

Permit Application Processing steps were defined as follows:

1. Town Office receives application from customer.
2. Application is assigned a permit number and date stamped.
3. Application is placed in Mike Sterling's box for action.
4. Mike Sterling is notified that an application is pending for his inspection.
5. Following inspection, Mike determines next action and instructs office staff of next action required, as documented on the application:
 - a. Application is approved, issue permit or
 - b. Application must be referred to MDIA or
 - c. Application must be referred to Mr. Malkus or
 - d. Application must be referred to P&Z* or
 - e. Other, such as additional paperwork required from customer
6. Office staff notifies applicant processing is complete and permit may be picked up in town office.

***If application is referred to P&Z:**

- a. Place application in P&Z box
- b. Notify applicant of P&Z meeting date and suggest attendance
- c. Place application on P&Z agenda

DATE 12/24/24

PRESTON ZONING REGULATIONS

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PRESTON ZONING REGULATIONS

SECTION 1 PURPOSE

1.00 – The purpose of the Ordinance is to promote the health, safety, morals, and general welfare of the community; to control congestion in the streets; to secure the public safety; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; to conserve the value of property; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements.

PRESTON ZONING REGULATIONS

SECTION 2 TERRITORY AFFECTED

2.00 – The Ordinance shall apply to all lands, buildings, structures, and properties, including any submerged lands, or water areas which lie within the Preston corporate limits.

PRESTON ZONING REGULATIONS

SECTION 3 ESTABLISHMENT OF DISTRICTS

3.00 – This Town is hereby divided into the following zoning districts:

Single Family Residential - “R-1”

Multi-family Residential - “R-2”

Neighborhood Commercial District - “C-1”

Roadside Commercial District – “C-2”

Industrial – “I”

Planned Neighborhood – “PN”

PRESTON ZONING REGULATIONS

SECTION 4 PROVISION FOR OFFICIAL ZONING MAP

4.00 – Establishment, Attestation, and Location. The boundaries of the zoning districts are shown on the Official Zoning Map of Preston, Maryland, which together with all notations and explanatory matter thereon are hereby made a part of the Ordinance. The Official Zoning Map shall be properly attested and shall remain on file at the Circuit Court of Caroline County, with such copies as may be necessary remaining on file in the Town Office.

4.01 – Changes to Official Zoning Map. If, in accordance with the provisions of the Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of the Ordinance and punishable as provided under Section 17.

4.02 – Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be properly attested, and a notation of the date of adoption shall be entered on the Map. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior Map and any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment of the prior Map.


 Dan Alred
 Mayor
 City of Preston


 John Wilson, Commissioner
 City of Preston


 Jeff Williams, Commissioner
 City of Preston

Approved

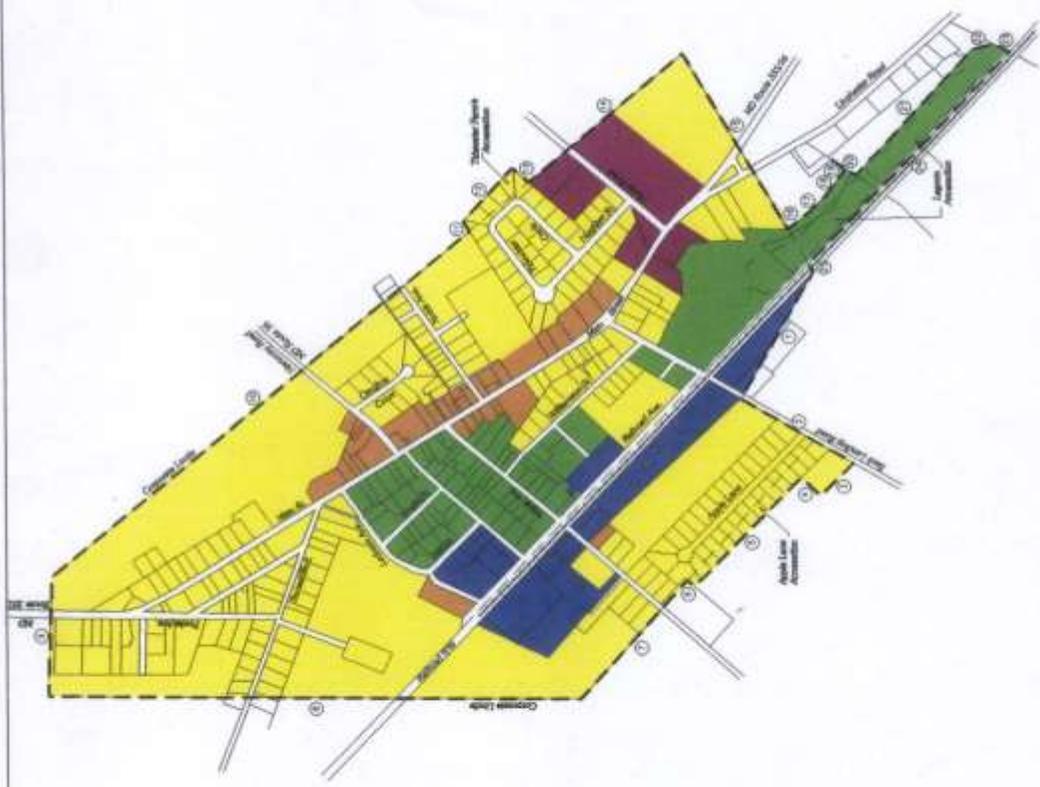
 Dan Alred
 Mayor
 City of Preston

-  Public Citywide Limits
-  Single Family Residential S1
-  Multi-Family Residential M1
-  Neighborhood Commercial C1
-  Retail Commercial R1
-  Industrial I

Citywide Limits
 Official Zoning Map
 OF
**The Town Of
 Preston**
 Charlton County, Georgia



Prepared by
 Harry A. Smith, Jr.
 Professional Land Planner



CONDUITS LIMITS

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City of Preston, Georgia
 Prepared by Harry A. Smith, Jr.
 Professional Land Planner

PRESTON ZONING REGULATIONS

SECTION 5 INTERPRETATION OF DISTRICT BOUNDARIES

5.00 – Rules for Interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 2) Boundaries indicated as approximately following property lines shall be construed as following such property lines.
- 3) Boundaries indicated as approximately following the incorporated limits of the Town shall be construed as following such incorporated limits.
- 4) Wherever a district adjoins a river or other body of water the district boundary lines shall be deemed to extend 100 feet beyond the mean low water line.
- 5) Boundaries indicated as parallel to or extensions of features indicated in 1 through 4 above shall be so construed.
- 6) Where a boundary line is indicated as obviously not coinciding with property lines, center lines, incorporated or jurisdictional limits, or other features as indicated in 1 through 5 above, the boundary shall be determined by the scale of the Map.

5.01 – Interpretation by Board of Zoning Appeals. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or under circumstances not covered under subsection 5.00, the Board of Zoning Appeals shall interpret the district boundaries.

5.02 – Parcels Divided by District Boundary Lines. Where a district boundary line divides a parcel which was in single ownership at the effective date of the Ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the district regulations for either portion of the parcel not to exceed 50 feet beyond the district line into the remaining portion of the parcel.

PRESTON ZONING REGULATIONS

SECTION 6 APPLICATION OF DISTRICT REGULATIONS

6.00 – Conformance Required. Except as hereinafter specified no land, building, structure, or premises shall be hereafter occupied or used, and no building, other structure, or part thereof shall be located, erected, reconstructed, extended, moved, enlarged, converted, or altered except in conformity with the district regulations hereinafter provided. No part of a yard or other open space, or off street parking or loading spaces which are required for any building under the provisions of the Ordinance shall be included as a part of the yard, open space, off street parking, or loading spaces which are similarly required for any other building.

6.01 – Requirements are Minimums. The district regulations of the Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

6.02 – Territory not Districted. In the event that any territory has not been specifically included within a district, such territory shall automatically be classified in the “R-1” district until otherwise classified.

PRESTON ZONING REGULATIONS

SECTION 7 GENERAL PROVISIONS

7.00 – Essential Services Exempted. Essential services shall be defined as facilities owned or maintained by public utility companies or public agencies located in public ways or in easements provided for the purpose, or on a customer’s premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; but not including any building, yard, station, or facility requiring a site of greater than 100 square feet, and not including any cross country line on towers or in a private right-of-way. Such essential services shall be permitted in any district, it being the intent hereof to exempt such essential services from the application of the Ordinance.

7.01 – Severability Clause. Should any Section or provision of the Ordinance be declared 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 declared to be unconstitutional or invalid.

7.02 – Interpretation and Application of Ordinance. In their interpretation and application, the provisions of the Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of the Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

PRESTON ZONING REGULATIONS

SECTION 8 SPECIAL PROVISIONS

8.00 – Off Street Parking. In all districts, no building, structure or premise shall be erected or any use changed, modified or increased unless off street parking space is provided which is consistent with the provisions of this Section. Each required parking space shall be of no less than twenty feet in length and nine feet in width and shall contain no less than 180 square feet. Aisles between rows of parking spaces shall be no less than twenty-two feet in width. The number of parking spaces provided shall be determined according to the following schedule of minimum requirements.

- 1) Residential Uses – two parking spaces for each dwelling unit.
- 2) Lodging, Rooming, or Boarding Houses – one parking space for each three guest lodging units.
- 3) Tourist Courts, Motels, Hotels – one parking space for each guest or sleeping room, plus one parking space for each three employees.
- 4) Hospitals, Nursing Homes, Convalescent Homes, and the like – one parking space for each two beds.
- 5) Community Centers, libraries, Museums, Civic Clubs, Lodges, and the like – one parking space for each 200 square feet of building gross floor area.
- 6) Theaters, Auditoriums, Assembly Halls – one parking space for each three seats.
- 7) Restaurants, Beer Parlors, Night Clubs – one parking space for each 200 square feet of building gross floor area.
- 8) Doctor’s Offices, Clinics – eight parking spaces for each doctor.
- 9) Professional Offices, other than Clinics and Doctor’s Offices –one parking space for every 200 square feet of building area.
- 10) Churches – one parking space for each four seats in the principal auditorium.
- 11) Office Building – one parking space for every 200 square feet of building area.

- 12) Country Club, Private Club – one parking space for every four memberships thereof.
- 13) Retail Stores – one parking space for each 200 square feet of building gross floor area.
- 14) Manufacturing Plants, Compounding, Processing, or Packaging and other similar uses permitted in the “M” District – one parking space for each two employees working on the principal shift.

In the case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for the use which is mentioned which is most nearly similar shall apply. The aisles and parking spaces required in this Section shall be smoothly graded, adequately drained, and constructed with a suitable subgrade and durable surface.

Notwithstanding the off-street parking requirements set forth above, in the Village Redevelopment Sub-Area the number of off-street parking spaces may be reduced or modified by the Board of Zoning Appeals where the Board of Zoning Appeals makes a finding of fact that there is adequate on-street parking, which has been designated by the Town Commissioners, and or shared parking, to serve the use or structure that is subject to a special exception application.

8.01 – Off Street Loading Spaces. In all districts any building or structure or part thereof having a gross floor area of 10,000 square feet or more and which is to be occupied by manufacturing, storage, warehouse store, wholesale store, hotel, hospital, laundry, or other uses requiring the receipt or dispatch of materials by vehicles, shall be provided with a minimum of one off street loading space, plus one additional such space for each 20,000 square feet of gross floor area or major fraction thereof in excess of the first 20,000 square feet.

Each loading space shall be a minimum of 10 feet in width and 45 feet in length, and with a clear height of not less than 14 feet. Such loading space may occupy any part of the required yard space except a front yard of the required side yard on the street side of a corner lot. Such spaces shall be smoothly graded, adequately drained, and constructed with a suitable sub grade and durable surface.

8.02 – Signs. No sign, sign structure, or part thereof shall be erected, enlarged, or altered unless such sign shall be in compliance with the provisions of this Section.

No sign, sign structure or part thereof shall be located so as to obstruct or conflict with traffic sight lines, or traffic control signs, or signals. No lighting of signs shall be permitted which is of a flashing, intermittent, rotating, or other animated type, or which would tend to blind or distract motorists, or which would shine directly into any dwelling. No sign shall be permitted which has an area in excess of 80 square feet each face. The area of signs made up of individual letters, figures, or designs, shall include the space between such letters, figures, or designs. For the various types of signs listed, the following specific provisions shall apply:

- 1) Signs advertising home occupations – One permanent, nonilluminated sign, not exceeding four square feet in area, shall be permitted for home occupations, as defined in Section 19, and in accordance with the district regulations herein.
- 2) Signs for professional offices. – One permanent sign, not exceeding six square feet in area and displayed on the premises, shall be permitted for professional offices, as defined in Section 19, and in accordance with the district regulations herein.
- 3) Public information and event signs. – Directional or informational signs advertising places or events of a public or quasi-public nature shall be permitted in any district. No more than two such signs shall be permitted per place or event and such signs shall not exceed 15 square feet in area. Such signs noting an event shall be deemed temporary and shall be removed within ten days after the event.
- 4) Temporary real estate signs. – One temporary, nonilluminated sign, not to exceed six square feet in area, may be erected in any district on the premises affected to advertise the sale, renting, leasing, etc. of real estate. Such signs shall be removed not later than two years after their erection, or within 30 days of their sale, rental, or leasing, etc. of property, whichever comes first.
- 5) Signs on premises advertising commercial or industrial enterprises. – Signs shall be permitted on the premises of businesses to advertise only the business conducted or the products sold on the premises, and in accordance with the district regulations herein. Such signs shall not exceed 20 square feet in area, and may be illuminated consistent with the provisions of this Section. All such signs shall be located entirely upon the property where the business is located and no part thereof shall occur within the right-of-way of any public road.

- 6) Signs on premises advertising multiple commercial or industrial enterprises. – Signs shall be permitted on the premises of businesses to advertise only the businesses conducted and the products or services sold on the premises, and in accordance with the district regulations herein. All such signs shall be located entirely upon the property where the business is located and no part thereof shall occur within the right-of-way of any public road. Signs shall be limited to the following:
- a. One general free-standing identification sign structure limited to a maximum of 80 square feet of sign area shall be permitted when mounted perpendicular to the right-of-way. One commercial tenant will be allowed 20 square feet of sign area and each additional tenant will be allowed 10 square feet of sign area. Maximum height of sign shall not exceed 15 feet measured from the ground to the top of sign. Maximum width of sign shall not exceed 15 feet. A landscaped area equivalent to the area of each side of a free-standing sign shall be maintained by the permit holder. This area shall be kept in a neat and clean condition, free of weeds and rubbish.
 - b. Flat signs on buildings within the center may be erected as follows:
 - (i) For each 10 linear feet of buildings fronting on public streets or parking areas, a maximum of one sign and 10 square feet of sign area shall be permitted.
 - (ii) For each 20 linear feet of buildings not fronting on public streets or parking areas, a maximum of one sign and 10 square feet of sign area shall be permitted.
 - c. Projecting signs extending not more than 30 inches from the front of the building. Signs may not be larger than 24 x 18 inches and must be at least 7 feet from the ground. The sign shall advertise only the businesses conducted in the building to which it is attached.

- 7) Directional signs advertising commercial or industrial enterprises. – Directional signs, not more than two in number for each business, shall be permitted in accordance with the district regulations herein. Such signs shall not exceed 20 square feet in area and shall be erected no further than one mile from the premises where the business advertised is located. Such signs shall contain no more than the name, address, and nature of the business, the distance to the business, and a directional arrow, and no part thereof shall occur within the right-of-way of any public road.
- 8) Farm Signs. – Farm signs, identifying the name of the farm or estate, displaying the name of the owner and the nature of the farm and its products shall be permitted in accordance with the district regulations herein. Such signs shall be limited to one per farm or estate; shall not exceed six square feet in area; and shall not be illuminated; and shall be located entirely upon the property where the farm is located and no part thereof shall occur within the right-of-way of any public road.
- 9) Political signs may be erected 30 days before the election and must be removed 15 days after the election.
- 10) All signs except temporary real estate signs and signs announcing a public or quasi-public event shall be deemed permanent signs. No permanent signs shall be erected, enlarged, or altered without a permit from the Planning & Zoning Commission. Applications for permits shall be submitted to the Town Manager. Each application shall be accompanied by drawings and written material showing the area and general appearance of the sign, the method of illumination, the exact location of the proposed sign, and the method of construction and/or attachment of such sign to the building or structure.

8.03- RESERVED

8.04- RESERVE

8.05-RESERVE

8.06 – Abandoned Vehicles.

1) Definitions:

a. The terms “vehicle” shall include:

- (i) “vehicle” as that term is defined in § 11-176 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (ii) “motor vehicle” as that term is defined in § 11-135 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (iii) “motor cycle” as that term is defined in § 11-136 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (iv) “moped” as that term is defined in § 11-134.1 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (v) “semi trailer” as that term is defined in § 11-159 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (vi) “trailer” as that term is defined in § 11-169 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (vii) “travel trailer” as that term is defined in § 11-170 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (viii) “truck” as that term is defined in § 11-171 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (ix) “truck tractor” as that term is defined in § 11-172 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (x) “farm equipment” as that term is defined in § 11-120 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- (xi) “farm tractor” as that term is defined in § 11-121 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time.

b. "Abandoned Vehicle" shall mean:

- (i) Any vehicle that is subject to registration and is unregistered as those terms are defined in Title 13 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time; or
- (ii) Any vehicle located on private property, not within a completely enclosed structure or building, whose engine or motor or any other essential part thereof is inoperable or has been removed, or the tires of which or any tire, has been deflated or its wheels have been removed.

- 2) No Owner nor tenant nor person or entity who controls real property, shall store or deposit, or permit the storage or deposit of an Abandoned Vehicle on private property unless the Abandoned Vehicle is either: (a) kept in an enclosed structure or building which is secured against potential health and safety hazards; or (b) screened by dense foliage or a fence to screen such vehicle from public view, unless a valid permit for the Abandoned Vehicle has been obtained from the Planning Commission as provided in subsection 3.
- 3) A person who wishes to restore, renovate, and/or repair an Abandoned Vehicle on his or her property may apply for a permit to keep the Abandoned Vehicle on the property under the terms and conditions as set forth in this subsection. Application for an Abandoned Vehicle permit shall be made to the Town Manager. Applications shall be reviewed by the Planning Commission or Codes Administrator, after which one copy of the application shall be returned to the applicant by the Planning Commission after such copy shall have been marked approved or disapproved and attested to by the signature of a member of the Planning Commission designated to review applications for Abandoned Vehicle permits.

The Planning Commission shall only issue a permit for an Abandoned Vehicle under the following circumstances:

- a. The permit application must be made by at least one person who is an owner of the real property.
- b. The term of the permit shall be three (3) months.
- c. The permit may be renewed in three (3) month increments, provided that there has been satisfactory progress toward repair or renovation.

- d. There shall be a limit of one permit per parcel at any time, with the exception that a second, non-renewable three month permit may be issued for a vehicle used for the purposes of repairing the primary vehicle.
 - e. The Planning Commission may issue an extended permit for an Abandoned Vehicle upon the showing of good cause. The extended permit shall be subject to such conditions as the Planning Commission imposes.
- 4) In the event that there is an Abandoned Vehicle for which there is no permit, the Town Code Administrator shall send written notice to the owner(s) of the property, via certified mail, return receipt requested, that there is an Abandoned Vehicle on the property, and that the failure to remove the vehicle within 10 days shall be deemed a violation of the Ordinance and punishable as provided in Section 17 hereof.
- 5) All Owners or other persons who are in violation of the Ordinance on the date it becomes effective, shall be given not more than 90 days to comply with the terms of the Ordinance.

PRESTON ZONING REGULATIONS

SECTION 9 NONCONFORMITIES

9.00 – Statement of Intent. Within the districts established by the Ordinance and later amendments hereto, there exist a) lots, b) structures and signs, c) uses of land, and d) uses of structures or structures and premises in combination which were lawful before the Ordinance was passed or amended, but which would be prohibited or restricted under the terms of the Ordinance or future amendments thereof. It is the intent of the Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of the Ordinance that nonconformities shall not be significantly enlarged upon, expanded or extended, nor be used as grounds for adding other structures, or uses prohibited elsewhere in the same district. Nonconforming uses are declared by the Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of the Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in the Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work is carried on diligently.

9.01 – Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Ordinance, notwithstanding limitations imposed by other provisions of the Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the Ordinance, and if all or part of the lots do not meet the requirements established for lot width and the area, the land involved shall be considered to be an undivided parcel for the purposes of the Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the Ordinance; nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in the Ordinance.

9.02 – Nonconforming Structures and Signs. Where a lawful structure or sign exists at the effective date of adoption or amendment of the Ordinance that could not be built under the provisions of the Ordinance, such structure or sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such structure may be enlarged more than 25 percent of its existing gross floor area at the effective date of the Ordinance or amendment hereto. No such sign may be enlarged or altered in such a way as to increase its nonconformity, but any structure or sign or portion thereof may be altered to decrease its nonconformity.
- 2) Should such structure or sign be damaged or destroyed by any means to an extent or more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed or restored except in conformance with the provisions of the Ordinance.
- 3) Should such structure or sign be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 4) All currently existing signs will be grandfathered in for a period of 5 years from the date this zoning change goes into effect. At the end of this 5 year period, a sign conforming to the revised sign ordinance must be submitted to the Planning and Zoning Commission for review or a request for a special exception to retain the existing sign must be submitted to the Planning Commission for review.

9.03 – Nonconforming Uses of Land (or land with minor structures only). Where at the time of passage of the Ordinance lawful use of land exists which would not be permitted by the regulations imposed by the Ordinance, and where such use involved no individual structure with a gross floor area of greater than 100 square feet, the use may be continued so long as it remains otherwise lawful, provided:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Ordinance.
- 2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the Ordinance.
- 3) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.
- 4) No additional structure not conforming to the requirements of the Ordinance shall be erected in connection with such nonconforming use of land.

9.04 – Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a gross floor area of greater than 100 square feet, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Ordinance that would not be allowed in the district under the terms of the Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such structure shall be enlarged, or extended greater than 25 percent of its gross floor area at the effective date of the Ordinance or amendment hereto.
- 2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance.
- 3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

- 4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- 5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

9.05 – Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased in excess of 25 percent. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

9.06 – Use Allowed Under Special Exception Provisions. Any use which is permitted as a special exception in a district under the terms of the Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

PRESTON ZONING REGULATIONS

SECTION 10 ADMINISTRATION AND ENFORCEMENT PROCEDURES

10.00 – Administration. The position of Town Zoning Inspector is hereby established. The Town Zoning Inspector and/or Codes Administrator shall administer and enforce the Ordinance. If the Zoning Inspector shall find that any of the provisions of the Ordinance are being violated, he shall notify in writing the person responsible for such violations indicating the nature of the violation, and order the action necessary to correct it. He shall order or seek an injunction to cause the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work or activity being done; or shall take any other action authorized by the Ordinance to insure compliance with or prevent violation of its provisions.

10.01 – Building Permits. No building or other structure shall be erected, placed, moved to another location on site, added to, or structurally altered without a permit therefore issued by the Planning Commission except as provided for in subsection 27.12. No building permit shall be issued except in conformance with the provisions of the Ordinance, unless the Planning Commission receives a written order from the Appeals Board in the form of an administrative review or variance as provided by the Ordinance.

10.02 – Application Process. Application for building permits shall be made to the Town Manager, and shall be accompanied by plans in triplicate showing the actual dimensions and shape of the parcel to be built upon; the exact size and locations on the parcel of buildings already existing, if any; and the location and dimensions of the proposed building, structure, or information as lawfully may be required by the Planning Commission including information on existing or proposed construction or alteration; existing or proposed uses of buildings, structures, or land; the number of families, housekeeping units, or rental units which the building or buildings are designed to accommodate; natural features existing to determine conformance with, and provide for the enforcement of, the Ordinance. Applications shall be reviewed by the Planning Commission or person or persons designated by the Planning Commission after which one copy of the application and one copy of the plans shall be returned to the applicant by the Planning Commission after such copy shall have been marked approved or disapproved and attested to same by the signature of the chairman of the Planning Commission or person designated by the Planning Commission to review applications for building permits.

10.03 – Expiration of Building Permits. If the work described in any building permit has not begun within one year from the date of issuance thereof, said permit shall expire. If the work described in any building permit has not been substantially completed

within two years of the date of issuance thereof, said permit shall expire, and further work as described in the cancelled permit shall not proceed unless a new building permit has been obtained. The Planning and Zoning Commission and/or the Commissioners may grant one extension in writing. The extension requested must be in writing and a justifiable cause must be demonstrated.

10.04 – Construction and Use to be as Provided in Plans and

Applications. Building permits issued on the basis of plans and applications approved by the Planning Commission authorize only the use, arrangement, and construction set forth in such plans and applications, and no other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed a violation of the Ordinance and punishable as provided in Section 17 hereof.

10.05 – Applications for Building Permits. All applications for building permits shall be made by the owner of the land on which construction is to take place or his agent.

10.06 – Multiple Dwellings on One Lot. Whenever an additional dwelling unit is to be erected or placed on the same tract, lot, or parcel of land where a dwelling unit already exists, or when two or more dwellings are to be erected or placed on the same tract, lot, or parcel of land where the tract, lot, or parcel of land is not being considered under the subdivision regulations, the Planning Commission shall consider the space between buildings, land area involved, street frontage and the like and shall approve only such applications as would not be expected to prevent subdivision at a later date. The Planning Commission may require minor subdivision or subdivision approval before approving multiple dwellings.

- 1) Not more than three dwellings units may be erected on any one tract, lot, or parcel of land without the creation of a minor subdivision or subdivision.
- 2) Single family apartments/residential maybe permitted over business or commercial buildings. If approved by the Planning and Zoning Commission and/or the Town Commissioners.

10.07 – Guarantee of Compliance. The approval of a building permit shall not in itself guarantee compliance with or in any way exempt the applicant from the provisions of the Ordinance. Building permits issued contrary to the provisions of the Ordinance for any reason shall become null and void.

10.08 – Records of the Planning Commission. The Planning Commission shall file with the Town Manager copies of all Commission proceedings including minutes of Commission meetings, hearings, and permits issued. The records of the Planning

Commission shall be available for public inspection at the office of the Town Manager during posted office hours. Requests for copies of Commission records must be submitted to the Town Manager and must be accompanied by payment of such fees as may be established by the Planning Commission.

PRESTON ZONING REGULATIONS

SECTION 11 BOARD OF ZONING APPEALS

11.00 – Establishment of Composition. A Board of Zoning Appeals is hereby established which shall consist of three members to be appointed by the Town Commissioners, each member for a term of office of three years. Members of the Board of Zoning Appeals may be removed from office by the Town Commissioners for cause upon written charges after public hearing. Vacancies shall be filled by the Town Commissioners for the unexpired terms of any member whose term becomes vacant. The Town Commissioners shall designate one alternate member for the Board of Zoning Appeals who shall be empowered to sit on the Board in the absence of any member of the Board; and when the alternate is absent, the Town Commissioners may designate a temporary alternate.

11.01 – Proceedings of the Board of Zoning Appeals. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the absence, abstention or vote of each member upon each question, shall keep records of its examinations and official actions, all of which shall be a public record and be immediately filed in the office of the Town Manager.

11.02 – Powers of the Board of Zoning Appeals. The Board shall have the following procedures:

- 1) Administrative Review – To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or Planning Commission in the enforcement or administration of the Ordinance.
- 2) Interpretation of District Boundaries on Official Zoning Map – To determine, consistent with the provisions of subsection 5.01, the boundaries of zoning districts.
- 3) Special Exceptions – To hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on according to the provisions of the Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are

appropriate under the Ordinance; or to deny special exceptions when not in harmony with the purpose and intent of the Ordinance. The Board shall make a finding that it is empowered under the Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of the people living in the neighborhood. Before the Board decides any application for special exception it shall consider the following, where applicable:

- a. The most appropriate use of land, buildings, and structures in accordance with the Comprehensive Plan.
 - b. Ingress and egress to property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - c. Utilities, with reference to location, availability, and adequacy.
 - d. Possible economic, noise, glare or odor effects of the special exception which might adversely affect adjoining properties or properties generally in the district.
 - e. Before granting a special exception for multiple uses on the same conforming lot or valid non-conforming lot, the Board must also find that the proposed uses are compatible with one another.
- 4) Variances – To authorize upon application in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship. A variance from the terms of the Ordinance shall not be granted unless and until the applicant has demonstrated that:
- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

- b. Literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance.
- c. The special conditions or circumstances do not result from actions of the applicant.
- d. Granting the variance requested will not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of the Ordinance and shall be punishable under the provisions of Section 17.

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of the Ordinance in the district involved.

5) Board has Powers of Zoning Inspector and Planning Commission on Appeals. In exercising the above mentioned powers the Board of Zoning Appeals may, so long as such action is in conformity with the terms of the Ordinance, reverse; affirm, wholly or partly; or may modify the order, requirement, decision, determination as ought to be made; and to that end shall have the power of the Zoning Inspector and Planning Commission.

11.03 – Decisions of the Board. All decisions or actions of the Board shall be taken by resolution, in which at least two members present must cast concurring votes. Each resolution shall contain a statement of the grounds and findings forming the bases for such action or decision, and the full text of said resolution shall be incorporated into the transcript of the meeting.

11.04 – Who May File an Appeal or Application. Appeals and applications to the Board may be filed by any persons: a) allegedly aggrieved by any order, requirement, decision, or determination of the Zoning Inspector or Planning Commission; b) desirous of obtaining an interpretation of a district boundary consistent with the provisions of subsection 5.01; c) desirous of obtaining the grant of a special exception; or d) desirous of obtaining a grant for variance from the terms of the Ordinance.

Appeals to the Board of Zoning Appeals concerning the interpretation, enforcement or administration of the Ordinance by the Zoning Inspector or the Planning Commission

shall be taken within thirty (30) days from the date of the decision appealed from was made in writing by filing with the Town Manager (with a copy to the entity appealed from) a notice of appeal specifying the grounds thereof and payment of such appeal fee as the Town Commissioners may determine by resolution from time to time.

Such appeals or applications shall be acted upon within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board. The applicant shall pay the Town Manager for expenses incidental to the appeal. In the case of an appeal, the Zoning Inspector and/or Planning Commission shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

11.05 – Hearing Notice. The Board of Zoning Appeals shall fix a reasonable time for the hearing of applications, interpretation of district boundaries, and appeals. At least fourteen (14) days before the date of the hearing, the Board shall send notices of the time and place of such hearing to the applicant or appellant, the Planning Commission, and to the Owners of properties located within 200 feet of the property affected, as shown on the Maps of the Department of Assessments and Taxation on the date the notices are mailed.

Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least fourteen (14) days prior to the hearing. The Board shall cause the site affected to be posted for at least 10 days prior to the hearing with the time, place, and nature of the hearing. The Board shall decide all applications and appeals within a reasonable time. Upon the hearing any party may appear in person, by agent, or by attorney.

11.06 – The Calendar of the Board. Appeals and applications filed in proper form and accompanied by the required fee shall be numbered serially, docketed, and placed upon the calendar of the Board. The calendar shall be posted continuously in a conspicuous location in the Town Office, and the Board shall insure that a copy of the most current calendar is provided to the Planning Commission

11.07 – Advice of the Planning Commission. Before deciding any application for special exception or variance, the Board of Zoning Appeals shall seek the advice of the Planning Commission in reference to such applications. The advice of the Planning Commission shall concern itself with the impact of the variance or special exception upon the Board of Zoning Appeals. The Board may request from the Planning Commission such technical service, data, or factual evidence as will further assist the Board in reaching decisions.

11.08 – Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning

Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector, and on due cause as shown.

11.09 – Repeated Applications. If an application or appeal is disapproved by the Board of Zoning Appeals, thereafter the Board shall not be required to consider another application for substantially the same proposal on the same premises, until after one year from the date of such disapproval. If an appeal to the Board is properly filed and the public hearing advertised, and thereafter the applicant withdraws that application or appeal, he shall be precluded from filing another application or appeal for substantially the same proposal on the same premises for six months.

11.10 – Limitation of Authority of the Board. Nothing contained in this Section shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of the Ordinance, and which is therefore not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or of the provisions of the Ordinance.

The Board shall not amend any of these provisions or cause changes to the Official Zoning Map; nor shall such authority be vested in the Board.

The applicant shall present the following documents to the Board of Appeals. (additional documents may be requested by Planning and Zoning and/or the Board of Appeals)

- A. A written request of which variance or variances they are seeking.
- B. Copy of the notice of the meeting date as advertised in the newspaper.
- C. Copy of the letter notifying people of the hearing date within 200 ft. of the site.
- D. Written comments from Planning and Zoning.
- E. Site plan by a registered surveyor. The plan shall include but not limited to:
 - All set backs existing and proposed. Proposed building. Street names. Sq. ft. of site, and proposed building. Show any structure within 30 ft. of the proposed building.

Procedures for Board of Appeals meetings.

- A. State the date and those present.
- B. Planning and Zoning to present their findings and recommendations.
- C. Owner or agent to present the reasons for the variance must be in writing.
- D. Opponents have an opportunity to testify.
- E. Final decision by the Board of Appeals must be in writing.
- F. Written minutes of the meeting must be taken and turned over to the Commissioners.

PRESTON ZONING REGULATIONS

SECTION 12 APPEAL TO THE COURTS

12.00 – Who May Appeal. Any person or persons who have standing to do so may seek review of a decision of the Board of Zoning Appeals by the Circuit Court for Caroline County in the manner provided by the Maryland Annotated Code.

PRESTON ZONING REGULATIONS

SECTION 13 DUTIES OF THE ZONING ADMINSTRATOR, BOARD OF ZONING APPEALS, TOWN COMMISSIONERS AND COURTS ON MATTERS OF APPEAL AND ENFORCEMENT

13.00 – It is the intent of the Ordinance that all questions of interpretation and enforcement shall be presented to the Zoning Inspector, or to the Planning Commission in which case the Planning Commission shall present the question to the Zoning Inspector along with any recommendations, and that such questions shall be presented to the Board of Zoning Appeals from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be the courts.

It is further the intent of the Ordinance that the duties of the Town Commissioners in connection with the Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under the Ordinance the Town Commissioners shall have only the duties of:

- a. Considering and adopting or rejecting proposed amendments, or the repeal of the Ordinance.
- b. Establishing a schedule of fees, charges, and expenses as stated in Section 14.
- c. Appointment of the Zoning Inspector.
- d. Appointment of the Planning Commission.
- e. Issuance of permits and permit renewals for home occupations.
- f. Appointment of Appeals Board by Town Commissioners.

PRESTON ZONING REGULATIONS

SECTION 14 FEES, CHARGES, AND EXPENSES

14.00 – Schedule of Fees. The Town Commissioners shall establish a schedule of fees, charges, and expenses and a payment procedure for building permits, appeals, applications for zoning amendments, floating zone and PUD applications, special exceptions and variances, and other matters arising pursuant to the Ordinance. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any application or appeal.

14.01 – Fees to Cover Town’s Expenses. Fees, charges and expenses payable to the Town in connection with any proposed project or application may include the cost of employing consulting services of an independent engineer, architect, landscape architect, planner, attorney or similar professional to assist the Town in the review of development and improvement plans and evaluation of potential development impacts.

PRESTON ZONING REGULATIONS

SECTION 15 AMENDMENTS

15.00 – Provisions for Amendment. The provisions, regulations, restrictions, classifications, and boundaries set forth in the Ordinance may from time to time be amended, supplanted, modified, or repealed by the Town Commissioners. The reclassification of any property and the relocation of zoning district boundaries shall be deemed an amendment to the Ordinance and subject to the provisions of this Section.

15.01 – Who May Initiate Amendments. An amendment or other change to the Ordinance may be initiated by a) motion, resolution or proposed ordinance amendment of the Town Commissioners, b) motion of the Planning Commission, or c) petition of any property owner or contract purchaser of property (regarding land owned or under contract by the petitioner(s)), to the Town Commissioners, containing the proposed text or map associated with any proposed amendment. The Town Commissioners shall have no obligation to introduce an ordinance or amendment. The decision whether to introduce or enact any amendment to the Zoning Ordinance is a matter of the legislative discretion of the Town Commissioners, subject only to the requirements of state and federal law.

15.02 – Procedure for Amendment. Upon request of a petitioner for a zoning amendment, the Preston Town Commissioners may permit a pre-application work session or conference to discuss generally any proposed amendment. Any proposed amendment or other change shall be referred by the Town Commissioners to the Planning Commission for an investigation and recommendation before any formal action by the Town Commissioners. The Planning Commission shall cause such investigation to be made as it deems necessary and for this purpose may require the submission of pertinent information by any person concerned, and may hold such public hearings as are provided by its own rules.

The Planning Commission shall submit its recommendation and pertinent supporting information to the Town Commissioners within 60 days after receiving completed submissions from the applicant, unless an extension of time is agreed to by the applicant.

After receiving the recommendation of the Planning Commission concerning any proposed amendment or other change to the Ordinance, and before voting upon the proposed amendment, the Town Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The Town Commissioners shall give public notice of such hearing by causing the time, place, and subject of such hearing to be published in a newspaper of general circulation in the Town.

Notice of the time and place of the public hearing, together with a summary of the proposed regulations, restrictions and boundaries, shall be published in at least one newspaper of general circulation once each week for 2 successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The applicant shall be responsible for the payment of all advertising or readvertising expenses.

A complete record of the hearing and the votes of all members of the Town Commissioners in deciding all questions relating to the proposed amendment shall be kept.

15.03 – Site Visit. Before the Town Commissioners shall vote upon any proposed amendment for the reclassification of land, a visit to the site in question shall be made by each Commissioner in order to inspect the physical features of the property and to determine the character of the surrounding area.

15.04 – Findings for Reclassification.

- 1) Where the purpose and effect of the proposed amendment is a reclassification of a particular parcel(s) of property, the Town Commissioners shall make findings of fact in each specific case including, but not limited to, the following matters: anticipated population change, availability of public facilities to serve the property, present and future transportation patterns, compatibility with existing and proposed development, and compatibility with the Comprehensive Plan. The Town Commissioners shall receive and consider the recommendation of the Planning Commission. The Town Commissioners may grant the reclassification based upon a specific determination and factually supported finding that there has been a substantial change in the character of the area where the property is located, or that there is a mistake in the existing zoning classification. The change or mistake standard does not apply to regional or comprehensive rezoning map amendments or to floating zone amendments pursuant to subsection 2 below.
- 2) The procedure for zoning map amendments that locate floating zones shall be as set forth in Section 31 of the Ordinance. Concurrently with the location of a floating zone, the Town Commissioners may approve a PUD Plan, which, in addition to the provisions of the applicable floating zone, shall govern the subdivision and/or development of the property subject to the particular floating zone. In approving a floating zone map amendment, the Town Commissioners shall make findings of fact including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the relationship of the proposed amendment to the Comprehensive Plan.

The Town Commissioners shall receive and consider the recommendations of the Planning Commission. The Town Commissioners may approve a floating zone map amendment if it finds that the proposed floating zone amendment is:

- a. consistent with the Comprehensive Plan;
- b. consistent with stated purposes and intent of the particular floating zone sought to be established;
- c. complies with the requirements of the Ordinance; and
- d. is compatible with adjoining land uses.

15.05 – Application for Reclassification. Every application for a reclassification shall be accompanied by a plat drawn to scale showing the existing and proposed boundaries and such other information as may be needed in order to locate and plot the amendment on the Official Zoning Map. Applications for floating zone amendments also shall include the specific information as outlined in Section 31 of the Ordinance.

15.06 – Filing Fee for Reclassification. A filing fee, in an amount which shall be determined by the Town Commissioners, shall be charged for processing an application for reclassification.

15.07 – Repeated Application for Reclassification. No application for reclassification shall be accepted for filing by the Town Commissioners if the application is for the reclassification of the whole or any part of land for which reclassification has been denied within 12 months from the date of the Town Commissioners decision.

15.08 – Changing of Official Zoning Map. It shall be the duty of the Zoning Inspector to cause an updated Official Zoning Map to be prepared promptly after the adoption of any amendments, in order that said Map shall always be an up-to-date public record of the zoning districts in the Town.

PRESTON ZONING REGULATIONS

SECTION 16 COMPLAINTS REGARDING VIOLATIONS

16.00 – Whenever a violation of the Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Town Manager. The Zoning Inspector shall then record properly such complaint, immediately investigate, and take action thereon as provided by the Ordinance.

PRESTON ZONING REGULATIONS

SECTION 17 PENALTIES FOR VIOLATION

17.00 – Violations of the provisions of the Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates the Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each and every day such violation occurs shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent, or other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation of the Ordinance.

PRESTON ZONING REGULATIONS

SECTION 18 REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE

18.00 – All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of the Ordinance, are hereby repealed to the extent necessary to give the Ordinance full force and effect. The Ordinance shall take effect and be in full force on September 25, 2005.

PRESTON ZONING REGULATIONS

SECTION 19 DEFINITIONS

19.00 - General Interpretations.

- 1) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in the Ordinance.
- 2) To amplify and clarify all provisions of the Ordinance, the following rules shall apply:
 - a. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
 - b. The word "shall" is mandatory and not discretionary.
 - c. The word "may" is permissive.
 - d. The word "lot" shall include the words "piece", "parcel" and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for".
 - e. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
 - f. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

19.01 - Definitions. For purposes of the Ordinance, the following definitions shall apply:

Accessory Building - an accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in the Ordinance) located on the same lot as the main building or principal use of the land.

Accessory Use - an accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in the Ordinance) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "Accessory Use".

Acre - a commonly referred to measurement of area, which equals 43,560 square feet.

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

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

Alley – See “Roads”

Alteration – Any change in the total floor area, use or external appearance of an existing structure.

Amend or amendments - Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto.

Antenna – Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. A device by which electromagnetic waves are sent and received (whether dish, rod, mast, pole, set of wires, plates, panels, lines, cables, or other arrangement serving a similar purpose) for telecommunication services.

Antenna, minor – Any antenna not attached to a tower and which does not extend more than thirty (30) feet above the highest point of the structure to which it is attached.

Antenna, wireless communications – Any structure or device deployed by or on behalf of any government licensed or government permitted entity to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. Wireless communications antenna does not include a radio operator antenna operated by an amateur radio operator who is licensed by the Federal Communications System.

Apartment - A part of a building containing cooking facilities and separate bathroom facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family.

Apartment House - See "Dwelling, Multiple-Family".

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

Area, Gross - all the area within a development plan or plat including, but not limited to, area intended for residential use, local access streets or alleys, off-street parking spaces, recreation areas, or floodplains.

Assisted Living – A residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health related services, or a combination thereof to meet the needs of residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the residents.

Bed and Breakfast Facility - A building, other than a hotel, motel, rooming house or restaurant, containing a single dwelling unit, in which there are guest rooms offered to the traveling public for temporary occupancy. All such operations shall have a resident family living on the premises and shall be approved for such use by the County Health Department and Fire Marshal.

Board - The Board of Zoning Appeals of the Town of Preston which is authorized to grant special exceptions and variances, to hear appeals from administrative decisions and to provide interpretations as provided in the Ordinance.

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

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

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

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

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

Building Line - A line beyond which the foundation wall and/or any porch, vestibule, or other portion of a building shall not project, unless otherwise provided for in the Ordinance.

Building, Main - any building which is not an accessory building.

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

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

Collector – See “Roads”

Commission - the Planning Commission of the Town of Preston.

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

Commissioners - Town Commissioners of Preston, Maryland.

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

Common Open Space – A parcel, or parcels, of land, an area of water, or a combination of land and water, including floodplain and wetland areas within a development site designed and intended for the use and enjoyment of residents of the development and, where designated, the community at large. The area of parking facilities serving the activities in the common open space may be included in the required area computations. Common open space shall not include:

- a. The land area of lots allocated for single family detached dwellings, single family semi-detached dwellings, and duplex dwellings, front yards, side yards, and rear yards, whether or not the dwellings are sold or rented.
- b. The land area of lots allocated for apartment and Town House dwelling construction, including front yards, side yards, interior yards, and off street parking facilities whether or not the dwellings are sold or rented.
- c. The land area of lots allocated for total commercial use, including front yards, side yards, rear yards, and parking facilities whether or not the commercial facilities are sold or rented.
- d. The land area of lots allocated for public and semi-public uses, community clubs and community facilities, including open space for playgrounds and athletic fields which are a part of the principal use (e.g., a school or church site); and front yards, side yards, rear or other open space around buildings; and parking facilities whether or not the public or semi-public use sites are sold or rented.
- e. Street rights-of-way, parkways, driveways, off street parking, and service areas, except the landscaped central median of boulevards.

Comprehensive Plan/The Comprehensive Plan of Preston, Maryland – The legally adopted plan for the development of the Town in accordance with the provisions on Annotated Code of Md. art. 66B.

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

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

Convenience Store - A one-story, retail establishment containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

Conventional Construction – Buildings which are fabricated or assembled in the greater part at the site where such buildings are to be located, not including mobile homes, or recreational trailers and vehicles, or buildings which are designed to be portable.

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

Covenant – A written undertaking by an owner which is required by the Ordinance or imposed by the Planning Commission in accordance with authorization contained in the Ordinance.

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

Coverage – The percentage of the lot covered by buildings, structures and other impervious surfaces.

Cul-de-sac – See “Roads”

Daycare Centers, Adult and Child – A structure or residence for the care of Adults / Children (no overnight accommodations permitted) the number of persons permitted and the regulations as determined by the State Governing Agency (Dept. of Human Resources).

Developer – An individual, partnership or corporation who is responsible for any undertaking that requires a zoning permit, conditional use permit, sign permit, site plan, or subdivision approval.

Drinking Places, Alcoholic Beverages – Establishments including bars, taverns, and pubs primarily engaged in preparing and/or serving alcoholic beverages for on-site consumption. These establishments may also provide limited food services.

Dwelling – A building used or intended to be used for residential occupancy.

Dwelling, Multi-Family - A structure arranged or designed to be occupied by two or more families on a single parcel or on contiguous parcels under the same ownership. Multi-Family dwellings units include two family dwellings (duplex), Town Houses and apartments which are defined as follows:

- a. *Apartment* – a part of a building containing cooking facilities and separate bathroom facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family.
- b. *Two-Family Dwelling (Duplex)* – Two separately deeded single family dwellings attached by a common wall along a shared property line.
- c. *Garden Apartments* – A type of multifamily dwelling in which a single building contains three or more dwelling units. Such units may share a common entrance as well as common utilities and service facilities. Each story of a garden apartment building may contain separate dwelling units, but no building shall contain more than three stories. Ownership is not a factor in this type of unit, which may be either rental or condominium.
- d. *Town House* – A single-family dwelling forming one of a series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.

Dwelling, Single-Family – a detached building designed for or occupied exclusively by one family.

Dwelling Unit – One room, or rooms connected together constituting a separate, independent housekeeping establishment, and containing independent cooking and sleeping facilities.

Emergency Services - Fire, rescue, ambulance and police services including related structures and activities.

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

Family – Definition of Family includes the following:

- a. An individual
- b. Two (2) or more persons related by blood ,marriage, or adoption living together in a dwelling unit, and (unless dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons.
- c. A group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit.
- d. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State but shall not include fraternities, sororities, boarding or rooming houses, tourist homes, family care homes ,or maternal care homes.

Fence or Wall - A barrier, other than natural vegetation, intended to mark a boundary or to enclose an area to provide screening or privacy.

Floating Zone: Zoning districts that are described in a zoning ordinance but have not necessarily been included on the zoning map. The zone “floats” over the community until it is affixed to a particular area through an amendment to the zoning map. The floating zone regulations clearly define under what circumstances the zone may be established by the Town Commissioners.

Floor Area:

- a. *Commercial business and industrial buildings or buildings containing mixed uses:* The sum of the gross horizontal area of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings but not including (1) attic space providing headroom of less than seven (7) feet; (2) basements space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading berths.
- b. *Residential buildings:* the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Floor Area Ratio (FAR) – A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives the developer flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the allowable floor area coverage is not exceeded. (See Gross Floor Area)

Frontage:

- a. *Street frontage:* all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- b. *Lot frontage:* the distance for which the front boundary line of the lot and the street line are coincident.

Gross floor area – The total floor area of all finished and usable floors, or portions thereof, and measured from the exterior faces of exterior walls, or the centerline of walls separating two (2) buildings.

Home-based Business - Any occupation or activity, which is clearly incidental and secondary to use of the premises for dwelling and, which is carried on wholly within a main building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than 4 square feet in area, fixed flat to a wall of the building and no other display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. For purposes of the Ordinance home based businesses are further subdivided into two types - Type 1 and Type 2. A Type 1 home based business shall be permitted by the Zoning Inspector in the specified zoning districts. A Type 2 home-based business may be permitted by the Town Commissioners in the certain specified zoning districts provided that such use shall conform to the minimum requirements established in the Ordinance. A Type 1 home based business is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. Examples include, but are not limited to, artists, crafts people, writers, and consultants. Type 1 home based businesses also provide an opportunity for a home to be used as a business address but not as a place of work. A Type 2 home-based business is one where either one employee or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.

Hotel - A building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boardinghouse, a lodging house, or an apartment house which are herein separately defined. A hotel may include restaurants, taverns, club rooms, banquet halls, ballrooms, and meeting rooms.

Impervious Surface - Any man-made surface that is resistant to the penetration of water.

Industrial, Light – A use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding industrial processing.

Intermittent Stream - A stream in which surface water is absent during part of the year. Intermittent streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

"K" Value - The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

Kennel, Commercial - A commercial operation that (a) provides food and shelter and care of domestic animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of domestic animals for sale, or (c) any place where more than two adult domestic animals (over 6 months) are kept for a boarding or other fee.

Light Industry – Manufacturing and assembly activities, research and development (including the production of a finished product) storage, warehousing, services, associated offices and similar uses of a limited intensity.

Loading Space - A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Local, Minor – See “Roads”

Local Street – See “Roads”

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

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

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

Lot, Depth of – The average horizontal distance between the front lot lines and the rear lot lines of a lot, measured within the lot boundaries.

Lot, Flag – A tract of land having insufficient lot width along a road or at the minimum setback line to meet the minimum lot requirements of the Ordinance but with sufficient area to meet all lot requirements further back on the lot (See Figure 1).

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

Lot Line - The boundary line of a lot.

Lot of Record - A parcel of land which has been legally recorded in the land records of Caroline County.

Lot, Through - An interior lot having frontage on 2 streets (See Figure 1).

Lot Width - The distance between the side lot lines measured at the required front yard line.

Lot Types - See diagrams of lots types – pages 61 to 64.

Major Site Plan - Any site plan which would include the extension of public water or sewer lines, placement of roads or installation of any stormwater management device.

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

Minor Local Street – See “Roads”

Minor Accessory Structure – Any structure that is less than 250 sq. ft.

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

Motel, Motor Court, Motor Hotel, Lodge, or Inn - same as "Hotel" except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or offices.

Mother- In- Law Suite – A series of rooms including a secondary kitchenette (not required) located under the roof of the main house or an addition attached to the main house for use of a related family member occupying the house. Or a separate suite located over an accessory structure such as a garage – not a structure unto itself – to be used by a family member occupying the house. Not to be used as a rental unit to anyone outside the family.

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

Natural Heritage Area - Any communities of plants or animals which are considered to be among the best statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

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

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

Nonconforming Use/Structures – See Section 9 of the Ordinance.

Nonprofit Organization - Any organization engaging primarily in civic or community services including Lions, Kiwanis, Rotary, Optimists and organizations of a similar nature which are not operated for profit and have been granted 5013c status by the Internal Revenue Service.

Non-tidal Wetlands - Means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

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

Office - A building or part thereof, designed, intended or used for the purpose of a profession, the carrying on of business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, industrial use, clinic, financial institution, or place of amusement or place of assembly. The definition of “office” includes the following: The use of a building for the professional practice of a doctor of medicine, dentistry, or psychiatry; a lawyer; architect, landscape architect; engineer; or similar professional person or persons.

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

Open Space – See “Common Open Space”.

Ordinance - The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in Sections 1 through 39 herein, inclusive, and also known as the Town of Preston Zoning Ordinance.

Overlay Zone – A district that is applied over other zoning districts and which may modify the permitted uses, intensity of uses, or other development standards that apply to the underlying zoning district.

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

Parcel – See “Lot”.

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

Parking Space, Off-street - An all-weather surfaced area not in a street or alley exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles. At a minimum each parking space shall measure 9' x 18'.

Perennial Stream - A stream containing surface water throughout an average rainfall year. Perennial streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States and shall be identified in the field and accurately drawn on all development plans.

Place of Worship - A building or premises where persons regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship.

Planned Unit Development (PUD) – A planned combination of diverse land uses, such as housing, recreation and shopping, in one contained development or subdivision.

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

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

Principal use – The primary activity or structure for which a site is used.

Property Lines - The lines bounding a lot as defined herein. A recorded boundary of a plot.

Professional - Any person doing business in which a license or a certificate issued by a Governmental Agency is required to operate.

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

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

Public Works Agreement – An executed agreement between the developer and the Town setting forth the improvements which the developer will be responsible for and the conditions for the construction and acceptance of such improvements by the Town.

Reclassification – The changing of the zoning district classification which applies to a particular area of land.

Recreation Facility - A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreation Vehicle, or RV – A motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation and camping, RVs do not include mobile homes, off-road vehicles or snowmobiles. RVs are classified into two groups - towables and motorized. Towables are designed to be towed by a motorized vehicle (auto, van, or pickup truck) and of such size and weight as not to require a special highway movement permit. Towables are designed to provide temporary living quarters for recreational camping or travel use and does not require a permanent onsite hook-up. The towables include conventional travel trailers, fifth-wheel travel trailer, folding camping trailer and the truck camper. Motorized RVs are a recreational camping and travel vehicle built on or as an integral part of a self propelled motor vehicle chassis. It may provide kitchen, sleeping, and bathroom facilities and be equipped with the ability to store and carry fresh water and sewage. Motorized RVs include Motor home (Class A), Van Camper (Class B), Motor home (Class C) and conversion vehicles.

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

Residence, Multi-Family – See “Dwelling-Multi-Family”

Restaurants:

- a. *Restaurant, standard*-A food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons, shall not be considered a restaurant.
- b. *Restaurant, fast food*-an establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.

- c. *Restaurant, drive-in or drive-thru*-any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

Retail Store - Stores selling one kind or various kinds of goods, as distinct from services, such as, but not limited to, drug stores, grocery stores, department stores, camera shops, book stores, and record shops.

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

Road - All ways used to provide motor vehicle access to (a) two or more lots or two or more distinct areas or buildings. Under the Preston street classification system all roads fall into one of the following categories:

- a. *Alley* - A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 25 dwelling units. For yard designation, alleys are not considered streets.
- b. *Minor - Local*. A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than ten (10) dwelling units and is expected to or does handle up to 100 trips per day.
- c. *Local*. A road whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 150 dwelling units and is expected to or does handle between 100 and 1,500 trips per day.
- d. *Cul-de-sac*. A road that terminates in a vehicular turnaround. A cul-de-sac shall not be longer than three hundred (300) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet, and a property line diameter of at least one hundred and ten (110) feet. Sidewalks shall be provided in at least one side of the street.

- e. *Collector*. A road whose principal function is to carry traffic between local, and sub-collector streets and arterial streets with limited direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day.
- f. *Collector, commercial*. – A road with a maximum design speed of twenty miles per hour with on-street parking on both sides. The commercial collector street is designed to carry traffic to and through a commercial businesses area and to provide access to commercial shared parking facilities and local streets.
- g. *Sub-collector*. A road whose principal function is to carry traffic between collector streets and local streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 1,000 trips per day.
- h. *Service Access Street*. A road that is generally parallel to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Screen – A visual and/or sound barrier with a high degree of opacity that is designed to hide or obscure unsightly views and reduce or eliminate noise.

Semi-Public - A use owned or operated by a nonprofit, religious or philanthropic institution and providing education, cultural, recreational, religious, or similar types of public programs.

Sensitive Areas - Environmental protection areas identified in the Economic Growth, Resource Protection and Planning Act of 1992 for which special standards, designed to protect these areas from the adverse effects of development, have been included in the Ordinance. These areas include the following:

- a. Streams and their buffers;
- b. 100-year floodplain;

- c. Habitats of threatened and endangered species;
- d. Steep slopes; and
- e. Any other areas determined by the Planning and Zoning Commission, and or the Commissioners

Service Access Street – See “Roads”

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

Shopping Center - A group of commercial establishments planned, developed and owned and managed as a unit, with on-site parking and of similar architectural characteristics.

Shopping Center, Community - A commercial establishment designed to provide the basic facilities found in a neighborhood center, with a wider range of commercial establishments.

Shopping Center, Neighborhood - A group of commercial establishments providing for the sale of convenience goods or personal services.

Shopping Center, Regional - A commercial establishment designed to provide a full scope of retail sales and services. It is designed to attract customers from an area of greater population than the county. A regional shopping center ranges in size from 300,000 square feet and up.

Sign – See Section 8 of the Ordinance.

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

Site Plan - A drawing or plat which describes and locates required improvements of a development tract in accordance with the provisions of the Ordinance.

Special Events - Circuses, fairs, carnivals, festivals, or other types of special events that (a) run for longer than one day but not longer than two weeks, (b) are intended to or likely to attract substantial crowds, and (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Exception - Permission by the Board of Zoning Appeals to establish a specific use that would not be appropriate generally or without restriction

throughout a zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would comply with the purpose and intent of the Ordinance. Such uses may be approved within a zoning district if specific provision for such a Special Exception is made in the Ordinance.

Steep Slopes - Any slope with a grade of 15 percent or more covering a contiguous area of 10,000 square feet or more.

Storage - The keeping, either indoors (including inside a cargo trailer) or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. Storage does not include the overnight parking in residential zones of a single vehicle weighing no more than 2.5 tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.

Stormwater Management:

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

Story - that portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Street. - A platted way for vehicular traffic

Street Line - A dividing line between a lot, trace, or parcel of land and a contiguous street.

Structure –

- a. *Structure, general* – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile home signs, tennis courts, and swimming pools.
- b. *Structure, minor accessory* – An accessory structure of less than 150 square feet of floor area. Included are lawn sheds, bike sheds, pet shelters and the like.

- c. *Structure, customary incidental* – Structures customarily associated with a dwelling unit but not designed to shelter large objects. Among other things incidental structures include walls and fences under four feet in height, clothes line supports, domestic radio and TV antenna towers and poles, utility poles, lamp posts, birdhouses, pet shelters under 20 square feet gross floor area, sidewalks, flag poles, and the like.

Structural Alterations - Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams, girders, or any substantial change in the roof or in the exterior walls.

Sub-collector – See “Roads”

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

Subdivision, Minor – A subdivision that does not involve any of the following: 1) the creation of more than three (3) lots; 2) the creation of any new public streets or the extension of existing streets; 3) the extension of a public water or sewer system; or 4) the installation of drainage improvements through one or more lots to serve one or more other lots.

Temporary Structure - Any structure erected for a time of six (6) months or less, consisting of any material with a running edge of twenty-five (25) feet or more. Temporary structures include tents with any running edge of twenty-five (25) feet or more.

Thinning - A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

Threatened Species - Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be "threatened" species pursuant to the Federal Endangered Species Act, 16 U.S.C., 1531 et seq., as amended.

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

Town – The town of Preston and its governing and zoning authorities, as applicable.

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

Transition Area – An area between two distinct neighborhoods or land uses with similar character. A transition area can be subtle or abrupt, of varying widths, and may use appropriate variations of natural and man made features.

Tributary Streams - Perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7.5' topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town.

Use - When used as a noun, the term means the purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

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

Utility Transmission Facilities – Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer lines.

Variance – Permission to construct, alter, or occupy a particular building, structure or tract of land in a way which is not in conformance with a provision or provisions of the Ordinance, as a form of relief from its literal interpretation.

Warehouse - A structure used for the storage and/or the sale of products at wholesale, and where the sale of a product at retail is incidental.

Waste disposal site – Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, parked, disassembled, or handled including landfills, auto wrecking yards, house wrecking yards, and the like.

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

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

Wholesale - The selling of goods in relatively large quantities and usually at lower prices than at retail, especially such selling to retailers for resale to consumers.

Yard - an open space other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in the Ordinance.

Yard, Front – An open space extending across the front of the lot between the side lot lines and measured between the front lot line and the front of the main building or any projection other than steps, unenclosed porches or entrance ways.

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, un-enclosed porches or entrance-ways.

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 buildings or any projection other than steps, un-enclosed porches or entrance-ways.

Zoning Inspector - The zoning administrative officer or an authorized representative designated by the Town Commissioners to carry out duties as specified in the Ordinance.

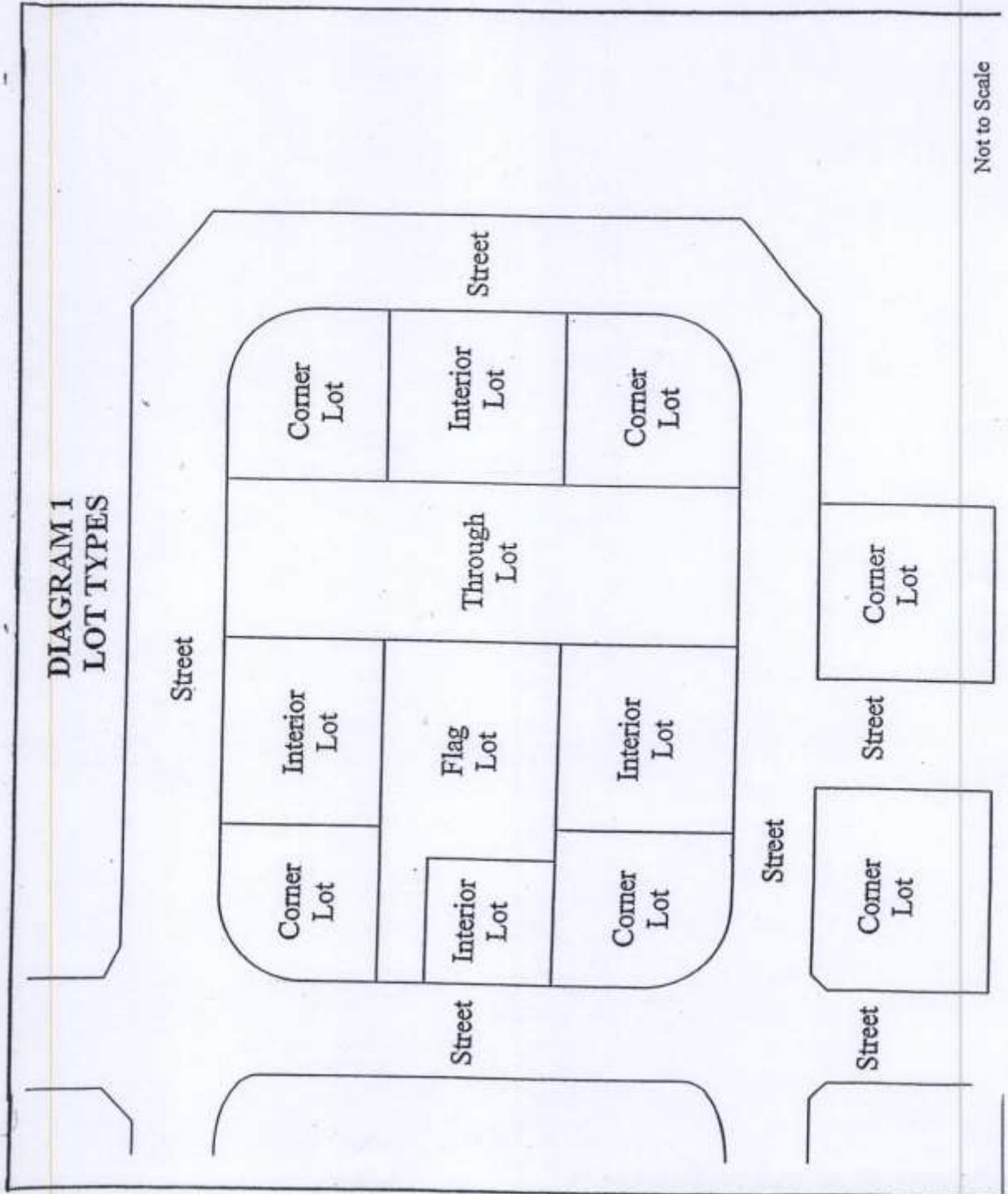
Zoning Certificate - Document that certifies that the Preston Planning Commission, or its designated representative, has approved a proposed use of property as being consistent with the provision of the Ordinance. A zoning certificate may also be referred to as a certificate of approval or zoning permit.

Zoning District - An area within which certain uses of land and structures are permitted and certain others are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established.

Zoning Overlay District – A district that is applied over other zoning districts and which may modify the permitted uses, intensity of uses, or other development standards that apply to the underlying zoning district.

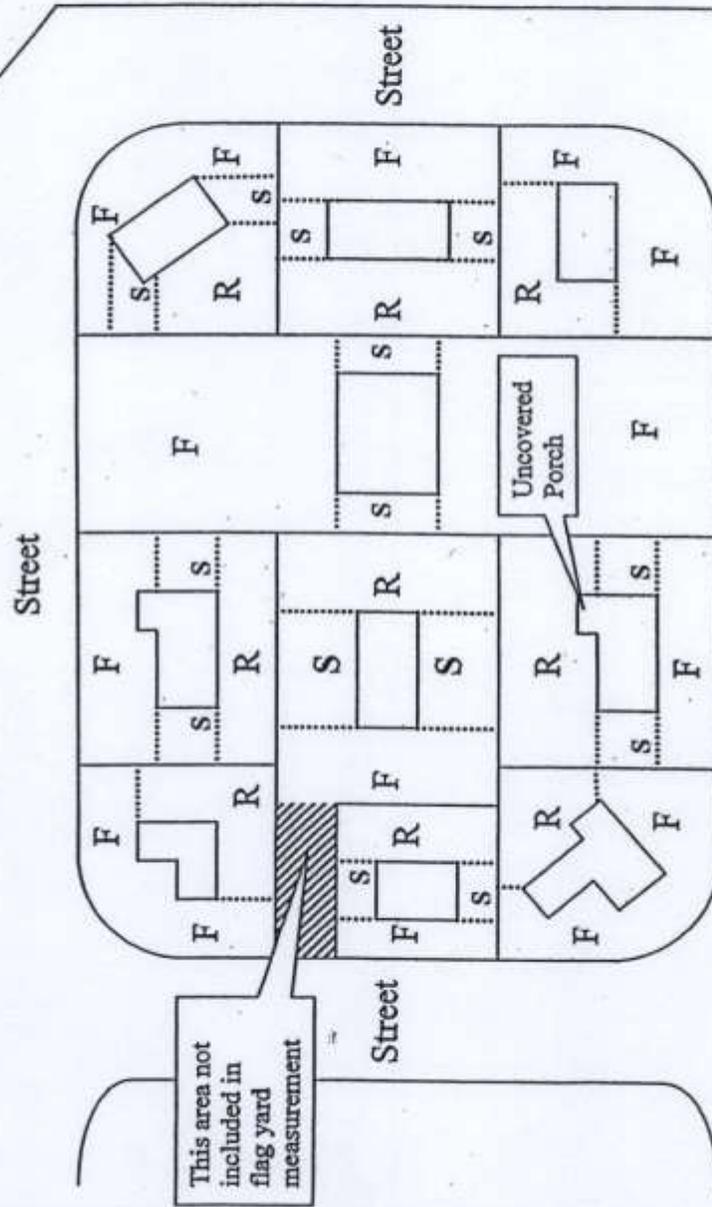
Zoning Permit - A written statement issued by the Zoning Inspector for buildings, structures, or uses consistent with the terms of the Ordinance, and for the purpose of carrying out and enforcing its provisions.

**DIAGRAM 1
LOT TYPES**

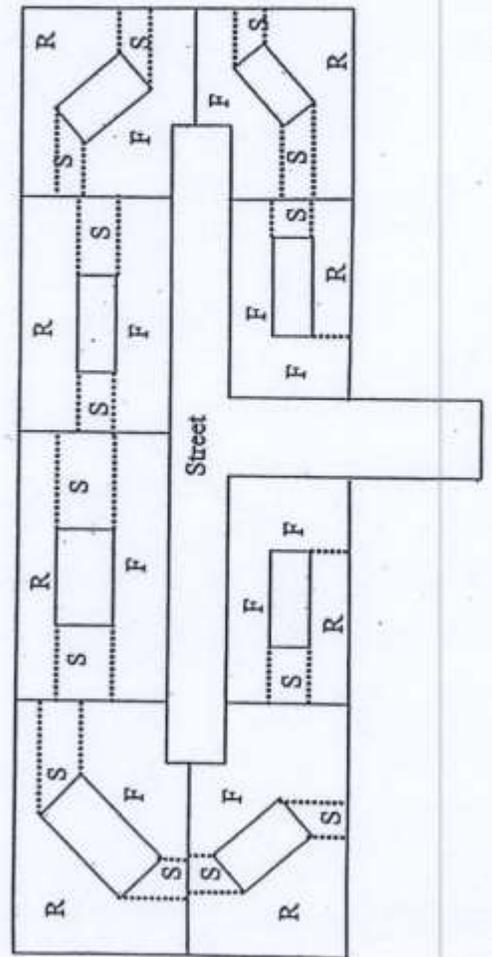
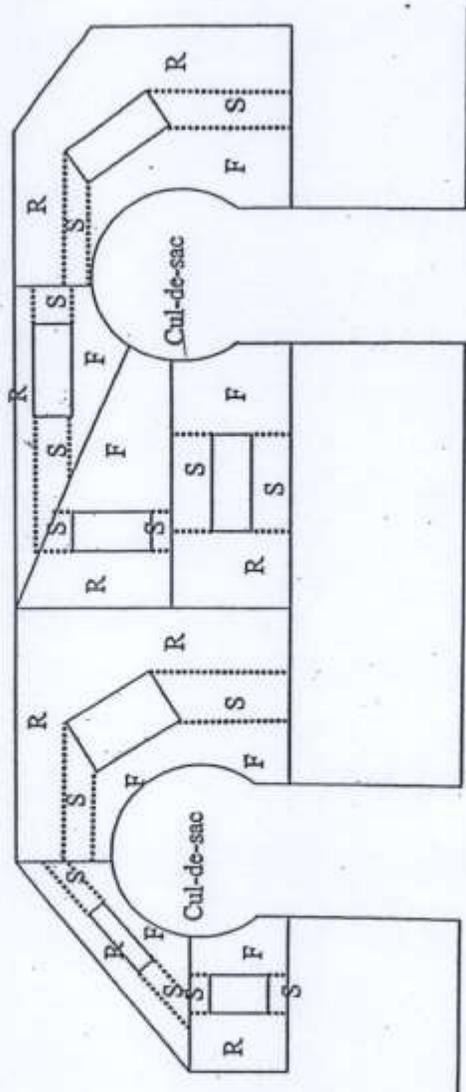


Not to Scale

**DIAGRAM 2
LOT YARD
DETERMINATION**



LEGEND
 F = Front Yard
 S = Side Yard
 R = Rear Yard



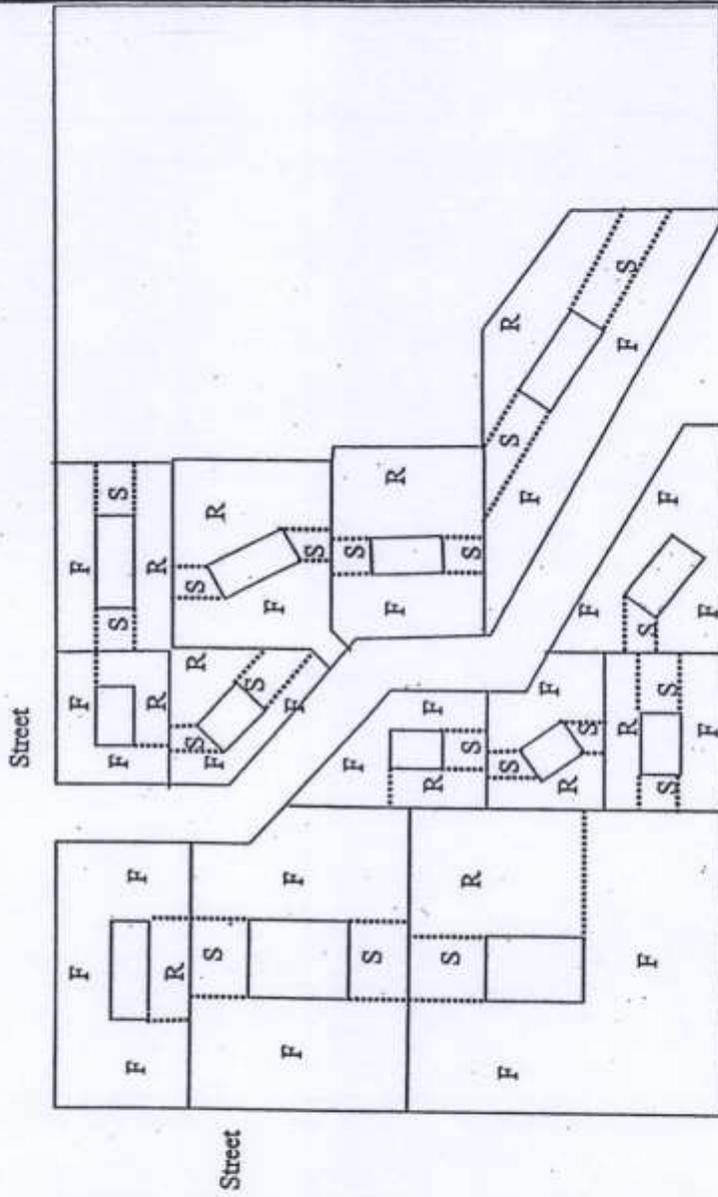
**DIAGRAM 2A
LOT YARD
DETERMINATION**

LEGEND

F = Front Yard
 S = Side Yard
 R = Rear Yard

Not to Scale

**DIAGRAM 2B
LOT YARD
DETERMINATION**



LEGEND
 F = Front Yard
 S = Side Yard
 R = Rear Yard

NOT TO SCALE

PRESTON ZONING REGULATIONS

SECTION 20 SINGLE FAMILY RESIDENTIAL “R-1”

20.00 – Statement of Intent. The intent hereof is that this district shall provide uncongested, hazard –free residential neighborhoods which are comprised of single-family detached residences and compatible structures and uses.

20.01 – Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the “R-1” district:

- 1) Single-family detached dwellings.
- 2) The growing of agricultural crops, including the usual agricultural structures and uses such as farm dwellings, noncommercial greenhouses, barns, and the like. No live stock shall be permitted in the Town of Preston.
- 3) Public and private parks and playgrounds.
- 4) Forestry.
- 5) Public buildings and structures of a recreational or public services type to include public or private homeowner or community association buildings and structures.
- 6) Public information or event signs subject to the provisions of Section 8 of the Ordinance.

20.02 – Special Exceptions. The following principal uses and structures may be permitted by Special Exception in the “R-1” district.

- 1) Churches.
- 2) The home office of a doctor of medicine, dentistry, or psychiatry, provided that the off street parking requirements of Section 8 of the Ordinance shall be met.
- 3) Cemeteries.
- 4) Public or private schools.
- 5) Public or private utility structures, other than essential services, as defined in subsection 7.00.

- 6) Bed and Breakfast Inns.
- a. Any structure used as a Bed and Breakfast operation must meet all applicable fire, safety and health codes and regulations. Bed and Breakfast uses shall be subject to all federal, state and county laws and regulations applicable to room rentals.
 - b. Each Bed and Breakfast establishment must provide two (2) parking spaces plus one (1) additional space for each room which may be provided. The parking spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. In granting a Special Exception for a Bed and Breakfast establishment, the Board of Zoning Appeals shall specify appropriate buffers to separate parking areas from adjoining residential properties.
 - c. The structure in which the Bed and Breakfast operation takes place shall be the principal residence of the owner of the property.
 - d. Meals for guests shall be limited to breakfast provided in an area of the dwelling generally utilized by the resident family for the consumption of food. Meal service shall be subject to Caroline County Health Department approval of food preparation areas.
 - e. No person shall be a guest in a Bed and Breakfast operation for more than five consecutive nights.
 - f. All Bed and Breakfast uses shall have a Home Occupation Permit as set forth in subsection 19.01 of the Zoning Ordinance.
 - g. No more than five (5) rooms may be rented to guests and no room may be occupied by more than two guests excluding minor children. In all cases the number of rooms available for rental shall not exceed thirty-five (35%) of the gross habitable floor area of the building. "Gross habitable floor area" shall be defined as the entire floor area of the interior of the building but shall not include garages, attics, basements and storage areas.

- h. Any structure used as a Bed and Breakfast must provide lavatory and bathing facilities specifically for the use of the guests. Such lavatory and bathing facilities shall be in addition to those facilities to be used by the Owners of the property.

20.03 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “R-1” district:

- 1) Private garages, parking areas, and other residential outbuildings and structures.
- 2) Customary incidental home or farm occupations providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- 3) Signs advertising home occupations, subject to the provisions of subsection 8.02.
- 4) Farm signs, subject to the provisions of 8.02.
- 5) Temporary real estate signs, subject to the provisions of 8.02.
- 6) Nursery schools, adult and child daycare centers.
- 7) Temporary buildings and structures- other than sales offices- incidental to construction work which shall be removed upon completion or abandonment of the construction work. Sales office trailers shall be removed when the first home in the subdivision is completed.
- 8) Generally, uses and structures customarily associated with and directly incidental to permitted principal uses and structures.
- 9) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.

The following provisions shall apply to accessory structures:

- 1) Accessory structures shall be located only in rear yard or side yard, except for signs allowed herein.

- 2) No accessory structure exceeding 250 square feet in floor area or part thereof shall be located less than 15 feet from any side or rear lot line.
- 3) No minor accessory structure with a foundation or part thereof shall be located less than three feet from any side or rear lot line, except that on corner lots no such structure shall be located less than fifteen feet from the edge of the street pavement.

20.04 – Height Regulations. No building or structure shall exceed 40 feet in height. This height limitation shall not apply to: roof structures for housing mechanical equipment or stairways, fire or parapet walls, steeples, flag poles, masts, monuments, or essential services as defined in subsection 7.00, or other utility structures.

20.05 – Area, Width, and Yard Requirements. The minimum requirements for the “R-1” District shall be as follows:

Lot Area	16,000 square feet
Lot Width	85 feet
Front Yard Depth	35 feet from Town street right of way line 50 feet from State road right of way line 50 feet from County road right of way line
Side Yard Width	15 feet
Side Yard Width for accessory structures	15 feet
Side Yard Width for minor accessory structures	3 feet
Rear Yard Depth	25 feet
Rear Yard Depth for accessory structures	15 feet
Rear Yard Depth for minor accessory structure	3 feet
Minimum Living Space Of Primary Dwelling	1,400 square feet

The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 40 percent. Anything over 40 percent must be approved by the Board of Appeals as a variance.

20.06 – One principal use permitted. No more than one principal use shall be permitted on a conforming or valid existing non-conforming lot except as authorized as a special exception by the Board of Zoning Appeals.

PRESTON ZONING REGULATIONS

SECTION 21 MULTI-FAMILY RESIDENTIAL “R-2”

21.00 – Statement of Intent. The intent hereof is that the “R-2” district shall provide land for moderate density multifamily residential uses and certain other uses and structures which are compatible therewith.

21.01 – Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the “Multi Family” zoning:

- 1) The same permitted principal uses and structures as for the “R-1” district.
- 2) Town Houses and Two-Family Dwellings.
- 3) Garden type apartments.
- 4) Condominiums.

21.02 – Special Exceptions. Except for Bed & Breakfast uses, the same principal uses and structures may be allowed by special exception as for the “R-1” district.

21.03 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “R-2” district:

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- 3) Signs advertising home occupations, subject to the provisions of 8.02.
- 4) Farm signs, subject to the provisions of 8.02.
- 5) Temporary real estate signs, subject to the provisions of 8.02.
- 6) Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.

- 7) Generally, uses and structures customarily associated with and directly incidental to permitted principal uses and structures.
- 8) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception or after such special exceptions shall have been granted by the Board of Zoning Appeals.

The following provisions shall apply to accessory structures:

- 1) Accessory structures shall be located only in the rear yard or side yard, except for signs allowed herein.
- 2) No accessory structure exceeding 250 square feet in floor area or part thereof shall be located less than eight feet from any side yard or fifteen feet from rear lot line, except that on corner lots no such structure shall be located less than fifteen feet from the edge of the street pavement, sidewalk or proposed sidewalk.
- 3) No minor accessory structure or part thereof shall be located less than three feet from any side or rear lot line, except that on corner lots no such structure shall be located less than fifteen feet from the edge of the street pavement, sidewalk or proposed sidewalk.

21.04 – Height Regulations. The same height regulations shall apply as for the “R 1” district.

21.05 – Area, Width, and Yard Requirements. The minimum requirements for the “R-2” District shall be as follows:

Lot Area	8,500 square feet or 3,600 square feet per dwelling unit whichever is more.
Lot Width	75 feet
Front Yard Depth	35 feet from Street right away line 50 feet from State road right of way line 50 feet from County road right of way line
Side Yard Width*	15 feet
Side Yard Width for Accessory structure	8 feet
Side Yard Width for minor accessory structure	3 feet

Rear Yard Depth 25 feet

Rear Yard Depth for
Accessory structure 15 feet

Rear Yard Depth for
minor accessory structure 3 feet

The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 40 percent. Anything over 40 percent must be approved by the Board of Appeals as a variance.

* Except that none shall be required for Town Houses which are not end units in a row. End units shall be required to have a 15 foot wide side yard on their exposed side.

21.06 – One principal use permitted. No more than one principal use shall be permitted on a conforming or valid existing non-conforming lot except as authorized as a special exception by the Board of Zoning Appeals.

PRESTON ZONING REGULATIONS

SECTION 22 –RESERVE

PRESTON ZONING REGULATIONS

SECTION 23 NEIGHBORHOOD COMMERCIAL “C1”

23.00 – Statement of Intent. The intent hereof is that the “C-1” district shall be used to provide for general localized commercial services, and shall not include large scale commercial activities, nor include highway oriented commercial activities.

23.01 – Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the “C-1” district:

- 1) All of the principal uses and structures permitted in the “R-2” districts.
- 2) Antiques shops, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 3) Art shops, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 4) Grocery or food store, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 5) Beauty shop, barber shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 6) Florist shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 7) General dry goods and/or hardware store, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 8) Gift shop, book shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 9) Pharmacy, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 10) Shoe repair shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 11) Taxidermy business, providing that no such use shall exceed 3,000 square feet of gross floor area.

- 12) Upholstery shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 13) Professional office, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 14) Bank, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 15) Coin operated Laundromat, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 16) Boarding houses, lodging houses, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 17) Tailor shop, providing that no such use shall exceed 3,000 square feet of gross floor area.
- 18) Retail businesses generally, but not including uses which would comprise a nuisance to adjacent property owners due to excessive noise, traffic, light or other offensive conditions, and not including any building in excess of 3,000 square feet of gross floor area.
- 19) Daycare centers, adult and child.

23.02 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the “C-1” district:

- 1) All uses and structures listed in subsection 23.01, but providing that such businesses may have greater than 3,000 square feet of gross floor area but no greater than 10,000 square feet of gross floor.
- 2) Bakery, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 3) Business offices, providing that not such use shall occupy greater than 10,000 square feet of floor area.
- 4) Dry cleaning, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 5) Clubs, lodges, restaurants and food carry-out establishments, not including drive-in type eating places, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.

- 6) Funeral establishments and chapels, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 7) Farm implement sales, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 8) Automobile and farm equipment repair and service establishments, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 9) Hotel, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 10) Newspaper and print shop, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 11) Building supplies and warehousing of building supplies, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 12) Frozen food lockers, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 13) Commercial swimming pool, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 14) Commercial greenhouses, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 15) Rest homes, nursing homes, or other institutions for human care of the treatment of non-contagious diseases, providing that no such use shall occupy greater than 10,000 square feet of gross floor area.
- 16) Utilities, other than essential services as defined in subsection 7.00.
- 17) Off sale alcoholic beverages.
- 18) Additional permitted uses on a conforming or valid existing non-conforming lot of record.
- 19) Signs in excess of the maximum permitted size and in compliance with the design principles set forth in the Comprehensive Plan.

23.03 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “C-1” district:

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- 3) Signs of the types listed in subsection 8.02, and subject to the provisions of subsection 8.02.
- 4) Temporary buildings and structures incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 5) Generally uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- 6) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.

23.04 – Height Regulations. The same height regulations shall apply as for the “R-1” district.

23.05 – Area, Width, and Yard Requirements. The minimum requirements for the “C-1” district shall be as follows:

Front Yard Depth	20 feet from right of way line
Side Yard Depth	None except a side yard of 15 feet shall be required when such use is adjacent to a residential building or district.
Rear Yard Depth	20 feet

The maximum site coverage by all buildings, including those serving both principal and accessory uses, shall be 70 percent.

23.06 – Principal uses permitted.

- 1) Residential dwelling units and no more than one other principal use shall be permitted on a conforming lot or valid non-conforming lot.
- 2) The Board of Zoning Appeals may grant additional principal uses on conforming lots or valid existing nonconforming lots by Special Exception.
- 3) All residential uses pursuant to this Section shall be subject to permits to be approved of by the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. These permits shall be subject to such conditions as the Planning Commission and the Town Commissioners impose.
- 4) All residential units shall be subject to the following conditions:
 - a. There shall be at least two-off street parking spaces for each residential unit.
 - b. All residential units shall be subject to satisfactory inspections in accordance with the adopted Preston Town Building Code, the Caroline County Electric Code, Caroline County Health Department Regulations, the State Fire Code and the Caroline County Plumbing Code. The property owner shall be responsible for all inspection fees.
- 5) Nothing in the Section shall authorize the Town Commissioners to issue a permit that would be in violation of any other provision of the Zoning Ordinance.

PRESTON ZONING REGULATIONS

SECTION 24 ROADSIDE COMMERCIAL “C 2”

24.00 – Statement of Intent. It is the intent hereof that the “C-2” district shall provide for certain types of commercial uses which are directly related to highway or street activity and which customarily are located adjacent to major streets or roads.

24.01 – Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the “C-2” district:

- 1) Gasoline sales.
- 2) Sales of snacks, soft drinks, and miscellaneous items, such use not to exceed 600 square feet of gross floor area.
- 3) Service and minor repair of motor vehicles.
- 4) Uses and structures permitted in the “C-1” district.

24.02 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the “C-2” district:

- 1) Major repair of motor vehicles.
- 2) Sale of motor vehicles.
- 3) Utilities, other than essential services as defined in subsection 7.00.
- 4) Additional permitted uses on a conforming or valid existing non-conforming lot.

24.03 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “C-2” district:

- 1) Uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- 2) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception has been granted by the Board of Zoning Appeals.

24.04 – Height Regulations. The same height regulations shall apply as for the “R-1” district.

24.05 – Area, Width, and Yard Requirements. The following minimum requirements shall apply for the “C-2” district:

Lot Area	square feet
Lot Width	feet
Front Yard Depth	30 feet from right of way line
Side Yard Width	10 feet
Rear Yard Depth	20 feet

The maximum site coverage by all buildings, including those serving both principal and accessory uses shall be 85 percent.

24.06 – Principal uses permitted.

- 1) Residential dwelling units and no more than one other principal use shall be permitted on a conforming lot or valid non-conforming lot.
- 2) The Board of Zoning Appeals may grant additional principal uses on conforming lots or valid existing nonconforming lots by Special Exception.
- 3) All residential uses pursuant to this Section shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- 4) All residential units shall be subject to the following conditions:
 - a. There shall be at least one-off street parking space for each residential unit.
 - b. All residential units shall be subject to satisfactory inspections in accordance with the adopted Preston Town Building Code, the Caroline County Electric Code, Caroline County Health Department Regulations, the State Fire Code and the Caroline County Plumbing Code. The property owner shall be responsible for all inspection fees.

- 5) Nothing in the Section shall authorize the Town Commissioners to issue a permit that would be in violation of any other provision of the Zoning Ordinance.

PRESTON ZONING REGULATIONS

SECTION 25 –RESERVE

PRESTON ZONING REGULATIONS

SECTION 26 INDUSTRIAL “I”

26.00 – Statement of Intent. It is the intent hereof that the “I” zone should be used to provide for industrial uses and structures which have limited effects upon the use of surrounding land, and not to include any industrial use which creates unfavorable or offensive conditions.

26.01 – Permitted Principal Uses and Structures. The following principal uses and structures shall be permitted in the “I” district:

a. Permitted uses:

- 1) Research, testing and development laboratories.
- 2) Printing, publishing, binding, packaging, storage, and warehousing.
- 3) Storage and processing of farm products.
- 4) Manufacturing or assembling from prepared materials.
- 5) Firms manufacturing textile, clothing, hosiery, electronic equipment, appliances, and mechanical instruments.
- 6) Contractors yard for storage of material and equipment.
- 7) Bottling or distribution stations for beverages.
- 8) Building materials and lumber yards, including incidental mill work, provided they shall be distant at least one hundred (100) feet from any dwelling, school, church, or institution for human care.
- 9) Trucking and freight stations, terminals and storage yards.
- 10) Manufacture or assembling from prepared materials of the following: musical instruments, clocks or watches, toys or novelties, electronic devices, light sheet metal products, machine tools and machinery not requiring the use of a punch press over one hundred (100) tons rated capacity or drop hammer, office equipment.

- 11) Building material sales yard, including the sales of rock, sand, gravel, and the like as an incidental part of the main business, and contractors equipment storage yard or plant.

b. The following are permitted as accessory uses and structures:

- 1) Retail sale of products manufactured or processed on the premises.
- 2) Other accessory uses and structures clearly incidental and customary to and associated with the permitted use.

26.02 – SPECIAL EXCEPTIONS. The same principal uses and structures may be permitted by special exception as for the “C-2” zone.

26.03 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “I” zone.

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations providing that all home occupations shall require approval from the Planning Commission and the Town Commissioners. A permit will then be issued by the Town Manager. Such permits shall be for three years, and may be renewed by the Town Manager.
- 3) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- 4) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception shall have been granted by the Board of Zoning Appeals.

26.04 – Height Regulations. The same height regulations shall apply as for the “R-1” district.

26.05 – Area, Width, and Yard Requirements. The minimum requirements for the Industrial “I” zone shall be as follows.

Lot Area	1 acre (43,560 sq. ft.)
Lot Width	150 feet

Front Yard Depth	60 feet from the right of way line
Side Yard Width	25 feet
Rear Yard Depth	60 feet

The maximum site coverage by all buildings, including those serving principal and accessory uses, shall be 60 percent. Anything over 60 percent must be approved by the Board of Appeals as a variance.

26.06 – One Principal Use Permitted. No more than one principal use shall be permitted on a conforming or valid existing non-conforming lot except as authorized as a special exception by the Board of Zoning Appeals.

PRESTON ZONING REGULATIONS

SECTION 27 SUPPLEMENTARY DISTRICT REGULATIONS

27.00 – Temporary Structures. Temporary buildings and structures, including mobile homes, may be erected or placed on sites in all districts if such buildings or structures are incidental to construction work on the premises. When such construction work is completed or abandoned the temporary building or structure shall be removed.

27.01 – Traffic Visibility. On a corner lot in any district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and a half and ten feet above the center line grades of the intersection streets, in the area bounded by the street edges of such corner lots and a line joining points along said street lines and 50 feet from the point of intersections.

27.02 – Structures to Have Access. Every building hereafter constructed, located, or enlarged, shall be on a lot adjacent to a public street or road, or with access to an approved private street, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection equipment, and required off street parking.

27.03 – Conversion of or to Dwelling. The conversion of a building into a dwelling shall be permitted only if a new building of similar construction as would be present after conversion would be allowed in the particular district in which the building proposed for conversion is located.

27.04 – Front Yards on Through Lots and Adjacent to Bodies of Water. In any district, where a lot runs through a block from street to street, and where a front yard is required, such front yard shall be provided along each street. In any district, where a lot lies between a street and a body of water, the front yard shall be the side of the lot which is adjacent to the street.

27.05 – Lot Depth and Width, How Measured. The depth of a lot shall be considered to be the distance between the mid points of straight lines connecting the foremost points of the side lot lines and the rear most points of the side lot lines. The width of a lot shall be considered to be the average width of the lot from the side lines.

27.06 – Yard Depth and Width, How Measured. Each front or rear yard depth or side yard width, required herein, shall be measured at right angles (or radially) from the nearest street right of way lines, or adjacent property lines.

27.07 – Wetlands Not to be Included in Required Area or Yards. In calculating the area of any lot for the purposes of compliance with the minimum requirements of the district regulations, State or private wetlands, as designated on the Wetlands Boundaries Maps of the Department of Natural Resources, State of Maryland, shall not be included as a part of the lot area nor shall such State or private wetlands be included as a part of any yard required herein.

27.08 – Variance of Front Yard Requirements to Preserve Existing Building Line. In all districts, on streets where existing buildings and structures create a clearly defined setback line, a new building may be located in such a manner as to preserve the existing building setback line, even though such building may not provide for the full front yard required herein.

27.09 – Minimum Building Standards.

- 1) All buildings and structures shall be soundly constructed using recognized construction methods and materials.
- 2) No permit shall be given for any building or structure that is of unusual size, shape, construction, or placement without approval by majority vote of the Planning Commission.

27.10 – Customary Incidental Structures. Customary incidental structures as defined in subsection 19.01-32-C shall not be erected or placed in such a way as to create a safety hazard or to detract from the neighborhood.

27.11 – Solar Collectors. Solar collectors and panels having more than 200 square feet of collecting surface which are placed or erected at a fixed location on the ground shall be deemed to be a structure subject to the provisions of the Ordinance and require a building permit. Solar collectors or panes permanently attached to or made an integral part of an existing structure shall be considered a modification to said structure subject to the provisions of the Ordinance when the collecting surface area is more than 200 square feet and the outline shape of the building is altered.

27.12 – Measurement of Setbacks from Structures. All setbacks shall be measured from the foundation or base of the structure involved at ground level except where some part of the structure shall overhang the foundation or base by more than four feet in which case the setback shall be measured from the vertical projection to the overhang at ground level.

27.13 – Fences. Fences and walls erected in conformance with this Section shall not be subject to setback requirements from property lines. Such fences and walls may be located in the established yards in any zoning district, subject to subsection 27.01 of the Ordinance, as follows:

- 1) Fences and walls not exceeding at any point four (4) feet in height above the elevation of the surface of the ground, may be located in any front yard, but not beyond the property line. Ornamental front yard fence gates, finials, or other ornamental posts shall not exceed four and one half (4 ½) feet in height. Fences and walls erected behind the front yard setback in any applicable zoning districts as set forth in the Zoning Ordinance shall be permitted to a height of eight (8) feet above grade.
- 2) Fences and walls not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground, may be located in any rear yard or side yard area.
- 3) A fence or wall in excess of the height limitations established herein shall only be permitted, if at all, as a special exception use, and the Board of Zoning Appeals shall have the authority to grant such a special exception in all zoning districts, and to impose conditions concerning maintenance and materials, in addition to any other reasonable conditions.

27.14 – Swimming Pools. All permanent or semi-permanent swimming pools shall be fenced or otherwise enclosed in such a manner as to prevent inadvertent access to swimming pools. All applications for building permits for swimming pools shall include plans for the fence or other structure to enclose the proposed swimming pool. Fences used to enclose swimming pools shall comply with the height limitations set forth in the International Residential Code for One and Two Family Dwellings, as amended from time to time.

27.15 – Corner Lot Restrictions. On corner lots, all sides of the lot which face a street must comply with the applicable front setback. The sides of the lot which do not face a street must comply with applicable side yard setbacks.

PRESTON ZONING REGULATIONS

SECTION 28 PLANNING COMMISSION

28.00 – Appointment. The Town Commissioners of Preston shall appoint five persons to serve as the Planning Commission. Each member shall be appointed to a five-year term except that four of the original members will be appointed to shorter terms such that one member's term will expire each year. Appointments will be made the first Monday of each May. The Town Commissioners shall appoint only persons with American citizenship who are registered voters living in the zoning area controlled by the Town of Preston. The appointment of members shall be without regard to sex, race, age, or national origin. The Town Commissioners may appoint one of its members to serve on the Planning Commission but may not appoint a quorum of its members to serve on the Planning Commission.

28.01 – Chairman of the Planning Commission. The Planning Commission shall elect by majority vote one of its members to serve as chairman of the Planning Commission one (1) year with eligibility for re-election. The commission shall hold at least one (1) regular meeting each month.

PRESTON ZONING REGULATIONS

SECTION 29 OFFICIAL ZONING MAP

29.00 – Zoning districts within the corporate limits of the Town of Preston shall be shown on the official Zoning Map of Preston.

PRESTON ZONING REGULATIONS

SECTION 30 – VILLAGE OVERLAY ZONE

30.00 - Purpose.

- 1) The intent and purpose of the Village Overlay Zone are:
 - a. To implement the recommendations of the Comprehensive Plan to use traditional "small-town" or neighborhood type development to create attractive and diverse environs within the traditional Preston Town Center.
 - b. To preserve patterns of design and development within the Village Overlay Zone and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the Town.
- 2) Within the Village Overlay Zone, a Village Redevelopment Sub-Area is hereby established. In addition to the purpose and intent of the Village Overlay Zone which is set forth above, the Village Redevelopment Sub-Area is intended to:
 - a. To implement the recommendations of the Comprehensive Plan to promote and encourage revitalization of the existing downtown or Village Center by permitting small-scale commercial and/or non-residential development by special exception at appropriate locations, provided that such development complies with the goals and objectives of the Village Overlay Zone, and the design standards set forth in this Zoning Ordinance.

30.01 - Specific goals and objectives.

- 1) The goals and objectives of the Village Overlay Zone are:
 - a. To maintain the intimate human scale and setting that make Preston a desirable place to live by requiring design for the human scale and perceptions.
 - b. To serve communities with streets that are interesting, that encourage slow vehicular speed and that result in a pedestrian friendly environment.

- c. To create a pleasant and functional pedestrian realm that consists of common open spaces, tree-lined streets, landscaped transitions areas (between public and private spaces) and utility corridors.
- d. To reduce issues of nonconformity by recognizing the appropriateness of the existing mix of land uses, building types and structure placement in the designated village overlay zone.
- e. To create compact, identifiable neighborhoods with distinct yet compatible character to the rest of the Town.
- f. To enhance Preston's sense of place in its rural and regional setting by maintaining the small town feel and vistas of open farmland.
- g. To accommodate a mix of housing densities, and building types.
- h. To integrate appropriate details in building design including protection of the village's architectural massing, composition and styles as well as neighborhood scale and character.
- i. To encourage compatibility of new construction and structural alteration with the existing scale and character of surrounding properties.
- j. To encourage existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community.
- k. To preserve the village streetscape.

2) In addition to the goals and objectives of the Village Overlay Zone, the following goals and objectives also apply in the Village Redevelopment Sub-Area:

- a. To encourage small scale, non-residential redevelopment within the traditional town center, by special exception, at appropriate locations provided that such redevelopment complies with the goals and objectives of the Village Overlay Zone and the design standards set forth in this Zoning Ordinance.

- b. To ensure that any non-residential development in the Village Redevelopment Area is consistent with the village's scale and character, and is appropriately integrated with surrounding properties.

30.03 – Applicability. The provisions of the Village Overlay Zone shall apply to new construction involving structural alterations and new structures on all land as designated by this Overlay Zone to the existing underlying Zone Districts. The provisions shall serve to supplement the underlying Zoning District regulations in order to support the purposes noted in subsection 30.01. Where a non-residential use is permitted by special exception in the Village Redevelopment Area, any new construction shall comply with the provisions of the Village Overlay Zone and the design standards set forth in the Ordinance.

- 1) Definitions – For purposes of the Village Overlay Zone and the Village Redevelopment Sub-Area, the following definitions apply:
 - a. New development: the creation of additional or new building lots or parcels.
 - b. New construction involving structural alterations: the expansion of the foot print of an existing structure or structures, such as adding a new room, but not interior construction which would not be visible from a public way. Repairs are not considered new construction involving structural alteration. Enlargement of building size or bulk, or alterations which impact upon the building façade, visible from a public way, shall constitute new construction subject to the Village Overlay Zone.
 - c. New structures: the addition of a new building or other structure to an existing parcel of land.

30.04 – Enforcement. In the Village Overlay Zone and the Village Redevelopment Sub-Area, new construction including new buildings, enlargement to building size or bulk, structural alterations to existing structures which have an impact upon the street façade and any change of use that is permitted only by virtue of the Village Overlay Zone provisions, shall be reviewed for compliance with this Section by the Planning Commission in accordance with the provisions of subsections 30.10 through 30.12.

30.05 – Locations. The Village Overlay Zone shall be used in areas identified on the Official Zoning Map and described in the Comprehensive Plan. It will be applied in addition to, and overlay, the underlying zoning. Within the Village Overlay Zone, the Village Redevelopment Sub-Area shall apply to areas identified on the Official Zoning Map and as identified in Table B of this Section. The Village Redevelopment Sub-Area shall be applied in addition to, and overlay the underlying zoning.

30.06 – Permitted Uses. Uses as specified in the underlying zone shall be permitted by right in the Village Overlay Zone and in the Village Redevelopment Sub-Area.

30.07 – Conditional Uses. Other uses may be permitted by special exception and as specified in the underlying zone as conditional uses.

30.08. – Special Exception Uses within the Village Redevelopment Sub-Area. The following uses are permitted in the Village Redevelopment Sub-Area by special exception:

Village Redevelopment Sub-Area (VRA)

USE DESCRIPTION	VRA
RESIDENTIAL	
Dwelling – Town House	SE
ACCESSORY DWELLING UNIT (Size limited to 50% of principle structure; not to exceed 1,500 square feet)	
- In conjunction with a principal residential use (Limited to one accessory dwelling unit per parcel)	SE
- In conjunction with a principal commercial use	SE
HOME-BASED BUSINESS	
- Type II Home-based business	SE
Day Care Center, Group	SE
Bed and Breakfast	SE
INSTITUTIONAL	
Churches and parish halls, temples and convents and monasteries, houses of worship	SE
Libraries, museums	SE
Medical facility	SE

USE DESCRIPTION	VRA
RECREATION, AMUSEMENT, ENTERTAINMENT	
Community Center including indoor recreation	SE
Indoor recreation	SE
EMERGENCY SERVICES	
Fire Stations without assembly hall	SE
Fire Station with Assembly Hall	SE
Rescue squad, ambulance service	SE
UTILITIES	
Essential Service	SE
COMMERCIAL –SERVICE	
Barber Shop, Beauty Salon, Nail Salon	SE
Service establishments, including laundry, appliance repair, equipment or instrument repair or rental, dry cleaning, hairdresser shop, pet grooming shop, upholstery shop, tailor and other similar uses	SE
Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment	SE
Advertising agencies	SE
Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music	SE
Bakery	SE
Financial institutions, building and loan associations, savings and loan associations, banks, credit unions, mortgage companies, or finance offices or other financial institutions	SE
Business uses including insurance, real estate, and computer centers	SE
Professional uses, including medical, legal, accounting, engineering, surveying, and architectural offices and other uses of a similar nature	SE
Entertainment uses compatible with surrounding neighborhoods	SE

USE DESCRIPTION	VRA
COMMERCIAL – RETAIL AND WHOLESALE	
Specialty food stores including but not limited to coffee shops, ice cream, organic foods, and delicatessen	SE
Specialty retail stores including but not limited to antiques, florist , gift, music, and movie rental	SE
Convenience/mini-market but not including gasoline pumps	SE
General merchandise	SE
Alcoholic Beverage Sales/Liquor Stores, Off Site	SE
Restaurant, Dine-in, Carry-out, Delivery	SE

Key:

SE - Use subject to special exception from the Board of Zoning Appeals

30.09 - Density and lot size. The maximum density shall be eight (8) dwelling units per acre. Accessory dwelling units that rely on the same water connection shall not be counted in the overall density calculation. The subdivision process must demonstrate the feasibility of future building placement in accordance with the requirements of the Village Overlay Zone.

30.10 - Provisions governing residential land use, lots and buildings.

- 1) Different types of residential dwellings may be mixed on the same block or lot. A residential building may be mixed with a nonresidential building on the same block or lot by special exception. A residential use may be mixed with nonresidential uses in the same building provided the nonresidential use has a separate front entrance.
- 2) Buildings should not exceed three stories in height. Chimneys, antennae, flagpoles, and other details, such as steeples, cupolas, and widow’s walks, are not bound by this general rule.
- 3) The required yard depth shall be five feet from the front lot line, edge of sidewalk, or the existing building line, whichever standard provides the greatest yard depth, except that the front yard may be equal to the front yard depth on the adjoining property. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot.

- 4) The minimum side yard width shall be no less than the side yard width on the adjoining property, or five feet, whichever is greater. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot, except when a reduced side yard width is permitted in the underlying zone.

30.11 - Provisions governing commercial and mixed land use, lots and buildings.

- 1) Non-residential uses must be existing non-conforming uses, or have been permitted by variance or special exception. Non-residential uses set forth in 30.07 may be permitted in the Village Redevelopment Sub-Area by special exception.
- 2) All nonresidential uses must be constructed on lots that contain at least 6,000 square feet, and maintain a minimum width of 50 feet to allow for off-street parking and deliveries.
- 3) Buildings shall be located at least 5 feet from the front lot line, or from the nearest sidewalk edge, or shall be consistent with the yard depth created by the location of adjacent buildings. The applicable standard in any specific case shall be that which creates the greatest front yard depth, except where the location of existing buildings creates a *de facto* front yard depth on adjacent lots. Sidewalks should be located between the street and the building front.
- 4) The minimum side yard width shall be no less than the side yard width on the adjoining property, or five feet, whichever is greater. Under no circumstances shall any building be located less than 10 feet from a building on an adjoining lot, except when a reduced side yard width is permitted in the underlying zone. If there is no building on the adjoining lot, then the minimum side yard width shall be the same as the underlying zone. However, the exterior of the structure must be accessible for maintenance on all sides from within the lot lines of the property on which the building is constructed. The side and roof of two story structures must be accessible for scaffolding, which normally requires a 5-foot minimum width that is unobstructed. Also, a minimum of 10 feet, on at least one side, must be provided for unobstructed vehicular access on any parcel not served by a rear yard access road or alley.
- 5) Adequate space shall be provided for parking, maneuvering, landscaping, and private yard areas when residential uses are included.

30.12 - Parking. Parking shall be provided in accordance with Special Provisions of the Zoning Ordinance. However, in the Village Overlay Zone, all required off-street parking is encouraged to be located in the side or rear yard area. Additional special requirements for the Village Overlay Zone follow:

- 1) Parking along the side of residential buildings must be screened from neighboring properties.
- 2) When access is from the street frontage, garages or carports shall be located behind the main building facade. However, garage doors should be oriented toward the side or rear whenever possible.
- 3) If off-street commercial parking spaces are required, no less than 50% of those spaces shall be to the rear of the building. Parking shall not be located in the required front yard.

30.13 - Design Provisions. The Planning Commission will rely on the Comprehensive Plan and the Village Overlay District Design Guidelines and the design standards set forth in subsections 35-38 of the Ordinance concerning issues of design, neighborhood and community character, and compatibility. In general, these call for the following characteristics:

- 1) Traditional neighborhoods should have recognizable edges while still blending and continuing the overall character of Preston. Accordingly, linear clustering and the creation of common linear open spaces, buffer screens, and pedestrian paths are strongly encouraged.
- 2) The mass and spatial relationships of new buildings shall be compatible in size and scale with those found within the Village Overlay Zone.
- 3) Building fronts shall face the street.
- 4) Front porches are encouraged on all Single-Family Dwellings.
- 5) Exterior materials shall be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional or muted tones.
- 6) Shade trees and other plant materials satisfactory to the Planning Commission should be provided along street frontages occupied by a home and in any other required screens or buffer plantings. All deciduous trees planted as a condition of site plan approval shall not be less than eight feet in height nor less than two inch caliper.

- 7) Within this overlay zone, the Town of Preston encourages an architectural style, which is best described as "traditional". Favorable consideration will be given to Building Permit Applications for new construction and remodeling where the plans include styling features of the older houses in the Town, such as higher, more traditional roof pitch, and/or a substantial front porch. Building Permit Applications for modern or "contemporary" design will be discouraged within the Village Overlay Zone. Within the Village Overlay Zone, replacement construction and remodeling Building Permit Applications will receive favorable consideration in appeals for setback variance where the construction is within the original "footprint" and the plan is for a traditional look.

30.14 - Site Plan. An approved site plan for development within the Village Overlay Zone and the Village Redevelopment Sub-Area shall be required and shall follow the procedural and substantive requirements for site plan submittal, review, and approval, as set forth in site plan requirements and review procedure, contained in the Subdivision Regulations. However, the Planning Commission may require a scale larger than the minimum, if needed for clarity and usefulness.

30.15 - Additional Requirements. The Planning Commission, at its discretion, may require a series of photographs and sketches of the proposed Village Overlay Zone development site from various vantage points, both on and off site, to provide graphic descriptions of existing and post development views. Sketches should be of sufficient accuracy and detail to convey adequate information about the proposed general streetscape appearance, landscaping, buildings, parking and circulation proposed in order to facilitate findings of compatibility with the character of the neighborhood and the community. However, they do not need to be expensive presentation renderings. Photographs may be in digital form but should be large enough to facilitate easy comparison to the sketch studies. The sketches, photographs, and any other supporting documentation submitted for review should accompany the preliminary site plan in order to:

- 1) Illustrate issues and features of the concept plan; and
- 2) Improve communication between the Planning Commission and the applicant; and
- 3) Promote streamlined review at subsequent stages when plans have begun to firm up and before substantial funds are expended on engineering and detailed design.

PRESTON ZONING REGULATIONS

RESERVE

PRESTON ZONING REGULATIONS

RESERVE

PRESTON ZONING REGULATIONS

VILLAGE REDEVELOPMENT SUB-AREA MAP

PRESTON ZONING REGULATIONS

SECTION 31 FLOATING ZONES

31.00 - Purpose and Intent. The purpose of the designated floating zones is to permit the specific and detailed mapping of areas for Planned Unit Developments (“PUD”). The floating zones provide a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.

31.01 - Town Findings. The Town Commissioners and Planning Commission find that they are not able to plan, locate and map the floating zones in advance, and that it is desirable to leave specific locations and conditions of the zones for future determination as the Town grows and specific transportation patterns, public open space, public infrastructure, and other specific public needs and benefits are identified. These zones are intended to permit design flexibility for land developed pursuant to a unified general development plan.

31.02 - Designation of Floating Zones.

The following zoning districts are floating zones, which may only be located in accordance with the provisions of Section 31 of the Ordinance:

- 1) PN – Planned Neighborhood District
- 2) PRC – Planned Regional Commercial District
- 3) HCM – Highway Commercial Mixed District

31.03 - Land Uses in Floating Zones. The uses permitted within a floating zone shall be as established by the land use table set forth in the Ordinance, which shall prevail over conflicting requirements of the Ordinance or the Town’s Subdivision Regulations.

31.04 - Required Procedures.

- 1) The procedures for amending the Official Zoning Map to locate a floating zone and approval of a PUD Plan are set forth in subsection 31.05. Location of a floating zone by the Town permits the use and development of the subject property in accordance the provisions of the floating zone and the approved PUD Plan, however, no construction, improvement, use or development of the subject property may occur until applicable construction, use and/or occupancy permits are issued.

- 2) The procedures for amendment of a PUD Plan are set forth in subsection 31.06.
- 3) Any development, site plan or subdivision approval for land subject to a floating zoning district shall be consistent with the provisions of the floating zone and the specific PUD Plan applicable to the property, as approved or amended by the Town Commissioners.
 - a. The administrative procedures for approval of a site plan for property located within a floating zone are set forth in subsections 31.05 through 31.06 of the Zoning Ordinance. Site plans shall conform to the approved PUD Plan, including the PUD Design standards.
 - b. The administrative procedures for approval of a subdivision located within a floating zone shall be those of the Town's Subdivision Regulations. Final subdivision plats shall conform to the approved PUD Plan.

31.05 - Location of Floating Zones; Process for PUD Plan Approval

- 1) **PUD Plan Review Process – Purpose.** The purpose and intent of the Planned Unit Development (“PUD”) Plan approval process is to provide for the creation of carefully planned, well designed residential, commercial and/or mixed use communities at appropriate locations.
- 2) **Development Performance Guidelines.** Applicants shall be guided throughout the review process by the Preston Development Performance Guidelines. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design guideline criteria are not intended to restrict creative solutions or to dictate all design details. The Preston Development Performance Guidelines serve as a tool for the Town planning staff by providing a checklist of elements to be considered. The Guidelines also inform the design professionals of items that should be considered or included from the outset of the design process.
- 3) **Preliminary Application.** Preliminary application for a floating zone amendment and PUD Plan approval shall be made to the Town Commission and Planning Commission in a joint meeting. Preliminary applications shall include:

- a. A written petition for location of a floating zone district and approval of a PUD Plan, signed by the Owners, and contract purchasers, if any, of the property that is the subject of the petition.
- b. A narrative describing the following:
 - (i) Statement of present and proposed ownership of all land within the development;
 - (ii) Overall objectives of the proposed Planned Unit Development and a statement of how the proposed Planned Unit Development corresponds to and complies with the goals and objectives of the Zoning Ordinance, and the proposed floating zone;
 - (iii) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
 - (iv) Storm drainage areas and description of stormwater management concepts to be applied;
 - (v) Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
 - (vi) School availability and school population impact analysis;
 - (vii) General description of architectural and landscape elements, including graphic representations; and
 - (viii) If petitioner 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 Planned Unit Development, the plan should include the mix of uses anticipated to be built in each phase.

[3] All proposed phases must be approved by the Planning Commission prior to the beginning of Phase 1 construction.

c. A Concept PUD Plan, which includes:

- (i) Boundary survey of the area subject to the application;
- (ii) Graphic and tabular presentation of proposed site development information that clearly depicts the following:

[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;

[4] Land area and locations generally allocated to each proposed use; and

[5] Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities.

- 4) **Referral of Preliminary Application to Planning Commission.** If the joint meeting of the Planning Commission and the Town Commissioners finds that the Preliminary Application for a floating zone amendment and PUD Plan approval is generally consistent with the Subdivision Regulations, the Preliminary Application shall be "conditionally approved" and referred to the Planning Commission for further review in accordance with subsection 5 below. "Conditional approval" as used herein means only that the Town Commissioners has made a preliminary finding that the proposal is generally consistent with this Zoning Ordinance. "Conditional approval" shall authorize the Planning Commission, Town staff, and Town consultants to continue to analyze the proposal subject to all applicable review processes and procedures.

No development, construction, or site preparation may occur until:

- a. a floating zone has been applied to the property by legislative action of the Town Commissioners,

- b. a PUD Plan is approved for the floating zone by the Town Commissioners; and
- c. a building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies with jurisdiction.

5) **PUD Plan Submittal to the Planning Commission.** After the Planning Commission and the Town Commissioners conditionally approve the preliminary application and Concept PUD Plan, the petitioner shall submit the following to the Planning Commission for review and recommendations to the Town Commission in accordance with Section 14 of the Preston Subdivision Regulations. The Town Manager shall comply with subsection 3.b of the Preston Subdivision Regulations regarding bulk mailing:

- a. Graphic PUD Plan Requirements:
 - (ii) PUD Plan that includes the following individual sheets:
Single sheets shall not exceed 36" x 48". Plans should be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.
 - [1] Conditionally approved Concept PUD Plan;
 - [2] Boundary Survey, including identification of adjacent property Owners;
 - [3] Existing condition information, including (information may be displayed on more than one sheet for clarity):
 - [a] Topographic survey (minimum 1' contour interval);
 - [b] Soils;
 - [c] Forested areas and tree lines;
 - [d] Wetlands, hydric soils, streams and water features;
 - [e] Steep slopes;
 - [f] Easements and deed restrictions;

- [g] Roads, driveways and right-of-ways;
 - [h] Existing buildings; and
 - [i] Existing land uses
- [4] Proposed open space, protected areas, public and private parks;
- [5] Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments;
- [6] Detailed plan of at least one (1) phase, showing:
- [a] Road alignments;
 - [b] Lot configuration;
 - [c] Commercial area plan, if applicable;
 - [d] Public and private open space(s);
 - [e] Perspective streetscape (typical for represented phase);
 - [f] Examples of proposed residential and commercial architecture;
 - [g] Plan view, perspective and elevations of private and/or public community facilities; and
 - [h] Plan view, perspective and elevations of entrance to PUD, including gateway improvements, if applicable.
- [7] 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 within the Planned Unit Development, the plan should include the approximate mix of uses anticipated to be built in each phase.

(iii) Studies and reports by qualified professionals:

[1] Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county and town) roads and major existing intersections within Preston Town limits that may be impacted by traffic generated by the proposed project;

[2] Nontidal wetlands delineation;

[3] Endangered species study prepared by qualified professionals

[4] Historical and archeological survey.

(iv) PUD Design Standards, which shall generally conform to the elements of the Preston Development Performance Guidelines. The PUD Design Standards should provide specific detail regarding:

[1] 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.

- [2] Building standards for designated neighborhood and/or commercial areas, including: size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.
 - [3] Landscape standards, including: location and scope, materials, and scheduling.
- (v) Project Scheduling Information, including: anticipated permitting hearings, approvals, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town planning agencies as a tool for long-range planning activities, but shall not be binding.)
 - (vi) The PUD Plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:
 - [1] Sanitary and storm sewers, water mains, culverts, and other underground structures;
 - [2] Streets, roads, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems
 - [3] Parks, parkways, walking paths, cycleways, playgrounds, and open spaces.
- b. The PUD Plan shall comply with requirements of this Section and Sections 14 through 29, inclusive, of the Preston Subdivision Regulations.
 - c. The Town Commission and/or the Planning Commission may establish additional and supplemental requirements for the PUD Plan during its consideration of the Preliminary Application, if they determine such requirements are necessary to enable the Town Commissioners to evaluate the particular floating zone amendment request.

6) Planning Commission Review and Recommendation Floating Zone Amendment and PUD Plan.

- a. The Planning Commission shall review the floating zone amendment request and PUD Plan for compliance with the requirements of the Ordinance.
- b. The Planning Commission shall evaluate the degree to which the floating zone request and PUD Plan incorporates and/or addresses the Preston Development Performance Guidelines.
- c. The Planning Commission may make recommendations to the petitioner regarding changes to the PUD Plan proposal, which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements the Preston Development Performance Guidelines and the goals and objectives of the Ordinance. The petitioner may resubmit the PUD Plan to the Planning Commission in consideration of the Commission's comments. If after four (4) PUD Plan submissions, the PUD Plan has not received a favorable recommendation from the Planning Commission, the Commission shall make a negative recommendation to the Town Commissioners setting forth its reasons as to why the PUD Plan should not be approved.
- d. The Planning Commission shall consider and comment on the findings required of the Town Commissioners by subsection 15.04(2) and shall make a favorable or negative recommendation to the Town Commissioners.
- e. The Planning Commission shall return the PUD Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Town Commissioners for action pursuant to the floating zone and PUD Plan approval process.

7) Town Commissioners Approval of Floating Zone and PUD Plan.

- a. The Town Commissioners shall review the PUD Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.

- b. The Town Commissioners may approve or disapprove the proposed floating zone map amendment and associated PUD Plan, with any revisions, in their legislative discretion, and subject to all hearing requirements and necessary findings for map amendments and the application of a floating zone to a particular area, as more particularly set forth in other provisions of the Ordinance.
- c. After approval of a floating zone amendment by the Town Commissioners, two (2) complete copies of the approved PUD Plan shall be filed with the Town Manager. One (1) additional complete copy of the approved PUD Plan shall be filed with the Planning Commission for reference during its subsequent review and approval of subdivision plats and/or site plans.
- d. When a Planned Unit Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase and all Subdivision Regulations have been met.
- e. As part of the final PUD Plan approval, the Town Commissioners shall approve a date for initiation of the proposed development.
- f. In the event that a floating zone amendment is approved by the Town Commissioners without subdivision and approval of an associated PUD Plan, the subject property may not be subdivided until the Owner complies with the PUD review and approval provisions of the Ordinance, and may not be developed except in conformance with a site plan as required by and in conformance with the Ordinance.

31.06 - Amendment of PUD Plan. The procedure for amendment of an approved PUD Plan shall be the same as for a new application, except that amendments of a PUD Plan may be approved by the Planning Commission.

PRESTON ZONING REGULATIONS

SECTION 32 “PN” PLANNED NEIGHBORHOOD DISTRICT

32.00 - Purpose. The Planned Neighborhood ("PN") District is a floating zone. That means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Zoning Map. The PN District is intended to permit master planned, mixed use developments in areas designated appropriate for such by the Town Commissioners. The PN District permits development and land use pursuant to a Planned Unit Development (“PUD”) Plan approved by the Town Commissioners at the time the PN zoning is applied to specific land(s). There is a general presumption that an application for PUD project at an appropriate location conditionally approved as a PN District, proposing uses permitted within the PN District, with residential densities as provided in the Ordinance, and insures to the general benefit of the Town.

32.01 - Intent. The PN Planned Neighborhood District is intended to promote the following:

- 1) Develop neighborhoods that accommodate and promote pedestrian travel;
- 2) Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets;
- 3) Encourage the inclusion of a diversity of household types, age groups, and income levels;
- 4) Promote traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
- 5) Encourage creation of a functionally diverse, but visually unified communities;
- 6) Promote use of neighborhood greens, landscaped streets, woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;
- 7) Provide sites to accommodate buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and symbols of identity;

- 8) Promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community;
- 9) Permit design flexibility in order to achieve an appropriate mix of residential and non-residential building uses; and
- 10) Require efficient utilization of designated growth areas.

32.02 - Density Determination.

- 1) General. The total number of dwelling units permissible in a PUD project shall be determined in accordance with the provisions of this Section (as adjusted by density bonuses as set forth below). Areas used for commercial uses shall be subtracted from the Adjusted Tract Acreage, as described in b. below, before determining permissible residential density.
- 2) Average Base Density Calculation. The base density shall be determined by the land area yielded through calculations of the Adjusted Tract Acreage, as determined by Table 32.02(b). The minimum residential density for a proposed PN shall be 2.7 dwelling units per Adjusted Tract Acre. Except as provided by subsection 3 below, the maximum residential density for a proposed PN District shall be no more than 4.0 dwelling units per Adjusted Tract Acre.

32.02(b) - Table Density Factors for Calculating Adjusted Tract Acreage

	Density Factor	Description of Constraint
DF 1	0.00	Floodways within 100-year floodplain: Existing street right of way
DF 2	0.05	Wetlands and soils classified by the Caroline County Soil Survey as "very poorly drained"; Existing utility easements
DF 3	0.25	Steep slopes; that is, those greater than 25 percent
DF 4	0.33	Soils classified as "poorly drained" (in unsewered areas);
DF 5	0.75	Soils classified as 'poorly drained' (in sewerred areas); Slopes between 15 percent and 25 percent;
DF 6	1.00	Unconstrained land

- 3) Density Incentives to Further Certain Public Objectives.
 - a. Public use of conservation land. The Town Commissioners may encourage the dedication of land for public use (including active and passive recreation areas, spray irrigation open space, municipal buildings, school sites, etc.) according to the following standards:

- (i) A density bonus for public usage of conservation land in a new PN district shall be computed on the basis of a maximum of one dwelling unit per five acres of such land and one dwelling per half-mile of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate land to public usage within a proposed PN District shall be at the discretion of the Planning Commission.
 - (ii) The density bonus must be above and beyond the requirements as stated in subsection 32.04.1.c.i of the Ordinance.
- b. Implementation. If the Town Commissioners are satisfied that the public purpose objectives are being achieved, an applicant may utilize any combination of density bonuses, provided that the cumulative density bonuses applied to a PUD project may not exceed 35 percent of the maximum residential base density after meeting the requirements as stated in subsection 32.04.1.c.(i) of the Ordinance.

32.03 - General Design Requirements

- 1) Design guidelines referenced in this subsection shall be considered as minimum performance standards for the PN District.
- 2) Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to four use areas: Single-Family Residential (SRA) Areas, Central Residential (CRA) Areas, Storefront (SFA) Areas, Village Center (VC) Areas, and Conservation (CA) Areas. At a minimum, they must contain both a SRA and a CA, as defined below. These areas are intended to provide for the diversity necessary for traditional village life, while maximizing the interactions among related uses and minimizing the adverse impacts of different uses upon each other.
 - a. Single-Family Residential Areas (SRA) provide locations for a broad range of housing types, including single family detached, semi-detached, and attached, and may also include accessory dwelling units.
 - b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, habitat protection areas and private non-common acreage used for agriculture, wholesale nurseries, tree farms, etc.

- c. The Central Residential Area (CRA) is intended to contain a variety of housing options and related uses.
- d. The Village Center Area (VCA) is intended primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one- and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance.
- e. The Storefront Area (SFA) is intended to provide appropriately scaled commercial and service uses that meet the retail and service needs of the Town and surrounding areas of Caroline County.

32.04 - Development Standards

- 1) The following development standards shall apply to the PN District:
 - a. The setback, lot size, lot dimensions, lot coverage, height, and yard requirements in the PN shall be established for each PN District jointly by the Town Commissioners and the Planning Commission during the PUD Plan approval process and shall be consistent with the PN Design Performance Guidelines. In establishing these requirements the Town Commissioners shall consider such factors as the proposed development intensity and the existing character of adjacent neighborhoods.
 - b. Land Coverage. The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, or plazas, buildings, or other structures shall be sixty (60) percent of the gross area of the PN District.
 - c. Minimum Required Open Space
 - (i) A minimum of thirty five (35) percent of the Adjusted Tract Acreage shall be open space including parks, recreational, habitat, forest, agriculture, and stream and wetland preservation areas. Not less than fifty (50) percent of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than 50 percent of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

- (ii) Open space land shall be permanently protected through conservation easements, and may be developed for uses consisting of the following:
 - [a] Agricultural uses, including horticultural, and the raising of crops, and buildings related to the same;
 - [b] Woodlots, arboreta, and other similar silvicultural uses;
 - [c] Woodland preserve, game preserve, wildlife sanctuary, conservation meadows, or other similar conservation uses;
 - [d] Municipal or public uses (including spray irrigation area), public park or recreation area owned and operated by a public or private nonprofit agency, or governmental or public utility buildings or uses, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews;
 - [e] Active recreation, if it is noncommercial in nature and provided that no more than 50 percent of the minimum required open space is so used. Parking areas and any roofed structures associated with the active recreation may not be included within the 50 percent minimum; and
 - [f] Private active or passive recreational uses by residents of the PN District once approved by the Town Commissioners and the Planning Commission.
- (iii) PN developments shall include multiple greens, commons, or passive parks measuring a total of at least 1,500 square feet for each dwelling unit, plus 500 square feet of land for active recreation per dwelling unit.

2) Residential Unit Mix

Unit Type	Minimum Percentage	Maximum Percentage
Single - Family Dwelling	50	80
Two – Family Dwelling	5	20
Town House	10	40
Multi – family	0	20

- 3) Each PN development shall contain a mixture of at least three of the four housing types. The Town Commissioners and the Planning Commission may vary this phase requirement if it is satisfied that at build-out, at least three of the four housing types are included in the overall PN development.

32.05 – Land Use Table for the PN District. The following uses apply in the PN District. The land use table is intended to permit the following uses, or uses which are substantially similar to the uses set forth herein. Notwithstanding any provision herein, all existing land uses within a PN District shall be permitted to continue until the development of the particular phase of an approved PUD plan.

CLASS	USE DESCRIPTION	PN				
		SRA	SFA	CRA	VC	CA
1.00.000	RESERVE					
	Forestry					
	Wildlife Conservation & Refuge Area					
	Greenhouse					
2.00.000	RESIDENTIAL					
	Dwelling – Single Family	P		P		
	Dwelling – Two-Family	P		P		
	Dwelling – Multi-Family	P		P	P	
	Dwelling – Town House	P		P	P	
3.00.000	ACCESSORY DWELLING UNIT (Size limited to 50% of principle structure; not to exceed 1,500 square feet)					
	- In conjunction with a principal residential use (Limited to one accessory dwelling unit per parcel)	SE		SE		
	- In conjunction with a principal commercial use		SE		SE	
4.00.000	HOME-BASED BUISNESS					
	- Type I Home-based business		P		P	
	- Type II Home-based business		SE		SE	

CLASS	USE DESCRIPTION	PN				
		SRA	SFA	CRA	VC	CA
	Day Care Center, Group		P	SE	P	
	Bed and Breakfast	SE		SE		
5.00.000	INSTITUTIONAL					
	Schools Public	SE	P	SE	P	
	Schools, Private	SE	P	SE	P	
	Churches and parish halls, temples and convents and monasteries, houses of worship	SE	P	SE	P	
	Libraries, museums		P	P	P	
	Private Clubs		P		P	
	Medical facility or clinic for human care		P		P	
	Funeral Home		P			
6.00.000	RECREATION, AMUSEMENT, ENTERTAINMENT					
	Athletic fields	P				P
	Community Center including indoor recreation	P	P	P	P	
	Indoor recreation		P			
	Theater-indoor		P			
	Privately owned country clubs swimming or tennis clubs approved as part of some residential development	P		P		
7.00.000	EMERGENCY SERVICES					
	Fire Stations without assembly hall	P	P	P	P	
	Fire Station with assembly hall		P	P	P	
	Rescue squad, ambulance service	P	P	P	P	
8.00.000	UTILITIES					
	Essential Service	P	P	P	P	P
9.00.000	COMMERCIAL - SERVICE					
	Barber Shop, Beauty Salon, Nail Salon		P		P	
	Service establishments, including laundry or laundromat, appliance repair, equipment or instrument repair or rental, dry cleaning pickup station, or plant, hairdresser shop, pet grooming shop, upholstery shop, tailor and other similar uses		P		P	
	Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment		P		P	
	Advertising agencies		P		P	

CLASS	USE DESCRIPTION	PN				
		SRA	SFA	CRA	VC	CA
	Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music		P		P	
	Bakery		P	P	P	
	Financial institutions, building and loan associations, savings and loan associations, banks, credit unions, mortgage companies, or finance offices or other financial institutions		P		P	
	Business uses including insurance, real estate, and computer centers		P		P	
	Professional uses including medical, legal, engineering, surveying, and architectural offices and other uses of a similar nature		P		P	
	Health Club		P		SE	
	Entertainment uses including nightclubs, bars, and dance halls		SE			
	Hotel		P		SE	
	Veterinary office, animal clinic		P			
10.00.000	COMMERCIAL – RETAIL AND WHOLESALE					
	Specialty food stores including but not limited to coffee shops, ice cream, organic foods, and delicatessen		P	SE	P	
	Specialty retail stores		P		P	
	Antique Shop		P		P	
	Florist Shop		P		P	
	Convenience/ mini-market but not including gasoline pumps		P		P	
	General merchandise		P		P	
	Convenience Commercial		P		P	
	Alcoholic Beverage Sales/Liquor Stores, Off Site		P			
	Grocery Store		P			

CLASS	USE DESCRIPTION	PN				
		SRA	SFA	CRA	VC	CA
	Restaurant		P		P	
	Restaurant, Carry-out, Delivery		P		SE	
	Catering establishment		P		P	

Key:

P – Permitted use within zoning district or sub district

SE – Use subject to special exception from the Board of Zoning Appeals

PRESTON ZONING REGULATIONS

SECTION 33 PN DESIGN PERFORMANCE GUIDELINES

33.00 Purpose and Intent. The purpose and intent for establishing performance guidelines for the PN District is:

- 1) To preserve and enhance the unique character of Preston's village image while integrating new development into the overall fabric of the community. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 33.03 below;
- 2) To encourage creative design and innovative approaches to achieve the community character contemplated in the Town's Comprehensive Plan; and
- 3) To ensure that each incremental addition to the Town is designed in manner that is mindful of what has come before and contributes to the achievement of overall community design objectives.

33.01 Specific Goals and Objectives. The goals and objectives of the PN Design Performance Guidelines are to:

- 1) Design for the human scale and perceptions to create a sense of neighborhood and community.
- 2) Enhance Preston's sense of place in its rural and regional setting by maintaining the small town feel while keeping new development in harmony with nature.
- 3) Create a pleasant and functional pedestrian realm that consists of common open spaces, tree-lined streets, landscaped areas (between public and private spaces) and utility corridors.
- 4) Encourage internal and peripheral open space.
- 5) Create neighborhood centers or town centers within walking distances of all surrounding neighborhoods.
- 6) Transition areas should be included between residential neighborhoods.
- 6) Design for neighborhood and collector streets internal to the community.

- 8) Integrate buildings of smaller scale in a pattern of various footprints.
- 9) Plan for mixed and multiple land uses, also include a mix of housing types, incomes and a horizontal and vertical mix of uses.
- 10) Utilize appropriate details in building design.

33.02 Applicability. The provisions of the PN Design Performance Guidelines shall be considered during the review of all PUD Plans, site plans, subdivision plans, or other permits or applications for new development, new construction involving structural alterations, and new structures, on all land zoned in the PN District.

33.03 Design Provisions. The Planning Commission will rely on the Comprehensive Plan and the PN Design Performance Guidelines concerning issues of design, neighborhood and community character, and compatibility. In general, these call for the following characteristics, which shall be set forth on a set of drawings, plans, and/or elevations sufficient to permit the Planning Commission to apply the following standards.

- 1) General Design Provisions. The following standards generally apply to development proposed in the PN District.
 - a. The architectural design of structures and their materials and colors should be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with natural landforms and existing vegetation and with other development plans approved by the Town.
 - b. Specific consideration should be given to compatibility with adjacent properties where such projects demonstrate the Town's character.
 - c. Facing buildings should not differ in height by more than 2:1, excluding church steeples, decorative cornices, chimneys, and the like.
 - d. Fencing along the highway right-of-way is discouraged, but, if used, such fencing should be of quality materials (brick, stone, wood) and should be landscaped to minimize visibility from the highway.
 - e. Materials should be used that have similar texture and appearance as appropriate to the Town's character.

- f. Exterior materials should be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional or muted tones.
 - g. Block lengths should be varied with no block length greater than 500 feet. Blocks greater than 400 feet should provide a mid-block pedestrian cut through.
- 2) Residential SRA. In addition to the General Design Provisions set forth in subsection a above, the following guidelines generally apply in the Single-Family Residential Areas (SRA) of the PN District.
- a. Residential design styles should reflect vernacular architecture.
 - b. Repetitious housing styles within individual neighborhoods are discouraged.
 - c. Porch frontages are encouraged on all Single-Family Dwellings.
 - d. Residential buildings should front on and enclose public ways.
 - e. Build-To-Lines (BTL) should include appropriate variations to encourage neighborhood identity and creativity.
 - f. Lot widths within individual neighborhoods should be varied. Orientation of housing can also vary.
 - g. Lot widths should be designed to ensure that garages do not dominate the front facade of residential structures.
 - h. Traditional roof pitches and multiple roof lines are encouraged.
 - i. Modern or contemporary design is discouraged.
- 3) Residential CRA. In addition to the General Design Provisions set forth in subsection a above, the following guidelines generally apply in the Central Residential Areas (CRA) of the PN District.
- a. In general, Town House and Multi-Family Dwellings should adhere to the architectural guidelines of single family and two-family dwellings.
 - b. Town House and Multi-Family Dwellings should blend into the overall character of the neighborhoods.

- c. Multi-family Dwellings should appear as large single-family units. Small groups of Town Homes, four or less, may be designed to appear as large Single-Family Dwellings.
 - d. Single-Family Dwellings should be mixed with other permitted housing types.
 - e. No more than six units should be included in a single Town House unit group. Each unit should have a distinct architectural appearance, but the overall appearance of the units should be compatible with and complementary to adjacent single family residential units and with the other units in the neighborhood.
 - f. Parking for Town House and Multi-Family Dwellings should be located to the rear or side of the units.
 - g. The majority of Multi-Family Dwellings should be located in the Central Residential and Village Center Areas of the community.
- 4) Commercial SFA & VC. In addition to the General Design Provisions set forth in subsection a above, the following guidelines generally apply in the Storefront Area (SFA) and Village Center Area (VCA) of the PN District.
- a. Large work area doors or open bays shall not open toward or face the public ways.
 - b. HVAC and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway, public rights-of-way, or adjoining non-commercial areas. Large trash receptacles, dumpsters, utility meters, and above ground tanks, etc., shall be similarly treated.
 - c. All facades that face public ways should be designed in an aesthetically pleasing manner. Facade designs should include architectural relief features to prevent monotony, repetition or an obvious commercial appearance.
 - d. Building massing should reflect proportion and scale appropriate to the existing Town design.
 - e. In the VCA, non-residential building height should be compatible with the scale of the surrounding residential neighborhood.

PRESTON ZONING REGULATIONS

SECTION 34 LIGHTING STANDARDS

34.00 Purpose and Intent. The purpose and intent for establishing lighting design standards is to integrate lighting components into the design of all new development, re-development, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 34.03 below.

34.01 Specific Goals and Objectives. The goals and objectives of the Lighting Design Standards are to:

- 1) To preserve and enhance the unique character of Preston's rural setting by preserving the night sky; and
- 2) To ensure public safety and security.

34.02 Applicability. The provisions of the Lighting Design Standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. An exterior lighting plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the provisions of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

34.03 Design Provisions. The Planning Commission will rely on the Lighting Design Standards concerning design, preservation of neighborhood and community character, compatibility, and to ensure light pollution is kept to a minimum.

- 1) General. In general, the following provisions apply to lighting proposed as part of any development set forth in subsection 34.02 above.
 - a. Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
 - b. Light fixtures shall be designed as an integral design element that complements the design of the neighborhood through style, material, color, and creativity.
 - c. All utility lines shall be installed underground.

- d. Street pedestrian way lights shall be decorative and blend with the architectural style of the neighborhood.
 - e. Flickering or flashing lights are prohibited.
 - f. Light sources shall not be located within buffer areas except on pedestrian walkways.
 - g. Lighting that unnecessarily illuminates and/or substantially interferes with the use or enjoyment of the surrounding area (including- but not limited to- both the ground lot as well as the air space above) is prohibited.
 - h. Lighting fixtures should not exceed the minimum height and power necessary to accomplish their intended function.
- 2) Residential. In addition to the general provisions set forth in subsection a above, the following provisions apply to lighting for residential uses and development.
- a. Multi-family residential units shall be adequately lighted to ensure public safety and the security of the buildings.
 - b. Lighting on individual streets shall be designed consistent with the planned function of the street without excessive illumination.
 - c. Porch light and yard post lighting shall be incorporated into the street lighting design in residential developments.
 - d. Lighting on pedestrian ways including sidewalks and mid-block pedestrian cut throughs should not conflict with street trees.
- 3) Non-Residential. In addition to the provisions set forth in subsection a above, the following provisions apply to lighting used for non-residential uses (including but not limited to commercial, civic, recreational, fraternal, and religious facilities).
- a. All exterior lighting shall be shielded so as not to shine directly onto surrounding properties or public ways or rights of way, except as planned and approved for safety purposes. In addition, the globe, lens, bulb, or filament should be shielded to not be visible from adjoining properties.

- b. Lighting shall be designed to provide uniform illumination of the property to prevent extreme contrasts between light and dark areas and to provide for adequate safety and security.
- c. Lighting may be used to accent key architectural elements and/or to emphasize landscape features. Architectural lighting shall be recessed under roof overhangs or generated from concealed, low-level light fixtures.

PRESTON ZONING REGULATIONS

SECTION 35 PARKING DESIGN STANDARDS

35.00 Purpose and Intent. The purpose and intent for establishing parking design standards is to integrate parking components into the design of all new development, re-development, and infill development applications. The Preston community requires every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 35.03 below.

35.01 Specific Goals and Objectives. The goals and objectives of the parking design standards are to:

- 1) Balance the need for parking without compromising the village character of the community;
- 2) Provide for safe and secure pedestrian movement between parking areas and residential and non residential uses;
- 3) Integrate parking into the overall vehicular and pedestrian transportation system;
- 4) Minimize impact to the environment through innovative site design; and
- 5) To ensure public safety and security.
- 6) To facilitate access by emergency services and vehicles

35.02 Applicability. The provisions of the parking design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development, residential development involving multi-family units, or redevelopment in any zoning district. A parking plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this Section have been met. Parking standards are flexible and take into account off-site parking.

35.03 Design Provisions. The Planning Commission will rely on the parking design standards concerning design, preservation of neighborhoods and community character, and compatibility.

- 1) All developments in all zoning districts shall provide adequate parking as approved by the Planning Commission.

- 2) Parking areas should be small scale, and highly landscaped.
- 3) Parking should not be a dominant site feature and should be screened, landscaped, and lit to assure public safety, and distributed around the sides and rear of commercial buildings to avoid a “sea of asphalt” appearance.
- 4) In Store Front Areas and Village Center Areas, parking should consist of ample on-street parking and small lots located to the side or rear of buildings and screened from the main commercial street.
- 5) Parking lots should not be located on street corners and intersections.
- 6) Parking lots should not be located at terminal vistas.
- 7) Parking lots should not be located near parks or public squares unless designed to serve the park.
- 8) Access to parking should be provided from rear driveways where possible.
- 9) All parking lots should be screened and oriented to minimize visual and noise impacts on adjacent residential properties.
- 10) Planted islands should be constructed at least every ten (10) parking spaces.
- 11) Parking areas in adjacent commercial uses should be interconnected to minimize traffic on adjacent streets.
- 12) Shared parking arrangements are encouraged.
- 13) Where parking lots cannot be interconnected, planting strips of at least 10 feet in width should be installed.
- 14) Landscaping shall not create a traffic safety problem either in the present or inevitably in the future.
- 15) Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows.
- 16) Through access should be provided within and between parking blocks; dead end drives are strongly discouraged.

- 17) On-street parallel, angled, or head-in parking may be appropriate in commercial areas.
- 18) Parking areas should be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas should also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- 19) Parking areas for all development should be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- 20) Circulation areas should be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- 21) Any lighting used to illuminate off-street parking areas should not be directed toward any adjoining residential zone or uses and any public or private right-of-way.
- 22) Adequate parking should be provided in residential areas through a combination of on-street and off street parking.
- 23) Parking areas shall comply with State and County Stormwater regulations. Use of innovative techniques and landscaping to meet the requirements is encouraged. Parking areas over 5,000 sq. ft. shall comply with State and County Stormwater regulations.
- 24) Parking areas shall consist of an all weather surface. Dirt is not considered an all weather surface.

PRESTON ZONING REGULATIONS

SECTION 36 STREET DESIGN STANDARDS

36.00 Purpose and Intent. The purpose and intent for establishing street design standards is to integrate street design components into the design of all new development, re-development, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 36.03 below.

36.01 Specific Goals and Objectives. The goals and objectives of the street design standards are to:

- 1) Provide streets that create a positive visual image from the vehicle and a sense of focus and enclosure;
- 2) Design a permanent and functional street network;
- 3) Encourage use by vehicles, cyclists, and pedestrians;
- 4) Promote safety through traffic calming and street design; and
- 5) Ensure safe and efficient movement of all modes of transportation.

36.02 Applicability. The provisions of the street design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. A street plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the standards set forth in this Section have been met.

36.03 Design Provisions. The Planning Commission will rely on the street design standards concerning design, preservation of neighborhoods and community character, and compatibility. Design provisions shall be consistent, in every way, with the specifications in Article IV of the Town's Subdivision Regulations. When unclear, it shall be determined by the Planning Commission and the Board of Zoning Appeals.

- 1) General
 - a. Streets shall be laid out in a hierarchical network; Major Collector, Commercial, Minor Collector, Local, Minor Local, Alley, and Service Lane.

- b. Streets should be designed to create the form and scale of the community and to accommodate the pedestrian, cyclist, and the vehicle, with particular emphasis on accommodating emergency vehicles.
- c. Street layout should be composed of interconnecting narrow streets laid out in a modified grid.
- d. Streets should connect to at least two other streets. Cul-de-sacs and dead ends should be avoided.
- e. Where applicable, streets should be designed for two way traffic.
- f. Streetscapes should be defined through the use of uniform setbacks along a Build to Line (BTL). The streetscape may also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges, or fences which define front yards.
- g. Buildings should be located to front towards and relate to public streets both functionally and visually to the greatest extent possible. Buildings should not be oriented to front toward a parking lot.
- h. Distinct (e.g., patterned) pedestrian cross walks should be installed at intersections and any other location where pedestrian systems cross a street.
- i. Traffic calming should be an integral part of the overall street design.
- j. Street trees should be planted along all street right-of-ways.
- k. Street widths should be the minimum necessary to maintain the desired design speed and traffic volume.
- l. Development plans should address improvements to offsite roads that serve a project, including offsite pedestrian linkages.
- m. Streets shall be paved with durable material acceptable to the Town's consulting engineer.

- 2) Major Collector Street. In addition to the provisions set forth in subsection 1 above, the following standards apply to Major Collector Streets.
 - a. Speed Limit shall be a maximum of 30 MPH.
 - b. Travel lane width shall be 12 feet.
 - c. Landscaped bump outs should be provided in the parking lane to avoid the use of the parking lane as a travel lane.
 - d. A bicycle lane, separate from motor vehicle traffic, should be provided on collector streets. Bicycle lanes can be provided in medians.
 - e. Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - f. Street trees shall comply with subsection 38.03, Landscaping and Environmental Standards.
 - g. Pedestrian bump-outs are required for undivided Major Collector streets.
 - h. Direct access onto Major Collector streets from residential property is discouraged.
 - i. Curb radii should be twenty feet (20) with a clear zone radius of thirty (30) feet.
- 3) Collector Street - Commercial. In addition to the provisions set forth in subsection 1 above, the following standards apply to a Commercial Collector Street, which is defined as a road which is designed to carry traffic to and through a commercial businesses area and to provide access to commercial shared parking facilities and local streets:
 - a. Speed Limit shall be a maximum of 20 MPH.
 - b. Travel lane width shall be 10 feet.
 - c. Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - d. Street trees and landscaping should provide shade, rest area and coverage, and shall comply with subsection 38.03, Landscaping and Environmental Standards.

- e. Pedestrian bump-outs are required on corners and where pedestrian crossing is encouraged.
 - f. Direct access onto Commercial streets is permitted.
 - g. Curb radii should be fifteen feet (15) with a clear zone radius of twenty (20) feet. Curb radii may be greater on truck routes for deliveries.
- 4) Sub Collector Street. In addition to the provisions set forth in subsection 1 above, the following standards apply to Sub Collector Streets.
- a. Speed Limit shall be a maximum of 25 MPH.
 - b. Travel lane width shall be 10 feet.
 - c. Planting strip, or verge, between the sidewalk and curb should be a minimum of six feet.
 - d. Street trees shall comply with subsection 38.03, Landscaping and Environmental Standards.
 - e. Pedestrian bump-outs may be required at appropriate locations.
 - f. Direct access onto Minor Collector streets is permitted.
 - g. Curb radii should be twenty feet (20) with a clear zone radius of thirty (30) feet.
- 5) Local Street. In addition to the provisions set forth in subsection 1 above, the following standards apply to Local Streets.
- a. Travel lane width shall be 10 feet.
 - b. On-street parking is permitted on both sides of the street with Planning Commission approval but with no parking within 30 feet of the tangent point of the curb.
 - c. Planting strip, or verge, between the sidewalk and curb should be a minimum of three feet.
 - d. Street trees shall comply with subsection 38.03, Landscaping and Environmental Standards.

- e. Direct access onto Local streets is permitted.
 - f. Curb radii should be twenty (20) feet with a clear zone of thirty (30) feet.
- 6) Minor Local Street. In addition to the provisions set forth in subsection 1 above, the following standards apply to Minor Local Streets.
- a. Speed Limit shall be a maximum of 15 MPH.
 - b. Travel lane width shall be 10 feet.
 - c. On-street parking is permitted on one side of the street with no parking within 30 feet of the tangent point of the curb.
 - d. Planting strip, or verge, between the sidewalk and curb should be a minimum of three feet.
 - e. Street trees shall comply with subsection 38.03, Landscaping and Environmental Standards.
 - f. Direct access onto Minor Local streets is permitted.
 - g. Curb radii should be twenty (20) feet with a clear zone of thirty (30) feet.
- 7) Alley. In addition to the provisions set forth in subsection 1 above, the following standards apply to Alleys.
- a. Speed Limit shall be a maximum of 5 MPH.
 - b. Travel lane width shall be at least 12 feet.
 - c. On-street parking is not permitted.
 - d. Direct access onto alleys is permitted.
 - e. Curb radii should be twenty (20) feet with a clear zone of thirty (30) feet.
- 8) Service Access Street. In addition to the provisions set forth in subsection 1 above, the following standards apply to Service Access Streets.
- a. On-street parking not permitted.

- b. Street trees shall comply with subsection 38.03, Landscaping and Environmental Standards.
- c. Direct access onto Service Roads is permitted.
- d. Curb radii should be twenty feet (20) with a clear zone of thirty (30) feet.

PRESTON ZONING REGULATIONS

SECTION 37 SIDEWALKS, CURBS, AND GUTTERS

37.00 Purpose and Intent. The purpose and intent for establishing design standards for sidewalks, curbs, and gutters is to integrate sidewalks, curbs, and gutter design components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 37.03 below.

37.01 Specific Goals and Objectives. The goals and objectives of the sidewalks, curbs, and gutter design standards are to:

- 1) Provide safe, efficient, and fully interconnected pedestrian access throughout the town.
- 2) Encourage pedestrian travel as a viable means of transportation.
- 3) Direct runoff to designed storm water management elements.

37.02 Applicability. The provisions of the sidewalk, curbs, and gutter standards shall apply to all new development, infill development, and redevelopment applications in all zoning districts. A sidewalk, curb and gutter plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this Section have been met.

37.03 Design Provisions. The Planning Commission will rely on the Comprehensive Plan and the sidewalk, curbs, and gutter standards concerning design, preservation of neighborhoods and community character, and compatibility.

- 1) Sidewalks
 - a. A continuous sidewalk system should provide pedestrian access from all residential units to all other land uses.
 - b. The sidewalks required by this Section shall be at least five (5) feet in usable width as measured from the back side of the curb and constructed according to the specifications set forth by the present building code, the county and the state (SHA) regulations. The Planning Commission may require the installation of walkways constructed with other suitable materials when it concludes that:

1. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
2. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
3. Such walkways meet the requirements of the American Disabilities Act.
 - b. The minimum pedestrian usage width for sidewalks in commercial areas is five feet. However, wider sidewalks may be necessary depending on the anticipated volume of pedestrian traffic or type of business use in a specific commercial area.
 - c. Pedestrian crosswalks should be located at all major pedestrian crossings.
 - d. Bump-outs should be provided at major pedestrian crossings on commercial streets and undivided major collector streets.
 - e. On major collector streets and in commercial areas, design features shall guide pedestrians to walkways and crosswalks by distinguishing pedestrian ways from driving surfaces through use of specialty paving, bricks, landscaping beds and other features consistent with the community design.
 - f. Pedestrian ways should be designed to discourage pedestrian traffic from walking through driving areas to access building entrances.
 - g. Utility structures and mail boxes should not be located so as to reduce the width of sidewalks.
 - h. Sidewalks should not be used for outdoor retail display area. However, if they are used for temporary displays a (5') five feet clear walking space must be provided.

- i. Where appropriate, durable street furniture, trash receptacles, and other amenities should be placed along sidewalks without reduction of sidewalk width.

2) Curbs and Gutters

Curbs and gutters are required on the entire street frontage of any parcel or lot, except alleys, unless alternative low impact stormwater designs are approved by the Planning Commission.

- a. Curbs and gutters shall be built to the construction standards and specifications currently in use by the State Highway Administration of Maryland or to Town standards and specifications, as determined by the Planning Commission.
- b. Only one curb cut per street frontage should be allowed on residential lots that do not have alley access.
- c. There should be a maximum of two (2) curb cuts per commercial lot per street frontage.
- d. In no case should over sixty percent (60 %) of the street frontage per parcel be allowed as curb cuts for any entrances or exits into commercial uses.

PRESTON ZONING REGULATIONS

SECTION 38 LANDSCAPING & ENVIRONMENTAL STANDARDS

38.00 Purpose and Intent. The purpose and intent for establishing landscaping and environmental standards is to integrate landscaping and environmental design components into the design of all new development, redevelopment, and infill development applications. The Preston community expects every developer, large or small, to adhere to the design standards and guidelines manual and the following basic design provisions in subsection 38.03 below.

38.01 Specific Goals and Objectives. The goals and objectives of the landscaping and environmental design standards are to:

- 1) Assure a desired character along public streets and public rights-of-way.
- 2) Reduce nuisances between adjoining land uses.
- 3) Minimize negative visual and environmental impacts of future development on existing uses.
- 4) Prevent the appearance of large expanses of man made features.
- 5) Improve air and water quality, soil conservation, and erosion control measures.

38.02 Applicability. The provisions of the landscaping and environmental design standards apply to any development that involves subdivision approval or the addition of public streets, or any commercial development or redevelopment in any zoning district. A landscaping and environmental plan shall be submitted to the Town whenever subdivision or site plan approval is sought in order to determine whether the requirements of this Section have been met. Notwithstanding any provision to the contrary herein, the Planning Commission may waive any provision(s) of Section 38, if applicable, to achieve consistency with the provisions of any state and/or federal regulatory approval.

38.03 Design Provisions. The Planning Commission will rely on the Comprehensive Plan and the following landscaping and environmental design standards concerning design, preservation of neighborhoods and community character, and compatibility.

- 1) Landscaping General
 - a. Landscaping should emphasize native species trees, shrubs, and flowers to reduce maintenance, to help ensure longevity, and to reinforce the natural character of the area.

- b. Ornamental species may be used only for complementary plantings.
- c. Species should be selected partly on the basis of their visual appeal during different seasons of the year.
- d. Landscaping should consist of a combination of grass, shade trees, understory trees, evergreens, flowers, and shrubs arranged in such a manner as to complement the proposed structure or project and its adjacent neighborhood.
- e. To the extent possible, existing trees should be preserved and can count toward landscaping requirements.
- f. If landscape materials are removed, they should be replaced with material of similar size, shapeliness, function, hardiness, longevity, and appearance.
- g. The developer shall be responsible to assure the survivability of landscaping for two years.
- h. A change of use of an existing facility, with or without new construction, should require landscaping improvements consistent with the intent of the Ordinance.
- i. The Planning Commission, at its discretion, may require additional landscaping in addition to the landscaping plan proposed by the applicant.
- j. Landscaping should be designed to improve storm water run-off and bio-retention.

2) Buffers & Screening

- a. Buffers & Screening shall be designed to ensure that they do, in fact, function as “buffers and screens”.
- b. Bufferyards should be required to separate incompatible zoning districts and/or land uses from each other in order to eliminate or minimize potential nuisances.
- c. Existing mature woodlands should be used whenever possible to serve as a buffer yard.

- d. Bufferyards shall be shown on all development plans and approved by the Planning Commission.
- e. Bufferyards shall not be located within any portion of an existing or planned public or private street or right-of-way.
- f. Bufferyards may be used for passive recreation, pedestrian, bicycle and equestrian trails provided the width and function of the bufferyard is maintained.
- g. Bufferyards may not obstruct the view from motor vehicles.
- h. Bufferyards may be owned by any group or individual provided survivability and maintenance of the vegetation is ensured.

3) Trees

- a. Deciduous shade street trees at 2” diameter at breast height (dbh)(“Street Trees”) shall be provided, in a landscaped area between the sidewalk and curb, along both sides of all newly created streets, where required.
- b. Street Trees shall be planted along internal streets, with at least one tree for every forty (40) feet of street frontage in all residential areas. Additional shade trees may be required in non-residential areas.
- c. Street Trees similar in species to existing Street trees shall be planted for infill and redevelopment projects to ensure a continuation of a streetscape.
- d. The quantity, spacing, and species of tree shall be designed to create a sense of enclosure along the street when the trees reach full maturity.
- e. Trees planted as part of a non-residential site should be designed to complement and enhance the function of the Street Trees.
- f. Trees shall not obstruct the view from motor vehicles.

- g. Every development should strive to retain all existing healthy trees and large and champion trees.
- h. The drip line of any retained large or champion trees shall be protected during site development.

4) Environmental Standards

- a. A one hundred (100) foot natural buffer from all perennial streams shall be required for all development.
- b. Permanent or temporary storm water and/or sediment control devices shall not be permitted in the 100 foot Buffer.
- c. Encroachment into the buffer for road crossings is allowed if disturbance is minimized.
- d. The 100 foot buffer requirement may be reduced to no less than seventy-five (75) feet by the Planning Commission for the following:
 - (i) If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the 100' buffer, and if evidence is provided that said development will meet all other applicable requirements, as required.
 - (ii) Other public or community facilities provided disturbance is minimized in so far as possible.
- e. A fifty (50) foot buffer from all intermittent streams shall be required for all development. Permanent or temporary storm water management and sediment control devices shall not be permitted in this buffer.
- f. The Planning Commission may require the one hundred (100) foot perennial stream buffer be expanded to include contiguous 100 year floodplain and nontidal wetlands. In addition, the Planning Commission may require the one hundred (100) foot perennial stream buffer be expanded to include hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) that are contiguous with the perennial stream.

- g. A twenty five (25) foot buffer from all non-tidal wetlands shall be required for all development.
- h. No structure, impervious surface or land disturbance shall occur on Steep Slopes unless the Planning Commission determines that the structure, impervious surface or land disturbance is necessary for stabilization of the slope.
- i. A minimum 50 foot buffer shall be established between development and the crest of slopes in excess of twenty five (25) percent.
- j. Development shall address habitat of rare, threatened, and endangered species areas as described by the Maryland Department of Natural Resources.
- k. Habitat corridors should encourage continuity with existing habitat corridors on adjacent properties, if possible.

5) Landscaping Alternatives

- a. Natural growth may be retained on the site to meet the requirements of this Section. The Planning Commission may require additional supplemental plantings to obtain the effect intended by the purpose and intent of these requirements.
- b. Landscaping consisting of a combination of architectural materials, including fountains, special bricks, interlocking paving, decorative features, statues, and other combinations of landscaping features, materials, or plantings, including street trees are encouraged.

PRESTON ZONING REGULATIONS

SECTION 39 COMMERCIAL DEVELOPMENT DESIGN GUIDELINES

39.00 Purpose and Intent. The purpose of these guidelines is to:

- 1) Improve and protect the visual appearance along major highways and street corridors;
- 2) Improve access and circulation to and within new and existing commercial and business sites;
- 3) Improve sales and property values;
- 4) Encourage new and improve existing design linkages between sites; and
- 5) Require context sensitive site planning and building design.

39.01 Reserve

39.02 General Commercial Design Provisions. The following standards generally apply to all commercial development.

- 1) Relationship to Surrounding Development
 - a. New, infill, and redeveloped commercial sites adjacent to or in relatively close proximity to residential uses should relate well to surrounding development. Such development should respect adjacent residential uses and surrounding neighborhoods by ensuring intensive operations, such as loading areas, do not adversely impact neighbors.
 - b. Commercial uses should transition to residential uses within a single block and be designed to seamlessly blend in with the change from commercial to residential character.
 - c. The Planning Commission may impose conditions upon the approval of development applications to ensure that commercial development projects will be compatible with existing neighborhoods and uses, including, but not limited to, conditions on the following:

- (i) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
- (ii) Placement of trash receptacles; and
- (iii) Location of delivery and loading zones.

2) Building Design

- a. The primary mass of structures should include secondary projections that reduce the apparent scale, create visual interest, and promote compatibility with adjacent uses.
- b. Building size and mass shall not dominate required landscaped buffers Route 331. Commercial development projects should be compatible with or complement the established proportions and building mass of adjacent developments.
- c. Smaller and lower building mass should be located near edges of commercial development where adjacent buildings are smaller or residential in scale.
- d. Commercial development should be compatible with or complement the established architectural character of the surrounding area in terms of consistency of rooflines, roof materials and roof colors; similar window and door patterns, and similar decorative elements.

3) Multi-Story Buildings Greater than Two Stories

- a. The composition of the building should present a clearly recognizable base, middle, and top, or a clearly defined alternative building composition.
- b. A recognizable "base" may consist of one or more of the following, but is not limited to:
 - (i) Thicker walls, ledges, or sills;
 - (ii) Integrally textured materials such as stone or other masonry;

- (iii) Integrally colored and patterned materials such as smooth finished stone or tile;
 - (iv) Lighter or darker colored materials, mullions, or panels; or
 - (v) Planters.
 - c. A recognizable "top" may consist of one or more of the following, but is not limited to:
 - (i) Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials;
 - (ii) Sloping roof with overhangs and brackets; or
 - (iii) Stepped parapets.
- 4) Architectural Detail: Facades and Entrances
 - a. Facades: Primary facades are defined as any side of a building that faces a public right of way or a noncommercial zoning classification.
 - b. Primary Facades should be proportioned using features such as windows, entrances, arcades, arbors, and awnings along no less than sixty percent (60%) of the facade. A minimum of twenty-five percent (25%) of the entire such facade area should be composed of transparent materials, unless the Planning Commission finds that such transparency would be inconsistent with the operational requirements of the building. At least one-half of this amount should be provided so that the lowest edge of the transparent material is no higher than 3 feet above the street level.
 - c. The larger primary building facade should incorporate wall plane projections or recesses in order to break-up the overall wall into smaller, appropriately scaled sections;
 - d. Each primary building facade should have a repeating pattern that includes instances of either:

- (i) color change,
 - (ii) texture changes,
 - (iii) material module change,
 - (iv) expression of an architectural or structural bay through a change in plane, such as an offset, reveal, or projecting rib.
- e. Building facades facing a primary access street should have clearly defined, highly visible customer entrances that include features such as the following:
- (i) Canopies or porticos,
 - (ii) Overhangs, recesses/projections,
 - (iii) Arcades,
 - (iv) Raised corniced parapets over the door,
 - (v) Distinctive roof forms,
 - (vi) Arches, outdoor patios,
 - (vii) Display windows,
 - (viii) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

5) Architectural Detail: Roofs

- a. To the maximum extent practicable, where buildings are adjacent to residential uses, rooflines should be of a similar height or stepped down to a similar height to enhance the compatibility with nearby residential areas. In addition, roofs should include features such as the following:
- (i) Parapets concealing flat roofs and rooftop equipment such as HVAC units. Parapets should feature three dimensional cornice treatments and should be the primary means of screening roof top equipment;

- (ii) Overhanging eaves;
- (iii) Sloping roofs;
- (iv) Three (3) or more roof slope planes.
- (v) Downspouts should be incorporated into the façade design.

6) Architectural Detail: Awnings

- a. Awnings should be no longer than a single storefront.
- b. Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Awnings with a high gloss finish, and illuminated or plastic awnings are strongly discouraged.
- c. The rigid frame of an awning should stop at the top section and should not be included in the valence.
- d. Awning colors should be compatible with the overall color scheme of the façade from which it projects. Solid colors or subtle striped patterns are preferred.

7) Building Materials and Colors

- a. Commercial development should use high-quality materials and colors that are compatible with adjacent commercial and non-commercial areas.
- b. Building Materials.
 - (i) All buildings should be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to: natural or synthetic stone; brick; integrally colored, textured, or glazed concrete masonry units; or glass.
 - (ii) Natural wood or wood paneling should not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

- (iii) Exterior building materials should not include the following:
 - [a] Split shakes (may be used for canopies, arcades or similar appurtenances);
 - [b] Rough-sawn or board and batten wood;
 - [c] Vinyl or aluminum siding;
 - [d] Smooth-faced gray or stained concrete block, painted concrete block, tilt-up concrete panels;
 - [e] Field-painted or pre-finished standard corrugated metal siding;
 - [f] Standard single or double tee concrete systems;
 - [g] In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed.

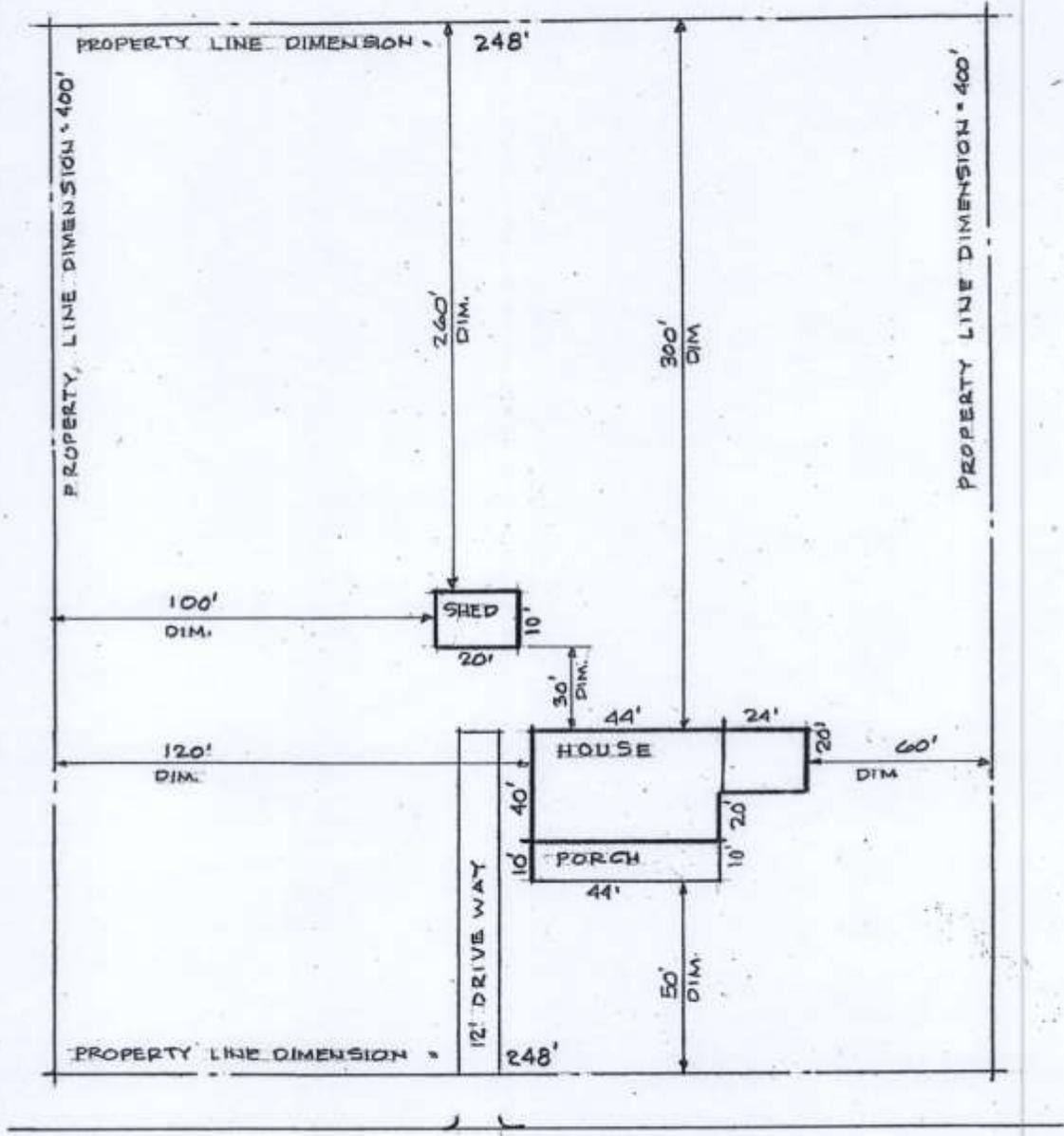
c. Building Color.

- (i) Color schemes should tie building elements together, relate separate (freestanding) buildings within the same development together, and should be used to enhance the architectural form of a building.
- (ii) All building projections, including, but not limited to chimneys, flues, vents, gutters, and downspouts, should match or complement in color the permanent color of the surface from which they project.
- (iii) Facade colors must be low reflecting, subtle, and neutral. Intense, bright, black, or fluorescent colors are prohibited.

- 8) Signage.
- a. All commercial developments shall comply with the signage requirements set forth in the Preston Zoning Ordinance. Shared general freestanding informational signs, as part of an approved PUD Plan, may exceed 80 square feet, as approved by the Planning Commission.
 - b. Signage should be scaled appropriately to appeal to both pedestrians walking on the adjacent sidewalks and to vehicles driving at reduced speeds.
 - c. On all street frontages, signage material should be integrated into the overall design of the building.
 - d. Signs should be located to complement the architectural features of a building such as above the building entrance, storefront opening, or other similar feature.
 - e. Standard corporate logos and colors are not always acceptable.

39.03-Reserve

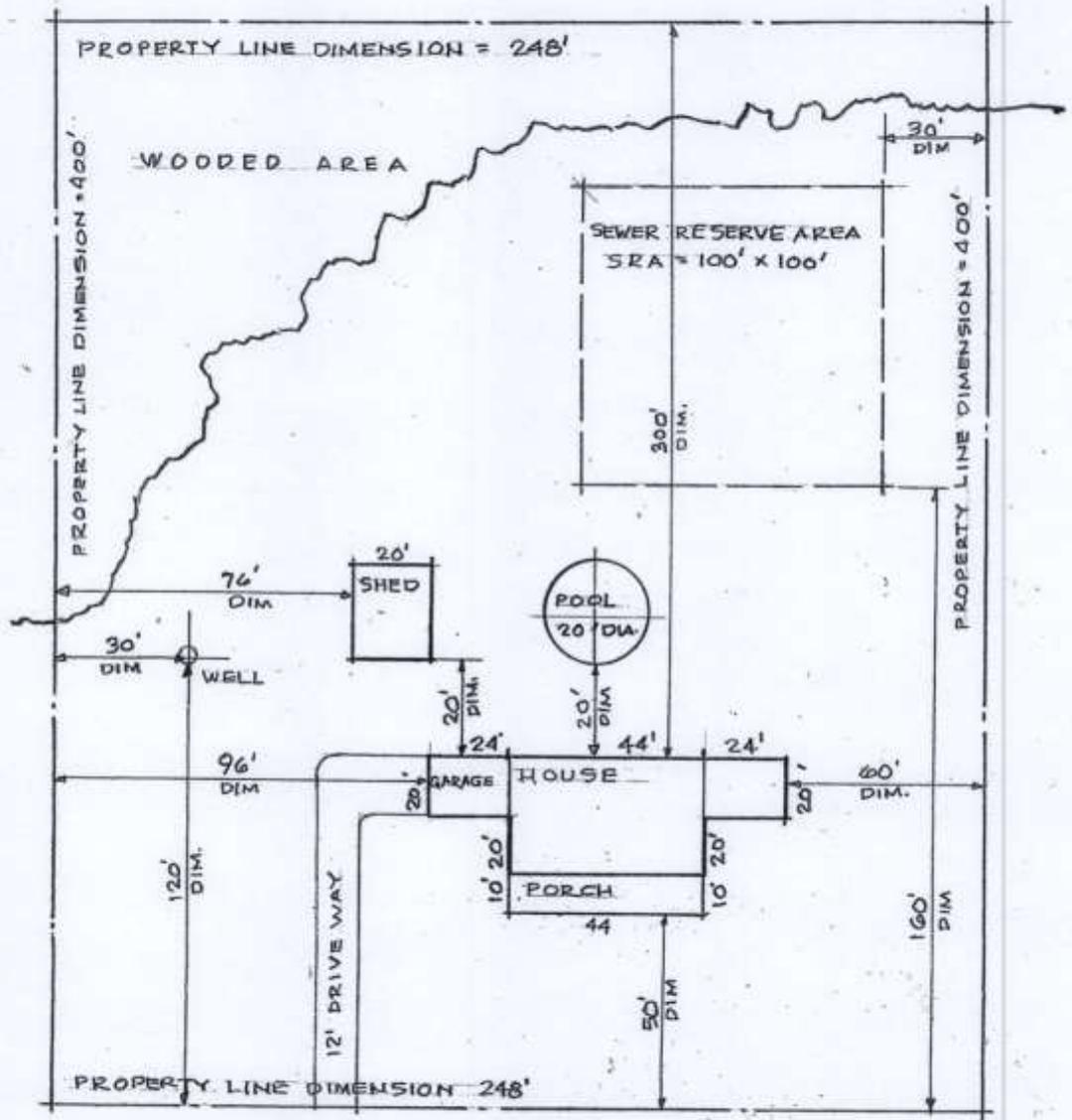
BUILDING LOCATION PLAN (SAMPLE)



STREET NAME

NAME
ADDRESS

BUILDING LOCATION PLAN (SAMPLE)



STREET NAME

NAME
ADDRESS

Ordinance of the
Commissioners of Preston
Caroline County, Maryland

10410

Introduced by: Commissioners of Preston

First Reading: October 4, 2010

Second Reading: October 25, 2010

Effective Date: November 15, 2010

Ordinance to amend the Official Zoning Map of the Town of Preston to rezone 136 Lednum Avenue (Tax Map 600, Parcel 86, consisting of 2.2 acres more or less) from Light Industrial to Commercial (C1).

Whereas, the Town of Preston is authorized by Maryland Annotated Code, Article 23A Section 19(s) to exercise planning and zoning jurisdiction within its municipal boundaries; the Town of Preston is authorized by Maryland Annotated Code Article 66B paragraph 4.01 to enact and administer a zoning ordinance, which ordinance has been adopted by the Commissioners of Preston; and

Whereas, the Town of Preston is authorized to amend, supplement modify or repeal sections of the Zoning Ordinance; and

Whereas, the Commissioners of Preston received a request to rezone 136 Lednum Avenue from Light Industrial to Commercial; and

Whereas, the Commissioners of Preston held a duly noticed public hearing on this Ordinance on October 4, 2010; and

Whereas, the Commissioners find that it is in the best interest of the Town to amend the official zoning map of the Town to rezone the subject property from Light Industrial to Commercial.

Therefore, be it enacted and ordained by the Commissioners of Preston; and this ordinance shall become effective at the expiration of twenty-one days following passage.

Witnessed: *John W. Willis* *HE West*
10/25/10 Gary Waltemeyer, President of Commissioners

Nelson Anderson
Nelson Anderson, Commissioner

Shane Dickinson
Shane Dickinson, Commissioner

Kathleen Barry
Kathleen Barry, Commissioner

Doug VanDeveer
Doug VanDeveer, Commissioner

ORDINANCE 32911 FOR THE TOWN OF PRESTON
BUILDING CODES ADOPTION

An ordinance of the Town of Preston adopting the most current edition of the International Residential Code, the International Building Code, and the International Property Maintenance Code, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings, townhouses, and commercial structures in the Town of Preston; providing the issuance of permits and collections of fees; repealing all other ordinances and parts of the ordinance in conflict therewith.

The Commissioners of Preston of Preston, Maryland does ordain as follows:

Section 1. That certain documents, One (1) copy of which is on file in the office of the Town of Preston, being marked as the International Residential Code, the International Building Code, and the International Property Maintenance Code, as published by the International Code Council, latest date, and is hereby adopted as the codes of the Town of Preston for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings, townhouse not more than three stories in height, and commercial structures in the Town of Preston, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, International Building Code, and the Property Maintenance Code, most current edition, published by the International Code Council on file in the office of the Town of Preston and are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2A. Additional language as follows shall be a part of Preston's Residential Code (IRC), and Building Code (IBC):

All foundation walls shall be an integral part of support to the structure and not an enclosure only. A pier and/or skirted foundation, whether of masonry or other materials shall not be considered a satisfactory foundation wall.

Section 2B. Automatic residential fire sprinklers shall not be required to be installed in single family dwellings. Notwithstanding the forgoing such systems may be installed at the option of the property owner and shall be in accordance with NFPA 13D.

Section 2C. Any structure with assembly of steel undercarriage and wheel combination shall not be an acceptable residential living unit, whether such combination remains or not.

Section 2D. No residential structure shall have a slope of less than five (5) units vertical and twelve(12) units horizontal (5:12) unless it be a shed dormer, which is permitted to have a minimum slope of (4: 12), or unless approved in writing by the Commission of Preston.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commissioners of Preston hereby declare that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

APPENDIX "B"

Section 5. That the Town of Preston is hereby ordered and directed to cause this ordinance to be published in a newspaper of general circulation. And post notice on the Town's bulletin board.

Section 6. The above ordinance was introduced at a meeting of the Commissioners of the Town of Preston held on March 28, 2011 and having been reviewed and considered for final action, and duly passed and adopted. This ordinance shall be effective twenty-one (21) days after the date of its adoption.

First Reading 04/04/2011
Second Reading 05/02/2011
Takes effect 05/23/2011

Witness:

Kim Adew
NAME

DATE 5-2-11

COMMISSIONERS OF PRESTON

[Signature]
DATE 5/2/11

[Signature]
DATE 5/2/11

[Signature]
DATE 5/2/11

Kathleen C. Barry
DATE 5-2-11

RESOLUTION NO. 2012-06221
OF THE COMMISSIONERS OF PRESTON
CAROLINE COUNTY

AN AMENDMENT TO THE TOWN CHARTER, ANNEXING CERTAIN LAND
CONTIGUOUS TO THE EXISTING TOWN BOUNDARIES

WHEREAS the Commissioners of Preston wish to annex an area of 10.703 acres of land, more or less, contiguous to the present Town boundaries, and

WHEREAS the Town of Preston is the sole owner of the assessed valuation of the property to be annexed, and there are no persons residing on the property to be annexed; and

WHEREAS the property to be annexed is adjacent to and contiguous with the existing corporate limits of the Town of Preston, and the annexation will not create any unincorporated area completely surrounded by land now located or to be located within the corporate limits of Preston.

NOW, THEREFORE, the Commissioners of Preston adopt the following Amendment to the Town Charter:

1. The following Subparagraph (C) is added to Section 201 of Article II of the Town Charter:

BEGINNING for the same at an iron rod set located at the intersection of the northeasternmost right-of-way line of the lands now or formerly of the Maryland Department of Transportation (66-foot-wide railroad right-of-way) with the former corporate boundary line of the Town of Preston, said point being located north 60 degrees 21 minutes 00 seconds east 67.49 feet from "Preston, 1953 Cor. #1" a concrete marker found along the southwestern side of the aforesaid railroad right-of-way; thence (1) leaving said point so fixed and binding with the former Preston corporate boundary line north 60 degrees 21 minutes 00 seconds east 297.56 feet to a point, said point being located south 38 degrees 53 minutes 12 seconds east 3.95 feet from a concrete marker found; thence leaving the former Preston corporate boundary line and running with the division lines between the lands of the Commissioners of Preston (deed reference 219/117) and the lands now or formerly of Junior Order Cemetery, Inc. (deed reference 167/128) the four following courses and distances: (2) south 38 degrees 53 minutes 12 seconds east 189.09 feet to an iron pipe, (3) south 44degrees 29 minutes 10 seconds east 173.84 feet to a concrete monument, (4) south 53 degrees 29 minutes 24 seconds east 243.89 feet to an iron pipe, and (5) north 41 degrees 02 minutes 20 seconds east 125.93 feet to a concrete monument located at the intersection of the division lines between the aforesaid Commissioners of Preston lands, the aforesaid Junior Order Cemetery, Inc., lands, the lands now or formerly of Bethesda United Methodist Church of Preston, Maryland, Inc. (deed reference 755/531), and the

APPENDIX "C"

lands now or formerly of Jose Cuevas (deed reference 496/619); thence (6) leaving the aforesaid Junior Order Cemetery lands and the Bethesda United Methodist Church of Preston, Maryland, Inc., lands and binding on the division line between the aforesaid Commissioners of Preston lands and the aforesaid Cuevas lands south 35 degrees 13 minutes 09 seconds west 214.99 feet to an iron pipe found at the intersection of the division lines between the lands now or formerly of the Commissioners of Preston (deed reference 169/291), the aforesaid Cuevas lands, and other lands of the Commissioners of Preston (deed reference 154/252; thence (7) binding with the southwesternmost boundary line of the aforesaid Cuevas lands and the lands now or formerly of Glenn Schmick (deed reference 220/382) south 47 degrees 00 minutes 10 seconds east 1208.10 feet to an iron pipe located at the intersection of the division line between the aforesaid Commissioners of Preston lands, the aforesaid Glenn Schmick lands, and the lands now or formerly of James and Lori Schmick (deed reference 298/680); thence leaving the aforesaid Glenn Schmick lands and binding with the southwesternmost boundary lines of the aforesaid James and Lori Schmick lands the two following courses and distances: (8) south 47 degrees 00 minutes 10 seconds east 46.50 feet to a point, and (9) south 13 degrees 57 minutes 15 seconds east 168.27 feet to a concrete monument located at the intersection of the division line between the aforesaid Commissioners of Preston lands, the aforesaid James and Lori Schmick lands, and other lands of James and Lori Schmick (deed reference 298/683), said point being further located along the western side of an old road; thence (10) leaving the first mentioned James and Lori Schmick lands and binding with the second James and Lori Schmick lands and along the western side of the aforesaid old road south 27 degrees 53 minutes 57 seconds west 128.76 feet to an iron rod located at the intersection of the westernmost boundary of the aforesaid Schmick lands and the northeasternmost right-of-way line of the aforementioned Maryland Department of Transportation lands; thence (11) leaving the aforementioned Schmick lands and binding with the northeasternmost right-of-way line of the aforementioned Maryland Department of Transportation lands north 46 degrees 18 minutes 31 seconds west 2146.09 feet to the point of beginning, containing in all 10.703 acres of land, more or less, as surveyed by Harry A. Smith, Jr., Professional Land Surveyor, in December 2011.

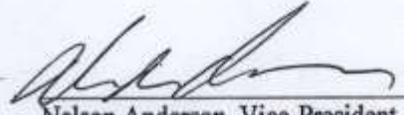
2. The property to be annexed and any persons in the future residing thereon, if any, shall be subject to the provisions of the Charter of the Town of Preston and all ordinances and regulations heretofore or hitherto enacted pursuant thereto.

3. The property to be annexed shall have a zoning classification of "R-2" multifamily residential upon annexation.

4. This Resolution shall become effective upon the expiration of 45 days following its enactment, unless a Petition for Referendum, in proper form and in conformity with the requirements of Article 23A Section 19 of the Annotated Code of Maryland, is filed as permitted by law.

APPENDIX "C"

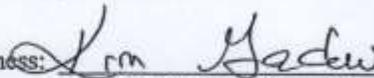

Doug VanDerveer, President


Nelson Anderson, Vice-President


Gary Waltmeyer, Commissioney


Shane Dickinson, Commissioner


Robin Wooters, Commissioner

Witness: 
Kim Gadow, Town Manager

6-26-12
Date

ORDINANCE NO. 2012-1105
OF THE COMMISSIONERS OF PRESTON
CAROLINE COUNTY

Introduced by: Preston Town Commissioners

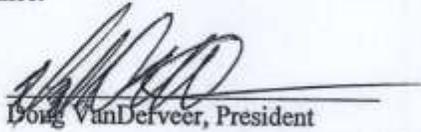
Adopted date: December 3, 2012

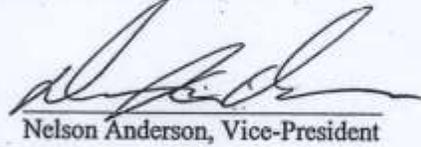
Effective date: December 24, 2012

WHEREAS the Planning and Zoning Committee has studied the Town Zoning Ordinance to bring that Ordinance up to date legally and to align it with current zoning practices within the Town, and

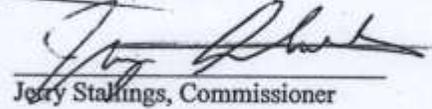
WHEREAS the Planning and Zoning Committee has recommended changes to the Zoning Ordinance as a result of that study, AND THE Commissioners wish to modify the Zoning Ordinance to reflect those changes.

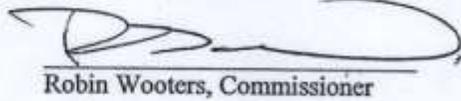
NOW, THEREFORE, be it ordained and enacted by the Commissioners of Preston that the Preston Zoning Ordinance is amended as more follow shown in the attached four pages, the contents of which are incorporated by reference into this Ordinance.


Doug VanDerveer, President


Nelson Anderson, Vice-President


Gary Waltemeyer, Commissioner


Jerry Stallings, Commissioner


Robin Wooters, Commissioner

Witness: 

12-3-12
Date

ORDINANCE 32811 FOR THE TOWN OF PRESTON
FOR SINGLE FAMILY AUTOMATIC SPRINKLER SYSTEMS

WHEREAS, The Town of Preston has adopted the 2009 edition of the International Residential Code (IRC) For One and Two Family Dwellings.

WHEREAS, The Commissioners of Preston have determined that it desirable and in the public interest to adopt the 2009 edition of the International Residential Code (IRC) for One and Two Family Dwellings, as amended by this Ordinance as the Town of Preston Residential Code, which sets forth regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses in the Town of Preston; and which provides for the issuance of permits and collection of fees and to repeal all prior code building code ordinances of the Town of Preston.

NOW, THEREFORE, The Commissioners of the Town of Preston hereby ORDAIN as follows:

Section 1. The following section of the 2009 edition of the International Residential Code (IRC) for One and Two Family Dwellings is hereby amended as follows:

Section R 313 paragraph 313.2 is replaced with the following: **R313.2 One and two-family dwellings automatic fire systems.** Effective January 1, 2011 an automatic residential fire sprinkler system shall be installed in two- family dwellings. Automatic residential fire sprinklers shall not be required to be installed in single-family dwellings. Notwithstanding the forgoing such systems may be installed at the option of the property owner and shall be in accordance with NFPA 13D.

Section 2. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commissioners of Preston hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phase thereof, irrespective of the fact that any one or more sections, subsections, clauses, and phrases be declared unconstitutional.

Section 4. That the Town of Preston is hereby ordered and directed to cause this ordinance to be published in a newspaper of general circulation. And post notice on the Towns bulletin board.

Section 5. The above ordinance was introduced at a meeting of the Commissioners of the Town of Preston held on April 4, 2011 and having been reviewed and considered for final action, and duly passed and adopted. This ordinance shall be in affective twenty-one (21) days after the date of its adoption.

APPENDIX "E"

First Reading 04/04/2011
Second Reading 05/02/2011
Takes Effect 05/23/2011

Witness:

Kim. Dade 5/2/11
NAME DATE

COMMISSIONERS OF PRESTON

[Signature] 5/2/11
NAME DATE

[Signature] 5/2/11
NAME DATE

[Signature] 5/2/11
NAME DATE

[Signature] 5/2/11
NAME DATE

Kathleen C. Barry 5-2-11
NAME DATE

RH copy

REGULATIONS

ZONING ORDINANCE - TOWN OF PRESTON

FOR THE PURPOSE of amending Zoning Code to include regulations for Performance Standards and Guidelines for Towers, Broadcasting and Telecommunication Facilities to minimize adverse visual effects of towers through careful design, siting and vegetative screening; avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures; to maximize use of any new transmission tower to reduce the number of towers needed.

BY ADDING: Performance Standards and Guidelines for Towers, Broadcasting and Telecommunications Facilities

WHEREAS, the Planning Commission and the Town Commissioners will hold duly advertised public hearings on this proposed amendment.

NOW, THEREFORE, IT IS HEREBY PROPOSED that the Town of Preston Zoning Code shall be amended as follows:

Performance Standards and Guidelines for Towers, Broadcasting and Telecommunications Facilities

- 16 A. Siting. The tower shall be sited within or adjacent to mature dense tree growth and under-story vegetation that provides an effective year round visual buffer and should only be considered elsewhere of the property when technical or aesthetic reasons indicate there are no other preferable locations. Equipment shelters shall be designated consistent with the area architectural styles. Towers shall be prohibited in the Chesapeake Bay Critical Area and sensitive areas including but not limited to, stream buffers, floodplain and non-tidal wetlands.
- 17.13 B. Design. The tower structure shall be either a monopole or lattice structure and shall not exceed one-hundred feet in height.
- 1d C. Setbacks. The ground base of any tower structure shall be setback from any property line, road or public recreation area a distance that is the height of the tower including antennas or other appurtenances. Any ice-fall or debris from the tower failure shall be contained in the immediate tower area. Any accessory structures shall comply with the minimum building setback requirements of the applicable zoning district.
- 12 D. Screening. A landscaping plan is required which identifies existing and new vegetation and specifications, including species, size and location of all proposed plant materials to be utilized for buffering and screening of the tower structure and equipment shelters. It shall also include material, size and specifications for required fencing.

APPENDIX "F"

E. Fencing. A secure chain link or stockade fence eight (8) feet in height shall enclose the entire communications facility.

F. Maintenance.

1. The tower structure and fencing shall be painted in a neutral shade with a flat finish to reduce visual impacts, unless such requirement conflicts with the Federal Aviation Administration standards.
2. All equipment shelters shall be painted and maintained in neutral shades consistent with the natural landscape.
3. All required plantings shall be kept in a live, healthy condition and any plants not in a live, healthy condition shall be replaced at no cost to the Town.

G. Lighting. Lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting of equipment shelters, if permitted, shall be shielded from adjoining properties.

H. Signs. Signs shall be limited to identify property owner, emergency contact and phone number, and to warn of danger. Signs shall be affixed to the perimeter fencing.

I. The application shall be accompanied by an independent professional engineer's report. The purpose of the engineer's report is to collect key information regarding the communication tower applicant in order to justify the proposed application. Town of Preston or their designee shall review all information, findings and recommendations written and described in the report. The designee will act as a third party reviewer who will provide Preston with an independent evaluation of the applicant's engineer's report. The applicant shall be responsible for all costs associated with the independent review of the engineer's report. The required engineer's report shall include the following information:

(1) Background Information.

- A. Name, address and telephone number of the company/applicant and the point of contact;
- B. Federal Communication Commission (FCC) License number; a copy of the license shall also be submitted;
- C. Date of Federal Communication License issuance;

APPENDIX "F"

- D. Type of license (cellular or personal communications services;)
- E. Service Area (Metropolitan, Rural, Major and/or Basic):
- F. A master plan of the applicant's proposed communications network for the entire county including maps.

(2) Proposed Location Information.

- A. Eight (8) digit UM grid coordinate of proposed tower location;
- B. Latitude and longitude coordinates in NAD27 and NAD83 of the proposed location;
- C. Ground elevation in feet above mean sea level (AMSL);
- D. Description of desired coverage area, or coverage goals, from the proposed location. Coverage maps showing the desired coverage as well as the current coverage available with existing facilities, approved facilities and other appropriate structure shall be included.
- E. Federal Communications Commission License Number, a copy of the license shall be submitted;
- F. Siting elevations, existing photographs of the site and photo simulation of the proposed tower at the site from all directions;
- G. Description of existing towers within a five (5) mile radius of the proposed tower location to include the following information:
 - 1. Eight (8) digit UTM grid coordinate of proposed tower location;
 - 2. Latitude and longitude coordinates in NAD 27 and NAD 83 of the proposed location;
 - 3. Ground elevation in feet above mean

APPENDIX "F"

sea level (AMSL);

4. Overall height of each existing tower in feet above ground level (AGL);
5. Available location (height) on each existing tower in feet above ground level;
6. Name, address and telephone number of tower owner;
7. Number of existing co-locations on tower(s);
8. Structural capability of each tower to accommodate additional antennas;
9. Major use of each tower (i.e. cellular, PCS, etc.)
10. Existing tower design (i.e. monopole, lattice, etc.)
11. Detailed narrative of why existing and approved tower(s) cannot accommodate the proposed service coverage.

H. Current zoning of proposed tower location.

(3) Proposed Tower Information.

- A. Proposed height of tower;
- B. Proposed height of antennas in feet above ground level;
- C. Tower design;
- D. Number and types (i.e. cellular, PCS, etc.) of allowable co-locates on proposed tower;
- E. Frequency of proposed transmission;

APPENDIX "F"

- F. Power of proposed facility in effective radiated power (ERP)
 - G. Type of antennas proposed for facility;
 - H. Azimuth of antennas for proposed facility;
 - I. Down-tilt of proposed antennas;
 - J. Any calculations utilized to achieve design requirements (i.e. Okumura Study results etc.);
 - K. Please submit copies of any propagation analysis or drive test studies used for analysis;
 - L. Type of coverage (i.e. single or system) including a coverage and interference analysis;
 - M. Fate of tower if no longer being utilized and list the name, address, and telephone number of the responsible entity for its removal;
 - N. List alternative locations analyzed for this application and provide a detailed narrative as to why those sites cannot be utilized;
 - O. Professional landscaping plan;
- (4) A narrative description of how the site will not unreasonably interfere with the view of or from sites of significant public interest such as public parks, state designated scenic highways, a structure listed in Caroline County's historic sites survey or the Chesapeake Bay and its tributaries.
 - (5) Submit copies of all reports required by or provided to the Federal Communications Commission including but not limited to the Environmental Assessment, and National Environment Policy Act review.
- I. A special use exception approval shall be valid for a period no greater than five (5)

APPENDIX "F"

years from the date of the Board of Zoning Appeals decision. At the end of the five (5) year period the applicant shall resubmit an application to the Board of Zoning Appeals for review;

- J. ^a Ninety (90) days after the beginning of operations at the facility, and at annual intervals thereafter, the applicant shall submit a report listing the carriers using the facility and the number of available co-location sites at the facility;
- K. The owner/s of the tower shall post bond at the time of application for the cost of removal of the tower. The Tower shall be used continuously. If the Tower ceases to be used for a period of one (1) year, the approval will terminate and the tower shall be removed within ninety (90) days at no cost to the Town of Preston and the area shall be restored
- L. The facility shall comply with all Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards.
- M. ¹ Number and Location. The tower shall be located within the industrial zone and there shall be no more than one tower within the town of Preston.

Sample Cell Tower Application Form

Section 1: Tower Location

Name of Location: _____
Address of Location: _____
Telephone Number (At or Near Site): _____
Tax Map Location: Map # _____ Block (Grid)#: _____; Parcel # _____
Latitude Location (Coordinates): _____
Longitude Location (Coordinates): _____

Section 2: Property Owner and Applicant

Property Owner: _____
Contact Agent and/or Representative: _____
Mailing Address: _____
City, State, Zip Code: _____
Telephone Number (Include Area Code): _____
Contact Telephone Number (Include Area Code): _____

Applicant or Lessee: _____
Contact Agent and/or Representative: _____
Mailing Address: _____
City, State, Zip Code: _____
Applicant Telephone Number (Include Area Code): _____
Contact Telephone Number (Include Area Code): _____

APPENDIX "F"

Section 3: Site Information

Zoning District: _____

Zoning Classification (Adjacent Properties): North: _____ South: _____ East: _____ West: _____

Zoning Restrictions (if any): _____

Tower Setback (From Adjacent Properties): _____

Lot Acreage: _____ Height Restrictions: _____

Special Conditions (if any): _____

Tower Type (Monopole, Lattice, Guyed, or Other): _____

Tower Height (feet): _____ Ground Elevation (feet): _____ Fall Radius (feet): _____

Structural Attachments (Gates, Fences, and/or other Structures on Site): _____

Length of Access Easement: _____

Coverage Range (miles): _____

Environmental Limitations (if any): _____

Section 4: Ordinance Requirements

Please review the Town of Preston's Telecommunications Facilities Ordinance for applicant requirement information. Please complete the form below in order to assist the Department of Planning and Codes Administration to better process your application.

1. Is your company a FCC legally licensed carrier and has your company provided proof of licensing, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

2. Have you included an inventory of all existing and proposed telecommunications facilities sites owned, operated, and leased by your company, including coverage distances, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

APPENDIX "F"

3. Have you included a site plan for each proposed telecommunications facility, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

4. Have you included a landscaping plan for each proposed telecommunications facility, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

5. Have aesthetic requirements been met, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

6. Is the proposed telecommunications facility site required by the FAA to maintain artificial lighting, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

7. Have you included documentation showing that the proposed telecommunications site has met with all federal, state and local regulations and standards, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

8. Have safety requirements been addressed, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

9. Have you included a "Justification of Need" for the proposed telecommunications site and has a good-faith effort been attempted to research co-location possibilities, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

10. Is water and sewer required for the proposed telecommunications site?

Yes _____ No _____

11. Are you aware of the reporting requirements, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

APPENDIX "F"

12. Are you aware of the good faith priorities for telecommunications facilities review, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

13. Have you reviewed the permitted uses, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

APPENDIX "F"

Section 4: Ordinance Requirements

Please review the Town of Preston's Telecommunications Facilities Ordinance for applicant requirement information. Please complete the form below in order to assist the Department of Planning and Codes Administration to better process your application:

1. Is your company a FCC legally licensed carrier and has your company provided proof of licensing, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

2. Have you included an inventory of all existing and proposed telecommunications facilities sites owned, operated, and leased by your company, including coverage distances, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

3. Have you included a site plan for each proposed telecommunications facility, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

4. Have you included a landscaping plan for each proposed telecommunications facility, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

5. Have aesthetic requirements been met, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

6. Is the proposed telecommunications facility site required by the FAA to maintain artificial lighting, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

APPENDIX "F"

7. Have you included documentation showing that the proposed telecommunications site has met with all federal, state, and local regulations and standards, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

8. Have safety requirements been addressed, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

9. Have you included a "Justification of Need" for the proposed telecommunications site and has a good-faith effort been attempted to research co-location possibilities, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

10. Is water and sewer required for the proposed telecommunications site?

Yes _____ No _____

11. Are you aware of the reporting requirements, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

12. Are you aware of the good faith priorities for telecommunications facilities review, as defined in the Preston Telecommunications Facilities Ordinance:

Yes _____ No _____

13. Have you reviewed the permitted uses, as defined in the Preston Telecommunications Facilities Ordinance:

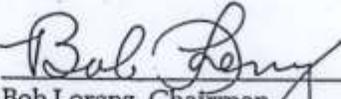
Yes _____ No _____

APPENDIX "F"

1/10/01 COMMENTS BY THE MEMBERS OF THE ZONING & PLANNING BOARD AS RECOMMENDED BY THE TOWN ATTORNEY. THE FOLLOWING ITEMS SHOULD BE INCLUDED IN THE TELECOMMUNICATIONS TOWER REGULATIONS.

1. Limit tower to industrial zone.
2. Limit height - 100'?
3. Type of tower - lattice or monopole.
4. Note type of fencing, screening, plantings
5. Security lighting.
6. Post sign in case of emergency call.....
7. Limit to only one tower in corporate limits of Preston
8. Notify in writing any ownership change of tower
9. or any additional use of tower - other companies using tower.
10. List maintenance responsibilities
11. Removal of tower after one year of non-use.
12. Post bond at time of application for removal of tower.
13. State length of lease - renewal restrictions/if non-compliance - lease may not be renewed.
14. Set back restrictions from residential areas
15. Should be a special permit issued with substantial fee.
16. Description of any out buildings.

Attached is a copy of the draft regulations and application form from Caroline County for your information and comments.



Bob Lorenz, Chairman
Planning & Zoning Committee

Sample Cell Tower Application Form

Section 1: Tower Location

Name of Location: _____
Address of Location: _____
Telephone Number (At or Near Site): _____
Tax Map Location: Map # _____ Block (Grid)# _____ ; Parcel # _____
Latitude Location (Coordinates): _____
Longitude Location (Coordinates): _____

Section 2: Property Owner and Applicant

Property Owner: _____
Contact Agent and/or Representative: _____
Mailing Address: _____
City, State, Zip Code: _____
Telephone Number (Include Area Code): _____
Contact Telephone Number (Include Area Code): _____

Applicant and/or Lessee: _____
Contact Agent and/or Representative: _____
Mailing Address: _____
City, State, Zip Code: _____
Applicant Telephone Number (Include Area Code): _____
Contact Telephone Number (Include Area Code): _____

Section 3: Site Information

Zoning District: _____
Zoning Classification (Adjacent Properties): North: _____ South: _____ East: _____
West: _____ Zoning Restrictions (if any): _____
Tower Setback (From Adjacent Properties): _____
Lot Acreage: _____ Height Restrictions: _____
Special Conditions (if any): _____
Tower Type (Monopole, Lattice, Guyed, or Other): _____
Tower Height (feet): _____ Ground Elevation (feet): _____ Fall Radius (feet): _____
Structural Attachments (Gates, Fences, and/or other Structures on Site): _____
Length of Access Easement: _____
Coverage Range (miles): _____
Environmental Limitations (if any): _____

TOWN OF PRESTON COMMUNICATION TOWER ORDINANCE

FIRST READING: SEPTEMBER 9, 2002
SECOND READING: OCTOBER 7, 2002
DATE EFFECTIVE: OCTOBER 28, 2002

ATTEST:

COMMISSIONERS OF PRESTON
PRESTON, MARYLAND

Alan D. Willis
10/07/02

Reginald A. Maguire, Jr.
REGINALD A. MAGUIRE, JR., PRESIDENT

William Ashley Sard
WILLIAM ASHLEY SARD COMMISSIONER

William D. Willis
WILLIAM D. WILLIS, COMMISSIONER

THE ABOVE ORDINANCE HAVING BEEN REVIEWED AND
CONSIDERED FOR FINAL ACTION, WAS DULY PASSED AND
ADOPTED.

Permit Application Processing steps were defined as follows:

1. Town Office receives application from customer.
2. Application is assigned a permit number and date stamped.
3. Application is placed in Mike Sterling's box for action.
4. Mike Sterling is notified that an application is pending for his inspection.
5. Following inspection, Mike determines next action and instructs office staff of next action required, as documented on the application:
 - a. Application is approved, issue permit or
 - b. Application must be referred to MDIA or
 - c. Application must be referred to Mr. Malkus or
 - d. Application must be referred to P&Z* or
 - e. Other, such as additional paperwork required from customer
6. Office staff notifies applicant processing is complete and permit may be picked up in town office.

***If application is referred to P&Z:**

- a. Place application in P&Z box
- b. Notify applicant of P&Z meeting date and suggest attendance
- c. Place application on P&Z agenda

DATE 12/24/24