or election signs shall be permitted, provided each of the following conditions is met.

1. The signs are unlighted or indirectly lighted.

2. The sign area is less than sixteen (16) square feet.

3. The signs meet all applicable state and federal regulations.

4. Campaign or election signs shall be removed no later than ten (10) days following the election unless such signs shall continue to be addressed to an election to be held within the next ninety (90) days.

H. Upon written notice from the Planning Commission or its agent that a sign is unsafe, damaged or deteriorated, the owner of the site and/or the owner of the sign shall repair or remove the sign. Immediate action is required for the repair or removal of unsafe signs. If repair or removal is not achieved within the time period specified in the written notice from the Planning Commission or its agent, the sign shall be repaired or removed by the Town and the cost shall be assessed to the property owner.

I. After a use is discontinued, all on-site signs pertaining to that use including display letters, numerals, symbols, figures, designs, or any other device for visual communication of that discontinued use shall be removed within fifteen (15) calendar days of the termination of the use. If any such sign is not removed within the fifteen (15) calendar day limit, the Town may remove such signs after fifteen (15) calendar day's written notice. The cost of the removal shall be assessed to the property owner.

§ 11-4. Maintenance of Signs.

All signs shall be maintained in good condition or appearance. The Administrator shall remove or cause to be removed any sign which shows gross neglect, becomes dilapidated or where the area around the sign is not well maintained.

§ 11-5. Prohibited Signs.

Existing signs of a prohibited nature shall be considered non-conforming signs. The following signs are prohibited in all districts:

A. Flashing or rotating signs except that a portion of a sign may indicate a changing time, temperature or date.

B. Signs, by reason of their intensity, color, location, or movement interfere with traffic lights, signals, or in any other manner impair public safety or imitate a traffic control device. This includes signs with pennants, ribbons, streamers, strings of light bulbs, and all other fluttering, spinning or other moving devices. Beacon lights are not permitted.

C. Signs advertising an activity, business, product, or service no longer conducted or available on the premises.

D. Freestanding signs greater than six (6) feet in height and thirty-two (32) square feet in area except as provided in the § 11-10.

E. Flashing signs or signs with exposed neon tubing.

F. Signs attached to utility poles or any other unapproved supporting structures. No sign which requires a zoning permit shall be attached to a tree.

§ 11-6. Illumination.

A. The light from any illuminated sign shall be of low intensity and shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.

B. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

C. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb light or lamp to any public street or adjacent property.

D. The owner of a sign and the owner of the site upon which the sign is located are jointly and severally responsible for maintaining the sign, including its illumination system.

§ 11-7. Area of Sign.

A. The area of a sign shall be construed to include all lettering, working, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

B. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

D. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical.

§ 11-8. Master Signage Plan.

A. A master signage plan shall be required for all commercial businesses, proposed shopping centers, industrial park, institutional or industrial development. No permit shall be issued for an individual sign requirement a permit unless and until a Master Signage Plan has been approved by the Planning Commission.

B. Information required. A Master Signage Plan shall contain the following information:

1. An accurate plot plan of the proposed development site, at such scale as the Zoning Administrator may reasonably require.

2. Location of buildings, parking lots, driveways, and landscaped areas;

3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs and banners allowed on the zone lot(s) included in the plan;

4. Sign plans and, if requested, photo simulation of the signs in the proposed location; and

5. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

C. Proposed standards for consistency among all signs affected by the Master Signage Plan with regard to:

1. Color scheme;

2. Lettering or graphic style;

3. Lighting;

4. Location of each sign on the buildings;

5. Material; and

6. Sign proportions.

D. No sign permit shall be issued for a sign included in a master signage plan that does not conform to the standards of the master signage plan. A master signage plan may be amended at any time.

§ 11-9. Signs in the SF and TR Districts.

Signs permitted in the SF and TR districts shall be limited or regulated in the following manner:

A. An unlighted real estate sign not exceeding four (4) square feet square in area.

B. A freestanding sign not to exceed four (4) square feet in area shall be permitted in conjunction with an accessory use. The base of a freestanding sign shall be solid and designed as an architecturally integrated element of the sign.

C. A free-standing indirectly illuminated sign not to exceed four (4) square feet in area identifying an approved special exception use other than as specified in § 11-11. The base of a freestanding sign shall be solid and designed as an architecturally integrated element of the sign.

D. On a temporary basis not to exceed two weeks in length, an additional free-standing similar to one allowed in § 11-9. B may be used for special events and promotions.

E. Wall-mounted signs, name plates and projecting signs extending not more than thirty (30) inches from the front of the building are permitted to identify allowable non-residential uses including approved special exceptions uses provided they are compatible with the building and adjacent structures and do not exceed two (2) square feet in area.

F. Historical markers/signs shall not exceed ten (10) square feet in area and must be designed to enhance and blend with its historical surrounding.

G. No signs may be painted directly on any wall or roof of a building or a fence.

H. Signs for garage and yard sales, name and address of occupant, owner, or property, construction site and public interest or caution messages are allowed as regulated in Table 11-10.A.

I. The maximum sign area for these districts is twelve (12) square feet.

§ 11-10. Signs in the TCC, MU, PN and PED Districts.

Location, size, height of signs must follow the regulations listed in "Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts," except for signs in the SF and TR district which must adhere to Section § 11-9 of this Article.

Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts

Type of Sign	Max. Number Allowed per Use	Max. Sign Area Allowed (sq.ft.)	Max. Height	Illumination Permitted	Permit Required	Time Limit	Zoning District Allowed
Garage or Yard Sales	2	6 each	4	No	No	Coincident with Use	All Districts
Farmer's Market	1	24	6	No	No	None	All Districts where permitted
Political	(a)	16	4	No	No	see § 11-3.G	All Districts
Legal Notices, Official Traffic Signs	None	None	None	No	No	None	All Districts
Real Estate Sale, Lease or Rental	1 per road frontage	9 each	4	No	No	None	All Districts
Special Event- Advertising of Special Civic or Cultural Events Sponsored by Governmental, Club or Charitable Organization (b)	6	16	6	Yes	No	30 days/event	All Districts where such use is permitted
Special and New Business Sales Promotional Displays (b)	(a)	16	6	Yes	No	30 days/event	" "
Special Decorative Holiday	None	None	6	Yes	No	60 days/year	" "
Name and Address of Occupant, Owner, or Property	1	4	6	No	No	None	All Districts
Place- Identification of a Residential Development, Public Facility, Historic Facility, Farm, etc.	1	20	6	Yes	No	None	All Districts
Institutional- Club, School, Library, Place of Worship, Firehouse, Nursing home, Cemetery, etc. Identification or Bulletin Board	1	24	6	Yes	No	None	All Districts where permitted
Public Interest- Cautionary Messages, including "No Trespassing," etc. or Informational Messages, including "Exit," "Parking," etc.	No limit	2 each	6	No	No	None	All Districts
Home Occupation Identification	1	4	6	No	No	None	All Districts
Construction Site- Identification of Architect, Engineer, Contractor	1	16	6	No	No		All Districts

Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts

Type of Sign	Max. Number Allowed per Use	Max. Sign Area Allowed (sq.ft.)	Max. Height	Illumination Permitted	Permit Required	Time Limit	Zoning District Allowed
Freestanding Signs - Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	48	6	Yes	Yes	None	TCC, MU, PN
Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	64	6	Yes	Yes	None	PED
Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	16	6	Yes	Yes	None	TR, PN

* Table 3 does not include sign restrictions for the SF and TR districts. See Section 4-708.

a) Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type.

b) Signs located on a building window are not included when determining maximum number or sign area allowed.

§ 11-11. Variances.

A person requesting a variance from the provisions of this Article must follow the procedure described in Article IX, Part 4 of the Zoning Ordinance.

§ 11-12. Sign Definitions.

The purpose of this Section is to define certain terms and words pertaining to signs.

Abandoned Sign - A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty days or more, or a permitted temporary sign for which the permit has expired.

Accessory Sign - A sign relating only to uses of the premises on which the sign is located or products sold on the premises on which the sign is located or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.

Banners, Flags, Pennants, And Balloons - Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention.

Detached Sign - A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall not a part of a building, shall be considered a detached sign.

Double-Faced Sign - A sign with two faces, back to back, which are usually, but not necessarily, parallel, and located not more than 24 inches from each other.

Existing Sign - Any sign that was erected, mounted, or displayed prior to the adoption of this Zoning Ordinance.

Facade - The entire building wall, including parapet, fascia, windows, doors, canopy, and roof on any street-facing elevation.

Flashing Sign -An illuminated sign on which the artificial or reflecting light is not maintained stationary and constant in intensity and color all times when in use. Any sign that revolves or moves, whether illuminated or not, shall be considered a flashing sign.

Flat Sign - A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 18 (eighteen) inches at all points.

Illuminated Sign - Any sign designed to give forth artificial light, reflect light from another source, or back-lighted by spot lights or flood lights not a part of or attached to the sign itself.

Indirectly Illuminated Sign - A sign which does not produce artificial light from within itself but which is opaque and back lighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself or a sign of translucent nontransparent material illuminated from within but with no exposed or exterior bulbs, tubes or other light source.

Marquee - A covered structure projecting from and supported by the building, with independent roof and drainage provisions, and which is erected over a doorway or doorways as protection against the weather.

Marquee Sign - Any sign attached to or hung from a marquee.

Mural Sign - An expression of public art painted directly on the exterior of a building or on a backing that is affixed to the building and is sanctioned by the property owner.

Nonconforming Sign - Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto, and does not conform with the provisions of this Article.

Portable Sign - Any sign which is not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle.

Projecting Sign - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure. The term projecting sign includes a marquee sign.

Seasonal/Holiday Sign - A sign, used for emphasizing the celebration of a local or historic American holiday, which is erected for a limited period of time.

Sign - Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, or merchandise, whatsoever for advertisement, announcement, identification, description, or direction purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes.

Sign Area - The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Sign Height- The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the

nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Temporary Sign - Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Window Sign - Any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within a distance equal to the greatest dimension of the window if obviously intended for viewing from the exterior.

Window Sign, Temporary - A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

ARTICLE XII. LANDSCAPING AND ENVIRONMENTAL PROTECTION

Part 1 Landscaping and Screening Requirements

§ 12-1. Purpose and Intent.

A. The purpose and intent of this Section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of an attractive Town; to conserve natural resources including adequate air and water; to conserve properties and their values; and to encourage the appropriate use of land. More specifically this Section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, artificial light intrusion, and other objectionable activities or impact conducted or created by adjoining or nearby use.

B. Additionally, this Section is intended to require the landscaping of certain parking lots in order to reduce the harmful effect of heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and lessen storm water drainage problems; to prevent soil erosion; to provide shade and to enhance the blighted appearance of parking lots.

§ 12-2. Applicability.

The provisions of this Article shall apply to all development where major site plans are filed in accordance with the provisions of § 7-9 and to all public and private parking facilities.

§ 12-3.Landscaping Requirements.

A. A land plan shall be submitted as part of every site plan required by the provisions of § 7-9 .

B. The landscaping plan shall include sufficient information to demonstrate the function and intent of the landscaping to be provided and its suitability for the zoning district in which it is located

and the project for which it has been designed. The landscaping plan shall at the minimum include the following:

1. The location, general type, size and quality of existing vegetation, including specimen trees and existing significant trees.

2. The existing vegetation to be retained.

3. The methods and details for protecting existing vegetation during construction and the approved sediment and erosion control plan, if available.

4. Location and variety of the proposed vegetation.

5. Plant lists or schedules with the botanical and common name, required and proposed quantities, spacing, height and caliper of all proposed landscape material at the time of planting and at maturity.

6. The location and description of other landscape improvements, such as earthen berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.

7. Planting and installation details as necessary to ensure conformance with all required standards.

8. A maintenance plan describing irrigation, pruning, replacement of dead material and other care procedures.

B. The landscaping measures shall be completed according to specifications in the landscape plan prior to final approval of any zoning permit unless otherwise permitted by the Administrator.

§ 12-4. Screening Requirements for Commercial and Industrial Uses on Large Lots.

All commercial and industrial development on lots of over twenty thousand (20,000) square feet for which site plans are filed in accordance with the provisions of § 7-9 shall be effectively screened or buffered from adjoining residential properties with the following bufferyard requirements:

A. The bufferyard shall be a minimum of twenty-five (25) feet wide and shall serve as sound and visual barriers. This buffer can consist of alternative plant units depending on conditions. A combination of existing and new plant units may be used. A variety of mast or fruit producing species and conifer shall be included in the buffer.

B. Eighty percent (80%) of the buffer can be planted as seedlings. In some cases the use of seedlings may require photodegradable tree shelters or larger growing stock such as four (4) to five (5) foot whips. An appropriate match of inter-planted over-story and understory tree seedlings should be used.

C. A minimum of twenty percent (20%) of the buffer shall be planted in larger stock trees with five (5) to six (6) foot over-story trees planted in a center row and two (2) to three (3) foot understory trees and shrubs on outside rows.

§ 12-5. Perimeter Parking Lot Landscaping.

All off-street parking facilities, whether or not located on the same lot as the use to which it is accessory, containing five (5) or more parking spaces shall meet the following perimeter landscaping requirements.

A. A landscaping strip five (5) feet in width shall be located between the parking facility and the adjoining lot lines.

B. A minimum of one (1) shade tree for every forty (40) feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or low shrubs shall be used as the primary landscape material.

C. On the landscaping strip adjacent to a street right-of-way, or to a residential use, a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four (4) feet or greater than six (6) feet in height is required to reduce the visual impact of the parking facility.

§ 12-6. Internal Landscaping of Surface Parking Facility.

A. Any surface parking facility of twenty-five (25) or more spaces shall be landscaped with shade trees of not less than five percent (5%) of the internal area of the surface parking facility. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving.

B. Planting area should be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.

§ 12-7. Lighting in Parking Lots.

Any lighting used to illuminate any parking area shall have full cutoff fixtures and be so arranged as to direct the light away from adjoining residential areas and from public roads. The height of exterior lights to illuminate parking areas shall not exceed twenty (20) feet.

§ 12-8. Screening Trash Receptacles.

Surrounding commercial or institutional trash dumpsters and/or receptacles a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four (4) feet or greater than six (6) feet in height is required to reduce the visual impact of the trash receptacles.

§ 12-9. Maintenance.

A. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

B. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Section.

C. Besides essential road and utility uses, no use shall be allowed in a bufferyard which are harmful to the plant materials or detract from the purpose of the buffer.

§ 12-10. Fences, Walls and Hedgerows.

A. Fences and walls do not require a Zoning Permit.

B. Fences and walls are not subject to building setback requirements from public ways and adjoining lots.

C. No fence or wall of over four (4) feet may project into or enclose any required front yard. No fence or wall more than eight (8) feet in height may project into or enclose any required side or rear yard.

D. Fences and walls shall comply with § 6-10 of this Article regarding visibility at street intersections.

§ 12-11. Waiver or Modification.

The Planning Commission may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved:

A. For an interim use of a specified duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the lot; and

B. When such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties.

Part 2 Natural Resources and Sensitive Areas Protection

§ 12-12. Purpose.

A. Waterways and wetlands protection.

Waterways and wetlands require restrictive land use because of flooding hazards to human life and property in the immediate proximity and downstream; their groundwater recharge functions; their importance to water quality and the health of aquatic communities and other wildlife habitats.

B. Woodlands protection.

Woodlands offer a significant resource value for Town residents. Woodlands act as soil stabilizers and oxygen producers. Trees improve harsh microclimatic conditions in both summer and winter, provide habitats for birds, mammals and other wildlife, cleanse the air by transpiring

clean water into the atmosphere, provide recreation areas, as visual buffers between areas of development and within development, and increase property values.

C. Habitat Protection.

In recognition that wildlife and endangered species may inhabit specific eco-systems and that development may impair or eliminate the ability of the species to live and propagate, particular habitats must be preserved to insure their survival.

§ 12-13. General.

A. Proposed developments in all districts shall be designed in ways that identify sensitive natural areas and provide measures to protect and minimize disturbance and damage to these areas.

B. Sensitive natural areas include streams, waterways and wetlands; threatened and endangered wildlife habitats; floodplains; woodlands; and highly erodible and permeable soils. To the extent practical, sensitive natural areas shall be placed in open space areas.

§ 12-14. Location of Buffers and Bufferyards.

The following sensitive natural areas require protection and shall not be developed within the proscribed areas.

A. Waterways and Wetlands.

Waterways and wetlands shall a require twenty-five (25) foot non-disturbance buffer from the one hundred (100) year floodplain boundary; or when floodplains are not delineated on Federal Emergency Management Agency (FEMA) maps, there shall be a fifty (50) foot non-disturbance buffer from waterways and wetlands. The required buffer shall be vegetated or planted with bufferyards in accordance with § 12-15 of this Article. Setbacks are required on these wetlands and waterways:

1. Perennial and ephemeral streams (Reference- USGS 7.5 Minute Quadrangle Maps)

2. Wetlands (Reference- National Wetlands Inventory Maps)

3. Areas of wetlands and waterways that by field observation of a qualified forester at the developer’s expense, a Town official, or a State natural resources staff person are determined to exist upon a property.

B. Woodlands.

Woodlands shall be delineated at the developer’s expense by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.

C. Habitat Protection Areas.

1. Any development or significant land use change of a property located within a State designated Natural Heritage area will require that the Town review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources.

2. Based on the Department's recommendations, additional research and site analysis may be required to identify the location of threatened and endangered species on a site.

3. If any habitats are identified on a project site, the applicant shall develop a habitat protection plan to protect and conserve the habitats identified. The habitat protection plan may include buffers and bufferyards.

§ 12-15. Buffer and Bufferyard Requirements.

A. Wetlands and Waterways Buffers.

1. No development shall be permitted within twenty five (25) feet of a wetland or waterway plus, whenever a slope is present, an additional four (4) feet for every one percent (1%) of slope. Within this buffer area there shall be no tree or shrub removal, clearing, burning or grubbing. Activities shall be limited to best management practices to prevent soil erosion and to ensure soil stabilization.

2. Within the twenty-five (25) foot required buffer from wetlands and waterways, a bufferyard must be planted or existing vegetation preserved to substantively create this level of vegetative buffer:

   a. Eighty percent (80%) of the buffer can be planted as seedlings. In some cases the use of seedlings may require photodegradable tree shelters or larger growing stock such as four (4) to (5) foot whips. An appropriate match of inter-planted over-story and understory tree seedlings should be used. A minimum of twenty percent (20%) of the buffer shall be planted in larger stock trees with five (5) to six (6) foot over-story trees planted in a center row and two (2) to three (3) foot understory trees and shrubs on outside rows.

   b. A mixture of different tree species shall be utilized to include canopy trees such as ashes, maples, oaks, ginkgos, conifers, etc. and understory trees such as dogwoods, redbuds, crabapples, pears, etc.

3. Bufferyards are subject to deed restrictions or they may be transferred to any consenting grantees, such as the Town of Sudlersville, or a homeowner's association, provided that any such ownership and conveyance adequately guarantees the protection of the bufferyards for the purpose of this Ordinance.

B. Woodlands.

1. Established woodlands and forests shall not be extensively cleared or developed. In no case shall more than fifty percent (50%) of an existing woodland of one half (1/2) acre or more be developed.

2. At least twenty percent (20%) of a proposed open space area shall include existing woodlands or shall be afforested with bufferyards as outlined in this Section in order to establish woodlands. The developer shall provide forested wildlife corridors whenever practical. The creation and protection of woodlands shall be coordinated with an appropriate forester of the Maryland Department of Natural Resources.

3. All forests designated protected on site plans as required by this Section shall be maintained to the extent practicable, through recorded conservation easements, restrictive covenants, or other protective instruments.

4. Development sites containing woodlands of over one half (1/2) acre in size shall incorporate a wildlife corridor that connects the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with off-site habitats. Maintenance of the wildlife corridors must be insured by the establishment of conservation easements, restrictive covenants, or similar instruments through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts, and other organizations; said easements, covenants or similar instruments to be recorded among the Land Records of Queen Anne's County, Maryland.

§ 12-16. Essential Roads and Utilities Disturbance.

The construction of essential roads and utilities is permitted in sensitive natural areas if no other suitable areas or avenues are reasonably available and if mitigation and offsetting measures equal to or greater than the impacts of disturbance are provided.

§ 12-17. Open Space Subtraction.

With the agreement and approval of the Planning Commission, areas set aside for sensitive natural areas protection can qualify as the required open space area to a maximum of seventy percent (70%) of the passive open space requirement.

ARTICLE XIII AMENDMENTS

§ 13-1. Power of Amendment.

The Town Commissioners may from time to time amend, supplement, change, modify, or repeal this Ordinance including the zoning map. When doing so, the Town Commissioners shall proceed in the manner prescribed in this Article and in accordance with § 4-204 of the Land Use Article, Annotated Code of Maryland.

§ 13-2. Who May Initiate.

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Commissioners on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

A. Proposals originated by the Town Commissioners.

The Town Commissioners shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Town Commissioners to the Planning Commission. Within sixty (60) days of the submission of said proposal, the Planning Commission shall submit to the Town Commissioners a report containing the Commission's recommendations, including any additions or modifications to the original proposal.

B. Proposals originated by the Planning Commission.

The Planning Commission may at any time transmit to the Town Commissioners any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.

C. Proposals originated by a citizen's petition.

1. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modifications shall be submitted to the Town Clerk on forms provided by the Town Clerk.

2. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission.

3. Within sixty (60) days following a public hearing as provided in § 13-3 the Commission shall submit a report to the Town Commissioners containing the Commission's recommendations, including any additions or modifications of the original proposal. Failure to submit a report within thirty (30) days shall be deemed approved of the petition by the Planning Commission.

4. The Town Commissioners shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed or until sixty (60) days have elapsed, whichever may occur first.

§ 13-3. Public Hearing and Notice.

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Town Commissioners regarding the proposed action at which parties in interest and citizens shall have the opportunity to be heard. Notice shall be given as follows:

A. At least fourteen (14) days prior to the date fixed for public hearing, publish a notice containing the name of the applicant; the date, time, and place fixed for the hearing; and the general nature of such hearing in at least one (1) newspaper of general circulation in the town.

B. When such hearing concerns a zoning map change, post in a conspicuous place on the property involved a notice of pending action containing the same information as in A. above, such posting to take place at least fourteen (14) days prior to the date fixed for public hearing.

C. When such hearing concerns a zoning may change, give written notice of the time and place of such hearing, sent by registered mail to the applicant and to the owners of property contiguous to or opposite the property affected.

§ 13-4. Rezoning Findings.

A. Rezoning in this case means a proposal submitted by a citizen petition which if granted would result in the removal of property from one zoning district and placing it in another zoning district. The Town Commissioners shall make findings of fact and maintain a written record with regard to the following matters:

1. Population change

2. Availability of public facilities

3. Present and future transportation patterns

B. The Town Commissioners may grant a rezoning by citizen's petition based only upon a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the zoning classification of the subject property. The Town Commissioners shall also make a finding of what area reasonably constitutes the neighborhood of the subject property.

C. Even if the Town Commissioners find that there has been a change or mistake and that the application complies with all of the specific requirements of this Ordinance, they may deny the application for rezoning upon a finding that the proposed rezoning and possible resulting development would not be compatible with neighboring land uses or with the purposes and intent of this Ordinance or the Comprehensive Plan. A record of the complete vote shall be maintained.

D. No application for a reclassification for any parcel or part of a parcel that was denied on its merits shall be resubmitted for at least twelve (12) months following the date of the official vote of denial.

§ 13-5. Amendments for floating zones.

The provisions of this Article regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.

§ 13-6. Fees.

All applicants for zoning amendments shall, at the time of making application, pay to the Town Clerk, a fee in accordance with the fee schedule adopted by resolution of the Town Commissioners upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commissioners.

ARTICLE XIV DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Apartment - A second dwelling unit either in or added to an existing one-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure or Use - An accessory structure or use is a subordinate structure or use which is clearly incidental to the principal structure or use, and on the same lot as the main building or principal use of the land.

Administrator, the Administrator of Sudlersville - The officer or authorized representative designated by the Town Commissioners to carry out duties specified in this Ordinance.

Afforestation - The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently covered by forest.

Aggregate Area or Width - The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this ordinance.

Alley - A minor way, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

Apartment - A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family.

Arterial Road or Street - A street so designated in the Plan for Sudlersville including the major thoroughfares of MD Routes 300 and 313 which serve the regional area.

Automobile Repair or Service Shop - Any buildings, structure or area of land used for major automobile repair, body work or servicing, including the sale of fuels, oils, or parts; and where no more than three (3) junked automobiles or other motor vehicles shall be parked or otherwise stored on the premises and each for no longer than sixty (60) days.

Automobile, Small - An automobile that weighs less than 5 tons empty.

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

Bed and Breakfast, Boarding or Lodging House - A structure which has the size and outward appearance of a single family dwelling which contains:

(1) One private dwelling unit which is used as the permanent residence with a private bathroom of the natural persons who are owners of record of the structure; and

(2) One to five spare bedrooms, without separate cooking facilities, which the owner make available for a fee to no more than two persons per bedroom as lodging. Meals may or may not be provided; and

(3) Access to a full bathroom shall be made available to all guests or lodgers staying in the building, without going through any private rooms.

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

Board of Zoning Appeals - The Board established by the Town Commissioners which is authorized to grant Special Exceptions and Variances, as provided in this Ordinance.

Boarding House - Same as Rooming House.

Buffer, Bufferyard - Naturally vegetated area or vegetated area with a specified type and amount of plantings established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances and to provide visual screening in order to eliminate or minimize conflicts between land uses.

Buildable Width - The width of that part of a lot not included within the open spaces 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, Completely Enclosed - Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building Envelope - The area formed by the front, side and rear restriction or setback lines of a lot, within which the principal buildings must be located.

Building, Principal - Any building in which the main or principal use of the lot is conducted or intended to be conducted.

Building Setback Line - A line on a lot, generally parallel to a lot line or road right-of-way, to provide the minimum yards required by this Ordinance and beyond which the foundation walls, enclosed porch, vestibule or other enclosed portion of a building or structure shall not project.

Bulk Plant - Any premise where flammable, corrosive or combustible liquids are received from bulk shipping systems including tank vessels, pipe lines, tank cars, or tank vehicles; and are stored or blended in bulk for the purpose of distributing such liquids by bulk shipping systems including tank vessels, pipe lines, tank cars, or tank vehicles or container, to retail or wholesale customers. This definition does not include Automobile Filling and Service Stations or Automobile Repair or Service Shops.

Catering Services - Preparation and delivery of food and beverages for off-site consumption without provision for on-site pick-up or consumption.

Clinic - An office building or a group of offices for one or more physicians, surgeons, dentists, or other medical practitioners engaged in treating outpatients only.

Collector Road or Street - A road supplementary to the arterial road system providing access between this system and networks of local roads.

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

Common Recreational Area - An area within a designated development which is designed and intended for the use of all lot owners and residents of the development. This area is usually included in designated open space.

Comprehensive Plan - The Comprehensive Plan of current adoption, Town of Sudlersville, Maryland. A document consisting of written and mapped information, adopted by the Town Commissioners, and intended to guide the physical development of Sudlersville, including all changes and additions to the Plan.

Conservation Easement - Non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

Day care home - A home or facility, licensed by the State, where care is given in lieu of parental care, for a part of a twenty-four (24) hour day, to not more than eight (8) children under the age of sixteen (16), located outside of the home of the child's parents or legal guardian and where compensation is paid for the care.

Day Care Center - A facility, operated by an agency, institution or individual, licensed by the State, where care is given for a part of a twenty-four (24) day, to nine (9) or more persons and which operates on a regular schedule more than once a week.

Density - Number of dwelling units per acre within a defined and measurable area.

Development, Redevelopment - Any construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; land improvement; subdivision of land; or any combination thereof.

Dwelling - A building or portion thereof, designed or used exclusively for residential occupancy. Dwelling, Single Family: A building designed for or occupied exclusively by one family. It may not be a Trailer, Mobile Home, or Travel Trailer.

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

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

Dwelling, Townhouse - A one family dwelling forming one of a series of three or more attached buildings separated from one another by continuous vertical party walls which are without openings from the lowest floor level to the highest point of the roof.

Dwelling, Attached - One family dwelling on a permanent foundation, the walls on two sides of which are in common with the walls of adjoining dwellings and are party walls.

Dwelling Unit - A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or be a person living alone. Exclusive of an accessory apartment, the minimum size for a dwelling unit is 750 square feet.

Essential Services - Facilities such as wires, lines, poles, fire hydrants, cables, pipes or similar apparatus and which may be reasonably necessary for the furnishing of adequate water, sewer, gas, electric, telecommunication or similar services to adjacent customers. They do not include any cross country electric transmission lines, cable TV, telephone trunk lines, including microwave, or any cross country transmission pipeline.

Family - An individual or two or more persons who are related by blood, marriage, adoption or guardianship, including not more than two (2) persons not so related, living together and occupying a single housekeeping unit with single cooking facilities, or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.

Farm - A tract of land in actual agricultural use of five (5) acres or more in area.

Farmer's Market - A retail market selling predominantly locally produced fruits, vegetables, crafts and meats.

Filling Station, Gas Station - Any building, structure, or land used for the sale at retail, of motor vehicle fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

Flag Lot - A lot having access to a public or private right-of-way only by a narrow strip of land held in fee simple ownership.

Floor Area -

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

(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 it is a dead-end street, then all of the property abutting on one side between an intersecting street and the dead-end street.

(2) Lot Frontage: The distance for which the front boundary line of the lot and street line are the same.

(3) Frontage: The distance between the two side lot lines measured at the front building restriction line.

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

Garage or Yard Sale - A public sale conducted by an individual on his or her own premises of the purpose of selling of personal property; provided that no more than four (4) sales are conducted for a period not to exceed three (3) consecutive days each in any one calendar year. Personal property shall be items which are owned by an individual or his family 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.

Grade - Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

Granny Flat - See "Accessory Apartment."

Group Home - Any residential structure used to provide assisted community living for not more than eight (8) persons with physical, mental, emotional, familial, or social difficulties. This does not include houses organized for this purpose by public or private schools, or churches or other religious or public institutions caring for such persons within the group home building while parents or other custodial persons are attending services, activities or meetings.

Guest House - Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

Hazardous Material - (1) liquid or gaseous petroleum, (2) explosives, (3) a substance that when mixed with water or exposed to air becomes explosive in nature or reacts in such a way as to release a toxic gas or liquid, or (4) toxic, corrosive or pathogenic material or any material designated as hazardous by State and Federal regulations.

Health Clinic - A health care facility designed primarily for out-patient care with medical offices and equipment for diagnostic and treatment of human illnesses and health conditions.

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

Home Day Care - A facility operated in a residence by the owner of the residence for no more than four people, excluding residents, where care is given to children under the age of 18, or persons with physical handicaps, or persons in need of oversight because of old age, mental retardation or other disability, and which routinely involves care and housing for less than 18 hours per day per person.

Home Occupation - Any occupation or business conducted entirely within a dwelling or accessory unit which is clearly incidental and secondary to the use of the premises for dwelling purposes and carried out by a member of a family residing on the premises. The business shall employ no more than one employee other than the residents of the home and no article or commodity offered for sale is publicly displayed. The living quarters occupy at least two-thirds of the entire building/s area.

Hospital - A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

Hotel - A building in which lodging or boarding and lodging are provided for more than fifteen persons, primarily transient, or with more than ten (10) guest rooms, offered to the public for compensation. 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, which differs from a boarding, rooming or lodging house, or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns, clubrooms, public banquet halls, ballrooms, and meeting rooms.

Impervious Surface - Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Infill - The development of vacant, abandoned, passed over or underutilized land within built-up areas of Town.

Inn - A facility that provides for accommodation of overnight guests and may include a Class II restaurant wherein the owner of the business lives on the premises.

Junk - More than four (4) inoperable automobiles, trucks, tractors, and other such vehicles and parts thereof stored for more than sixty (60) days, dilapidated wagons, trailers, and other kinds of vehicles and parts thereof, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

Kennel, Commercial - Any land or structures used for the sale, rental, boarding, breeding or training for compensation or profit of domestic animals, primarily dogs and cats.

Laundromat - A business that provides washing, drying, and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

Loading Space - A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lodging House - Same as “Rooming House”.

Lot - A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings and the yard areas and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

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

Lot, Corner - A lot abutting upon two or more streets at their intersection. 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 one hundred thirty-five (135) degrees.

Lot, Depth of - The average horizontal distance between the front and rear lot lines. Lot Interior: A lot other than a corner lot with only one street frontage.

Lot Line - The boundary line of a lot.

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

Lot Line, Rear - A line connecting the rearmost points from a public or private access way on the side lot lines.

Lot of Record - Any validly recorded lot which at the time of this recordation complied with all applicable laws, ordinances and regulations.

Lot, Panhandle, Flag Lot - A lot which does not meet minimum road frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. The access road, if less than the minimum lot frontage, will not be used in computing the minimum required lot area or delineating the required building envelope.

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 (Double Frontage) - A lot having a frontage on two approximately parallel streets or places. The determination of which yard of a through lot is the front yard shall be made by t the Administrator based on the prevailing yard pattern in the neighborhood.

Lot Width - The horizontal distance between the side lot lines measured at the required minimum front yard line.

Mobile Home, Travel Trailer, Trailer Camp -

(1) Mobile Home- Any vehicle or similar portable structure with any or all of the following characteristics:

(a) Manufactured as a relocatable dwelling unit intended for year- round occupancy and with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar axles and wheels;

(b) Designed to be transported after manufacture on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house moving equipment;

(c) Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.

(2) Habitable Travel Trailer (Trailer) - A vehicular, portable structure designed to be used as a temporary dwelling for travel, camping and recreational purposes. Such units shall not include mobile homes. Such units shall not be used as permanent dwellings.

Modular Dwelling or Building, Pre-Manufactured Dwelling - A dwelling or building, consisting of a system of building sub-assemblies, including the necessary facilities and other service systems, manufactured in its entirety or in substantial part off-site, and transported to the point of use for installation or erection as a finished building or as part of a finished building, designed for use only on a site-built permanent foundation, not designed for ready removal to another site and not constructed on a permanent, integral chassis. A modular dwelling or building shall not be distinguished from a conventionally or site- built dwelling or structure.

Motel, Motor Court, or Motor Lodge - A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, it is open to the public, which differs from a boarding or lodging house, or a multiple dwelling. It is the same as a hotel, except that the buildings are usually designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

Motor Vehicle Dealer - A building, structure or area of land used for the storage or display for sale of motor vehicles but not used for the storage of dismantled or wrecked motor vehicles (as defined under "Junk.")

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

Nonconforming Use, Nonconformity - A building or land, lawfully existing before the date of this Ordinance, which does not conform with the height, area, or use regulations of the district on which it is located.

Nursing Home - A business, operated by on-site management, devoted primarily to the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries, not requiring extensive care but who do require care in excess of room and board and who need medical, psychological, nursing,

convalescent or chronic care. This definition includes rest homes, continuing care retirement communities, convalescent home and homes for the aged.

Open Space - Land and water areas retained in an essentially undeveloped or landscaped state. Land dedicated for open space may not include any structures, roads, parking areas, and other impervious surfaces.

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

Parking Space, Off-Street - An all-weather surfaced area not within a street right-of-way for the temporary storage of one vehicle and connected with a road by a paved driveway which affords satisfactory access for motor vehicles.

Place of Worship - A building or premises where person 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. Term includes "religious assembly".

Planned Unit Development - Land under unified control, planned and developed according to a comprehensive and detailed plans for all lots, sites, facilities, and structures; and includes a program for full provision, maintenance and operation of common areas and facilities.

Plant - The total floor areas of an enclosed building used for manufacturing, assembly or warehousing, plus the total area of the accessory structures.

Planning Commission - A commission of seven members appointed by the Town Commissioners whose duties are defined in Title 2, Subtitle 1 of the Land Use Article, Annotated Code of Maryland.

Plot plan - an accurate drawing or map of your property that shows the size and configuration of your property and the size and precise location of most man-made features (i.e. buildings, driveways, utility lines and walls or fences) on the property.

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

Regulations - The whole body of regulations, text, charts, tables, diagrams, maps, notations, reference, and symbols, contained or referred to in this Ordinance.

Residential/Local Street - A road that provides access to abutting residential properties.

Restaurant -

(1) Class I Restaurant. This is a type of restaurant other than a bakery; bake shop, or ice cream store, which provides as a principal use the sale of foods and beverages in a ready-to consume state, for consumption on or off the premises. These restaurants may have sit-down seating and delivery service but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar.

(2) Class II Restaurant. This type of restaurant is an establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state. This type of restaurant may include a bar, dancing, and live entertainment as regulated within the specific zoning districts. These restaurants do not have drive-up or drive-through services. Catering or delivery is permitted as an accessory use. The service of alcoholic beverages shall be served on the premises with meals or sold pre-packaged for off-premises consumption.

Right-of-way - A strip of land designated for the use of a road, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other uses.

Roadside Stand - An area and/or structure for display and sale of agricultural products, which are produced by the owner on the promise or within the immediate neighborhood of the road side stand.

Rooming House - A building where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five guest rooms or rental units.

Salvage or Junk Yard - Any land or structure used for the collecting, storage, salvaging or sale of junk; or for the collecting, storing, dismantlement or salvage of more than two (2) unregistered, inoperative motor vehicles, trailers or semi-trailers or the sale of parts thereof.

Setback - The minimum required distance between the point where any structure or sue on a lot meets the ground surface and any lot line or boundary of a Town, County or State road right-of-way.

Shopping Center - An integrated development of multiple commercial, retail or service establishments sharing common parking facilities and common access.

Site Plan - A drawing illustrating a proposed development and prepared in accordance with the specifications of this Ordinance.

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

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 next above it, then the space between such floor and the ceiling next above it.

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

Structural Alteration - Any alteration, interior or exterior, to an existing structure, which changes its size, shape, appearance, or other characteristics; does not include normal maintenance such as painting, replacement of rotted wood, repair of screens, replacement of major appliances, and the like.

Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Subdivision - The division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for transfer of ownership or building development of the land or territory subdivided.

Truck, small - A truck that weighs less than 5 tons empty.

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

Use, Principal - The specific primary purpose for which a premise is used.

Utility Building or Facility - Includes transformer stations or structures housing switching equipment and regulators, power transmission lines, radio and television towers, transmitter towers, and cell towers, hydroelectric lines, dams, power plants, transmission lines, substations, pumping and boosting stations, pipelines, administrative, construction, maintenance and storage facilities, and water and sewage treatment facilities.

Yard - An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance; the area between a lot line and the building line.

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

Yard, Rear - A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, balconies, terraces, 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 projections thereof.

Zoning Administrator - See “Administrator.”

Zoning Permit - A written statement issued by the Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Zoning District - An area within which certain uses of land and structures are permitted and certain other are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established.

APPENDIX A BASIC INFORMATION REQUIRED ON SITE PLAN PERMIT APPLICATIONS

NOTE: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission

			Development Stage	
			Major Site Plan	
Item#	**DESCRIPTION**	**Minor Site Plan**	**Prelim.**	**Final**
I.	**PROJECT-PLAT INFORMATION**			
1	Name, address of owner, applicant, developer and lienholder, date of application.	X	X	X
2	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X
3	Date of survey.	X	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
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
7	Existing and proposed zoning of tract and adjacent property from Official Zoning Map.	X	X	X
8	Adjacent property owners, names, Liber and Folio.	X	X	X
9	Title, north arrow and scale (1"=100').	X	X	X
10	Appropriate signature block for planning and zoning commission chairman, and the health department.	X	X	X
11	Appropriate certification blocks.	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		X
13	Monumentation, location and description.	X		X
14	Standardized sheets 18"x24" (final - black ink on mylar).	X	X	X
15	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points. (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
17	Date of original and all revisions.	X	X	X
18	Size and location of any existing or proposed structures with all setbacks dimensioned. Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures.	X	X	X
19	Number of dwelling units if applicable	X	X	X
20	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right of way widths.	X	X	X
21	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.	X	X	X

			Development Stage	
			Major Site Plan	
Item#	**DESCRIPTION**	**Minor Site Plan**	**Prelim.**	**Final**
22	Location and type of utilities.	X	X	
23	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	
24	References to protective covenants governing the maintenance of undedicated public spaces or reservations.	X		X
25	Location and size of proposed play grounds, and other public use areas.		X	X
26	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X	X	X
27	Statement of owner dedicating streets, right-of-way, and any sites for public use.	X		X
28	Total number of off-street parking spaces including ratio and number of units per space.	X	X	
29	List of required regulatory approvals/permits.	X	X	X
30	List of variances required or requested.	X	X	X
31	Requested or obtained design waivers or exceptions.	X	X	X
32	Payment of application fees.	X	X	X
33	Total area of the site that will be temporarily and/or permanently disturbed.	X	X	
II.	**SETTING-ENVIRONMENTAL INFORMATION**			
34	All existing streets, water courses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	
35	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X
36	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.		X	
37	Field delineated or survey topo.	X		X
38	Forest Stand Delineation (If required).	X	X	
39	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.	X	X	X
40	A 100 Year Flood Plain based on FEMA maps.	X	X	X
42	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	
43	Non-tidal wetlands identification based on field delineation/determination.			X
44	Soil types based on Soil Survey.	X	X	
45	Traffic Impact Study, as required.		X	
III.	**PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION**			
46	Subdivision Plat meeting requirements of Subdivision Regulations if applicable.	X		X
47	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.	X	X	X
48	Existing and proposed contour intervals	X	X	X
49	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management.	X	X	X
50	Grades and sizes of sanitary sewers and waterlines.	X	X	X

			Development Stage	
			Major Site Plan	
Item#	**DESCRIPTION**	**Minor Site Plan**	**Prelim.**	**Final**
51	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.	X	X	
52	Location of fire hydrants.		X	X
53	Construction details as required by ordinance.	X		X
54	Stormwater Management Plan.	X	X	X
55	Soil Erosion and Sediment Control Plan.	X	X	X
56	Lighting plan and details, as required.			X
57	Landscape plan and details.	X	X	X
58	Forest Conservation Plan		X	X
59	Preliminary architectural plans and elevations.		X	X
60	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.	X		X
61	Public works agreement and surety instruments.			X

APPENDIX B: SUDLERSVILLE DESIGN GUIDELINES

Purpose

Community design standards are meant to ensure that new development is compatible with the community character established by the existing architectural styles and scale of development in Sudlersville. These design standards recognize that the overall appearance of the Town bears a direct relationship to the social wellbeing of residents and to property values. It is the intent of the standards to:

A. Ensure that new development enhances the character, beauty, and livability of the Town;

B. Ensure that infill and redevelopment of structures in established neighborhoods make a positive contribution to the Town's character;

C. Ensure the historic and aesthetic integrity of existing Town structures is maintained as new development and redevelopment occurs;

D. Enhance the environment for pedestrians in Town;

E. Improve the quality of housing and commercial development;

F. Promote natural resource conservation through energy efficient development; and

G. Achieve the purposes of this Ordinance and promote implementation of the Town's Comprehensive Plan.

Applicability

Except where specifically noted, these provisions should apply to all development and redevelopment where site plan review is required in accordance with the provisions of this Ordinance, for infill and redevelopment projects reviewed under the provisions of § 3-8 and for Planned Development projects review under the provisions of § 3-5 and § 3-6.

Definitions

A. Proportion refers to the relationship between width and height of building facades.

B. Rhythm refers to the repetition and space of opening (windows and doors) on individual buildings as compared with adjacent structures. Rhythm also refers to the space of repetitive building masses along a street.

C. Scale refers to the size (height/width) relationship between adjacent structures. Human scale refers to the comfortable size relationship between buildings and people.

General Design Standards

In addition to building setback and bulk requirements set forth in this Article, new construction must adhere to the following standards:

A. The proportional relationship of individual facades should emphasize the vertical rather than the horizontal.

B. Large disparities between the height, width, and length of a building should be avoided.

C. Buildings, accessory structures, and signs should be compatible with each other and with neighboring buildings and structures in terms of building materials, height, proportion, rhythm, and scale.

D. All of the design elements of a building should maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.

E. Developments with more than one structure should be designed to promote a pattern of closely spaced buildings with multiple entrances.

F. Buildings and their primary entrances should be oriented toward the front yard on the lot.

G. Neighborhood context should dictate the choice of materials for exterior of buildings.

Permitted exterior building materials include only the following: brick, natural stone, parged or painted concrete block, wood or wood appearance siding, vinyl or aluminum siding (provided samples are submitted for inspection and approval by the Planning Commission and the colors are muted). Materials prohibited include asbestos, reflective glass, unparged or unpainted concrete block, glazed brick, porcelain metal panels, permastone and fiberglass.

H. Large blank walls and large areas of roof slopes uninterrupted by architectural elements should be avoided. Buildings should be designed to support a human-scale environment. Each floor level of building walls with frontage onto a street should be emphasized with windows. The front elevation of large structures must be divided into smaller areas and planes. When the front elevation of a structure is more than five hundred (500) square feet in area, the elevation must be divided into distinct planes of five hundred (500) square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes.

I. Rooftop mechanical/electrical equipment serving the structure should be completely screened from view on all sides. Screening should be architecturally integrated with the building. There should be no mechanical or heating/cooling equipment in the front yard.

J. New buildings should have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.

Infill Design Standards

A. In addition to the general guidelines established in § 3-8 infill development in the TCC, MU, and TR zoning districts should comply with the specific minimum standards of this section.

B. Purpose: Infill design standards are established to:

1. Ensure that infill and redevelopment in Sudlersville is compatible with the existing development.

2. Cultivate a clear and consistent image for development.

3. Assure effective control over the design of new buildings.

C. Application

The following specific minimum standards should apply:

1. Front Façade Height: The principal structure on a lot must attain at least two (2) stories in height in actuality or appearance at the front build-to-line.

2. Accessory Structures: Accessory structures, including attached and detached garages must be at least fifteen (15) feet to the rear of the build-to-line of the principal structure.

3. Landscaping: Landscaping consisting of a combination of two or more of the following elements should be provided between the structure and the right-of-way: understory trees, shrubs, ground cover, and lawn. All trees should be at least 2.5 (2½) inches in caliper measured from four (4) inches above the root ball at time of planting. A development may be exempted from this particular landscaping requirement if the Planning Commission finds that at least one of the two following conditions are found to be met:

(a) A redeveloped building is proposed to be located on its same footprint and such footprint would be too close to the right-of-way to allow for the planting requirement to be met.

(b) Building entrance features such as porches and/or window treatments such as bay windows or awnings would prevent the planting requirement from being met.

4. Roof Eaves: New buildings should have roof eaves along all elevations visible from a right-of-way that project from the building wall at a distance compatible in design with the entire structure.

5. In new construction, the roofs of buildings should conform to the predominant orientation of roofs on the street.

6. Windows: At least fifteen percent (15%) of the area of a street-facing façade must be devoted to windows. In a predominantly residential area, the show window or display window of a structure in commercial use should be limited to 30% of the first floor front façade where such a window is permitted.

7. Lead walks. The principal entrance of all structures should have a lead walk that connects the sidewalk to the front entry or porch of the structure. The lead walk should be at least four (4) feet in width and be constructed of a one of the following surface materials: concrete, brick pavers, or stone.

8. Front entry elements. The principal structure on a lot should have front entry elements such as a front porch, covered stoop, transom, fanlight, sidelight, portico, single story columns, or pediment above the front door on all main entrances that face a street.

9. All principal and accessory structures should incorporate traditional architectural features and details common to the Town such as porches, pediments, front-end gables, cornices, lintels, sills, dormers, parapets, pilasters, belt courses and quoins in brick construction, columns, and window shutters. If a porch projects from the structure in the front yard, it should have a roof.

10. No outside storage of any kind should be permitted in the front yard.

11. Design, materials, use, and scale should reflect the building styles, climate, heritage and materials unique to Snow Hill and present in the surrounding neighborhood.

E. Compatibility

1. The proposed development should exhibit exemplary site and architectural design and include high quality materials that are compatible with, and do not negatively alter the character of the surrounding neighborhood.

2. All permitted structures should conform to following requirements:

(a) Buildings should be similar in height and size or be designed in such a way that they appear similar in height and size, creating an overall mass that is consistent with the prevalent mass of other structures in the area.

(b) Primary facades and entries must face the adjacent street and be connected with a walkway that does not require pedestrians to walk through parking lots or across driveways and that maintains the integrity of the existing streetscape.

(c) Building features such as windows and doors and site features such as landscaping and screening should optimize privacy and minimize infringement on the privacy of adjoining land uses.

(d) Building materials should be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc., to establish compatibility.

3. All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing surrounding development.

4. Proposed open space and landscaping should be shown on plans.

5. Public Facilities and Utilities

(a) The local street and walkway system must be safe, efficient, convenient, attractive, and should accommodate use by all segments of the population.

(b) Roads, lighting, sidewalks, street furniture, utilities and other public facilities should be designed to enhance pedestrian circulation.

6. Parking

(a) The parking plan may provide a combination of off-street and on-street spaces.

(b) Shared drives serving no more than two (2) dwellings may be permitted.

(c) Bicycle parking must be provided for non-residential projects.

New Town Design

A. Intent.

1. Ensure that new development in Sudlersville is compatible with and similar in terms of architectural style and community design with traditional building styles and patterns in Sudlersville.

2. Cultivate a clear and consistent image for new development.

3. Assure effective control over the design of new buildings and the layout of new lots while promoting flexibility on part of developers and their design professionals to achieve the purposes of the Ordinance.

4. Implement the recommendations of the Sudlersville Comprehensive Plan.

5. Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips.

6. Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets.

5. Promote traditional town 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.

B. Application: The guidelines in this section apply to all new major land subdivisions.

C. Implementation - Before final plat approval for any major subdivision and as required for the PN Planning Neighborhood Floating Zone the developer should submit a comprehensive list of design standards for the subdivision (Design Manual). The purpose of the Design Manual is to guide the developer and builders in the design of the community, the architecture of structures, the use and style of materials, landscaping, vegetation, and the siting of structures, paved surfaces, and landscaping on individual lots.

D. Design Manual Contents - Architecture

1. The design manual should provide architectural details supported by drawings that illustrate acceptable design and styles for the subdivision. At a minimum, the Design Manual must include examples of the following architectural elements and suggested construction materials.

2. Architecture - The Design Manual should include a building architecture element prepared by a licensed architect that includes the following:

(a) Elevations of the structures to be built. While more than one typical elevation is encouraged, the elevations should cultivate a clear and consistent image for development in the subdivision. No structure should be built that does not conform to the standard elevations established in the Design Manual.

(b) The architecture element should describe how major building components will be treated including: windows and doors, front entry elements and door surrounds, roof pitches, gables, dormers, exterior ornamentation, porches and decks, garages and driveways, fences, and walls.

(c) The architecture element should show how the front entry of each building will be articulated such as a through the use of a covered front porch, covered stoop,

transom, fanlight, sidelight, portico, single story columns, or a pediment above the front door on all main entrances that face a street.

(d) The architecture element should establish that the ground floor of principal structures on lots must be at least eight (8) inches above grade at the front build-to-line.

(e) The architecture element should designate acceptable exterior building material for all buildings within the subdivision.

(e) The architecture element should require that all buildings have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.

4. The design standards should encourage detached garages and discourage attached front-loaded garages. Standards guiding the placement of garages on lots, should state the distance at which attached garages must be recessed from the front build-to-line. In no case should a front-loaded attached garage not be recessed from the build-to-line of the principal structure. Detached garages may not be forward of the rear building line of the principal structure.

5. The design standards should establish an acceptable minimum and maximum width of driveways; except in situations when a garage is accessed from a street or alley through a side or rear yard, such width should be no more than ten (10) feet at the street right-of-way.

6. The Design Manual should require that the principal entrance of all structures possess a lead walk that connects the sidewalk to the front entry or porch of the structure. The manual should establish an acceptable width and acceptable surface material for the lead walk.

7. The Design Manual should detail the acceptable street lighting, street light fixtures, curbing (no rollover curbs should be permitted), fencing, garden walls, and other community design elements.

8. The Design Manual should include other provisions as may be necessary to cultivate a clear and consistent image for the new development and achieves the purposes of this Article.

E. Design Manual Contents - Landscaping.

The Design Manual should include a comprehensive landscaping plan prepared by a licensed landscape architect or arborist which should include the following:

1. It should guide the selection and planting of acceptable vegetation on individual lots and on common open spaces and to ensure that such plantings are properly coordinated with landscaping that may be required within the street right-of-ways.

2. The plan recommend lists of shade trees, understory trees, and evergreen trees, shrubs, and ground cover, giving preference to native species. The plan should include specifications including the species name, size at planting, directions on placement and pattern of plantings on individual lots and other items as may be necessary.

3. The Design Manual should specify the requirements for plantings, fences or walls on all corner lots at edge of the right-of-way and should require the planting of a hedge or other vegetation along the side yards of corner lots to screen the back yards from views from the street.

4. The Design Manual should require a minimum number and a combination of tree plantings on each lot. It should encourage the placement of appropriate trees to promote energy efficiency for the principal structure on each lot, without precluding the possible effectiveness of solar panels.

5. The Design Manual should state that all planting should be completed before a final zoning permit is granted, or during the next planting season. The plan should guarantee the life of the planted material for at least one (1) year and should then place responsibility for maintenance and/or replacement on property owners. The minimum required size of shade trees at time of planting should be two and one half (2.5) inches caliper measured four (4) inches above the root ball. Understory and evergreen trees should be at least six (6) feet tall at time of planting.

6. The landscaping plan should include other provisions as may be necessary to cultivate a clear and consistent image for the new subdivision and achieves the purposes of this Article.