CODE OF THE TOWN OF MILLINGTON

KENT AND QUEEN ANNE'S COUNTIES, MARYLAND

Created 2007
Revised 2009
Revised 2012
Revised 2023 - 2026

CODE OF THE TOWN OF MILLINGTON

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PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code

[An ordinance adopting Parts I and II of the Code of the Town of Millington and making certain substantive changes to existing legislation of the Town is on file in the Town Office.]

ARTICLE II

Charter Amendments

[A resolution to provide for certain substantive amendments to the Charter of the Town of Millington is on file in the Town Office.]

ARTICLE III

Ratification of Non-substantive Changes to the Charter

[A resolution to provide for the ratification of the non-substantive changes made to the Charter of the Town of Millington in conjunction with the codification of said Charter, the ordinances and certain resolutions of the Town of Millington is on file in the Town Office.]

Chapter 2

ORDINANCE FINES

§ 2-1. Creation.

§ 2-2. Purpose.

§ 2-3. Text.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 08-15-2001; amended 10-10-2023 by Resolution 2023-13.]

§ 2-1. Creation.

Adopted by the Mayor and Council of the Town of Millington by Ordinance 2 on August 15, 2001 to become effective on September 30, 2001. To be in conjunction with §C 12-4 B of the Charter of the Town of Millington in order to promote good order within the Town of Millington

§ 2-2. Purpose.

The purpose of this Chapter is to streamline future revision processes so to be a cost savings to the Town of Millington and its residents.

§ 2-3. Text.

Unless otherwise specifically stated in the individual ordinance as adopted by the Mayor and Council all fines for Municipal Infractions will be in the amount of $500.00. Each day of violation is considered a new violation with a citation to be issued daily.

Chapter 3

PUBLIC INFORMATION ACT

§ 3-1. Policy.
§ 3-2. Definitions.
§ 3-3. Custodian of Public Records.
§ 3-4. Who May Request Public Records.
§ 3-5. Necessity for Written Request.
§ 3-6. Contents of Written Request.
§ 3-7. Response to Request.
§ 3-8. Notice to and Consideration of Views of Person Potentially Affected by Disclosure.
§ 3-9. Public Record Temporarily Unavailable.
§ 3-10. Public Record Destroyed or Lost.
§ 3-11. Review of Denial.
§ 3-12. Fees.
§ 3-13. Time & Place of Inspection.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 12-5-2007; amended November 14, 2023 by Resolution 2023-15]

§ 3-1. Policy.

It is the policy of the Town of Millington to facilitate access to the public records of the Town, when access is allowed by law, by minimizing costs and time delays to applicants. Adopted by the Mayor and Council of the Town of Millington by Resolution 2007-12 on December 5, 2007.

§ 3-2. Definitions.

In this chapter, the following items have the following meanings:

- "Act" – means the Public Information Act, Annotated Code of Maryland.
- "Applicant" – as stated in §10-611(b) of the Act.
- "Custodian" – as stated in §10-611(c) of the Act and §3-3 of this Ordinance.
- "Official Custodian" – as stated in §10-611(d) of the Act.
- "Public Record" – as stated in §10-611(g) of the Act.
- "Working Day" – a day other than Saturday, Sunday, or a State holiday.

§ 3-3. Custodian of Millington Public Records.

Unless otherwise provided by law, the Town Administrator is the primary custodian of the public records of the Town of Millington with the Town Clerk as the secondary custodian.

§ 3-4. Who May Request Public Records.

Any person may request to inspect or request a copy of public records of the Town of Millington.

§ 3-5. Necessity for Written Request.

A. Inspection
   (1) Except as otherwise provided in this chapter, the Town shall make public records available for inspection by an applicant without demanding a written request.
   (2) The Town requires a written request if the custodian reasonably believes that:
      (a) The Act or any other law may prevent the disclosure of the public record to the applicant; or
      (b) A written request will materially assist the Town of Millington in responding.

B. Copies

At time of request, the applicant must designate whether this is to be a paper copy or a digital copy. If the applicant requests one or more copies of any public record of the Town of Millington, the custodian may require a written request.

§ 3-6. Contents of Written Request.

A written request shall:

A. Contain the applicant's name and address.
B. Be signed by the applicant.
C. Reasonably identify, by brief description, the public record sought.
D. Shall be addressed to the Town of Millington.

§ 3-7. Response to Request.

A. If the custodian decides to grant a request for inspection, he/she shall produce the public record for inspection:
   (1) Immediately; or
   (2) Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.
B. If the custodian decides to deny a request for inspection:
   (1) The custodian shall do so within 30 days after the request; and
   (2) Immediately notify the applicant of the denial.
   (3) If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:
      (a) The reasons for denial;
      (b) The legal authority for the denial; and
      (c) Notice of the remedies available for review of the denial.
C. If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:
   (1) That the person does not have custody or control of the requested public record; and
   (2) If the person knows:
      (a) The name of the custodian of the public record; and
      (b) The location or possible location of the public record.

§ 3-8. Notice to and Consideration of Views of Person Potentially Affected by Disclosure.

Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Town of Millington to any person who, in the judgement of the custodian, could be adversely affected by disclosure of that public record. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

§ 3-9. Public Record Temporarily Unavailable.

If a requested public record of the Town of Millington is in the custody and control of the person to whom application is made but is not immediately available for inspection or copying, the custodian shall promptly:

A. Notify the applicant that the public record is not immediately available; and
B. Schedule a date within a reasonable time for inspection or copying.

§ 3-10. Public Record Destroyed or Lost.

If the custodian, to whom application is made knows that a requested public record of the Town of Millington has been destroyed or lost, that person shall promptly:

A. Notify the application that the public record is not available.; and
B. Explain the reasons why the public record cannot be produced.

§ 3-11. Review of Denial

A. If the custodian denies a request to inspect or copy a public record of the Town of Millington, the applicant may, within 30 days after receipt of the notice of denial request an administrative hearing before the Mayor and Council.
B. If the applicant requests a hearing:
   (1) The hearing shall be conducted by the Mayor and Council within 30 days of receiving the request for hearing.
   (2) The Mayor and Council shall issue the final decision of the Town of Millington.
C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the Circuit Court as provided by the Act.

§ 3-12. Fees.

The fee schedule for searching, assembling, copying, and certifying copies of public records of the Town of Millington are as follows:

A. Copy – a reasonable fee for each page copied will be charged.
B. Certification of Copies – if a person requests that a copy of a public record be certified as a true copy, an additional fee shall be charged.
C. Searching for and assembling or preparing records if a person requests copies of records not readily available or requiring assembly and review of copies of records not readily available or requiring assembly and review to prevent disclosure of protected information, the fee for such services shall be equal to the per hour pay rate of the employee so required for such service. The custodian may require an advance deposit for the cost of one day's services, with any unexpended balance to be refunded to the applicant.

If the fee for copies or certified copies of any public record of the Town of Millington is specifically set by a law other than the Act or as set by the established fee adopted by the Mayor and Council of Millington as part of the Fee Schedule, the custodian shall charge the prescribed fee.

If the custodian cannot copy a public record within the Town of Millington, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Town of Millington. The custodian shall:

A. Collect from the applicant a fee to cover the actual cost of reproduction; or
B. Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

Before copying a public record of the Town of Millington, the custodian shall estimate the cost of reproduction and either:

A. Obtain the agreement of the applicant to pay the cost; or
B. Demand prepayment of the cost.

The custodian may charge a reasonable fee for time that an official or employee of the Town of Millington spends:

A. To search for requested public records; or
B. To prepare public records for inspection and copying.

Waiver or reduction of fee:

The custodian may waive or reduce any fee set under this regulation if:

A. The applicant requests a waiver;
B. The custodian determines that the waiver or reduction is in the public interest.
C. The custodian may consider the ability of the applicant to pay the fee, among other relevant factors.

If the applicant requests that copies of a public record be mailed or delivered to the applicant or a third party, the custodian may charge the applicant for the cost of postage or delivery.

§ 3-13. Time and Place of Inspection.

An applicant may inspect any public record of the Town of Millington that the applicant is entitled to inspect during the normal working hours of the Town of Millington.

The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

Town of Millington
Incorporated 1890
P. O. Box 330 - Millington, Maryland 21651
Phone: (410) 928-3880
Website: millingtonmd.us

AFFIDAVIT OF INDIGNECY

I, _____, have submitted a request for public records under the Public Information Act (MD. Code Ann. Gen. Prov. §§ 4-101 – 4-601) and wish to request a waiver of any fee that would otherwise be required in order to process my request. I am unable to pay the necessary fee because I am indigent.

I respectfully submit that:

1. There are _____ family members living in my household, including myself (Do not include renters or temporary guests).

2. The total gross household income (before taxes) is $ _____ (total income earned by all persons in the household) per □ Week/□ Month/□ Year (check appropriate reporting period).

3. The gross household income (before taxes) is from the following sources (list amounts before taxes) per □ Week/□ Month/□ Year:

   - □ Wages……..$ _____
   - □ Commissions/Bonuses……$ _____
   - □ Social Security/SSI……$ _____
   - □ Retirement Income……$ _____
   - □ Unemployment Insurance……..$ _____
   - □ Temporary Cash Assistance……..$ _____
   - □ Alimony/Spousal Support……..$ _____
   - □ Rent received from tenants……..$ _____
   - □ Any Other Income (do not include food stamps/SNAP)…$ _____

I affirm under the penalties of perjury that what I have said above is true to the best of my knowledge, information, and belief.

_____ _____
Signature Date

Kevin Hemstock, Mayor
Michelle Holland, Council Mark Linton, Council
Zita Seals, Council Wayne Starkey, Council

Date Received _____
Date Completed _____
Date of Delivery _____
Completed By _____

Town of Millington
Incorporated 1890
P. O. Box 330 - Millington, Maryland 21651
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Website: millingtonmd.us

Public Information Act (PIA) Records Request Form

All request for records maintained by the Town of Millington pursuant to the Maryland Public Information Act should be submitted via mail, email, or in person:

Town of Millington
Attn: Town Clerk
P O Box 330
Millington, MD 21651
millington@millingtonmd.us

For your convenience, we have included an optional form to provide general information that is typically required when submitting a request. We will still accept requests in the format of your choosing.

Part I: Applicant Identification

Please provide your information below. If you are making this request on behalf of another individual, please provide their information and the nature of your relationship.

Individual Name: _____ Date: _____
Business /Organization Name: _____
Taxpayer Identification, Social Security, or Central Registration #: _____
Mailing Address: _____
_____ Relationship: _____
Phone Number: _____ Email: _____

**If requesting confidential tax payer information, you will be required to prove authorization. If this is the case, you will need to provide Taxpayer Identification, Social Security, or Central Registration Number for the individual of interest below:

Name: _____ ID #: _____

Part II: Description of Records

Either in the space below or in a separate attachment, describe or identify the records that you want to inspect or copied in as much detail as possible:

Select at least one of the following action requests:

In Person Review of Record _____ Copies of Record _____
Electronic Delivery of Record _____ Other _____

Kevin Hemstock, Mayor
Michelle Holland, Council Mark Linton, Council
Zita Seals, Council Wayne Starkey, Council

Town of Millington
Incorporated 1890
P. O. Box 330 - Millington, Maryland 21651
Phone: (410) 928-3880
Website: millingtonmd.us

Part III: Acknowledgements

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. With this submission, I understand that:

- if all or any part of this request is denied, I will be provided with a written statement of the grounds for the denial;
- there may be fees associated with this request. I will receive a written cost estimate for my approval, along with remittance information, prior to the request being fulfilled.

Fees may be waived in certain cases of financial hardship. To apply for this waiver, ask and complete the Affidavit of Indigency.

_____ _____

Signature Date

Kevin Hemstock, Mayor
Michelle Holland, Council Mark Linton, Council
Zita Seals, Council Wayne Starkey, Council

Chapter 4

Technology Appropriate Use Policy

A. Purpose

The purpose of this Policy is to maintain the integrity of the Town's technology systems, to eliminate or reduce the potential for unauthorized use of or access to those systems and illegal hacking and ransomware attacks, to protect the confidentiality of information that is not available to public inspection, and to discourage the use of the Town's systems for the reasons other than the official business of the Town.

This Policy covers the use of all Town technology resources, including equipment, systems, and resources owned or leased by, licensed to, and used, managed, and operated by the Town. Town technology resources include but are limited to: all computer systems and attached peripherals, telephone systems (including cellular phones), fax machines, scanners/printers, voice mail systems, electronic messaging systems, and intranet and internet networks and systems. This policy applies to all Town employees and any other user of Town technology whether the employee or user is "on the job" or otherwise.

All Town technology resources are the property of the Town and are provided solely to enable Town employees, officials, and authorized users to provide services in a timely, efficient, and effective manner. Any use or activity that is inconsistent with this Policy is prohibited.

This Policy sets forth acceptable uses of Town technology and specifies prohibited uses. It also serves as notice to employees and officials that there is no expectation of personal privacy in the use of Town technology resources. No supervisor or official of the Town may waive any provision of this Policy.

B. Definitions

Electronic Messaging – The distribution of messages, documents, files, or images by electronic means (including email, text messages, tweets, voice mail messages, Instagram, etc.)

Employee – All full-time and part-time employees of the Town of Millington, including persons working through a temporary employment service

Network – A system by which computers are connected that may include a central storage/memory device and communication with printers, scanners, and shared drives.

Official – All elected and appointed members of the Town Council and Town boards, commissions, and committees.

C. Technology Resource Access and Monitoring

All information and records transmitted by, received on, captured by, or stored on the Town's technology resources are the property of the Town and are subject to being accessed, entered, reviewed, inspected, logged, copied, and monitored (collectively "access and monitor") by the Town Administrator and his/her designee. The Town may access and monitor all Town network and internet activity and all information and records existing, appearing, residing, or stored on all technology resources without notice to employees or officials. Access and monitoring may be undertaken for any reason including to locate work-related records or information, to monitor workflow and productivity, and to monitor employee performance and conduct. Employees and officials have no expectation of privacy or confidentiality when using Town technology resources, even if the technology resource is protected with a user ID and/or password.

The use of personal email accounts on Town technology resources is prohibited.

The failure of the Town to access and monitor in any situation or at any time is not a waiver of the Town's right to access and monitor use of the Town's technology resources.

D. Technology Appropriate Use

1. In General –
   Employees and officials represent the Town whenever they use Town technology resources and should use good judgment at all times. Employees and officials are expected to use Town technology resources responsibly and professionally. Unless authorized in the performance of a particular job duty, Town technology prohibited uses include, but are not limited to:
   a. Uses that violate or infringe on the rights of others or that are defamatory.
   b. Visiting internet sites and/or sending or storing records, images, and data that compromise the integrity of the Town or that reflect negatively on the Town in any fashion, including but not limited to: material that is abusive to others, that is obscene or pornographic, that offensively addresses another's age, gender, race, ethnicity, sexual orientation, religious beliefs, national origin, or disability.
   c. Uses that violate the Town's harassment policies.
   d. Uses that constitute illegal activities or that encourage illegal activities.

Again, employees and officials have no expectation of privacy or confidentiality when using Town technology resources, even if the technology resource is protected with a user ID and/or password. Use of Town technology resources that violate this Policy will subject the employee or official to appropriate disciplinary action.

2. Personal Use of Technology Resources –
   Limited personal use of Town technology resources is allowed with the following restrictions and is subject to the rules of this policy, including access and monitoring:
   a. The use must be at no cost to the Town.
   b. Personal telephone calls on landlines and personal emails on an occasional basis are permitted provided they do not distract from or interfere with the employee or official's duties to the Town or the duties of other Town employees and officials.
   c. Personal calls from town-supplied cellular phones are prohibited as they cannot be made without cost to the Town.
   d. Use of social media (Twitter/X, Instagram, TikTok, Facebook, etc. is prohibited.
   e. Only the Town email system (_____@Millingtonmd.us) may be used on Town technology resources. Use of internet-based email system (Gmail, Yahoo, Hotmail, etc.) is prohibited.
   f. Town technology resources may not be used to conduct a business owned, operated, or managed by an employee or official.
   g. Family members of Town employees or officials are prohibited from using Town technology resources.
   h. Town employee address and email address lists may not be used for personal or business purposes.
3. Technology Resources Security –
   a. All users of Town technology resources must have a user ID and password as required. The user ID and password security is vital to the integrity of the Town's systems and confidentiality of the Town's sensitive information. User IDs and passwords are not to be shared with other employees, officials, or others. Working under someone else's user ID and password is prohibited. New employees will be provided with a user ID and password for all Town technology resources on his/her first day of work. The user ID and password may not be changed without the written approval of the employee's supervisor.
   b. Employees and officials shall not modify or delete files or data created by other employees or officials with prior consent of a supervisor.
   c. Computers assigned to employees and officials shall not be left unattended without first logging out or locking the computer. Computers shall be shut down or logged off at the end of each work day.

d. No new or upgraded software from any source shall be installed on Town computers without prior approval of the Town Administrator. Employees and officials are prohibited from copying Town software as doing so may violate the terms of use and copyright laws.

Employee/Official Acknowledgment

By signing this Policy, I acknowledge that I have been provided with a copy of the Technology Appropriate Use Policy which was adopted by the Millington Town Council on _____, 2024. I also acknowledge that I have read, understand, and agree to abide by the Policy and its requirement, including access and monitoring and that I have no expectation of privacy when using the Town technology resources.

_____
Signature

_____
Printed Name

_____
Title/Position

_____
Date

Chapter 5

Minority Business Plan

§ 5-1. Creation.

§ 5-2. Minority Business Plan – Maryland CDBG Program.

§ 5-3. Minority Business Plan – Federal and Maryland State Funding Programs.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 03-11-2025 by Resolution 2025-01 for CDBG Block Grant Program, adopted by the Mayor and Council of the Town of Millington 03-11-2025 by Resolution 2025-02 for Federal and State Funding Programs.]

§ 5-1. Creation.

Adopted by the Mayor and Council of the Town of Millington by Resolution 2025-01 and Resolution 2025-02 on March 11, 2025 to become effective on March 28, 2025.

§ 5-2. Minority Business Plan – Maryland CDBG Program.

As a recipient of federal Community Development Block Grant funds through the United States Department of Housing and Urban Development received through the State of Maryland, the Town of Millington is required to make good faith efforts to contract with minority business enterprises (MBE) and women business enterprises (WBE) for goods and services.

A minority or women business enterprise is one that is at least 50% owned by a minority or a woman. For publicly-owned businesses, at least 51% of the stock must be owned by minority group members or women.

The Town of Millington will make efforts to solicit MBEs and WBEs. These efforts will include:

- Developing and maintain a list of qualified MBEs and WBEs;
- Assuring that small businesses and MBEs and WBEs are solicited for appropriate contract opportunities;
- Establishing a delivery system which encourage participation by MBEs and WBEs; and
- Encouraging contractors to subcontract with MBE and WBE businesses.

The Town of Millington will document efforts undertaken during the procurement process and maintain them in the CDBG files.

§ 5-3. Minority Business Plan – Federal and State Funding Programs.

As a recipient of Federal and State of Maryland funding programs, the Town of Millington is required to make good faith efforts to contract with minority business enterprises (MBE) and women business enterprises (WBE) for goods and services.

A minority or women business enterprise is one that is at least 50% owned by a minority or a woman. For publicly-owned businesses, at least 51% of the stock must be owned by minority group members or women.

The Town of Millington will make efforts to solicit MBEs and WBEs. These efforts will include:

- Developing and maintain a list of qualified MBEs and WBEs;
- Assuring that small businesses and MBEs and WBEs are solicited for appropriate contract opportunities;
- Establishing a delivery system which encourage participation by MBEs and WBEs; and
- Encouraging contractors to subcontract with MBE and WBE businesses.

The Town of Millington will document efforts undertaken during the procurement process and maintain them in the appropriate funding program files.

Chapter 6

Fair Housing & Equal Opportunity Plan

§ 6-1. Creation.

§ 6-2. Fair Housing & Equal Opportunity Plan – Maryland CDBG Program.

§ 6-3. Fair Housing & Equal Opportunity Plan – Federal and Maryland State Funding Programs.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 03-11-2025 by Resolution 2025-03 for CDBG Block Grant Program, adopted by the Mayor and Council of the Town of Millington 03-11-2025 by Resolution 2025-04 for Federal and State Funding Programs.]

§ 6-1. Creation.

Adopted by the Mayor and Council of the Town of Millington by Resolution 2025-03 and Resolution 2025-04 on February 11, 2025 to become effective on March 28, 2025.

§ 6-2. Fair Housing & Equal Opportunity Plan – Maryland CDBG Program.

As a recipient of federal Community Development Block Grant funds from the United States Department of Housing and Urban Development received through the State of Maryland, the Town of Millington is required to comply with all federal statutes, regulations, and Executive Orders relating to civil rights, fair housing, non-discrimination, and equal opportunity. The Town's compliance is not specific to the federally funded program or activity. The Town must ensure that its administrative practices policies and laws meet the intent of the statutes, regulations and Executive Orders.

Therefore, the Town of Millington commits to create an environment for its citizens where no one is excluded from participation or benefit due to their race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The denial of rights based on any of these protected classes is detrimental to the health, safety, and welfare of the citizens and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

Fair Housing.

In accordance with the Federal Civil Rights Act of 1968 (as amended), the federal Housing and Community Development Act of 1974 (as amended), and the Fair Housing Act of 1988, the Town of Millington will promote through fair, orderly, and lawful procedures, the opportunity for each person to obtain housing of such person's choice in this community without regard to race, color, national origin, ethnicity, gender, disability, familial status, marital status, age, or religion.

To the best of our ability, the Town of Millington will promote and encourage fair housing choice for all its residents. The Town's administrative practices, policies, and laws will attempt to prohibit:

- Discrimination in the Sale or Rental of Housing;
- Discrimination in Housing Financing;
- Discrimination in providing Brokerage Services; and
- Unlawful intimidation.

The Town of Millington will accept complaints from any citizen that feels that they have been discriminated against related to their housing choice. The Town will make an initial investigation and refer the complaint to the State or Federal Housing departments.

For housing projects developed or assisted with Federal funds, the Town will ensure that its subrecipients and developers will comply with statutes, regulations, and Executive Orders.

Equal Opportunity.

In accordance with the federal Civil Rights Act of 1964 (as amended), no person in the Town of Millington shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

The Town of Millington will ensure it will not discriminate in its procurement practices. The Town's procurement policies allow for open and competitive bidding concerning all procured goods and services. When applicable, the Town will solicit bids from minority women owned businesses.

Affirmative Action Strategy.

It is the policy of the Town of Millington not to discriminate against any employee or any applicant for employment because of race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The Town will take affirmative action to ensure that this policy includes but is not limited to the following. Recruitment and employment, promotion, demotion, transfer, compensation, selection for training, layoff and termination. Additionally, the Town will ensure that our contractors and subcontractors will not discriminate against any employee or applicant for employment.

Affirmatively Furthering Fair Housing.

The Town of Millington commits to affirmatively further fair housing in our community. Our programs will be administered in accordance with our efforts to provide a range of fair housing choices to our citizens.

The Town of Millington will undertake the following activities on an annual basis:

- Adopt a Fair Housing Proclamation and celebrate the month of April as Fair Housing Month;
- Develop and distribute a fair housing brochure informing our residents of their rights under state and federal laws. The brochure will be available at all public buildings and will be mailed with monthly utility bills; and
- Review local zoning laws and building codes to determine if they impact fair housing choice.

Excessive Force.

The National Affordable Housing Act (NAHA) of 1990 (as amended) requires recipients of federal Community

Development Block Grant funds through the United States Department of Housing and Urban Development to protect individuals engaging in non-violent civil rights demonstrations. To that end, the Town is required to develop and maintain a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such nonviolent civil rights demonstrations.

The Town of Millington maintains a relationship with Kent and Queen Anne's Counties Sheriff's Departments and Maryland State Policy for the safety of its citizens. The Town prohibits the use of excessive force by employees of these agencies against anyone engaged in non-violent civil rights demonstrations. This is more defined in the Kent and Queen Anne's Counties Sheriff's Department and Maryland State Police's "Use of Force" policy.

Limited English Proficiency.

The Town of Millington recognizes that, as its population increases, its population now includes persons from other countries whose primary languages is not English. To that end, the Town will make efforts to identify various populations and to provide information to them in a language they understand.

Personnel Policies.

The Town of Millington's personnel policies are in compliance with all federal and state equal opportunity requirements. They are updated as requirements change.

Specifically, employees are notified of their rights, responsibilities, and requirements of their specific jobs and as a representative of the Town. The personnel policies provide information on compensation, leave, termination, grievances, benefits, sexual harassment, and employee review. The personnel policy also provides information about conflict-of-interest provisions related to contracting and procurement.

A full copy of the personnel policies may be obtained at the Town Office during normal business hours.

§ 6-3. Fair Housing & Equal Opportunity Plan – Federal and State Funding Programs.

As a recipient of Federal and State of Maryland funding programs, the Town of Millington is required to comply with all federal statutes, regulations, and Executive Orders relating to civil rights, fair housing, non-discrimination, and equal opportunity. The Town's compliance is not specific to the federally funded program or activity. The Town must ensure that its administrative practices policies and laws meet the intent of the statutes, regulations and Executive Orders.

Therefore, the Town of Millington commits to create an environment for its citizens where no one is excluded from participation or benefit due to their race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The denial of rights based on any of these protected classes is detrimental to the health, safety, and welfare of the citizens and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

Fair Housing.

In accordance with the Federal Civil Rights Act of 1968 (as amended), the federal Housing and Community Development Act of 1974 (as amended), and the Fair Housing Act of 1988, the Town of Millington will promote through fair, orderly, and lawful procedures, the opportunity for each person to obtain housing of such person's choice in this community without regard to race, color, national origin, ethnicity, gender, disability, familial status, marital status, age, or religion.

To the best of our ability, the Town of Millington will promote and encourage fair housing choice for all its residents. The Town's administrative practices, policies, and laws will attempt to prohibit:

- Discrimination in the Sale or Rental of Housing;
- Discrimination in Housing Financing;

- Discrimination in providing Brokerage Services; and
- Unlawful intimidation.

The Town of Millington will accept complaints from any citizen that feels that they have been discriminated against related to their housing choice. The Town will make an initial investigation and refer the complaint to the State or Federal Housing departments.

For housing projects developed or assisted with Federal funds, the Town will ensure that its subrecipients and developers will comply with statutes, regulations, and Executive Orders.

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A full copy of the personnel policies may be obtained at the Town Office during normal business hours.

Chapter 7

Ethics/Conflict of Interest

§ 7-1. Applicability.
§ 7-2. Definitions.
§ 7-3. Ethics Commission.
§ 7-4. Conflicts of Interest Prohibited.
§ 7-5. Financial Disclosure: Disqualification.
§ 7-6. Lobbying Disclosure
§ 7-7. Enforcement; Violations & Penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 03-11-2025 by Resolution 2025-05.]

§ 7-1. Applicability.

The provisions of this chapter apply to the following Town of Millington officials and employees:

- Mayor.
- Council persons.
- All Boards and Commissions of the Town of Millington.
- Clerk-Treasurer.
- Town Administrator.
- Town maintenance personnel.
- Other Town employees.

§ 7-2. Definitions.

In this chapter, the following terms have the meanings indicated:

Business Entity – a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit. Business entity does not include a governmental entity.

Compensation – any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered. For the purposes of § 7-6 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

Doing Business With – having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of $5,000 or more of Town-controlled funds; being regulated by or otherwise subject to the authority of the Town; or being registered as a lobbyist under § 7-6 of this chapter.

Elected Official – any individual who holds an elective office of the Town.

Employee – any individual who is employed by the Town, "Employee" does not include an elected local official.

Financial Interest – ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presenting receiving, or in the future is entitled to receive, more than $1,000 per year; or ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity by a Town official or employee or the spouse of an official or employee.

Gift – the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration; "Gift" does not include political campaign contribution regulated under the Election Law Article, Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

Immediate Family – a spouse and dependent children.

Interest – a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly; for purposes of § 7-5 of this chapter, "interest" includes any interest held at any time during the reporting period; "interest" does not include an interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter; an interest in a time or demand deposit in a financial institution; an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period; a common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or a college savings plan under the Internal Revenue Service.

Lobbying – communicating in the presence of a Town official or employee with the intent to influence any official action of that official or employee; or engaging in activities with the express purpose of soliciting others to communicate with a Town official or employee with the intent to influence that official or

employee.

Lobbyist – a person required to register and report expenses related to lobbying under § 7-6 of this chapter.

Official – an elected official, an employee of the Town, or a person appointed to or employed by the Town or any Town agency, board, commission, or similar entity: whether or not paid in whole or in part with Town funds; and whether or not compensated.

Person – includes an individual or business entity.

Qualified Relation – a spouse, parent, child, brother, or sister.

§ 7-3. Ethics Commission.

The Town of Millington Ethics Commission shall consist of the four (4) Council members and Mayor. The Commission shall be advised by the Attorney for the Town of Millington and shall have the following responsibilities:

- To devise, receive, and maintain all forms generated by this chapter.
- To provide published advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter to them.
- To process and make determinations as to complaints filed by any person alleging violations of this chapter.
- To conduct a public information program regarding the purposes and application of this chapter.

§ 7-4. Conflicts of Interest Prohibited.

Town of Millington officials and employees who are subject to this chapter shall not:

- Participate on behalf of the Town of Millington in any matter which would have a direct financial impact on them, their spouse or dependent child or a business entity with which they are affiliated.
- Hold or acquire an interest of either $10,000 or 25% or greater in a business entity that has or is negotiating a contract of $3,000 or more with the Town of Millington or is regulated by their agency.
- Be employed by a business entity that has or is negotiating a contract of more than $20,000 with the Town of Millington or is regulated by their agency.
- Represent any party, for a contingent fee, before any Town body.
- Within one (1) year following the termination of Town services, act as compensated representatives of another in connection with any specific matter in which they participated substantially as Town officials or employees.
- Solicit or accept gifts of greater than $50 in value from any person that has or is negotiating a contract with the Town or is regulated by their agency, except where such gifts would not present a conflict of interest as determined by the Commission.
- Use the prestige of their offices, for their own benefit or that of another.
- Use confidential information acquired in their official Town positions for their own benefit or that of another.

§ 7-5. Financial Disclosure; disqualification.

The Town officials and employees and candidates listed in this section shall file annually, no later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

Officials and employees required to file are as follows:

- Mayor.

- Council persons.
- All Boards and Commissions of the Town of Millington.
- Clerk-Treasurer.
- Town Administrator.
- Town maintenance personnel.
- Other Town employees.

All Town officials and employees subject to this chapter shall file a statement with the Commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to the following:

- Disqualification – the disqualification provision of this chapter prohibiting official participation by covered officials and employees in municipal matters, the outcome of which would have a direct economic impact on the official or employee, his spouse or dependent child or a business entity with which the official or employee is affiliated, depending on local circumstances and the threshold levels of value of an official local transaction or of value of the official's interest in the matter, could be established. A provision allowing participation where the potential conflict is disclosed, and no other official may act may be established. Exemption provisions may also be established allowing a waiver of the disqualification requirement where no conflict of interest or where the interest of the official or other person is found to be too remote and insubstantial to affect the integrity of this public action.

§ 7-6. Lobbying disclosure.

Any person who personally appears before any Town official or employee with the intent to influence that person in the performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of $240 on food, entertainment, or other gifts for such official shall file a registration statement with the Commission no later than January 15 of the calendar year or within five (5) days after first making such appearances.

The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances.

Registrants under this chapter shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a Town official or employee. Where a gift or series of gifts to a single official or employee exceeds $240 in value, the official or employee shall also be identified.

§ 7-7. Enforcement; violations and penalties.

The Commission may issue a cease-and-desist order against any person found to be in violation of this chapter and may seek enforcement of such order in the Circuit Court of Kent County.

A Town official or employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including the suspension of Town salary or other compensation.

Violation of this chapter shall be considered a misdemeanor subject to a fine of up to $ 500 or imprisonment of up to one year, or both.

TOWN OF MILLINGTON
ETHICS/CONFLICT OF INTEREST
ANNUAL STATEMENT

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Office/Position Held: _____

Organizations/Affiliations that I belong to: _____

_____

_____

For the Year 2024:

□ I have not received any gifts during the calendar year _____.

□ I have received gifts during the calendar year _____. Those gifts were: (list gift, value, and who from)_____

_____

_____

_____

_____ _____

Date Signature

TOWN OF MILLINGTON
ETHICS/CONFLICT OF INTEREST
COMPLAINT FORM

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

1. Who is this complaint against? Include their name, job title or position. Please file a separate complaint form for each person you are complaining against.

   _____

   _____

   _____

2. Date(s) of the alleged violation(s): _____

   _____

3. How has this person violated the provisions of the Town of Millington's Code of Ethics policy? Be specific and provide as much detail as possible. Attach any documentation that supports your claim._____

   _____

   _____

   _____

   _____

   _____

4. Indicate which provision(s) of the Town of Millington's Code of Ethics policy you believe have been violated. _____
   _____
   _____
   _____
   _____
5. Provide the names and contact information for anyone else whom may have information regarding this complaint. _____
   _____
   _____
6. Has the conduct you described above been the subject of a prior complaint? If yes, please explain: _____
   _____
   _____
   _____
7. Is there anything else the Town of Millington should know about this complaint? _____
   _____
   _____
   _____
   _____

I certify that the information provided in this complaint is true, correct, complete, and of my own personal knowledge. I will fully cooperate in the process regarding this complaint.

_____ _____
Signature Date

Chapter 8

Reserved for future use.

Chapter 9

PLANNING COMMISSION

§ 9-1. Creation.
§ 9-2. Composition; appointment; terms; vacancies; compensation.
§ 9-3. Chairman.
§ 9-4. Rules for transaction of business.
§ 9-5. Powers and duties.
§ 9-6. Public hearings; method of adoption.
§ 9-7. Duties of Town Clerk and Attorney; filing of materials.
§ 9-8. Duties of Commission.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 11-04-1974; amended in its entirety 07-05-1989 by Ordinance No. 7-89. Subsequent amendments noted where applicable.; amended 10-10-2023 by Resolution 2023-14]

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

§ 9-1. Creation

Pursuant to the authority and provisions of HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition as amended), there is hereby created a Municipal Planning Commission for the Town of Millington. Such Commission shall be known as the "Millington Planning Commission" and is hereafter referred to as the "Planning Commission"

§ 9-2. Composition; appointment; terms; vacancies; compensation.

A. The Planning Commission shall consist of five (5) members; three (3) members are required for a quorum.

B. The members shall be appointed by the Mayor and Council from among the business and property owners of Millington. The terms of such members shall be five (5) years or until their successors take office. All Planning Commission members will be sworn into office by the Mayor of the Town of Millington.

C. A vacancy occurring prior to the expiration of the term for which a member of the Planning Commission is appointed shall be filled in the manner of original appointment.

D. Members may be removed from this appointment by being declared mentally incompetent by the Circuit Court, or by extended absenteeism (defined as missing 50% of the regular scheduled meetings within a six (6) month time period). Planning Commission will make a written recommendation to the Town Council with the effective date of removal.

E. Members of the Planning Commission shall serve without compensation.

§ 9-3. Chairman.

The Planning Commission shall elect a Chairman from among its members. The term of the Chairman shall be one (1) year with eligibility for reelection.

§ 9-4. Rules for transaction of business.

The Planning Commission shall adopt rules for the transaction of its business.

§ 9-5. Powers and duties.

The Planning Commission shall have the powers and duties as now or hereafter provided for in HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended).

§ 9-6. Public hearings; method of adoption.

A. Public hearings.

(1) The Planning Commission shall hold public hearings on all plans, regulations, and other proposals for which such hearings are required under HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended). The Planning Commission shall give at least fifteen (15) days' notice of such hearings by an advertisement published in a newspaper of general circulation , through the Town's Facebook page, and the Town's website. Such notice shall include the time and place of the hearing, a description of the summary of the proposals to be considered at the hearing, and a place where a copy of such proposals can be obtained. At any such hearings interested persons shall be afforded an opportunity to comment or present additional information. Unless otherwise stated at the start of the public hearing, each person is allowed three (3) minutes to comment or present information.

(2) A written and/or audit record will be available of any public hearing held by the Planning Commission.

B. Any regulations or other proposals in connection with planning and zoning that are adopted by the Planning Commission shall be adopted by a yea or nay vote in open session.

§ 9-7. Duties of Town Clerk and Attorney filing of materials.

A. The Town Clerk or Town Administrator shall serve as the Secretary of the Planning Commission, and the Appointed Attorney shall serve as attorney for the Planning Commission.

B. All applications, plate, maps, and other matters required to be filed with the Planning Commission by HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended) or regulations adopted pursuant thereof shall be deemed filed when filed with the Town Clerk, and he/she shall be responsible for presenting all such applications, plate, maps, and other matters to the Planning Commission for its consideration for action.

§ 9-8. Duties of Commission.

The Planning Commission shall draft and recommend a plan, known as the Comprehensive Plan, to the Mayor and Council of Millington for adoption and which shall serve as a guide to decisions to ensure the development of public and private property both inside of the Town of Millington and surrounding areas which, in the judgment of the Planning Commission, bear relation to the planning responsibilities of the Commission. The plan shall contain as a

minimum the elements set forth in HB 1045 of 2021 of the Annotated Code of Maryland (1957 Edition, as amended). Also, as provided in said HB 1045 of 2021, it shall be the duty of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, in order that the Mayor and Council may avail themselves of the zoning powers conferred by the Maryland Code. The Planning Commission shall make a preliminary report and hold at least one (1) public hearing thereon before submitting its final report, and the Mayor and Council shall not hold public hearings or take action until the final report of the Planning Commission has been received.

The Planning Commission shall review and amend as needed the Subdivision Ordinance and the Zoning Ordinance to correspond with the Comprehensive Plan. The Planning Commission shall prepare official maps establishing local jurisdiction authority to protect future rights-of-way from development, future annexations, and zoning classifications that are linked to the Comprehensive Plan.

Chapter 10

Reserved for future use.

REPEALED – 11-14-2023
RESOLUTION 2023-16

Chapter 11

RECREATION COMMISSION

§ 11-1. Establishment; membership; terms; vacancies.

§ 11-2. Chairman; organization; rules and regulations.

§ 11-3. Powers and duties.

§ 11-4. Budget; gifts and bequests.

§ 11-5. Superintendent and other personnel.

§ 11-6. Monthly and annual reports.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 04-10-78. § 11-l An amended at time of adoption of Code; see Chapter 1, General Provisions, Article I. Other amendments noted where applicable.] [Chapter 11 – Recreation Commission repealed by Resolution 2023-16, November 14, 2023.

§ 11-1. Establishment; membership; terms vacancies.

A. Pursuant to § C4-1B.44 of the Municipal Charter for the Town of Millington, there may be established a Recreation Commission.

B. This Commission shall consist of five (5) persons serving without pay that shall be appointed by the Mayor and confirmed by at least one (1) Council member.

The term of office shall be for three (3) years or until their successors are appointed and qualified, except that the members of such Commission first appointed shall be appointed for such terms that the term of no more than two (2) members shall expire annually thereafter.

Vacancies in such Commission occurring for whatever reason shall be filled by the Mayor within forty-five (45) days and confirmed by at least one (1) Council member.

Editor's Note: Amended at time of adoption of Code, see Ch. 1. General Provisions. Art. I.

§ 11-2. Chairman; organization; rules and regulations.

A. The Chairman of this Commission shall be appointed by the Mayor and confirmed by at least one (1) Council member.

B. Immediately after the appointment of the members and the Chairman, they shall meet and organize by electing such other officers as may be necessary.

C. The Commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the town.

§ 11-3. Powers and duties.

The Recreation Commission may provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreation facilities and activities on any of the properties owned or controlled by the town or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct or to cooperate with other agencies in conducting any form of recreation that will employ the leisure time of the people in a constructive and wholesome manner.

§ 11-4. Budget; gifts and bequests.

Annually, the Recreation Commission shall submit a budget to the town's governing body for its approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreation purposes. However, no money received by the Commission may be spent without including that money as part of the budget submitted to the Mayor and Council for approval.

§ 11-5. Superintendent and other personnel.

The Recreation Commission shall have the power to appoint or designate someone to act as Superintendent who is trained and properly qualified for the work and such other personnel as the Commission deems proper when this position is or these positions are properly budgeted.

§ 11-6. Monthly and annual reports.

The Recreation Commission shall make full and complete monthly and annual reports to the governing body of the town and other reports from time to time as requested.

Chapter 12

Reserved for future use.

Chapter 13

Reserved for future use.

Chapter 14

Reserved for future use.

Chapter 15

Reserved for future use.

Chapter 16

Reserved for future use.

Chapter 17

Reserved for future use.

Chapter 18

ALCOHOLIC BEVERAGES

ARTICLE I

Public Consumption

§ 18-1. Definitions.

§ 18-2. Provisions.

§ 18-3. Exemptions.

§ 18-4. Penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: Article I, 01-30-01. Amendments noted where applicable.]

§ 18-1. Definitions.

"Public Property" shall be defined as including any building, ground, park, street, highway, alley, sidewalk, station, terminal, or other structure, road, parking area located on land owned, leased or operated by the Federal Government, the State, the County, or the Town.

§ 18-2. Provisions.

It shall be unlawful for any person to consume or possess in any open container any alcoholic beverage while:

On public property, unless authorized by a governmental entity that has jurisdiction over the property;

On any mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, like shopping center, where the general public is invited for business purposes;

On any adjacent parking area or other outside area of any other retail establishment;

In any parked vehicle located on any of the places enumerated in this Section.

§ 18-3. Exemptions.

The Mayor and Council of this Town reserve the right at their discretion and in the best interests of the citizens of the Town to grant on special occasions and other events an exception to the provisions of this Article.

§ 18-4. Penalties.

Any person violating the provisions of this Chapter/Article shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished by a fine as outlined in the Code of the Town of Millington Chapter 2.

Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 19

Reserved for future use

Chapter 20

Reserved for future use

Chapter 21

BRUSH, GRASS, AND WEEDS

§ 21-1. Definitions.
§ 21-2. Removal on regular schedule required.
§ 21-3. Notice to remove.
§ 21-4. Removal by Town; payment of costs.
§ 21-5. Violations and penalties

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: 04-01-91. Amended December 12, 2023 by Resolution 2023-18]

GENERAL REFERENCES

Trees - See Chapter 69.

The owner of a property is responsible for the maintenance of the structures and exterior of their property. Vacant structures and premises shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 21-1. Definitions.

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

PERSON – The owner of public record of any lot or part of a lot within the Town.

TOWN – The Town of Millington.

WEEDS – all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this does not include flowers and gardens.

§ 21-2. Sanitation.

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water. The exception is approved retention areas and reservoirs. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 8" (eight inches). Noxious weeds shall be prohibited.

§ 21-3. Notice to remove.

The Mayor and Council is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area to cut, destroy, and/or remove the weeds found growing, lying, or located on such owner's property or upon the sidewalk abutting the same. Such notice shall be served by mail and addressed to said owner or agent of said owner at his/her last known address.

§ 21-4. Removal by Town; payment of costs.

Noncompliance; removal by Town. Upon the failure, neglect or refusal of any person so notified to cut, destroy, and/or remove weeds growing, lying, or located upon such person's property or upon the sidewalk abutting the same within ten (10) days after receipt of the written notice provided for in Section 21-3 of this Chapter or within five (5) days after the date of such notice in the event that the same is returned to the Town Post Office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such person, the Town is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such weeds or to order the removal by the Town with the cost of removal to be billed to the property owner and if not paid then the amount will be added to the owner's Municipal Taxes.

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§ 21-5. Violations and penalties.

A. Any person, firm or corporation violating any provisions of this Chapter shall be deemed to be guilty of a Municipal Infraction and, upon conviction thereof, shall be fined as specified in the Chapter 2 of the Town of Millington.

B. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Chapter 22

BUILDING CONSTRUCTION

ARTICLE I

Standards

[A resolution adopted by the Mayor and Council of the Town of Millington 12-05-1984 provided that the Queen Anne's section of the town will follow the county ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the International Mechanical Code. Said resolution further provided that the town follows the county policy with respect to putting in wells and sediment control. In addition, the resolution provided that the Zoning Administrator will inform the property owners in the Queen Anne's section of the town that there must be a building permit before Planning and Zoning Commission approval is issued.] [A resolution adopted by the Mayor and Council of the Town of Millington 02-14-2017 adopted the International Property Maintenance Code as Chapter 65 of the Town's Code in effect for those properties located in Kent and Queen Anne's Counties. Resolution Resolutions 2024-14 Adopting Construction Standards and Specifications of Kent County and Resolution 2024-15 Adopting Construction Standards and Specifications of Queen Anne's County were adopted by Town Council August 13, 2024, See Chapters 75 and 76 of the Town Code.]

ARTICLE II

Livability Code

[Ordinance No. 8-89, adopted 08-02-1989, adopted the Kent County Livability Code. A cooperative agreement with Queen Anne's County, signed 11-01-1989, provided that the Queen Anne's County Livability Code will be applicable within the Town of Millington and enforced.]

§ 22-III-1 Applicability

§ 22-III-2 Inspection of Rental Units

§ 22-III-3 Permit Required

§ 22-III-4 Inspection Fee

§ 22-III-5 Violations & Penalties

{History: Reviewed, amended, and adopted by Mayor and Council of the Town of Millington, November 27, 2023}

GENERAL REFERENCES

Floodplains - See Chapter 34.

Sediment Control - See Chapter 53.

Stormwater Management - See Chapter 60.

International Property Maintenance Code – See Chapter 65.

Subdivision of Land - See Chapter 66.

Short Term Rentals – See Chapter 78.

Zoning - See Chapter 80.

ARTICLE III

OCCUPANCY PERMITS

[Ordinance No. 2006-02, adopted 06-21/2006, adopted an Occupancy Permit Requirement for Rental Housing]

22-III-1 Applicability.

The requirements of this article shall apply to:

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

Lessors of residential real estate in accordance with the schedule set forth in 22-III-5 hereof.

22-III-2 Inspection of Rental Units.

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

Biannual inspection. All rental housing units within the Town of Millington shall be inspected on a biannual basis for compliance with Building, and Property Maintenance Code standards.

Inspection process. Every residential housing unit owner, whether such unit is an apartment or a single-family residence, shall make application to the Town of Millington for inspection on or before the 31st day of December of the year in which inspection is required.

22-III-3 Permit required.

It shall be unlawful to occupy or to permit the use or occupancy of any building or premises or portion thereof as described in 22-III-1 until the building or premises have been inspected and an occupancy permit issued stating that the proposed use of the building or premises conforms to the requirements of the Town Building Code and Town Property Maintenance Code.

22-III-4 Inspection Fee.

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

22-III-5 Violations and Penalties.

Any person who shall occupy property without an occupancy permit where the same is required by this chapter shall be guilty of a municipal infraction. Each day that occupancy without a required permit occurs shall constitute a separate offense.

Any rental property owner who shall fail to make application to the Town of Millington for the biannual inspection required by this chapter shall be deemed guilty of a municipal infraction.

Once inspection shall have been made by the Town Code Enforcement Inspector, such property owner shall have 30 days to correct all violations found by the Inspector that are not subject to the emergency provisions of Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code. Each day more than 30 days after the inspection the Town Code Enforcement Inspector shall have made that no emergency violations continue shall constitute a separate offense. Emergency violations shall be governed by Section 109 of the ICC International Building Code, the ICC International Residential Code, ICC International Property Maintenance Code, and the ICC International Mechanical Code or its successor code.

Chapter 23

Reserved for future use

Chapter 24

Reserved for future use

Chapter 25

Reserved for future use

Chapter 26

CURFEW

§ 26-1. Curfew

§ 26-2. Responsibility of parents or legal guardians/custodians.

§ 26-3. Penalties.

§ 26-4. Report to Kent or Queen Anne's County Department of Social Services.

§ 26-5. Enforcement Authority.

[History: Adopted by the Mayor and Council of the Town of Millington 02-01-1971 as Ordinance No. 115; Amended March 12, 2024).

§ 26-1. Curfew

Minors under the age of sixteen (16) years, unaccompanied by a parent, legal guardian, or sibling over the age of twenty-one (21) years, shall not loiter, wander, walk, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds or buildings, or vacant lots open to the public between the hours of:

(a) 10:00 p.m. on Fridays to 5:30 a.m. on Saturdays.

(b) 10:00 p.m. on Saturdays to 5:30 a.m. on Sundays.

(c) 9:00 p.m. through 5:30 a.m. on Sundays through Fridays.

The provisions of this Section do not apply to a minor found in or upon a public place set forth above during prohibited hours if the minor demonstrates that he or she is responding to an emergency that cannot be addressed by a parent, legal guardian, or adult sibling.

§ 26-2. Responsibility of Parents or Legal Guardians/Custodians.

It shall be unlawful and constitute a municipal infraction for a parent, legal guardian or custodian or other adult with care, custody, or control of a minor under the age of sixteen (16) years to knowingly permit the minor to act in violation of Section 1 of this Chapter 26.

§ 26-3. Penalties.

Any parent, legal guardian or custodian, or other adult with care, custody, or control of a minor under the age of sixteen (16) years determined to have violated Section 2 of this Chapter 26 shall be subject to the following sanctions:

(a) 1st Offense – Written warning.

(b) 2nd Offense – Issuance of a civil citation with a fine of $100.00.

(c) 3rd Offense – Issuance of a civil citation with a fine of $250.00.

(d) – 4th Offense – Issuance of a civil citation with a fine of $500.00.

(e) - Subsequent Offenses – Issuance of a civil citation with a fine of $1,000.00.

§ 26-4. Report to Kent or Queen Anne's County Department of Social Services.

Following the issuance of a civil citation for a third offense as provided in Section 3 of this Chapter 26, the Town may contact the Kent or Queen Anne's County Department of Social Services and request that the Department conduct an investigation regarding the well-being and supervision of the minor.

§ 26-5. Enforcement Authority.

The Town Administrator, or his/her designee, shall have authority to enforce the provisions of this Chapter 26, including the authority to issue civil citations.

Chapter 27

NUISANCE

§ 27-1. Purpose.

§ 27-2. Scope and application.

§ 27-3. Intent.

§ 27-4. Definitions.

§ 27-5. Public nuisance.

§ 27-6. Owner responsibility.

§ 27-7. Enforcement.

§ 27-8. Warning notices.

§ 27-9. Notices to vacate and to repair or remove.

§ 27-10. Posting of public notice.

§ 27-11. Service.

§ 27-12. Abatement by Town at owner's expense.

§ 27-13. Collection of expenses.

§ 27-14. Penalty for violations.

§ 27-15. Prosecution.

§ 27-16. Filing of judicial appeals.

[History: Adopted by the Mayor and Council of the Town of Millington 02-05-1987 as Ordinance No.1-87, Amended March 12, 2024.]

§ Article I. Unsafe Premises

§ 27-1 Purpose:

It is the purpose of this article and regulations passed pursuant thereto to secure and protect the general public from premise conditions found to be dangerous or detrimental to human life, limb, health, property, or safety.

§ 27-2 Scope and application:

The provisions of this article are remedial and shall apply to the condition of all premises and to use, occupancy, structural condition, removal and demolition of all structures and appurtenances connected or attached thereto irrespective of their date of construction, alteration, repair, or installation.

§ 27-3 Intent:

Except as to emergency circumstances, this article shall be enforced only after violations have first been brought to the attention of the owner by the issuance of a warning notice and a reasonable time and full opportunity for voluntary compliance has been afforded to the owner.

§ 27-4 Definitions:

For the purpose of this article and unless otherwise expressly stated, the following words, phrases and their derivatives shall have the meaning set forth in this Section; where terms are not defined under the provisions of this article or under the provisions of any building, fire, safety, health, plumbing, or electrical code or ordinance enforceable in Kent & Queen Anne's County, such terms shall have ascribed to them their ordinarily accepted meanings in the context utilized.

TOWN – means the incorporated Town of Millington, Maryland.

DWELLING – when used in this article without other qualifications means a structure used whether occupied or not for residential purpose.

EGRESS – means an exit or a place or a means to leave a dwelling unit by continuous, unobstructed travel.

ENFORCEMENT OFFICER – means any person appointed or authorized by the Town of Millington, to 9 exercise any or all of the responsibilities charged to the Enforcement Officer by the provisions of this article.

GARBAGE – all organic waste, consisting of the residue of animal, fruit, or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

JUNK – old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and any other old or scrap material, including wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts or household appliances.

NUISANCE – The following specific acts, deeds, or conditions:

A. The deposit or accumulation of any foul, decaying, or putrescent substance or garbage or refuse or rubbish or other offensive matter in or upon any land, street, or highway unless in a manner approved by the Enforcement Officer or a properly designated agent of the Town.
B. The discharge of any foul liquids or sewage from any type of mobile vehicle holding tank except into an approved sewer or treatment works, accepting normal agricultural practices.
C. The disposal of human excreta, dead animals or fowl upon any land, street, or highway or in or upon any public or private place without it being buried to a suitable depth or otherwise disposed of in a manner approved by the Enforcement Officer.
D. The conveying of garbage, swill, refuse, dead animals, dead fowl, or other filthy matter through any street or any highway, public or private, in a manner not approved by the Enforcement Officer.
E. The use of garbage, offal, or any other decaying or putrescible matter either by itself or in connection with ashes or other harmless matter, for the purpose of filling in any land or other space, exempting licensed sanitary landfills.
F. The existence of weeds more than 12 inches in height upon any property in any residential area within 200 feet of a habitable dwelling. Areas noted as official wetlands or isolated by official wetlands, agricultural lands, and forest are exempt.
G. The permitting or existing of an unfit structure as defined by this chapter.
H. Permitting the presence of rats and allowing property to become a rat harborage.
I. The unsightly presence of junk on any property in excess of 30 days and stored and maintained in an unsafe or unsanitary manner and stored or maintained within 200 feet of a public or private road or dwelling.
J. Except for material originating in or delivered from lands within the territorial boundaries of the Town of Millington, no materials containing designated hazardous substances as defined and identified in the Environment Article, §7-201, of the Annotated Code of Maryland, shall be deposited upon any lands within the territorial boundaries of the Town of Millington.

OWNER – means a natural person, his heirs, executors, administrators, or assigns and also includes a firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

PREMISES – means a lot, plot, or parcel of land including the structures, dwellings, and dwelling units thereon.

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

REMOVE – means taking away and off the premises, as well as the removal of backfill of all excavations and openings in the earth as the result of demolition.

REPAIR – means the replacement of existing work for the purpose of its maintenance.

REQUIRED – means "mandatory" in the imperative sense.

RESIDENTIAL AREA – an area having an average of 40,000 square feet or less per dwelling unit.

RUBBISH – All refuse other than garbage, whether combustible or noncombustible, and such forms shall include but not be limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, slash, rubble, street refuse, abandoned automobiles, household appliances, machinery, bottles, cans, wastepaper, cardboard, sawdust piles, and slash remaining from abandoned sawmill operations, and all other waste materials and unsightly debris from an industry.

STRUCTURE – means anything which is built or constructed, and which is fastened, anchored, or rests upon the ground.

UNFIT STRUCTURE – Any vacant dwelling, building, or part thereof located within 200 feet from any adjacent property boundary or any public or private road which constitutes a hazard to the safety, health, or welfare of the public because it is in disrepair, unsanitary, vermin-infested, or rodent-infested.

§ 27-5 Public nuisance.

A premise or structure may be found and declared by the Enforcement Officer to be a public nuisance if it:

(1) constitutes a fire hazard,
(2) has inadequate egress,
(3) is structurally unsafe and unstable and is likely to collapse partially or completely,
(4) constitutes a hazard to safety or health by reason of unsafe equipment, disrepair, dilapidation, obsolescence, or abandonment,
5) contributes to including but not limited to water contamination, vermin, or rodent infestation, the accumulation of garbage, rubbish, and human or animal feces, or undue exposure of persons to the elements.

It shall be unlawful to refuse or neglect or otherwise to fail to abate, by repair improvement or removals, any condition declared as a public nuisance.

§ 27-6 Owner responsibility.

The owner or the occupant of any premises within the Town of Millington shall be responsible for sanitary conditions of the premises occupied by him/her, and it will be unlawful for any person to place, deposit, or voluntarily allow to be placed or deposited on his/her premises any matter which constitutes a nuisance under the terms of this chapter.

§ 27-7 Enforcement

A. The Enforcement Officer, his designee, or other properly designated law enforcement agent shall be the enforcement officer. Upon receiving a complaint, he/she shall institute an investigation, and if the place or thing complained of is in such a condition as to constitute a nuisance under the terms of this chapter, he/she shall serve a notice in writing on the person, firm, or corporation responsible for the condition requiring his/her/them to abate the same within a time specified in the notice.
B. It shall be the duty of all law enforcement officers who have jurisdiction in the Town of Millington to enforce this chapter, and it shall further be the duty of the State's Attorney to prosecute violators under this chapter.

§ 27-8 Warning notices.

(a) Except as to the emergency circumstances, the Enforcement Officer upon first determining that a violation of this article exists, shall issue a written warning notice advising the owner of the property in violation of the following:

(1) The nature of the violation;
(2) Repair and improvement necessary to abate the public nuisance;
(3) A reasonable time not to exceed 120 days to achieve voluntary compliance;
(4) The date after which a Notice to Vacate and to Repair or Remove will be issued if voluntary compliance is not achieved.
(5) An explanation of the owner's rights of appeal under the provisions of this article.

(b) A warning notice need not be issued when conditions constitute an emergency and present an imminent or immediate threat of danger to human life or limb, health, property, or the public safety.

§ 27-9 Notices to vacate and to repair or remove.

The Enforcement Officer shall issue a written Notice to Vacate and to Repair or Remove whenever:

(a) An emergency circumstance exists and presents an imminent or immediate threat of danger to human life or limb, health, property, or the public safety.
(b) Voluntary compliance with a warning notice is not achieved with the time indicated.

This notice shall require the owner to vacate the premises within a stated time and, within sixty (60) days, either to complete specific repairs, or improvements or to remove the public nuisance of any portion thereof, including to remove all debris and to backfill all excavations and openings in the earth, or otherwise to comply with other applicable provisions of this article. Upon evidence of a good faith effort to commence compliance with such notice, the Enforcement Officer may, in his sole discretion, grant a reasonable extension of time to complete compliance.

§ 27-10 Posting of Public Notice.

Upon issuance of a Notice to Vacate and to Repair or Remove, the Enforcement Officer shall cause to be posted, at an entrance of the premises declared to be a public nuisance, the following notice: "THESE PREMISES ARE UNSAFE AND HAVE BEEN DECLARED TO BE PUBLIC NUISANCE; USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE "MAYOR AND TOWN COUNCIL."

Such notice shall remain posted until the required repairs are made, or removal is completed. It shall be unlawful for any person, firm, or corporation or their agents, or other servants to remove such notice without written permission of the Enforcement Office, or for any person to trespass upon the premises except for the purpose of making the required repairs or of removing the public nuisance.

§ 27 -11 Service.

Whenever the Enforcement Officer shall issue a Warning Notice or a Notice to Vacate and to Repair or Remove, he shall give such notice to the owner of record or agent, and to the person in control of the premises, by return receipt registered or certified mail, or by personal service through the Sheriff of Kent County or Queen Anne's or through other legally accepted means. Service on nonresidents and persons who cannot be found in the County shall be made:

(1) by sending a copy of such notice to the owner of record by register or certified mail to such owner's last known address;
(2) by publishing such notice twice in a newspaper of general circulation in the County and
(3) by posting such notice on the property concerning in a conspicuous manner.

Effective service shall be deemed to have been made on the last day to occur of such mailing, publication, and posting.

§ 27-12 Abatement by Town at owner's expense.

In the event that the owner of record fails to comply with a Notice to Vacate and to Repair or Remove within sixty (60) days of the effective service of the notice, or in the event that the premises has been posted as unsafe and there exists an emergency circumstance which presents an imminent or immediate threat of danger to human life or limb, health, property, or public safety, the Enforcement Officer may enter the premises concerned with proper notification to the property owner and cause the same to be repaired or removed and any dangerous conditions to be remedied, as to case may be at the expense of the owner of record.

§ 27-13 Collection of expenses:

If the owner of record fails to repay the Town for expenses incurred under Section 1-11 within thirty (30) days after written demand has been mailed to such owner's last known address the Enforcement Officer shall notify the Town Clerk and such expenses shall be charged to the property, shall constitute a lien thereon, shall be entered on the tax records kept by the Town Clerk and shall be collectible as are taxes in arrears under the provision of Section 9-12 of the code of Kent County and Queen Anne's County.

§ 27-14 Penalty for violations.

Any person who shall violate any provision of this article shall, upon conviction thereof, be subject to a civil penalty of not more than One Thousand ($1,000) Dollars at the discretion of the Court. Each day that a violation continues after due notice of the penalty has been effectively served shall be deemed a separate offense.

§ 27-15 Prosecution.

In case any notice as provided in Section 1-9 or 1-10 is not promptly complied with, the Enforcement Officer may institute an appropriate action in a court of competent jurisdiction:

(1) to restrain, correct, or remove the violation;
(2) to prevent the trespass, occupation, or use of the structure in violation of, or not in compliance with, the provisions of this article.
(3) to order the payment of the civil penalty authorized by this article, or
(4) to order such other relief as shall be just or equitable to secure and protect the general public from premises conditions found to be dangerous or detrimental to human life, limb, health, property, or safety.
(5) ascertain costs, including attorney's fees may be charged to the owner including the record owner as well as any other person prosecuted under this section. As such costs, fees, and penalties may be charged to the property and constitute a lien as provided in 1-13 on this Ordinance.

§ 27-16 Filing of judicial appeals.

Upon effective service of a Notice to Vacate and to Repair or Remove, any person may appeal such notice within thirty (30) days of the date thereof to any court of competent jurisdiction. Such appeal shall stay neither abatement by the Town nor the requirement to vacate the premises and to refrain from trespassing thereupon except for the purpose of making the required repairs or of removing the public nuisance unless a stay shall be granted by the Court to which such appeal has been made or by the Enforcement Officer.

Chapter 28

Reserved for future use

Chapter 29

Animals

§ 29 – 1 Definitions

§ 29 – 2 Enforcement Authority

§ 29 – 3 Proper Confinement

§ 29 – 4 Property Size Requirements & Setbacks from Property Lines

§ 29 – 5 Keeping of Small Animals

§ 29 – 6 Keeping of Large Animals

§ 29 – 7 Violation & Penalties

{NOTE: Originally adopted July 1, 1962; October 5, 1994 – adopted thru Resolution #94-10 Queen Anne's County Animal Control Ordinance; September 9, 2014 – amended thru Resolution #2014-08 Animal Ordinance; December 8, 2020 – adopted thru Resolutions #2020-15 and #2020-16 revised Kent and Queen Anne's Counties Animal Control Ordinances; February 8, 2022 – amended thru Resolution #2021-11 Animal Ordinance.}

§ 29 – 1. Definitions.

At Large – off premises of the owner of the animal and not under the immediate control of a human being either by leash, cord, chain, or otherwise.

Commercial Kennel – an establishment wherein any person, group of persons, or corporation engages in the business of boarding, breeding, buying, grooming, or selling animals, or wherein at any one time there are kept or harbored five or more animals over six months old for a business or commercial purpose.

Domesticated Animal – animals which by long and continued association with humans have become thoroughly tamed and domesticated. These animals are only intended to be pets and shall not be kept for commercial purposes.

Emotional Support Animal – a companion animal or pet that a medical professional has determined provides therapy or benefit for a person with a disability. These animals have not been trained to do work or perform tasks for the benefit of a person with a disability. An emotional support animal is not a service animal.

Large Animals – all animals considered livestock; those animals typically kept or raised on a farm; all animals typically weighing more than 100 pounds.

Owner – any person, partnership, or corporation owning, keeping, or harboring domesticated animals.

Pet Shop – an establishment which offers to sell two or more species of live animals with intent they be kept as pets.

Public Nuisance Animal – any animal which unreasonably annoys humans; endangers the life or health of other animals or persons; or gives offense to human senses; or which substantively interferes with the rights of citizens to the enjoyment of life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal which:

- damages property of anyone other than its owner;
- molests pedestrians;
- chases vehicles;
- excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other disturbances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- attacks other domesticated animals;
- is repeatedly found at large;
- has bit two or more people;
- has been designated by the Animal Control Officer to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

Small Animals – all animals and birds except for livestock, typically weighing less than 100 pounds.

Service Animals – an animal that is required by a person with a disability for assistance and is certified, in writing, as having been trained by a professional service animal institution to assist a person with a disability and which is properly harnessed in accordance with standards established by a professional service animal institution.

§ 29 – 2. Enforcement Authority.

The Town adopted through Resolution 2020-15 the Kent County Animal Ordinance.

The Town adopted through Resolution 2020-16 the Queen Anne's County Animal Ordinance.

§ 29 – 3. Proper Confinement.

The owner of any dog, cat, or other domesticated animal within the town limits shall keep the same securely upon his/her own premises or under the control of said owner by means of a leash, cord, chain, or otherwise.

§ 29 – 4. Property size requirement and setbacks from property line.

To allow for the keeping, raising, and maintaining of small animals within the town limits of Millington, the Town allows for 10% of allowable usage of total available Open Space below chart is the recommended minimum requirement:

Animal	Open Space per Animal (sq. ft.)	Set Back (ft.) Rear line/side line
Chickens, Ducks, birds	200	10/5
Goats, sheep, small animals	10,000	10/5
Rabbits	100	10/5

Example of calculation:

Lot size 6,750 sq. ft. – house size 1,384 sq. ft. = 5,366 open space X 10% allowable usage = 536.6 sq. ft./200 (chickens, ducks, birds requirement) = 2.683 allowable number of small animals at this location.

§ 29 – 5. Keeping of small animals.

The keeping of small animals, excluding pets, service animals, and emotional support animals shall be allowed in any district in the Town only upon approval by the Zoning Officer through the issuance of a certificate of compliance, subject to the following requirements:

General Requirements:

- no person shall have, own, permit, or otherwise possess a rooster on their property;
- unless as part of a farm, as defined in this chapter, the use and consumption of small animals and their eggs is limited to the occupants of the premises and shall not be sold;
- keeping small animals shall be considered an accessory use and permitted only as incidental to lots on which the principal use is residential.
- The provisions of this section shall not apply to raising small animals on farms or farmettes.

Location restrictions and planning. In reviewing an application for a certificate of compliance, the Zoning Officer must find the proposed use meets all of the following requirements:

- any premises used for keeping of small animals shall include a manure management plan so as to ensure animals are kept only in conditions that effectively limit odors and noises, while also avoiding attraction of insects and rodents, so as not to cause a nuisance to occupants of nearby buildings or properties and so as not to cause health hazards. The coop, pen, cage, or other shelter must be cleaned on a regular basis to prevent accumulation of waste.
- all small animals shall be provided with a covered, predator-proof coop, pen, cage, or other shelter that is thoroughly ventilated, designed to be easily accessed, and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. Animals shall not be allowed to roam the premises outside of such shelters. Any mobile structure or shelter used for rotational use of a property for the keeping of animals shall be deemed a structure under this chapter.
- the total area for all coops, pens, cages, or other shelter shall not be greater than 10% of the parcel.
- any coop, pen, cage, or other shelter used for keeping small animals shall be located in such a manner as to observe the applicable required yard setbacks and shall be prohibited in a front yard.

- no small animal coops, pens, cages, fences, or other shelters are permitted on a lot within 100 feet of any lake, pond, river, or stream, unless such body of water is wholly contained on same lot.
- the coop, pen, cage, or other shelter must be placed on a location on the lot so as not to harm adjoining properties or environmentally sensitive areas.
- no small animals shall be allowed in multi-family complexes, including duplexes, without the written consent of the owner of the building and all tenants residing in the building other than the applicant.
- no small animals shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.

Required documentation.

- the approval for a service animal or emotional support animals will require a letter from a doctor and/or therapist stating that the owner will benefit from the service animal or emotional support animal, that the requirement of such animal is indispensable or essential to the owner. The letter(s) must state why the requested approval is necessary and a more reasonable alternative is not available.

§ 29 -6. Keeping of large animals.

The keeping of large animals is strictly prohibited within the limits of the Town of Millington unless property is zoned agriculture and is a farm or farmette.

§ 29 -7. Violations and penalties.

Any person violating the provision of this Chapter shall be deemed guilty of a Municipal Infraction and shall be fined $500 per day, each day will be considered a separate violation until violation has been brought into compliance.

Chapter 30

Reserved for future use

Chapter 31

Reserved for future use

Chapter 32

Reserved for future use

Chapter 33

Reserved for future use

Chapter 34

FLOOD PLAINS

§ 34-1. Recognition of authority within town.

§ 34-2. Issuance of permit.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 06-03-1982 as Resolution No. 1982-1. Amendments noted where applicable. Reviewed by Mayor and Council of the Town of Millington 07-09-2024, no changes made at this time..]

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

34-1. Recognition of authority within town.

The Town of Millington recognizes the aforementioned authority and the application of said authority of the Maryland Department of Environment within the legally constituted boundaries of the Town of Millington.

§ 34-2. Issuance of permit.

The Town of Millington will not issue any permit for an activity regulated under said authority until the activity has been officially sanctioned by a permit from the Maryland Department of Environment.

Chapter 35

Reserved for future use

Chapter 36

Reserved for future use

Chapter 37

Reserved for future use

Chapter 38

Reserved for future use.

Chapter 39

Reserved for future use

Chapter 40

Reserved for future use

Chapter 41

Reserved for future use

Chapter 42

Reserved for future use

Chapter 43

Reserved for future use

Chapter 44

Reserved for future use

Chapter 45

Reserved for future use

Chapter 46

Reserved for future use

Chapter 47

Reserved for future use

Chapter 48

PEACE AND GOOD ORDER

§ 48-1. Discharge of firearms.
§ 48-2. Trash receptacles.
§ 48-3. Defacing trees and buildings.
§ 48-4. Defacing municipal signs.
§ 48-5. Lights and traffic signals.
§ 48-6. Parks and Public Property
§ 48-7. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 07-11-1962 as Ordinance Nos. 102, 103, 104, 109, and 110. Section 48-6 added at time of adoption of Code; see Chapter 1, General Provisions Article I. Other amendments noted where applicable. Amended 6/18/2008 – Parks and Public Property; Amendment to Peace and Good Order Ordinance was introduced at the May 21, 2008 Mayor and Council meeting; a public hearing was held on June 18, 2008, this ordinance is hereby adopted this 18th day of June 2008; Amended 13th day of August, 2024 by Resolution 2024-16.]

GENERAL REFERENCES

Public consumption of alcoholic beverages - See Chapter. 18, Article I.

§ 48-1. Discharge of firearms.

A. It shall be unlawful for any person to discharge any firearm, rifle, shotgun, revolver, pistol, air gun, air-rifle, BB gun, pellet gun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring, or elastic within the Town limits, whether such mechanisms is loaded with blank or live cartridges or projectiles of any kind. This Section shall not apply to the discharge of any such mechanism by a person in the necessary defense of his or her life or property. Nor shall it apply to any law enforcement officer in the legal performance or his/her duties. Nor shall it apply to any exception granted by Town Council, Planning Commission, or Board of Appeals for a permitted use or special event.

B. It shall be unlawful for any person to throw or project any stone, or missile with a sling shot or bow or any other instrument in the Town in any way that is likely to do harm or injury to any person or property or in such manner to cause reasonable apprehension of such harm or injury.

§ 48-2. Trash receptacles.

It shall be unlawful for any person or persons to take and carry away or willfully break, injure or destroy any box or any other receptacle maintained upon any street or alley in the town for the reception of paper, filth or waste matter. However, these receptacles shall not be used for the reception of waste material from commercial establishments or residential homes.

§ 48-3. Defacing trees and buildings.

It shall be unlawful for any person or persons to, at any time or in any manner, deface, injure or remove any tree, fence, gate, porch, building or other structure upon pubic land, by writing, cutting or in any manner, within the corporate limits of the town.

§ 48-4. Defacing municipal signs.

It shall be unlawful for any person or persons to purposely tear down or in any manner deface any sign or poster which has been posted by the authority of the Town Council.

§ 48-5. Lights and traffic signals.

It shall be unlawful for any person or persons to willfully break any streetlights within the corporate limits of the Town of Millington or cut or break any streetlight posts, parking signs, traffic signs or traffic signal devices in said town.

§ 48-6. Parks and Public Property.

It shall be unlawful for any person or persons to occupy any park or other public open space property of the Town of Millington after dark unless a permit for such night-time occupancy shall have been issued by the Town Council. This limitation shall not apply to the Town Hall or any other Town properties during regularly scheduled meetings and events.

§ 48-7. Violations and penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 49

Reserved for future use

Chapter 50

Skateboard

§ 50-1. Definition.
§ 50-2. Procedures.
§ 50-3. Penalty.

[History: Amended June 19, 2002 by Mayor and Council with Resolution 2002-6D, amended]

§ 50-1. Definition.

SKATEBOARD - A board made of either wood, plastic, aluminum or similar material or a combination thereof, with wheels attached, and used for gliding and/or moving on any hard surface.

§ 50-2. Procedures.

It shall be unlawful for any person to ride, propel, or push or otherwise operate a skateboard or any similar vehicle on any public way, street, alley, sidewalk, parking lot, or public property within the corporate boundaries of the Town of Millington except for in the Town's designated public park areas and publicly sponsored events..

Any person caught using a skateboard in an illegal manner will have it confiscated by the appropriate law enforcement personnel.

§ 50-3. Penalty.

Any person violating the provisions of Section 50-2 hereof shall be guilty of a Municipal Infraction with an initial Warning Letter Issued to the individual or to the legal guardians/parents if a juvenile. The second offense shall be a fine of $ 500.00. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense. Subsequent infractions by the same person/persons shall carry

a fine of $ 500.00. The parent/ legal guardian of an individual under the age of 18 who violates Section 50-2 will be liable for all fines and/or damages caused by the juvenile.

Chapter 51
Hazard Mitigation Plan

Article I
Queen Anne's County Plan

Article II
Kent County Plan

[History: Adopted QAC HMP by Mayor and Council of the Town of Millington, 01-13-2026 as Resolution #2025-18]

Chapter 52

Reserved for future use

Chapter 53

SEDIMENT CONTROL

ARTICLE I

Queen Anne's County Ordinance

§ 53-1. Applicability to town.

§ 53-2. Grant of authority to county.

ARTICLE II

Kent County Ordinance

§ 53-3. Applicability to town.

§ 53-4. Grant of authority to county.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington Article I, 03-06-1985 as Resolution No. 1985-3; Article II, 02-06-1986. Amendments noted where applicable. Reviewed 9/10/24, no changes made]

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.

Zoning - See Chapter 80.

ARTICLE I

Queen Anne's County Ordinance

[Adopted 03-06-1985 as Resolution No. 1985-3]

§ 53-1. Applicability to town.

The requirements and procedures as set forth in the Queen Anne's County Erosion and Sediment Control Ordinance are and the same are hereby made applicable and effective within the boundaries of the Town of Millington.

§ 53-2. Grant of authority to county.

Queen Anne's County, via the appropriate agency, be and the same is hereby granted authority and jurisdiction to grant permits, inspect, supervise and enforce excavating, grading and filling within the Town of Millington in the same manner and to the same extent as though such activity were being carried on in Queen Anne's County outside of the corporate limits of the Town of Millington.[1]

ARTICLE II

Kent County Ordinance

[Adopted 02-06-1986]

§ 53-3. Applicability to town.

The requirements and procedures as set forth in the Kent County Sediment Control Ordinance are and the same are hereby made applicable and effective within the boundaries of the Town of Millington.

§ 53-4. Grant of authority to county.

Kent County, via the appropriate agency, be and the same is hereby granted authority and jurisdiction to grant permits, inspect, supervise and enforce excavating, grading and filling within the Town of Millington in the same manner and to the same extent as though such activity were being carried on in Kent County outside of the corporate limits of the Town of Millington.[2]

1 Editor's Note: The clause which followed this section provided that the resolution shall take effect ten (10) days after county approval and shall be void if the State Department of Natural Resources should deny or suspend inspection and enforcement authority for erosion and sediment control to the county.

2 Editor's Note: The clause which followed this section provided that the resolution shall take effect ten (10) days after county approval and shall be void if the State Department of Natural Resources should deny or suspend inspection and enforcement authority for erosion and sediment control to the county.

Chapter 54

Allocations for Public Water and Sewer Capacity

Policies and Procedures

[History: Resolution 2023-01 – Allocations for Public Water & Sewer Capacity 02/16/2023]

Purpose:

The purpose of this document is to provide guidance for the allocation of water and sewer capacity, recognizing that it is in the best interest of the Town of Millington (Town) to establish procedures for requesting allocations, and to establish policies that are equitable and serve the economic development and growth management goals established by the Town.

Definitions:

Allocation – a reservation for a particular building or project to draw a prescribed amount of water from the T own's water system and/or to discharge a prescribed among of low to the Town's sewer system.

Connection Fee - A fee paid to the Town, normally in conjunction with a Building Permit Application, to help offset the capital costs of new treatment facilities, major water distribution lines, elevated storage tanks, sanitary sewer capacity expansion improvements, etc. The Connection Fee is charged on an Equivalent Dwelling Unit basis projected for the project and is based on the standards as set forth by Maryland Department of the Environment (MDE) Wastewater Design Guidelines.

The Connection Fee is separate from any costs the applicant may have with private contractors for the actual connection to the water or sewer lines and other associated development fees. All new or expanded users connecting or connected to the Town's water or sewer system must pay a Connection Fee.

Equivalent Dwelling Unit (EDU) – A unit of measure to equate flow demand to an equivalent of one single family home. An equivalent living unit is assumed to be equal to 250 gallons each per day of water use and sanitary sewage production.

Gallons per Day (gpd) – A unit of measure of the demand for water or sewer.

Million Gallons per Day (mgpd) - A unit of measure of the demand for water or sewer.

Site Plan - As defined by the Millington Code.

Allocation Capacity Calculation:

A. Every January the Town will determine, in accordance with MDE, available wastewater capacity utilizing a three (3) year rolling flow average minus previously allocated, unused taps.

B. Beginning in 2023 and every three (3) years thereafter, the Millington Planning Commission will review and recommend to the Town Commissioners of Millington potential gallons per day allocatable capacity for that period as follows:

- _____% Town Center Zoning.
- _____% Town pending projects – projects approved by Town Council.
- _____% Other residential sites outside of Town Center Zoning.

C. During each review period, the Planning Commission will ensure that the percentage of allocations are in conformance with current growth and economic goals of the Town.

D. The Millington Commissioners will review, revise, and approve the recommendations by resolution.

E. In the event of unforeseen circumstances which limit or reduce the capacity, the Millington Commissioners may reduce, limit, or cease allocation granting.

Allocation Request Eligibility:

A. An applicant must meet several eligibility criteria before an allocation request can be considered:

- For a proposed commercial or institutional facility, a Site Plan must be approved by the Planning Commission, except where a site plan is not required by the Zoning Ordinance.
- Where a Site Plan is not required by the Zoning Ordinance, a Building Permit application must be approved by the Town.
- For a proposed residential Subdivision, as defined by the Subdivision Ordinance, a Preliminary Plan must be approved by the Planning Commission.
- For an existing lot of record, a Building Permit must be approved by the Planning Commission.

B. A written request should include the following information (where applicable). Fully detailed and supported allocation requests are required for consideration.

- Name and address of the current property owner.
- Name and address of any future or transitional owners in progress.
- Name and address of the applicant, if different.
- Names and address of the developer, if different.
- Names, address, telephone, fax, and email address for designated contact.
- Project site's physical address with location map.
- Project site's tax map number, parcel number(s), and (if applicable) lot number(s).

- Copy of approved Site Plan, approved Preliminary Plat, or similar plan applicable to the project.
- Project description: level of detail will be dictated by the complexity of the project.
- For commercial uses, detail square footage, number of employees at full capacity, number of transient employees or guests, seats (as with restaurants), and meals prepared daily (restaurants, banquet halls, etc.) as appropriate to the facility and any additional information the Town may request to aide in the decision to accurately account for an/or reconcile Town water and sewer capacity.
- Requested allocation amount (gpd).
- Projected timeframe for first occupancy and for completion of build-out.
- Proposed phasing of project, if applicable.
- Detailed description of how the project meets the Town's priorities set forth in the current Comprehensive Plan.

Flow Projection Guidance:

A. The allocation request must include a properly estimated design flow for the project, including the detailed basis for the estimates. In many instances, this is best developed by the project engineer. The Town reserves the ability to require that the estimate for a project be prepared by a Professional Engineer or Architect licensed in the State of Maryland.

B. Any allocation granted by the Town will be based on conservative estimates of the flow and the Town may use any and all data sources in its evaluation of the projected flow.

C. Unreasonable, unsupported, or overly conservative estimates may unnecessarily consume treatment capacity and elevate Connection Fees for the applicant.

Expanded Flow Demand:

A. A facility may not exceed its allocation without written authority from the Town.

B. Users who plan to expand or change their operation in a manner that will increase their flow must request an expanded allocation in the same manner as a new allocation request.

C. Allocations for a revision or change of use for an existing building may be credited for recent historic flow for the previous use. The historic flow shall be determined by examination of actual consumption reflected on utility bills from the facility and other information available from the Town. Typically, the previous two-year period will be examined to determine trends of the use; the Town maintains its rights and prerogatives to gather, assess, and make such determinations it deems necessary to render appropriate judgments on all applications for consideration.

Authority to Allocate Water and Sewer Capacity:

A. The Millington Planning Commission will make recommendations to the Millington Council who are authorized to allocate capacity for the Town in accordance with the MDE and Millington Codes.

B. No allocations are valid except those made in writing, constrained by the terms therein, and subject to all relevant local and state regulations.

Allocation of Connections:

A. It has been determined that due to the scarcity of the resource, and as not to create unnecessary development pressure with "use or lose" deadlines, the general policy will be to allocate connections on a "first-come, first-serve" basis, subject to the ratio contained in the Allocation Capacity Calculation section above.

B. Allocations are issued only for projects that have initial approval status, as detailed above, that are deemed "scheduled for completion" timely and in accordance with all planning estimates and projections.

C. Allocations are issued as capacity is available and only to projects that meet the priorities of the Town.

D. Generally, allocations will expire with plan expiration, prior to recordation, unless renewed for cause, in writing by the Town. If an applicant loses eligibility (e.g., the Plan expires), any issued allocations for the project will expire and a new application must be submitted.

E. The Town will not extend the expiration date for projects that are not being diligently pursued.

F. An expired allocation can be re-issued at the Town's discretion, upon request in writing, but the allocation shall be considered a new application as it pertains to any required documentation. When an allocation expires, any fees may not be retained or transferred to another project. Projects resubmitted are subject to re-order priority (first-come, first-serve) basis.

Connection Fees:

A. Connection Fees are charged on an Equivalent Dwelling Unit basis projected for the project.

B. Except as provided herein, connection charges are due and payable upon the lot recordation approval or issuance of a Town Building Permit for pre-recorded lots. These fees are non-refundable.

C. For multiple lots or large projects that would create a hardship for the total connection fees to be collected upon recordation approval, the Millington Commissioners may enter into an agreement with a landowner or developer and request an irrevocable letter of credit or bond for at least fifty percent (50%) of the requested connection fees. For these applicants, the connection fee will be due upon the issuance of each Building Permit.

Chapter 55
Water Ordinance

Article I - General Regulations

§ 55-1. Definitions.

§55-2. Water meters.

§55-3. Rates.

§55-4. Billing procedures; payment of charges.

§55.5. Action upon nonpayment of water charges.

§55-6. Curtailment and/or regulation of water usage; notification.

§55-7. Discontinuance of Services; reconnection charge.

§55-8. Water service regulations generally.

§55-8A. Fire hydrants.

§55-9. Connection requirements; water main extensions.

§55-10. Time limit for connections; noncompliance.

§55-11. Connection/tapping fees.

§55-12. Connection installations; standards for water service pipes.

§55-13. Access to premises by Town Inspector, meter reader, etc.

§55-14. Effect of provisions on new construction.

§55-15. Continuance of wells upon installation of public water system.

§55-16. Rates and/or charges constitute lien.

§55-17. Water repairs.
§55-18. Water rates.
§55-19. Sale of water.
§55-20. Responsibility for repairs.

[History: Adopted by the Mayor and Council of the Town of Millington Resolution 2005-10 – Water & Sewer Connection Fee 09/07/2005; Resolution 2005-11 - Establish Water Rates 12/21/2005; Resolution 2006-02 – Establish Policy to Award Water & Sewer Connections 05/03/2006; Resolution 2006-10 – Establish Capital Water & Sewer Fund 11/01/2006; Resolution 2007-10 – Award Water & Sewer Connections to Businesses within Town Limits 07/18/2007; Resolution 2008-07 – Establish Fee for Special Readings of Water Meters 06/18/2008; Resolution 2008-09 – Amend Utility Rates – Late Fees 09/03/2008; Resolution 2009-02 – Establish Fee for Installation of Meter 02/18/2009; Resolution 2009-6 – Water Use for Temporary Connections 08/06/2009; Resolution 2012-01 – Amend Utility Rates 03/13/2012; Resolution 2012-05 – Amend Water Connections 07/10/2012; Resolution 2014-01 – Amend Utility Rates 02/11/2014; Resolution 2016-01 – Amend Utility Rates 06/14/2016; Resolution 2020-08 – Amend Water Ordinance 10/13/2020; Resolution 2021-08 – Amend Water Ordinance 08/10/2021; Resolution 2024-20 – Amend Water Ordinance 12/10/2024; Resolution 2025-09 – Amend Water Ordinance 06/10/2025]

Chapter 55

WATER

ARTICLE I

General Regulations

§ 55-1. Definitions.

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

ALLOCATION – a reservation for a particular building or project to draw a prescribed amount of water from the Town's water system and/or discharge a prescribed amount of flow to the Town's sewer system.

CONNECTION FEE – a fee paid to the Town, normally in conjunction with a Building Permit Application, to help offset the capital costs of new treatment facilities, major water distribution lines, elevated storage tanks, sanitary sewer expansion improvements, etc. The connection fee is charged on an Equivalent Dwelling Unit (EDU) basis projected for the project and is based on the standards as set forth by Maryland Department of the Environment (MDE) Wastewater Design Guidelines and Town of Millington Allocations for Public Water and Sewer Capacity Policies and Procedures. The connection fee is separate from any costs the applicant may have with private contractors for the actual connection to the water or sewer lines and other associated development fees. All new or expanded users connecting or connected to the Town's water or sewer system must pay a connection fee.

CUSTOMER - An applicant for service receiving water service at one premise and who is the owner of record of the premises. Such premises may include:

(a.) a building or combination of buildings used for one residence or one business

(b.) a building or combination of buildings owned by one person and containing a number of businesses or residences, provided however that each residence or business shall be treated as a separate customer and subject to the rate schedule applicable thereto.

EQUIVALENT DWELLING UNIT (EDU) – a unit of measure to equate flow demand to an equivalent of one single family home. An equivalent dwelling unit is assumed to be equal to 250 gallons each per day of water use and sanitary sewage production.

GALLONS PER DAY (gpd) – a unit of measure of the demand for water or sewer.

LATERAL - The line from the main to the premises of the customer.

LOT - Any vacant land on which no premises are located, or which is described in a deed separate from any other lot on which premises may be located.

MAIN - The Town-owned piping and fixtures in or along public highways and streets or along private owned rights-of-way used for the transmission or distribution of water.

MILLION GALLONS PER DAY (mpd) – a unit of measure of the demand for water or sewer.

PERSONS - Any person, firm, association or corporation.

SITE PLAN – as defined by the Millington Code.

TOWN - The Town of Millington, or its duly authorized officers or agents.

§ 55-2. Water meters.

A. Meters required - all premises using the town water supply must be equipped with an approved water meter. Water meters shall be supplied by the Town, and shall remain the property of the Town at all times. The cost of installation of the meters shall be paid for by the customer.

B. Installation - meters shall be installed in a location approved by the Town and affording easy access.

C. Reading meters - the Town shall read or cause to be read every water meter used in the town at such times as are necessary for the bills to be sent out at the proper time.

D. Testing meters - any municipal water meter shall be taken out and tested upon written request of the customer. The fee for testing a meter shall be set by resolution duly adopted after a public hearing. In the event the meter is found to be faulty there shall be no charge for the test.

§ 55-3. Rates.

A. The rates per revenue unit and the usage charges for water service shall be as determined by the Mayor and Council and may be changed from time to time by a resolution duly adopted after a public hearing. A revenue unit is equivalent to one (1) residential usage. The Town shall have the right to set and establish how many revenue units are located in each individual structure.

B. Rates established for water service may reflect varying charges for varying levels of consumption or service or such other circumstances as Mayor and Council may determine are appropriate.

§ 55-4. Billing procedures; payment of charges.

A. Upon purchase of an EDU or purchase of a property with an existing EDU; the property will be billed monthly for the base fee regardless of actual connection to the water system. The Town Council has the right to approve a payment plan for the purchase of a new EDU in lieu of payment in full at time of application for EDU.

B. A bill will be generated in the same manner as the sewer bill. The water bill due date shall be the same date that the sewer bill is due. Bills that are paid after the due date .shall be subject to a penalty as established by resolution duly adopted after a public hearing.

C. Property owners will receive the bill and be responsible for payment of charges for all services provided by the Town of Millington.

D. In the event of a challenge to a bill by a property owner claiming a major undetected leak or faulty meter, formally filed in writing and accompanied by such documentation as may support such claim, excess charges may be waived and the bill readjusted to reflect the average of the lesser of the three preceding or three succeeding quarters. No customer shall be permitted more than one claim as a result of a leak in any 10-year period.

§ 55-5. Action upon nonpayment of water charges.

A. Thirty Days After the due date, notice may be given to all customers whose bills are in arrears, by statement or by door hangers on said customers' premises stating water will be shut off without payment arrangement or payment to bring account current.

B. The Town Administrator may negotiate a payment plan with the property owner to bring account current within a maximum of 12 months.

C. All water bills not paid and in arrears in excess of $250 (total of water, sewer, and trash invoices) shall be collected through the annual Tax Sale governed by the appropriate County, unless there is an approved payment plan on file.

§ 55-6. Curtailment and/or regulation of water usage; notification.

The Town is hereby authorized and empowered, whenever in its judgment it shall think it necessary for the preservation of public health and safety, to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the Town for the operation of fountains, swimming pools, pavements, streets, lawns, flowers, shrubbery, gardens, etc., and for washing automobiles and other vehicles and to regulate, curtail or prohibit the use of water for any purposes other than ordinary domestic, household and culinary purposes. The Town is hereby authorized and empowered to give reasonable notice, whenever possible, to all consumers of water to curtail, regulate or refrain from the use of water for all or any of the purposes specified in this section.

§ 55-7. Discontinuance of Services; Reconnection Charge

A. Discontinuance by the Town. Water service may be discontinued by the Town for any one (1) of the following reasons:

(1) For failure to pay water and sewer bills within 30 days of the due date.
(2) Misrepresentation in applications.
(3) Willful waste of water.
(4) Failure to comply with restrictions imposed under § 55-6 of this chapter.
(5) Tampering with, damaging or bypassing water meters or any other part of the Town water system.
(6) Refusal of reasonable access to property to determine if there is a cross connection.

B. Reconnection charge. When water has been turned off from any premises for any of the above reasons or for any other violation of the Town's rules, a charge will be made for restoring service at such rate as has been set by resolution after a public hearing.

§55-8. Water service regulations generally.

A. Persons authorized to turn on service - no water from the town water supply shall be turned on/off for service into any premises by anyone but the individuals so designated by the Town of Millington.

B. Application requirements - application for water service should be made, in writing by the property owner. The Town may provide application forms to all property owners at the time of initial connection to simplify the procedure for residents.

C. Plumbing subject to state or county regulations - no water shall be turned on for service in premises in which the plumbing does not comply with State or County Health Department regulations, provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Article.

D. Resale prohibited - no water shall be resold or distributed by the recipient thereof from the Town supply to any premises other than that for which application has been made and a meter installed, except in the case of an emergency.

E. Tampering - it shall be unlawful for any person not authorized by the Town to remove, tamper with, alter or damage any part of the installed water meter, Town waterworks or water supply system.

F. Conditions for application acceptance - no application for service will be accepted by the Town until the applicant has paid or made satisfactory arrangements to pay all arrears and charges due by the applicant to the Town at any premises now or heretofore occupied by him.

§ 55-8A Fire Hydrants

It shall be unlawful to open or tamper with a fire hydrant without proper authorization.

§ 55-9. Connection requirements; water main extensions.

A. Application requirements - no property owner connecting to the system when it is first completed will need to file an application for water service. Applications for service installations for water will be accepted subject to the presence of an existing main in a right-of-way abutting the premises to be served.

B. Extensions - any extension of a water main shall be at the sole expense of the property owner requesting the service, provided that should the excess extension footage be subsequently utilized for additional taps or connections by persons other than the property owner, then the costs of such excess footage or some applicable portion thereof may be refunded if utilized within five (5) years from the date of installation.

§ 55-10. Time limit for connections; noncompliance.

A. Connection of fixtures - when any water main is declared ready for operation by the town, notice shall be given to all abutting property owners in the form of an application for service. Property owners shall then connect to the system and utilize the water. All property owners shall be made aware that they

shall be responsible for water bills from the date the system is operational. All abutting property owners shall connect all fixtures to the water meter within twelve (12) months of notice to connect.

B. Action upon noncompliance - should any owner of any such property refuse, neglect or fail to comply with any of the terms and requirements of § 55-10A, the Town, its servants, agents and employees are hereby empowered and directed to enter upon said premises and to perform all the work required of said owner of said property and to supply all the material needed therefore at the expense of said owner, and upon completion of said work, the cost thereof, including the cost of said materials and all expenses incurred shall be recovered from said owner by the placement of a lien on owner's real property. Liens shall be collected as provided in §C6-16 of the Charter (Sale of Tax-Delinquent Property).

§55-11. Connection/tapping fees.

A. In-Town connections - there will be no connection fee for existing homeowners who connect within twelve months of the date of Notice to connect upon completion of initial municipal system. A connection fee shall be charged to new homeowners or developers in new developments as well as existing homeowners who fail to connect to the new system after the stated time period for connection has elapsed. The connection fee shall be established by resolution of the Town Council after public hearing.

B. Out-of-Town connections - connection of premises outside the Town limits shall include a connection fee as established by Kent County or Queen Anne's County Commissioners as well as the actual cost of the connection.

C. Reimbursement Agreement – as part of the Developers Rights and Responsibilities, a Reimbursement Agreement can be entered into by the Developer/Property Owner and the Town Council to allow for the recapturing of a portion of the allocation fee collected by those property owners not part of the new development but located along the new main installation required for the new development.

§ 55-12. Connection installations; standards for water service pipes.

A. The water connection from the water meter to the building shall be installed in accordance with Town specifications, at the expense of the owner of the premises. For this installation, the owner or applicant shall be allowed to install the line themselves. Said installation shall be inspected and approved by a State of Maryland licensed plumber or a qualified representative of the Town. The materials and method of construction shall be approved by the Town or its agent, and if the connection has not been installed in accordance with the Town's requirements, water will not be turned on until such defects have been remedied. The connection between the water meter and the building and all piping and fixtures on or in the building of the owner or applicant shall be maintained by the owner or applicant.

B. All water service pipes to the building shall have a minimum cover of thirty (30) inches for any open excavation or fault.

C. Every water service pipe must be provided with a shut-off valve on the inside of the curb line which is easily accessible and fully protected from freezing.

§ 55-13. Access to Premises by Town Inspector, meter reader, etc.

The Inspector, meter reader and other properly authorized representatives of the Town of Millington shall have access at all reasonable hours to the premises supplied by the Town with water for the purpose of setting, reading, repairing or removing meters or for making necessary inspections.

§ 55-14. Effect of provisions on new construction.

From the time this Article becomes effective, no new construction within the Town limits shall be commenced or permitted unless satisfactory arrangements are made to connect to the municipal water system.

§ 55-15. Continuance of wells upon installation of public water system.

After the property owners have been advised that the water system is operational and a water main has been installed in the public way upon which said property fronts, the Town may allow existing wells to be used to operate fountains, swimming pools, streets, lawns, flowers shrubbery, gardens, etc., and for washing automobiles and other vehicles. Said wells shall not be used for ordinary domestic, household and culinary purposes. All connections between such wells and the domestic water system shall be permanently terminated.

Wells found to be polluted or a menace to health shall be abandoned and closed as approved by the County Health Department.

§ 55-16. Rates and/or charges constitute lien.

All rates and/or charges referred to in this Article and hereinbefore or hereinafter mentioned shall constitute a lien on the real estate served and shall be collectible in the same manner as Town taxes.

§ **55-17. Water Repairs.**

A. Water Repairs may occur on either side of the water meter.
B. Responsibility for repairs on the Town's side of the meter is solely the responsibility of the Town.
C. Responsibility of repairs on the property owner's side of the meter are the responsibility of the property owner. Property owner should contact the Town Office to report the leak and for Town to investigate cause of leak and course of action for repair.
D. If repair is performed by the Town or its vendors, property owner will reimburse Town for all costs plus an administrative fee at such rate as has been set by resolution after a public hearing.
E. If repair is performed by the Town or its vendors on the property owner's side of the meter, the property owner will reimburse the Town for all costs plus a reconnection charge as set forth in Section 55-7B.

§ 55-18. Water rates.

Water rates shall be determined by the Mayor and Council and set by Resolution duly adopted after a public hearing.

§ 55-19. Sale of Water

Whereas the Town of Millington owns and operates a water supply distribution system. The Mayor and Council has determined a need to allow for the resale of water with the following conditions:

A. A request in writing/email/in person to purchase water is to be made to the Town Office two weeks prior to the first date of required use. The request should include estimated gallons to be purchased, length of time of project, location of project, contact name, and billing address.
B. A "Water Purchase Contract" will be prepared and submitted for approval by Town Administrator for the Town of Millington.
C. The fee to purchase water is set by resolution by Mayor and Council and adopted at a public hearing; the rate will be per 1,000 gallons as calculated by a back-flow hydrant meter.
D. The installation of the back-flow hydrant meter and the overseeing of the use of the meter will be provided by the Town of Millington representatives and authorized agents.
E. The Town Administrator has the authority to request a deposit of $5,000 certified funds to be held in escrow by the Town of Millington until such time the project is complete, and the back-flow hydrant meter has been returned and inspected.
F. Any damages to the fire hydrant or the back-flow hydrant meter will be the responsibility of the contractor with reimbursement to the Town for repairs or replacement.
G. If an emergency occurs that will enable the purchaser to provide sufficient notice to use the system, requests will be approved on a case-by-case basis.

§55-20. Responsibility for repairs.

Whereas the Town of Millington owns and operates a water supply distribution system, the Mayor and Council have determined that responsibility for repairs by the Town is limited to the water mains and laterals to that point of the street curb or the edge of the property line in the absence of a street curb. Any maintenance or repairs passed the Town's limit of responsibility becomes the sole responsibility of the property owner. If at the request of the property owner and the approval by the Mayor and Council, the Town's vendor, employee, or representative provide the proper maintenance or repair to any issue beyond the Town's responsibility all costs for repairs will be at the expense of the property owner.

Chapter 56

SEWERS

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{History: 06-07-1965 Establish Sewerage System; 10-13-2020 Resolution 2020-09 to Amend Sewer Ordinance; October 14, 2025 Resolution 2025-14 to Amend Sewer Ordinance}

ARTICLE I

General Provisions

§ 56-1. Objective.

It is the objective of the Town Council of the Town of Millington, Maryland, to permit the discharge of sanitary sewage and industrial wastes to the sewerage system currently owned and operated by the Town of Millington and all future wastewater facilities utilized by the Town of Millington, provided that such discharge does not damage the sewerage system, unduly restrict the capacity of the system to receive wastewater, adversely affect the treatment process or in any other way constitute a detriment to the sewerage system, including the sewers, pumping facilities, the wastewater treatment plant or the receiving waters of the Upper Chester River.

§ 56-2. Purpose.

It is declared to be the purpose of this chapter to specify

A. Those wastewaters, including industrial wastes, which will be accepted in the sewerage system of the Town of Millington and future systems.

B. The types of wastes which will be prohibited from discharge to the sewerage system of the Town of Millington and future systems.

C. The conditions, including pretreatment or screening, under which certain wastes will be accepted in the sewerage system of the Town of Millington, after review and upon approval of the Town Council or Town Engineer or the owner of any future systems.

§ 56-3. Definitions and word usage.

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

ALLOCATION – a reservation for a particular building or project to draw a prescribed amount of water from the Town's water system and/or discharge a prescribed amount of flow to the Town's sewer system

BOD (denoting "Biochemical Oxygen Demand") - The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees centigrade (20 C), expressed in milligrams per liter, as determined in accordance with the latest edition of American Public Health Association Standard Methods for the Examination of Water and Wastewater, or by the latest edition of Methods for Chemical Analysis of Water and Wastes, published by the Environmental Protection Agency, or by a method acceptable to the State Department of Health.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face or the building wall.

BUILDING SEWER - The extension from the building drain to the public sewer or other place of disposal.

CUSTOMER - An applicant for service receiving water service at one premise and who is the owner of record of the premises. Such premises may include:

(a.) a building or combination of buildings used for one residence or one business

(b.) a building or combination of buildings owned by one person and containing a number of businesses or residences, provided however that each residence or business shall be treated as a separate customer and subject to the rate schedule applicable thereto.

EQUIVALENT DWELLING UNIT (EDU) – a unit of measure to equate flow demand to an equivalent of one single family home. An equivalent dwelling unit is assumed to be equal to 250 gallons each per day of water use and sanitary sewage production.

ENGINEER - A consulting engineer retained by the Town of Millington or a duly authorized representative of the Town of Millington.

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

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

LOT - Any vacant land on which no premises are located, or which is described in a deed separate from any other lot on which premises may be located.

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

PERSON or ESTABLISHMENT or OWNER - Any individual, firm, company, association, society, public or private corporation, the state, or any other entity whatsoever.

PH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTED WATERS - Waters which have been contaminated by the addition of sewage, industrial wastes, or other harmful or objectionable materials in amounts of excess of that allowed by the governing regulatory agencies.

PROPERLY SHREDDED GARBAGE - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely in flowing water.

PUBLIC SEWER - A sewer which is controlled by the Town of Millington or its duly authorized representative.

SANITARY SEWER - A pipe or conduit which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

SCREENING - The removal of solids by straining through No. 20 mesh screens, or finer, if desired by the Town Wastewater Supervisor.

SEWAGE or SANITARY SEWAGE - The wastewaters from residences, business buildings, institutions, and industrial establishments, except industrial wastes.

SEWER - A pipe or conduit defined as a sanitary sewer.

SEWERAGE SYSTEM - All facilities for collecting, pumping, treating and disposing of wastewater.

SLUG - Any discharge of significant quantities, in the opinion of the Engineer, of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed “storm sewer”) - A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS - Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by the wastewater process.

TOWN - The Town Council of Millington, a municipal corporation of the State of Maryland, or its duly authorized representative.

WASTE WATER - Sewage and/or industrial wastes.

WASTEWATER TREATMENT PLANT or SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating wastewater.

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

B. Word usage. “shall” is mandatory; “may” is permissive.

ARTICLE II

Use of Public Sewers

§ 56-4. Deposit of polluted water prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any manner on public or private property within the Town of Millington or in any area under the jurisdiction of the Town of Millington any sewage, industrial waste or other polluted waters.

§ 56-5. Private systems prohibited where public sewer available.

Where public sewers are provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 56-6. Connection required after notice.

The owners of all houses, buildings or properties that are equipped with toilet facilities and are situated within the Town and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Town are hereby required, at their expense, to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within sixty (60) days after date of official notice to do so.

§ 56-7. Proper design and construction required.

New sewers and connections to the sewer system will be properly designed and constructed, reviewed by Town Engineer, and approved by Town Council and Planning Commission per the protocol for approval of subdivisions, site plans, and permitting.

ARTICLE III

Restrictions and Discharges

§ 56-8. Certain waters prohibited.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, tide water, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 56-9. Uncontaminated industrial waters allowed upon approval.

Industrial cooling water or process waters free of contamination may be discharged, on approval of the Engineer, to a storm drain or natural outlet if such discharges are allowed by the governing state or federal regulatory agencies and are in compliance with applicable state and federal regulations.

§ 56-10. Enumeration of prohibited discharges.

No person shall discharge or cause to be discharged any of the following described waters, material or wastes to any public sewer or storm drain:

Any gasoline, benzene, naphtha, motor oil, fuel oil, or other flammable or explosive liquids, solids or gases.

Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two-tenths (0.2) milligrams per liter as CN in the wastes as discharged to the public sewer.

Solid or viscous substances capable of causing an obstruction to the flow in sewer or other interferences with the proper operation of the sewerage system, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, shells, tar, waxes, plastics, wood, underground garbage, paunch manure, hair, fleshes, entrails or paper products such as dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 56-11. Wastes prohibited except upon approval of Engineer.

No person shall discharge or cause to be discharged into the sewerage system the following described substances, materials, waters or wastes if, in the opinion of the Engineer, such wastes can harm either the sewers, pumping facilities or wastewater treatment process or equipment or have an adverse effect on the receiving stream or can otherwise endanger life, public property or limb or constitute a nuisance.

In forming opinion as to the acceptability of these wastes, the Engineer will give consideration to such factors as the quantities of the subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant and other pertinent factors.

The wastes thus prohibited, except as may be approved by the Engineer, are:

Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F.) [sixty-five degrees Celsius (65°C.)].

Any water or waste containing fats, wax, grease or oils, whether emulsified or not. in excess of one hundred (100) milligrams per liter or one-fourth (1/4) pound per day or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (32° and 150°F.) [zero and sixty-five degrees Celsius (0° and 65°C.)].

Any garbage that has not been properly shredded. The installation and operation of any garbage grinder or comminutor equipped with a motor of three-fourths (%) horsepower [seventy-six hundredths (0.76) horsepower metric] or greater shall be subject to the review and approval of the Engineer.

Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the wastewater at the treatment plant exceeds the limits established by the Engineer for such materials.

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

Acids or alkalies having pH values upon point of discharge into the public sewer lower than five point five (5.5) or higher than nine point five (9.5) or which would in any way cause damage to sewers, structures, equipment, or wastewater treatment processes.

Materials which exert or cause:

Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

Excessive discoloration, such as but not limited to dye wastes and vegetable canning solutions.

All industrial wastes that will not pass a No. 20 mesh screen.

§ 56-12. Options of Town regarding deleterious wastes.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and said waters contain the substances or possess the characteristics enumerated in § 56-11 of this Article, and which are prohibited from discharge to the sewerage system because, in the judgment of the Engineer, they may have a deleterious effect upon the sewerage system, treatment process or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

Reject the waste discharge or not approve the request for treatment of the proposed wastes as the case may be; or

Request the owner to comply with the following requirements in order to obtain the written approval of the Engineer and thereby be permitted to discharge the particular wastewater to the public sewerage system

Pretreat, at the owners' expense, the wastewater to an acceptable condition for discharge to the public sewers as described herein, except that he would be required to pay standard Town surcharge rates for handling excess amounts of BOD and/or suspended solids. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and of the State Department of Health and Department of Water Resources, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Provide necessary and approved controls over the quantities and rates of discharge.

§ 56-13. Preliminary pretreatment; flow equalization; surcharge.

The Engineer may require any of the following: Preliminary treatment, payment of the Town surcharge rate, where applicable, or flow-equalization as conditions before approval of the discharge of the wastes to the sewer.

If the Engineer permits discharge to the sewer after preliminary treatment or equalization of waste flows, the design and installation of the requisite facilities and equipment shall be subject to the joint review and approval of the Engineer, the State Department of Health and the Maryland Department of the Environment, subject to the requirements of all applicable codes, ordinances and laws.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

As part of such preliminary treatment, the Engineer will require grease removal and screening of industrial wastes where applicable. Facilities for said pretreatment will be subject to the approval of the Engineer.

§ 56-14. Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand, shellfish particles or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be designed to reduce the liquid waste velocity to a maximum of one (1) foot per second and, unless otherwise authorized by the Town Engineer, shall have a minimum depth of two (2) feet six (6) inches, and the velocity shall be determined by the peak hourly discharge. All interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and inspection by the Town or Engineer. All commercial businesses or facilities equipped with a commercial kitchen must adhere to the Town of Millington's Fats, Oil, & Grease (FOG) Ordinance.

§ 56-15. Installation and maintenance of control manhole.

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

§ 56-16. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or the latest edition of Methods for Chemical Analysis of Water and Wastes, published by the Environmental Protection Agency, or by a method acceptable to the State Department of Health and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage system and to determine the existing hazards to life, limb, and property.

The particular analysis involved will determine whether twenty-four-hour composites or grab samples should be taken. pH is to be determined by periodic grab samples.

When additional sampling and analysis beyond the normal are requested by a wastewater contributor, he shall pay the Town's cost for performing the same unless said samples show appreciable difference from the previous sampling and analysis.

§ 56-17. Maximum loading of treatment facilities.

When the wastewater treatment facilities have reached a point near maximum loading as determined and approved by the state and/or the Town Engineer, the Town shall prohibit increased industrial discharge, either on the basis of flow or quantity of wastes constituents, or both.

§ 56-18. Allowable concentrations of heavy metals and substances.

The maximum allowable concentration of heavy metals or substances for discharge to the Town sewer system is:

Maximum Allowable	
Heavy Metal Or Substance	*Concentration (ppm)*
Aluminum	1.0
Arsenic	0.1
Cadmium	1.0
Chromium (hexavalent)	1.0
Copper	1.0
Cyanide	0.2
Iron	5.0
Lead	1.0
Mercury	1.0
Phenol	1.0

Nickel	1.0
Zinc	5.0

ARTICLE IV

Basis of Payment

§ 56-19. Special agreements between Town and industrial users.

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

§ 56-20. Determination of charges.

When wastes of usual or unusual strength or character are accepted, charges to the contributor of the waste will be made by the Town in accordance with the following

The sewer service charge consists of the normal charge for wastewaters based upon the flow contributed to the sewerage system plus a surcharge computed on the basis of the concentration of BOD and suspended solids above those established.

The surcharge described above will be established by computing the pounds of BOD and suspended solids above four hundred (400) parts per million and multiplying each by the established Town surcharge rate.

§ 56-21 Determination of volume of wastewater flow; expense of meter facility.

The volume of wastewater flow shall be determined as follows:

> Whenever the establishment purchases all of its water from the Town and discharges nearly all of the water as wastes only to the sewerage system, the volume of water purchased shall be used as a measure of the volume of waste discharged or whenever the establishment purchases all of its water from the Town and discharges a substantially smaller part to the sewerage system, an allowance for water not put into the sewer shall be made in computing flow charges. The establishment shall provide, at its own expense, an approved metering facility in order to receive credit for the water not discharged to the sewerage system.[3]
>
> Whenever an establishment using a private water supply discharges wastes to the sewerage system, the flow will be based upon the metered use of water used in the establishment or that portion discharging wastes to the system or the metered flow discharged to the sewerage system in the same manner as indicated in Subsection A above.
>
> Whenever a mixture of Town and privately supplied water is used, the appropriate measurement or combination of measurements described above shall be used.

The expense of all wastewater metering facilities shall be borne by the owner of the establishment contributing the wastewater, except for those normally provided by the Town of Millington for measuring water consumption.

ARTICLE V

3 Editors Note: Sewer service charges, including tap-In fees, shall be as provided by resolution adopted from time to time by the Mayor and Council.

Authority of Engineer

§ 56-22. Arrest for damage to system; institution of legal proceedings.

Any person who maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance or equipment which is a part of the sewerage system shall be subject to immediate arrest under a charge of disorderly conduct. In addition, the Engineer and other duly authorized employees of the Town may institute legal proceedings against such person to recover damages for any losses incurred.

§ 56-23. Right of entry for inspection and testing.

Upon prior notification to property owner, the Engineer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Engineer and other duly authorized employees of the Town shall have no authority to inquire into any processes, including shellfish preparation and packaging, metallurgical, chemical, oil, ceramic, foodstuffs, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers, waterways or waste treatment facilities.

§ 56-24. Right of entry through negotiated easement.

The Engineer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement shall be done In full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 56-25. Indemnification of Town and Company.

While performing necessary work on private properties, the Engineer or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, § 56-15.

ARTICLE VI

Penalties

§ 56-26. Service of written notice.

Any person found to be violating any provision of this chapter, except Article III. § 56-18 shall be served by the Town with written notice stating the nature of the violation and providing a time limit deemed reasonable by the Engineer for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 56-27. Violations and penalties.[4]

4 Editors Note: Amended at time of adoption of Code; see Chapter 1 General Provisions, Article I

Any person who shall continue any violation beyond the time limit provided for in § 56-26 of this Article shall be guilty of a misdemeanor and, on conviction thereof, shall be punishable as provided in § C12-4A of the Charter for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§56-27. Responsibility for repairs.

Whereas the Town of Millington owns and operates a wastewater discharge system, the Mayor and Council have determined that responsibility for repairs by the Town is limited to the sewer mains and laterals to that point of the street curb or the edge of the property line in the absence of a street curb. Any maintenance or repairs past the Town's limit of responsibility become the sole responsibility of the property owner. If at the request of the property owner and the approval by the Mayor and Council, the Town's vendor, employee, or representative provide the proper maintenance or repair to any issue beyond the Town's responsibility all costs for repairs will be at the expense of the property owner.

§ 56-29. Liability for expenses.

Any person violating any of the provisions of this Chapter will become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

Chapter 57
Fats, Oils, and Grease (FOG)

[History: Adopted by Mayor and Council 07/10/2012 by Resolution #2012-06; amended 01/13/2026 by Resolution #2025-15]

§ 57-1 Purpose

§ 57-2 Definitions

§ 57-3 Control Plan for FOG and food waste

§ 57-4 General Criteria

§ 57-5 Design Criteria

§ 57-6 Grease Trap Maintenance

§ 57-7 Additives

§ 57-8 Chemical Treatment

§ 57-9 Sand, Soil, and Oil Interceptors

§ 57-10 Laundries

§ 57-11 Control Equipment

§ 57-12 Alteration of Control Methods

§ 57-13 Enforcement and Penalties

§ 57-1 Objective.

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

of the wastewater treatment plant.

§ 57-2 Definitions and ward usage.

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

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

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

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

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

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

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

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

C. All FOG and food waste control plans will be reviewed and resubmitted by facility every two (2) years to remain in compliance with this Ordinance.

§ Section 57-4 General Criteria.

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

trap. Prior to installation, the proposed or newly remodeled grease trap specifications must be submitted to the Town for review and approval.

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

C. Floor drains – only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap and shall be discharged to the grease trap not to the sanitary sewer service lateral.

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

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

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

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

§ Section 57-5 Design Criteria.

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

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

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

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

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

§ Section 57-6 Grease Trap Maintenance.

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

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

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

D. Maintenance log – a grease trap cleaning/maintenance log indicating each pumping for the previous 12 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log and supporting documentation will be presented to the Town on an annual basis or upon demand.

E. Submittal of records – each user shall submit all cleaning and maintenance records to the Town. The maintenance records shall include the following information:
   1. Facility name, address, contact person, and phone number.
   2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of the grease trap.
   3. Types of maintenance performed.
   4. Dates maintenance was performed.
   5. Date of next scheduled maintenance.
   6. Copies of manifests.

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

The Town of Millington
402 Cypress Street, P O Box 330
Millington, MD 21651

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

§ Section 57-7 Additives.

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

§ Section 57-8 Chemical Treatment.

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

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

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

§ Section 57-10 Laundries.

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

§ Section 57-11 Control Equipment.

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

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

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

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

§ Section 58-12 Alteration of Control Methods.

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

§ Section 58-13 Enforcement and Penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 58

Reserved for future use

Chapter 59

Reserved for future use

Chapter 60

STORMWATER MANAGEMENT

ARTICLE I
Kent County Ordinance

§ 60-1. Adoption by reference.

§ 60-2. Administration and enforcement.

ARTICLE II
Queen Anne's County Ordinance

§ 60-3. Adoption by reference.

§ 60-4. Administration and enforcement.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: Article. I, 08-14-84 by Resolution; Article. II, 08-14-84 by Resolution. Amendments on September 30, 2001.] [Adopted by the Mayor and Council of the Town of Millington: Article I, 12-01-10 by Resolution; Article II, 12-01-10 by Resolution.]

GENERAL REFERENCES

Floodplains - See Chapter 34.

Subdivision of Land - See Chapter 66.

ARTICLE I

Kent County Ordinance

[Adopted 08-14-84 by Resolution; Adopted 12-01-10 by Resolution]

§ 60-1. Adoption by reference.

Pursuant to Subtitle 8-h A of the Natural Resources Article of the Annotated Code of Maryland and COMAR 08.05.05.04, the Town of Millington hereby adopts the Kent County Stormwater Management Ordinance and any regulations promulgated there under pursuant thereto.

§ 60-2. Administration and enforcement.

Kent County shall administer and enforce the provisions of said county ordinance within the corporate limits of the Town of Millington.

ARTICLE II

Queen Anne's County Ordinance

[Adopted 08-14-84 by Resolution, Adopted 12-01-10 by Resolution.]

§ 60-3. Adoption by reference.

Pursuant to Subtitle 8-h A of the Natural Resources Article of the Annotated Code of Maryland and COMAR 08.05.05.04, the Town of Millington hereby adopts the Queen Anne's County Stormwater Management Ordinance and any regulations promulgated there under pursuant thereto.

§ 60-4. Administration and enforcement.

Queen Anne's County shall administer and enforce the provisions of said county ordinance within the corporate limits of the Town of Millington.

Chapter 61

Reserved for future use

Chapter 62

Reserved for future use

Chapter 63

STREETS AND SIDEWALKS

ARTICLE I

Miscellaneous Provisions

§ 63-1. Obstruction prohibited.

§ 63-2. Throwing substances on streets prohibited.

§ 63-3. Dead animals in roads prohibited.

§ 63-4. Right of Entry Upon Private Property

ARTICLE II

Snow and Ice Removal

§ 63-5. Responsibility of occupants.

§ 63-6. Responsibility of owners for unoccupied property.

§ 63-7. Time limit for removal.

§ 63-8. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: Article I, 07-11-62 as Ordinance No's. 105, 106 and 108; Article II, 06-1-83. § 63-4 added and § 63-8 amended at time of adoption of Code; see Chapter 1, General Provisions, Article I. Other amendments noted where applicable. Amended on 02-01-2001 by Mayor and Council as Ordinance No.)

GENERAL REFERENCES

Public ways and sidewalks - See Charter Article VIII

ARTICLE I

Miscellaneous Provisions

[Adopted 07-11-62 as Ordinance No's. 105, 106 and 108][5]

§ 63-1. Obstruction prohibited.

It shall be unlawful for any person to encumber, obstruct, or in any manner interfere with the free and uninterrupted use of the public streets and sidewalks.

5 Editor's Note: Added at time of adoption of Code; see Chapter 1. General Provisions Article I

§ 63-2. Throwing substances on streets prohibited.

It shall be unlawful for any person to cast or throw into any street, alley, avenue or highway any glass, bottles, glassware, crockery, porcelain, or other similar substances or pieces thereof or any pieces of iron, hardware or sharp metal, nails, tacks or other articles or any wastepaper, trash, rubbish, garbage, or refuse of any kind.

§ 63-3. Dead animals in roads prohibited.

No person shall cast any dead animal into any street, avenue or alley within the limits of the town.

§ 63-4. Right of entry upon private property.

As duly authorized by the Town Charter and Town Code, the Town employees, its agents and assigns, shall have the right of entry for the purpose of accomplishing construction of or maintenance to any street, sidewalk, curb, gutter, drainage systems, various utility systems, including the location or relocation of water, sewer, electric, telephone, and cable transmission lines, street and sidewalk lights, landscaping, as well as maintaining existing entrances from the public and private property to the street and sidewalk, and to do all things necessary to accomplish the same , at all reasonable hours, upon any premises in the Town which abuts a Town street or sidewalk.

ARTICLE II

Snow and Ice Removal

[Adopted 06-01-83]

§ 63-5. Responsibility of occupants.

It shall be the duty of the occupant or occupants of any real and leasehold estate to clean off or cause to be cleaned off the snow or ice that may accumulate on the sidewalks abutting said property.

§ 63-6. Responsibility of owners for unoccupied property.

In case any real or leasehold property is unoccupied, then the owner or owners of the same shall clean off or cause to be cleaned off the snow or ice that may accumulate on the sidewalks abutting said property.

§ 63-7. Time limit for removal.

Such snow or ice shall be cleaned off within twenty-four (24) hours after some has accumulated, which, in case of snow, shall date from the hour of abatement of each particular snowfall.

§ 63-8. Violations and penalties

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 64

Reserved for future use

Chapter 65

Property Maintenance Code

§ 65-1. Purpose.
§ 65-2. Scope and application.
§ 65-3. Enforcement after notice.
§ 65-4. Definitions.
§ 65-5. Declaration of public nuisance.
§ 65-6. Inspections; records.
§ 65-7. Entry for inspections.
§ 65-8. Warning notices.
§ 65-9. Notice to vacate, repair or remove.
§ 65-10. Posting of notice.
§ 65-11. Service of notice.
§ 65-12. Abatement by town at owner's expense.
§ 65-13. Collection of expenses.
§ 65-14. Violations and penalties.
§ 65-15. Prosecution.
§ 65-16. Filing of judicial appeals.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 2-5-87 as Ordinance No. 1-87. Sections 65-7B and 65-11 amended at time of adoption of Code; see Chapter 1, General Provisions, Article I. Other amendments noted where applicable.]

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 10-05-05 as Ordinance 2005-03 adopted the 2003 edition of the International Property Maintenance Code as a new Chapter 65 of the Millington Code.]

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 65-1. Purpose.

The purpose of this Chapter are to enable the Code Enforcement Officer to regulate and govern the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the **Town of Millington**; providing for the issuance of permits and collection of fees therefore; repealing the previously existing Chapter 65,Structures, Unsafe of the Code of the **Town of Millington** and all other ordinances and parts of the ordinances in conflict therewith.

§ 65-2. Scope and application.

The **Mayor and Council** of the **Town of Millington** does ordain as follows:

That a certain document, three (3) copies of which are on file in the office of the **Town Clerk** of **the Town of Millington**, being marked and designated as the *International Property Maintenance Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **Town of Millington**, in the State of **Maryland** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file

§ 65-3. Enforcement after notice.

Except for emergency circumstances, this chapter shall be enforced only after violations have first been brought to the attention of the owner of the premises by the issuance of a warning notice and a reasonable time and full opportunity for voluntary compliance has been afforded to the owner.

§ 65-4. Definitions.

Where terms are not defined under the provisions of this Article or under the provisions of any building, fire, safety, health, plumbing or electrical code or ordinance enforceable in Kent County, such terms shall have ascribed to them their ordinarily accepted meanings in the context utilized.

For the purpose of this Chapter and unless otherwise expressly stated, the following words, phrases and their derivatives shall have the meanings set forth in this section.

DWELLING - When used in this chapter without other qualifications, a structure used, whether occupied or not, for residential purposes.

EGRESS - An exit or a place or a means to leave a dwelling unit by continuous, unobstructed travel.

ENFORCEMENT OFFICER - The Health Officer for Kent County or any person appointed or authorized by the Health Officer for Kent County to exercise, under the enforcement officer's supervision, any or all of the responsibilities charged to the enforcement officer by the provisions of this chapter.

GARBAGE - Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, exclusive of recognized industrial byproducts from canneries and other food-processing industries and human or animal feces.

OWNER - A person, firm, corporation or partnership, including a duly authorized agent or attorney, a purchaser, devisee, or fiduciary having a legal or equitable interest in the property in question.

PERSON - A natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid.

PREMISES - A 1st, plot or parcel of land, including the structures, dwellings and dwelling units thereon.

REMOVE - Taking away and off the premises, as well as the removal of backfill of all excavations and openings in the earth as the result of demolition.

REPAIR - The replacement of existing work for the purpose of its maintenance.

REQUIRED - Mandatory in the imperative sense.

RUBBISH - All solid waste other than garbage.

STRUCTURE - Anything which is built or constructed and which is fastened anchored or rests upon the ground.

TOWN - The Incorporated Town of Millington, Maryland.

§ 65-5. Declaration of public nuisance.

A premises or structure may be found and declared by the enforcement officer to be a public nuisance if it

Constitutes a fire hazard.

Has inadequate egress.

Is structurally unsafe and unstable and is likely to partially or completely collapse.

Constitutes a hazard to safety or health by reason of unsafe equipment, disrepair, dilapidation, obsolescence or abandonment.

Contributes to unsanitary conditions dangerous to the public health, including but not limited to water contamination, vermin or rodent infestation, the accumulation of garbage, rubbish and human or animal feces or undue exposure of persons to the elements.

It shall be unlawful to refuse or neglect or otherwise to fail to abate, by repair, improvement or removals, any condition declared as a public nuisance.

§ 65-6. Inspections; records.

The enforcement officer shall make such inspections as are necessary to determine the existence of a public nuisance. The enforcement officer shall maintain a record of every such inspection.

§ 65-7. Entry for inspections.

A. The enforcement officer or duly appointed and authorized representative may enter any structure, dwelling or premises in the county to perform any duty charged to the enforcement officer by this chapter, provided that the enforcement officer shall give notice, in writing, of the day of the inspection to the owner, as shown by the tax assessment records, and occupant of the premises, which said notice shall be mailed ten (10) days in advance of the inspection date to the last known address of both of the above.

B. If the occupant or the owner refuses or fails to allow an entry and inspection or if a life-threatening emergency situation exists and entry is necessary, the enforcement officer shall issue an order for such entry. The order will contain a written application signed and sworn to by the enforcement officer setting forth the purpose of the entry and the address and location of the premises to be entered. Upon such application, if it appears to any Judge of the District Court for Kent County that there is a violation of a provision of this chapter, then such Judge may forthwith issue an order directed to the enforcement officer authorizing an entry to such premises. The order shall state that any entry made there under shall be made

within thirty (30) days from the date of the issuance thereof, and after the expiration of said thirty-day period, said order shall expire.[6]

C. Each occupant of a premise shall give the owner access to any part of such premises at all reasonable times upon reasonable notice for the purpose of making repairs or taking such action as necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant to the provisions of this chapter.

§ 65-8. Warning notices.

A. Except as to emergency circumstances, the enforcement officer, upon first determining that a violation of this chapter exists, shall issue a written warning notice advising the owner of the property in violation of the following:

(1) The nature of the violation(s).

(2) Repair and improvement necessary to abate the public nuisance.

(3) A reasonable time, not to exceed one hundred twenty (120) days, to achieve voluntary compliance.

(4) The date after which a notice to vacate and to repair or remove will be issued if voluntary compliance is not achieved.

(5) An explanation of the owner's rights of appeal under the provisions of this Chapter.

B. A warning notice need not be issued when conditions constitute an emergency and present an imminent or immediate threat of danger to human life or limb, health, property or the public safety.

§ 65-9. Notice to vacate, repair or remove.

A. The enforcement officer shall issue a written notice to vacate and to repair or remove whenever:

(1) An emergency circumstance exists and presents an imminent or immediate threat of danger to human life or limb, health, property or the public safety.

(2) Voluntary compliance with a warning notice is not achieved within the time indicated.

B. This notice shall require the owner to vacate the premises within a stated time and, within sixty (60) days, either to complete specific repairs or improvements or to remove the public nuisance of any portion thereof, including the removal of all debris and the backfilling of all excavations and openings in the earth, or otherwise to comply with other applicable provisions of this chapter. Upon evidence of a good-faith effort to commence compliance with such notice, the enforcement officer may, in his sole discretion, grant a reasonable extension of time to complete compliance.

§ 65-10. Posting of notice.

A. Upon issuance of a notice to vacate and to repair or remove, the enforcement officer shall cause to be posted at each entrance of the premises declared to be a public nuisance, the following notice: "THESE PREMISES ARE UNSAFE AND HAVE BEEN DECLARED TO BE A PUBLIC NUISANCE; USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE MAYOR AND TOWN COUNCIL"

B. Such notice shall remain posted until the required repairs are made or removal is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the enforcement officer or for any person to trespass upon the premises except for the purpose of making the required repairs or of removing the public nuisance.

6 Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Article I.

§ 65-11. Service of notice.[7]

Whenever the enforcement officer shall issue a warning notice or a notice to vacate and to repair or remove, he shall give such notice to the owner of record or agent and to the person in control of the premises, by return-receipt registered or certified mail or by personal service through the Sheriff of Kent County or through other legally accepted means. Service on nonresidents and persons who cannot be found in the county shall be made by sending a copy of such notice to the owner of record by registered or certified mail to such owner's last known address, by publishing such notice twice in a newspaper of general circulation in the county and by posting such notice on the property concerned in a conspicuous manner. Effective service shall be deemed to have been made on the last day to occur of such mailing, publication and posting.

§ 65-12. Abatement by town at owner's expense.

In the event that the owner of record fails to comply with a notice to vacate and to repair or remove within sixty (60) days of the effective service of the notice, or in the event that the premises has been posted as unsafe and there exists an emergency circumstance which presents an imminent or immediate threat of danger to human life or limb, health, property or public safety, the enforcement officer may enter the premises concerned and cause the same to be repaired or removed and any dangerous conditions to be remedied, as the case may be, at the expense of the owner of record.

§ 65-13. Collection of expenses.

If the owner of record fails to repay the town for expenses incurred under § 65-12 within thirty (30) days after written demand has been mailed to such owner's last known address, the enforcement officer shall notify the Town Treasurer, and such expenses shall be charged to the property, shall constitute a lien thereon, shall be entered on the tax records kept by the Town Treasurer and shall be collectible as are taxes in arrears under the provision of Section 9-12 of the Kent County Code.

§ 65-14. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a civil penalty of not more than one thousand dollars ($1,000.), at the discretion of the court. Each day that a violation continues after due notice of the penalty has been effectively served shall be deemed a separate offense.

§ 65-15. Prosecution.

A. In case any notice as provided in § 65-9 or 65-10 is not promptly complied with, the enforcement officer may institute an appropriate action in a court of competent jurisdiction to:

(1) Restrain, correct or remove the violation.

(2) Prevent the trespass, occupation or use of the structure in violation of or not in compliance with the provisions of this chapter.

(3) Order the payment of the civil penalty authorized by this chapter.

(4) Order such other relief as shall be just or equitable to secure and protect the general public from conditions on premises found to be dangerous or detrimental to human life, limb, health, property or safety.

B. Certain costs, including attorney's fees, may be charged to the owner, including the record owner, as well as any other person prosecuted under this section. Such costs, fees and penalties may be charged to the property and constitute a lien as provided in § 65-13 on this Chapter.

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7 Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Article I.

§ 65-16. Filing of judicial appeals.

Upon effective service of a notice to vacate and to repair or remove, any person may appeal such notice within thirty (30) days of the date thereof to any court of competent jurisdiction. Such appeal shall stay neither abatement by the town nor the requirement to vacate the premises and to refrain from trespassing thereupon except for the purpose of making the required repairs or of removing the public nuisance, unless a stay shall be granted by the court to which such appeal has been made or by the enforcement officer.

Chapter 66

SUBDIVISION OF LAND

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 10-06-75. Amendments noted where applicable, Amended by Resolution 2024-11, adopted June 11, 2024, Amended by Resolution 2025-17 January 13, 2026]]

GENERAL REFERENCES

Planning Commission - See Chapter 9.

Sediment Control - See Chapter 53.

Sewers - See Chapter 56.

Zoning - See Chapter 80.

ARTICLE I
Title; Applicability; Purpose

§ 66-1. Title.

§ 66-2. Applicability.

§ 66-3. Purpose.

ARTICLE II
Definitions and Word Usage

§ 66-4. General rules of construction.

§ 66-5. Definitions.

ARTICLE III
General Provisions

§ 66-6. Plat required for subdivision; recording.

§ 66-7. Approval of plat by Planning Commission.

§ 66-8. Transfer of land; issuance of building permit.

§ 66-9. Requirements for plat preparation.

ARTICLE IV

Plat Submission and Approval Procedure

§ 66-10. Preparation of sketch; consultation with Planning Commission, Health Officer, and Engineer.

§ 66-11. Submission of preliminary plat.

§ 66-12. Hearing on preliminary plat; approval; expiration of approval.

§ 66-13. Installation of improvements.

§ 66-14. Submission of final plat.

§ 66-15. Final plat approval and recording.

§ 66-16. Fees to be set by Mayor and Council.

ARTICLE V

Design Requirements and Standards

§ 66-17. General requirements.

§ 66-18. Suitability of land.

§ 66-19. Street layout

§ 66-20. Street design standards.

§ 66-21. Blocks.

§ 66-22. Lots

§ 66-23. Easements

§ 66-24. Public sites and open spaces.

ARTICLE VI

Preliminary Plat

§ 66-25. General requirements.

§ 66-26. Information to be shown.

§ 66-27. Supporting statements.

ARTICLE VII
Improvements

§ 66-28. Installation by subdivider; deposit or bond.
§ 66-29. Minimum requirements.
§ 66-30. Plans, profiles, and specifications.
§ 66-3 1. Inspection and acceptance.
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ARTICLE VIII
Final Plat

§ 66-33. General requirements
§ 66-34. Information to be shown.
§ 66-35. Certificates and statements

ARTICLE IX
Modifications and Exceptions

§ 66-36. Variance, modification, or waiver of requirements.
§ 66-37. Exceptions for residential planned community districts.
§ 66-38. Approval of modifications and exceptions.

ARTICLE X
Changes and Amendments

§ 66-39. Initiation: Planning Board report
§ 66-40. Public hearing by Planning Commission.

§ 66-41. Public hearing by Mayor and Council.

ARTICLE I

Title; Applicability; Purpose

§ 66-1. Title.

This chapter shall be known, referred to and cited as the "Land Subdivision Ordinance of Millington, Maryland."

§ 66-2. Applicability.

This chapter shall apply to the incorporated territory of Millington, Maryland, within the area encompassed by the adopted Comprehensive Plan of the Town.[8] The regulations contained herein are adopted under the authority of Land Use Article Annotated Code of Public General Laws of Maryland, as amended, and shall be in addition to any regulations pertaining to land subdivision promulgated by the State Department of Health or other agency of the State of Maryland, and in the case of any conflict, the more exacting regulation shall prevail.

§ 66-3. Purpose.

This Chapter has been established for the purpose of guiding and accomplishing the coordinated and harmonious development of the Town of Millington, Maryland, and its environs in order to promote, in accordance with present

8 Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of the Town. In the accomplishment of this purpose, the regulations as herein established provided for, among other things, efficiency and economy in the process of development; the proper arrangement of streets in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan[9] of the town; adequate open spaces for recreation, light and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, safety, convenience and prosperity of the citizens of Millington, Maryland, and its environs.

ARTICLE II

Definitions and Word Usage

§ 66-4. General rules of construction.

The following general rules of construction shall apply to the regulations of this Chapter:

A. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.

B. Words used in the present tense include the past and future tenses, and the future the present.

C. The word "shall" is always mandatory. The word "may" is permissive.

D. The word "public" means "open to common use," whether or not public ownership is involved.

E. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings and customary usage.

§ 66-5. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined:

ALLEY - A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides a secondary means of vehicular access to abutting properties and which is not intended for general circulation.

BUILDING LINE - A line within a lot, so designated on a plat of subdivision, between which line and the street line of any abutting street no building or structure may be erected.

COLLECTOR STREET - A Street which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares in addition to providing access to properties abutting thereon.

CROSS WALKWAY - A public way intended for pedestrian use and excluding motor vehicles, which cut across a block in order to furnish improved access to adjacent streets or properties.

CUL-DE-SAC - A minor street having but one (1) end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.

EASEMENT - A strip of land for which the owner grants a right of use to someone else for one (1) or more designated purposes, which purposes are consistent with the general property rights of the owner.

ENGINEER - The Town Engineer of Millington, who shall be the Resident Engineer of the Maryland State Highway Administration or other, qualified civil engineer designated by the Mayor and Council.

HEALTH OFFICER - The Health Officer of the county.

LOT - A portion of a subdivision or other parcel of land intended for the purpose of building development, whether immediate or future.

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

LOT DEPTH - The average horizontal distance between the front and rear lot lines.

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9 Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

LOT LINE - The boundary line of the lot.

LOT WIDTH - The horizontal distance between the side lot lines, measured at the required building setback line.

MAJOR THOROUGHFARE - A Street or highway so designated in the Comprehensive Plan of Millington.[10]

MINOR STREET - A Street other than a major thoroughfare or Collector Street and intended primarily for providing access to abutting properties.

PLANNING COMMISSION - The Millington Planning Commission.

REGULATIONS - The whole body of regulations, text, charts. Diagrams, notations and references contained or referred to in this chapter.

ROADWAY - That portion of a street or highway available for and intended for use by motor vehicle traffic.

SERVICE DRIVE - A minor street which is parallel to and adjacent to a major thoroughfare and which provides access to abutting properties and restricts access to the major thoroughfare.

STREET - A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

STREET LINE - A dividing line separating a lot, tract or parcel of land and a contiguous street, and also referred to as a "right-of-way line."

SUBDIVIDER - Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as defined herein and including any agent of the subdivider.

SUBDIVISION - The division of any tract or parcel of land into two (2) or more plots, parcels, lots or sites for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites shall be exempted from this definition. The term shall include re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

ARTICLE III

General Provisions

§ 66-6. Print required for subdivision; recording.

From and after the effective date of this Chapter, any owner, agent or proprietor of any tract of land located within the territory to which these regulations shall apply who subdivides such land into lots, blocks, streets, alleys, public ways or public grounds shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and the laws of the State of Maryland and shall cause a copy of said plat to be recorded in the office of the Clerk of the Circuit Court.

§ 66-7. Approval of plat by Planning Commission.

No plat of a subdivision shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless and until the plat satisfactorily complies with the requirements of these regulations.

§ 66-8. Transfer of land; issuance of building permit.

No parcel of land in a subdivision created after the effective date of this Chapter shall be transferred, sold or offered for sale nor shall a building permit be issued for any structure thereon until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the State of Maryland. Any person who violates this provision shall be subject to the penalties contained herein.

10 Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

§ 66-9. Requirements for plat preparation.

In the preparation of a plat of a subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article V and with the rules and regulations concerning required improvements as set forth in Article VII and in the standards and specifications for improvements as adopted by the Mayor and Council, and in every case the preparation of such plat shall be in accordance with the procedure of Article IV.

ARTICLE IV

Plat Submission and Approval Procedure

§ 66-10. Preparation of sketch; consultation with Planning Commission, Health Officer, and Engineer.

A. Before undertaking the preparation of a subdivision plat, the subdivider shall have prepared a sketch of the property in question, drawn to approximate scale, showing the boundaries, general topography, important physical features, and other significant information, as well as the proposed scheme for development of the property, including the proposed street and lot locations, areas to be reserved for public use and proposed improvements.

B. The subdivider shall then consult with the Planning Commission or its staff to ascertain the location of proposed major streets, highways, parks, playgrounds, school sites and other planned public improvements and to determine the zoning regulations[11] and other requirements relating to, affecting or applying to the proposed subdivision. The subdivider shall also consult with the Engineer and the Health Officer on the proposed street layout and the proposed facilities for sanitary sewage disposal, storm drainage and water supply to serve the proposed subdivision. The purpose of these consultations is to assist the subdivider by furnishing information and advice in order to expedite matters for the subdivider, save him unnecessary expense and promote the best coordination between the plans of the subdivider and those of the town.

§ 66-11. Submission of preliminary plat.

A. The subdivider shall then prepare a preliminary plat of the proposed subdivision conforming to the requirements for the preparation of such plat as set forth in Article VI. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on such plat is desired, the following items shall be filed with the Town Administrator

(1) Three (3) blackline or blue line prints of the preliminary plat.

(2) Supporting statements on required improvements and proposed deed restrictions, as set forth in Article VI.

(3) A subdivision application.

B. The preliminary plat shall be checked by the Planning Commission or its staff for its conformity to the Comprehensive Plan of the Town, the applicable zoning and other regulations and the design principles and standards and requirements for submission as set forth in this Chapter. Copies of the preliminary plat shall be referred for review and approval to the Engineer, Health Officer and other appropriate public officials concerned with public improvements or health requirements.

§ 66-12. Hearing on preliminary plat; approval; expiration of approval.

A. A hearing on the preliminary plat shall be held at the next regular meeting of the Planning Commission. No hearing shall be held by the Planning Commission until notice thereof shall have been sent to the subdivider and to such other interested parties as may be determined by the Planning Commission. At the hearing, the Planning Commission shall submit its findings and recommendations, together with those of the other public officials to whom copies were referred. The Planning Commission shall either tentatively approve or disapprove the preliminary plat or it

11 Editors Note: See Chapter 80, Zoning

may approve the plat subject to specific changes or modifications. One (1) copy of the preliminary plat, with any comments, shall be returned to the subdivider, with other copies retained in the files of the Planning Commission.

B. Tentative approval of a preliminary plat shall be valid for not more than six (6) months. Unless a final plat, substantially in accordance with the approved preliminary plat and including any required changes or modifications, shall be filed with the Planning Commission within six (6) months from the date of approval of the preliminary plat, the Planning Commission's approval thereof shall be deemed canceled; provided, however, that the final plat may include only a portion of the area in the preliminary plat and that final plats for remaining portions may be filed at a later date without a new preliminary plat, but subject to any changes in the regulations contained herein made after such six-month period.

§ 66-13. Installation of improvements.

Following tentative approval of the preliminary plat, the subdivider shall prepare and submit plans for the installation of those improvements which he is required to make under the provisions of this Chapter. Copies of such improvement plans shall be submitted to appropriate public officials for approval. Upon being notified that such improvement plans have been approved, the subdivider shall proceed with the installation of such improvements prior to filing a final plat for the subdivision with the Planning Commission, except that, in lieu of completing the required improvements prior to such filing, the subdivider may furnish the Mayor and Council with a cash deposit or performance bond executed in accordance with the provisions of Article VII, § 66-28.

§ 66-14. Submission of final plat.

A. Following completion of the required improvements to the satisfaction of the appropriate public officials or following the posting of a performance bond or cash deposit in lieu of such completion, the subdivider shall prepare a final plat of the subdivision. Such final plat may be for all the property included in the preliminary plat or it may be limited to any portion thereof which is intended to be developed as a unit. Additional final plats, covering additional units of the property, may be submitted later, provided that the preliminary plat is still valid. Every final plat shall be substantially in accordance with the tentatively approved preliminary plat, including any changes or additions required by the Planning Commission as a condition for its tentative approval, and it shall conform in every respect to the requirements for the preparation of such plat as set forth in Article VIII.

B. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on the final plat is desired, the subdivider shall file the following items with the Secretary of the Planning Commission:

(1) Two (2) copies of the plat on tracing linen or dimensionally stable plastic film.

(2) Six (6) blackline or blue line prints of the plat.

(3) A properly executed statement of dedication of all streets in the subdivision to the appropriate jurisdiction, constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of its filing with the Planning Commission.

(4) A subdivision application revised if needed.

§ 66-15. Final plat approval and recording.

A. Upon receipt by the Planning Commission of evidence of the satisfactory completion of required improvements or the posting of a cash deposit or performance bond therefore; the Planning Commission shall consider approval of the final plat at its next regular meeting. If the final plat is found to comply with the requirements of this Chapter and with the preliminary plat, as approved, the Planning Commission shall approve said plat and shall endorse the fact of such approval on each of the several copies submitted by placing the signature of its Chairperson thereon.

B. The Planning Commission shall approve or disapprove the final plat within thirty (30) days after the filing of such plat with the Secretary of the Planning Commission; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and

consent to an extension of such period. The grounds for the disapproval of any final plat shall be stated upon the record of the Planning Commission.

C. Upon approval of the final plat by the Planning Commission, the two (2) signed copies of the plat on tracing linen or plastic film shall be filed by the subdivider with the Clerk of the Circuit Court. The signed blackline or blue-line prints shall be forwarded by the Planning Commission to the Supervisor of Assessments, the State Department of Health, the Health Officer and the Engineer, with one (1) print retained by the Planning Commission and one (1) print returned to the subdivider.

§ 66-16. Fees to be set by Mayor and Council.

Fees shall be set by the Millington Mayor and Council.

ARTICLE V

Design Requirements and Standards

§ 66-17. General requirements.

A. The subdivision layout shall conform in all essential respects to the Official Transportation Plan and other aspects of the adopted Comprehensive Plan for the Town.[12]

B. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.

C. The subdivision layout shall be designed in accordance with the principles and standards contained in this Article, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

§ 66-18. Suitability of land.

A. Land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might involve danger to health, life, or property or aggravate the flood hazard, and such land within any proposed subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.

B. A plat for the subdivision of land with poor drainage or other adverse physical conditions will be considered for approval only if the subdivider shall agree to make whatever improvements are necessary, in the judgment of the Planning Commission, to render the land safe and otherwise acceptable for development.

§ 66-19. Street layout

A. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent possible.

B. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.

C. Where the subdivider adjoins or embraces any part of a major thoroughfare as designated on the Transportation Plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such major thoroughfare which is in excess of eighty (80) feet in width.

D. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one (1) or more collector streets or parts thereof to serve the subdivision.

12 The Comprehensive Plan is on file in the office of the Town Clerk.

E. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.

F. Streets shall be laid out to intersect one another at as near to right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than sixty degrees (60°).

G. Proposed streets in the subdivision shall provide for the continuation of existing, planned or platted streets on adjacent tracts unless such continuation shall be prevented by topography or other physical condition or unless such extension is found by the Planning Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tract.

H. Where the Planning Commission deems it desirable or necessary to providing access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets, by means of temporary easements or otherwise.

I. Reduction of impact of heavy traffic.

(1) Where the subdivision abuts or contains a primary highway as designated on the Transportation Plan, the Planning Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic through one (1) of the following means:

(a) By providing vehicular access to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.

(b) By designing reverse-frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.

(2) The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Planning Commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings and other pertinent factors.

J. Where land in the proposed subdivision adjoins a railroad line, the street layout shall make allowance for future grade-separated railroad crossings at appropriate locations by providing extra street right-of-way widths for such crossings and by restricting intersecting streets at locations where they would cause interference with the necessary approaches to such crossings.

K. Cul-de-sac streets, generally not exceeding six hundred (600) feet in length, shall be permitted where they are necessitated by topographic conditions or where, in the judgment of the Planning Commission, they are appropriate to the type of development contemplated.

L. Alleys shall be provided in commercial and industrial areas unless adequate access to parking and loading areas is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to row dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.

M. Half-streets will be prohibited, except where they are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds that it will be practicable to require dedication of the remaining half when the adjoining property is subdivided. Wherever a half-street adjoins the proposed subdivision, the remaining half of the street shall be platted within such subdivision.

N. Private streets shall not be permitted in any proposed subdivision.

§ 66-20. Street design standards.

A. Right-of-way widths.

(1) Right-of-way widths for primary and secondary highways shall be as designated in the Transportation Plan, and in any case not less than one hundred fifty (150) feet for primary highways and eighty (80) feet for secondary highways; provided, however, that widths above these minimums may be required by state officials to meet particular traffic conditions.

(2) Right-of-way widths for other street types shall be not less than sixty (60) feet for collector streets in commercial and industrial areas, fifty (50) feet for minor streets in residential areas, forty (40) feet for service drives and sixteen (16) feet for alleys.

B. Roadway widths.

(1) Roadway widths for primary and secondary highways shall be not less than the minimum specified by state officials, but in any case not less than twenty-four (24) feet with ten-foot shoulders.

(2) Roadway widths for other street types shall be not less than the fol1owing:

(a) Collector streets and minor streets in multiple family residential, commercial and industrial areas: Forty (40) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty-two (22) feet with eight-foot shoulders.

(b) Minor streets in single-family residential areas and service drives: Thirty (30) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty (20) feet, with six-foot shoulders on each side for minor streets and on one (1) side for service drives.

(c) The Millington Planning Commission may reduce the above street and design standards of width in accordance with good planning techniques.

(d) Alleys: Twelve (12) feet.

C. Cul-de-sac. Cul-de-sac streets shall have a circular turn-around of not less than one hundred (100) feet in diameter to the street line and with a roadway of not less than eighty (80) feet in diameter, unless the Planning Commission approves a T- or Y-background.

D. Street grades.

(1) Street grades shall not exceed five percent (5%) for primary and secondary highways and collector streets and eight percent (8%) for minor streets, service drives and alleys, except that the Planning Commission may permit a variation of not greater than two percent (2%) from these maximums where topographic conditions warrant. Street grades shall be not less than one-half of one percent (1/2 of 1%) at the gutter.

(2) All changes in street grades of more than one percent (1%) shall be connected by vertical curves with a minimum length of fifty (50) feet or fifteen (15) times the algebraic difference in the change in grade, whichever is greater.

E. Curvature. The radius of curvature on the center line shall be not less than four hundred (400) feet for primary and secondary highways, three hundred (300) feet for collector streets and one hundred (100) feet for minor streets, service drives and alleys. Between reverse curves, either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one hundred (100) feet in length.

F. Intersections. Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than twenty (20) feet, except that in a business area a chord may be substituted for such arc. Curbs at street intersections shall be rounded off concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

§ 66-21. Blocks.

A. Residential blocks shall normally not exceed one thousand three hundred (1,300) feet in length nor be less than five hundred (500) feet in length between street lines. In any residential block more than eight hundred (800) feet in length, a cross walkway of not less than ten (10) feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers and other community facilities.

B. Residential blocks shall normally be of sufficient width to provide two (2) tiers of lots of appropriate depth.

C. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including making adequate provision for off-street parking and for the loading and unloading of delivery vehicles.

D. Irregularly shaped blocks indented by cul-de-sac or looped streets and containing interior parks or playgrounds will be acceptable when they are properly designed, including making provision for adequate parking and for the maintenance of the public or joint-use recreation area.

§ 66-22. Lots.

A. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites properly related to topography and the character of surrounding development.

B. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located, except that in any case where public water supply and/or public sewerage is not available or is not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer or State Department of Health after appropriate water percolation tests, where these requirements are greater than required under the zoning regulations.

C. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one (2:1) shall be considered a desirable maximum.

D. Corner lots shall desirably have extra width to permit appropriate building setback from both streets in accordance with the Zoning Regulations.[13]

E. Every lot shall abut upon and have access to a public street.

F. Double-frontage and reverse-frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.

G. Residential lots fronting or abutting on major thoroughfares shall desirably have extra lot depths and deeper building setbacks.

H. Lots adjoining a railroad line shall have extra lot depth and shall provide for an appropriate means of buffering such lots from such railroad line.

I. Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.

J. The size and shape of lots intended for single-family residential use shall be sufficient to permit the ultimate provision of a garage on each lot, except that the Planning Commission may permit the grouping of garages into a compound serving several such lots.

§ 66-23. Easements.

A. Where alleys are not provided in appropriate locations, easements of not less than ten (10) feet in width shall be provided, where necessary, to meet public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.

13 Editors Note: See Chapter 80, Zoning.

B. Where a proposed subdivision is traversed by any stream, watercourse or drainage way, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainage ways.

C. Utility easements in private rights-of-way or in joint-use recreation areas may be permitted at the discretion of the Planning Commission if the design considerations of the proposed subdivision warrant such easements.

D. No building or structure shall be constructed on any easement without the written authorization of the Commission.

§ 66-24. Public sites and open spaces.

A. Where deemed essential by the Planning Commission, upon consideration of the type and size of development proposed in the subdivision, the subdivider shall be required to dedicate public facility sites and recreational facilities, of a character, extent, and location suitable to meeting the needs of such development. In lieu of dedicating such additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.

B. Where the proposed subdivision includes lands required for use for public facilities, parks, playgrounds, or play fields, the subdivider shall indicate the location of such lands on the subdivision plat and shall dedicate such lands to the appropriate jurisdiction at the time of recordation of all or any portion of the subdivision.

§ 66-24.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2][Removed January 13, 2026 by Resolution #2025-16]

In addition to the other provisions of the Millington Zoning Ordinance[14] and Subdivision Regulations, design requirements will be adhered to in the subdivision of land located within the Town of Millington Critical Area Overlay District. See Chapter 80, Zoning, Critical Area Requirements.

ARTICLE VI

Preliminary Plat

§ 66-25. General requirements.

The preliminary plat of the proposed subdivision shall comply with the following general requirements with regard to style and content.

A. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not smaller than one (1) inch to two hundred (200) feet.

B. It shall provide all the pertinent information on existing sits conditions, property ownership and the like, which may be necessary for the Planning Commission to properly consider the proposed subdivision, and such information shall be accurate and reliable.

C. It shall show the general plan for the ultimate development of the property, including so such of the surrounding area as may be necessary for an adequate consideration of the land to be subdivided. Such plan shall be accurately drawn to scale, but surveyed dimensions are not required.

§ 66-26. Information to be shown.

The preliminary plat shall be drawn in a clear and legible manner and shall show the following information:

A. The proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county.

B. A description of the proposed subdivision's location.

14 Editors Note: See Chapter 80, Zoning.

C. The names and addresses of the owner of record, the subdivider and the surveyor preparing the plat.

D. The scale, date, North point and small-scale key map showing the location of the proposed subdivision.

E. The boundaries of the land being subdivided in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein.

F. The names and locations of adjacent subdivisions and the location of adjoining parcels of un-platted land, with the names of owners of record.

G. Topographic contours at five-foot intervals and referenced to United States Geological Survey data, except that, where the average slope is less than three percent (3%), a contour interval of two (2) feet shall be used.

H. The location of existing property lines, streets and alleys, easements, buildings, utilities, wooded areas, watercourses and any other significant natural or man-made physical features affecting the proposed subdivision.

I. The present zoning classifications of the proposed subdivision and adjoining properties and proposed uses of property within the area being platted.

J. The layout, numbering and approximate dimensions and areas of all proposed lots or parcels.

K. Proposed building lines along all streets, with the minimum amount of setback required.

L. Designation of parcels of land to be conveyed or reserved for public use or for the common use of property owners within the subdivision.

M. Tentative locations for all utilities and drainage facilities, with easements indicated where necessary.

§ 66-27. Supporting statements

Accompanying the preliminary plat shall be the following written and signed statements in support of the subdivider's application for tentative approval:

A. Statements explaining how and when the subdivider proposes to provide and install required water supply, sewers or other means of sewage disposal, street pavements, curbs and gutters and drainage structures.

B. Statements concerning any proposed deed restrictions to be imposed by the owner.

§ 66-27.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2][Removed January 13, 2026 by Resolution #2025-16]

ARTICLE VII

Improvements

§ 66-28. Installation by subdivider deposit or bond.

A. The subdivider shall be required to provide and install or to enter into agreements to provide and install certain minimum improvements in the subdivision as a condition for approval of the final plat by the Planning Commission. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the Mayor and Council or such other governmental agency as may have jurisdiction over a particular improvement Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.

B. Prior to filling the Final Plan with the Planning Commission, the required improvements shall be completed, inspected, and approved by the proper authorities, except that in lieu of completing all improvements prior to submission of the Final Plat, the subdivider may furnish the Mayor and Council with a cash deposit, or a secured line of credit, or a performance bond in an amount sufficient to cover 125% of the cost of the improvements required to be installed by the subdivider, thereby insuring the actual construction and installation of such improvements prior to, or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots. The cost of required improvements shall be estimated by the Engineer or other authority having jurisdiction. In the event of any dispute concerning the amount of cash deposit or bond required, the Mayor and Council shall make the final decision based upon at least two additional cost estimates.

§ 66-29. Minimum requirements.

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

A. Roads and streets.

(1) All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards adopted by the Mayor and Council. Existing roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity on that portion of the road or street within or adjoining the subdivision.

(2) The roadbed and roadway wearing surface shall be constructed in accordance with applicable Town standards. Curbs and gutters shall be provided in all subdivisions where the average lot area is less than one (1) acre. Where curbs and gutters are not required, stabilized shoulders and stabilized drainage ways outside the shoulders shall be provided. Street name signs of an approved design shall be erected at each new street or road intersection.

B. Surface drainage facilities. The subdivision shall be provided with such storm drains, culverts, drainage ways or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision in order to prevent inundation and damage to streets, lots and buildings.

C. Water supply facilities. Every subdivision shall require a public water supply under the regulations of the State Department of Health. Where a public source of water supply will not be available, private on-site sources of water supply, approved by the Health Officer, shall be provided.

D. Sanitary sewerage facilities. Every subdivision shall require a public sewer system under the regulations of the State Department of Health.

E. Plantings.

(1) It will be the responsibility of the subdivider to provide street trees and other landscaping in all of the public rights-of-way in the proposed development. The proposed location and species of plant material to be used shall be subject to approval of the Planning Commission.

(2) The trees shall be preferably of a hardwood variety, shall be planted in fertile or fertilized ground, and shall be watered and nurtured after planting until growth is ensured. The subdivider shall be responsible for the trees for two growing seasons after planting. Each tree shall have a minimum trunk diameter of at least one and one-half inches as measured at breast height. The trees shall be at least six feet high above ground level and shall be planted at intervals of no less than 35 feet in accordance with a planting plan approved by the Planning Commission. The preservation of existing trees along the right-of-way may compensate for a portion of the required new plantings.

(3) All parking areas shall be landscaped with trees planted at a rate of not less than one (1) tree per two thousand five hundred (2,500) square feet of gross parking area.

F. Sidewalks.

(1) For the safety of pedestrians and of children at play and to ensure the continuation of the system of pedestrian circulation in Millington, installation by the subdivider of sidewalks on both sides of all subdivision roads shall normally be required. Each sidewalk shall be four feet wide, built to the construction standards adopted by the Mayor and Council, and separated from road paving by a planting strip.

(2) Where for a considerable distance, one side of a road abuts on farmland or other type of use that does not require a sidewalk and where the continuity of the overall sidewalk system is not interrupted, the Planning Commission may waive the requirements for a sidewalk on one side of the road. On cul-de-sac roads serving six lots or less and if conditions are such as to eliminate or discourage non-local traffic and street parking, the Planning Commission may waive the requirement of sidewalks on one or both sides.

G. Street lighting. The subdivider shall make application to the Planning Commission and Town Engineer for necessary streetlights. Purchase and installation of the required lighting shall be the responsibility of the subdivider.

H. Community facilities. All residential plans submitted to the Planning Commission, preliminary or final, will be referred to the Kent/Queen Anne's County Department of Education for an advisory report and recommendation. The Department of Education will determine the projected school population anticipated from the subject development and compare the future school-age population to existing and proposed school capacities in determining whether that agency can endorse the development.

I. Public utilities. The subdivider shall place or cause to be placed underground, extensions of electric and telephone distribution lines necessary to furnish permanent residential electric and telephone service to new detached, semidetached, group or Townhouse single-family residences within a new residential subdivision or to new apartment buildings in accordance with the rules and regulations of the Public Service Commission of Maryland, effective July 1. 1968 and subject to the further order of that Commission.

J. Off-street parking.

(1) Applicability. Every subdivision plan which shall be submitted to the Planning Commission for approval shall provide off-street parking space and facilities in accordance with the requirements of the Millington Zoning Ordinance.[15]

(2) Design.

(a) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.

(b) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.

(c) No driveway serving a parking facility shall be closer than five (5) feet to a side property line.

(d) No motor vehicle shall be parked in any yard or court closer than ten (10) feet to any door, window or other opening of a dwelling, institution or other property.

(e) In the design of off-street facilities for multiple dwellings, the public right-of-way shall not be obstructed by the use of the same as aisle space or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and access ways.

15 Editors Note: See Chapter 80, Zoning.

(f) Each parking facility shall be so designed that ingress or egress to a parking space entails no backing maneuver across a sidewalk or established footway or a backing maneuver into or from the public right-of-way.

(g) Neither the turnaround diameter of a cul-de-sac or a rotary nor the turn slot of a T-type or L-type cul-de-sac shall be used for the parking of vehicles.

(h) In a multifamily residential subdivision, no parking area shall exceed one hundred eight (108) feet in length, and no portion of a motor vehicle shall be closer than twenty (20) feet to the right-of-way line of a public street.

(i) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.

(j) Off-street parking facilities shall be screened by a wall, fence or compact planting when adjoining the side or rear lot line. Screening shall be at least three and (3 feet high). Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.

(k) Entrances from public or private streets shall conform to the following dimensions:

One-way traffic entrances shall not be less than seventeen (17) feet in width.

Two-way traffic entrances shall not be less than twenty-four (24) feet nor more than thirty-five (35) feet in width; such entrances shall be not less than fifteen (15) feet apart.

Monumental entrances shall be provided with a six-foot-wide median, and the traffic lanes shall not be less than seventeen (17) feet in width.

All entrances shall be not less than seven and one-half (7 1/2) feet from a side lot line.

K. Refuse collection.

(1) In a residential subdivision, if refuse is to be collected at points exterior to a structure, such points shall be shielded from view on three (3) sides by screening and landscaping and placed on a pad of concrete where necessary.

(2) In a residential subdivision, if refuse is to be collected at points within a structure, the marginal notes to the subdivision plan shall so indicate.

(3) In a commercial or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening and/or landscaping.

(4) The developer shall submit a resume of refuse.

L. Street signs.

(1) Improvements required. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.

(2) Construction standards.

(a) Street nameplates shall be of metal construction; all corners shall be rounded; and the lettering shall be of standard proportions and spacing in accordance with one (1) of the alphabets used by the United States Bureau of Public Roads. The plates shall be horizontal. The lower edge of the nameplate shall be seven (7) feet above the ground level or curb. The nameplate shall be attached by rustproof metal fasteners.

(b) The standard shall be rustproof metal and shall be of sufficient length to permit the same to be embedded in the ground a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground and not less than twelve (12) inches in diameter.

(c) The standard shall be heavy wall pipe not less than two and one-half (2 1/2) inches in diameter. The pipe shall be capped.

M. Reference monuments.

(1) Permanent reference monuments of stone or concrete and at least thirty (30) inches in length and four (4) inches square with suitable center point shall be set flush with the finished grade at such locations as may be required by the Planning Commission and the laws of the State of Maryland.

(2) Monuments of metal pipe, three-fourths (3/4) inch in diameter and at least eighteen (18) inches in length, shall be set in place flush with the finished grade at all intersections of streets and alleys with subdivision boundary lines, at all points on streets, alleys and boundary lines where there is a change in direction or curvature and at all lot corners.

§ 66-30. Plans, profiles, and specifications.

A. Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction.

B. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, unless the Planning Commission shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade and general design features of each proposed improvement.

C. The plans, profiles, and specifications to be submitted shall include the following:

(1) Plans and profiles of each street, showing proposed grades and street intersection elevations.

(2) Cross-sections of proposed streets, showing the width of roadways, present and proposed grade lines and the location and size of utility mains, taken at intervals of not more than fifty (50) feet along each street center line, unless otherwise required by the Engineer. Such cross-sections shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.

(3) Plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.

(4) Plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants.

(5) A site plan of proposed street trees and other landscaping improvements.

(6) Written specifications for all proposed improvement

§ 66-3 1. Inspection and acceptance.

A. All construction work on improvements required herein shall be subject to inspection and approval by the Engineer, Health Officer, and other authorized public officials during and upon completion of such construction work as required. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with accurate and detailed engineering drawings of the improvement as it was actually constructed.

B. The final plat of the subdivision shall not be approved by the Planning Commission until all required improvements shall have been satisfactorily completed and approved as being in compliance herewith or satisfactory bond posted in lieu of such completion. No such bond shall be released until all improvements secured by such bond shall have been completed and approved

as being in compliance herewith; provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.

C. Approval of the final plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or public grounds shown on said plat. The jurisdiction involved shall have no obligation to accept and to make public any street in a subdivision unless all required improvements shown on the approved final plat have been constructed in conformity with the required standards and specifications or a petition signed by the owners of at least fifty percent (50%) of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the governing body of the jurisdiction involved, and it is established by such governing body that there is a need for the street to be taken over and made public. The jurisdiction involved shall have no responsibility with respect to any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by ordinance or resolution of the governing body of such jurisdiction.

§ 66-32. Sediment control.[16]

A. Nothing in this Chapter shall be deemed as relieving any person or corporation of the Millington Sediment Control Ordinance.

B. All subdivision applications must incorporate a sediment control plan prior to final approval of the plat.

ARTICLE VIII

Final Plat

§ 66-33. General requirements.

The final plat of the subdivision shall comply with the following general requirements with regard to style and content:

A. It shall be drawn in black India ink on tracing linen or dimensionally stable plastic film and shall comply with the applicable provisions of the laws of the State of Maryland relative to the making of plats.

B. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not less than one (1) inch to two hundred (200) feet, and it shall be drawn on sheets not less than eight by twelve (8 x 12) inches and not more than twenty-four by thirty (24 x 30) inches in size, including a margin of one-half (1/2) inch outside ruled border lines.

C. All dimensions and bearings of lines and all areas shall be based upon a field survey of sufficient accuracy and detail that the data shown thereon may be reproduced on the ground. All distances and the length of all lines shall be given to the nearest hundredth of a foot. Bearing of all lines shall be magnetic bearings referenced to the date of the plat, and all bearings shall be given to the nearest minute. All areas shall be given to the nearest square foot.

§ 66-34. Information to be shown.

The final plat shall be legibly and accurately drawn and shall show the following information:

A. The name under which the subdivision is to be recorded and the subdivision's location.

B. The legal description of the area being platted.

C. The scale, date, North point, and small-scale key map showing the general location of the subdivision in relation to its surroundings.

16 Editors Note: See Chapter 53, Sediment Control.

D. The distances and bearings for all the boundary lines of the subdivision.

E. The locations and descriptions of all permanent survey monuments, with coordinates of all monuments.

F. The names and locations of adjacent subdivisions and the location of adjoining parcels of un-platted land, with the names of the owners of record.

G. The locations, dimensions and names of all streets and alleys within and adjoining the subdivision, with the lengths and bearings of tangents, the lengths of arcs and radii, internal angles, points of curvature and any other necessary engineering data.

H. The locations, dimensions and bearings of all lot lines and the area of every lot or parcel.

I. Building lines along all streets, dimensioned to street lines.

J. Blocks lettered in alphabetical order, with the lots within each block numbered in numerical order.

K. The locations, dimensions and purposes of all cross walkways, easements and other public ways.

L. The locations, dimensions, and purposes of any other property offered for dedication or to be reserved for acquisition for public use or to be reserved by deed convenient for the common use of property owners in the subdivision.

§ 66-35. Certificates and statements.

Accompanying the final plat and made a part thereof shall be the following certificates and statements:

A. Notarized owner's certificate, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner or owners and any lien holders.

B. Notarized owner's statement of dedication, offering all streets, alleys and other public ways and public grounds for dedication and constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of filing the final plat with the Planning Commission.

C. A certificate of the surveyor that the final plat, as shown, is a correct representation of the survey as made, that all monuments indicated thereon exist and are correctly shown and that the plat complies with all requirements of this Chapter and other applicable laws and regulations.

D. A brief summary of deed restrictions applicable within the subdivision, including any trust agreements for the operation and maintenance by the property owners in the subdivision of any sewage disposal system, water supply system, park area or other physical facility which is of common use or benefit but which is not to be held in public ownership.

E. A certificate of approval by the Health Officer of the means of providing water supply and sewage disposal services for the subdivision.

F. A certificate of approval by the Town Engineer that all specifications established by the developer are in accordance with Town specifications and desires.

G. A certificate of approval by the Sediment Control Officer that the proposed subdivision is in conformance with the Sediment Control Ordinance.[17]

H. A certificate of approval by the Planning Commission, ready for signature and in a form acceptable to the Planning Commission.

§ 66-35.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2]][Removed January 13, 2026 by Resolution #2025-16]

ARTICLE IX

Modifications and Exceptions

17 Editors Note: See Chapter 53, Sediment Control.

§ 66-36. Variance, modification and requirements.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions which are not self-inflicted or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Chapter or being contrary to the goals and objectives of the Master Plan for the Town. In no case shall any variation, modification or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Major Thoroughfare Plan for the Town or the applicable zoning regulations.

§ 66-37. Exceptions for residential planned community districts.

Where land within the Town of Millington is proposed for development in accordance with the provisions of the Millington's Zoning Ordinance pertaining to the establishment of residential planned community districts, the requirements and conditions for approval as set forth in that ordinance shall prevail in the case of any conflict with these regulations; provided, however, that nothing in this section shall be construed as permitting any exception from the requirements of these regulations with regard to the design, arrangement or improvement of streets and highways within any proposed residential planned community district.

§ 66-38. Approval of modifications and exceptions.

Variances, modifications and waivers from the requirements of this Chapter shall be granted only by the affirmative vote of three-fourths (3/4) of the members of the Planning Commission. In granting variances, modifications and waivers, the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified or waived.

ARTICLE X

Changes and Amendments

§ 66-39. Initiation; Planning Board report.

The Mayor and Council may from time to time amend, supplement or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Mayor and Council or by motion of the Planning Commission. Before taking action on any proposed amendment or change, the Mayor and Council shall submit the same to the Planning Commission. Failure of the Planning Commission to report within sixty (60) days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.

§ 66-40. Public hearing by Planning Commission.

The Planning Commission may hold a public hearing on any proposed amendment or change before submitting its report to the Mayor and Council. Notice of such public hearing before the Planning Commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and the nature of the hearing in a newspaper having general circulation in the Town. The published notice shall contain reference to the place or places within the Town where the full text of the proposed amendment or change may be examined.

§ 66-4 1. Public hearing by Mayor and Council.

Before approving any proposed amendment or change, the Mayor and Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

Chapter 67

SPECIAL TAXING DISTRICT

AN ORDINANCE TO ESTABLISH THE MILL VILLAGE SPECIAL TAX DISTRICT TO FINANCE THE TOWN'S EXPENSES RELATED TO STORM WATER MANAGEMENT SYSTEMS AND FOREST CONSERVATION AREAS IN THE MILL VIILLAGE SPECIAL TAXING DISTRICT.

RECITALS

WHEREAS, pursuant to the Town of Millington Charter ("Town Charter") §C10-I, the Town of Millington (hereafter "Town") has the power to levy and collect taxes in the form of special assessments upon property in a specific area for special benefits conferred upon such property by the installation or construction of water mains, sanitary sewer mains, and other public improvements, and to provide for the payment of all or any part of said projects out of the proceeds of such special assessment; and

WHEREAS, John M. Stoltzfus, Lee Cough, and Chris Clough (hereinafter collectively referred to as the "Owner") are the owners of approximately 25 acres of property located in the Town of Millington (the "Town"), First Election District of Kent County, Maryland, by virtue of a deed dated March 3, 2006, and recorded among the Kent County Land Records in Liber M.L.M. No. 462, No. 230, and by virtue of a deed dated March 3, 2006, and recorded among the Kent County Land Records in Liber M.L.M. No. 462, No. 235, said property being further designated as Parcel 292 on Tax Map 400 (Property Tax Identification # 01-002503)(the "Property"); and

WHEREAS, the Owner intends to create or provide for the creation of a residential subdivision on the Property to be called "Mill Village" to consist of 49 single-family homes, together with 2 lots reserved for open space, stormwater management and forest conservation ("Lot 55" and "Lot 56"), and I lot ("Lot 54") designated for multi-family use for housing for the elderly (collectively, the "Project"); and

WHEREAS, Mi11 Village Subdivision is shown on a plat recorded among the Land Records for Kent County, Maryland, in Plat Book No. MLM4 @ Folio 74; and

WHEREAS, the development of the Project will require the construction of various public improvements including, but not limited to a system for stormwater management to serve solely the residents of Mill Village, which system the Owner will construct and install on Lot 55 at its sole cost and expense; and

WHEREAS, the Town, upon the recommendation of the Town Planning Commission, has determined that it is desirable and in the public interest to acquire fee simple ownership of the Mill Village open space lots, Lot 55 and Lot 56, and to undertake the ongoing needed maintenance of the storm water management system for the Mill Village subdivision's storm and surface water run-off and the ongoing needed maintenance of the protected afforestation areas on Lots 55 and 56.

WHEREAS, the Town, upon the recommendation of the Town Planning Commission, has determined that it is desirable and in the public interest to establish a special tax district as the preferred funding mechanism in order to finance the costs to the Town of those ongoing maintenance services required, necessary or incident to the storm water management system and the protected afforestation areas on Lots 55 and 56 adjoining the Mill Village subdivision, and which will serve and handle the storm and surface water run-off of the Project and directly benefit each parcel in the Mill Village Special Tax District; and

WHEREAS, the Owner will dedicate Lots 55 and 56 to the Town and to the establishment of the Mill Village Special Tax District; and

SECTION ONE: BE IT ESTABLISHED AND ORDAINED BY THE TOWN that the Recitals to this Ordinance are hereby approved and made a part of this Ordinance.

SECTION TWO: BE IT FURTHER ESTABLISHED AND ORDAINED that a contiguous area of the Town identified by reference to Exhibits 1 & 2 attached hereto and incorporated herein, is hereby designated as the "Mill Village Special Tax District" (the "District"), and shall consist of the property designated and described by metes and bounds description set forth on Exhibit 1 to this Ordinance and as shown on the boundary survey attached as Exhibit 2. It is intended by this designation that any portion of such real property currently located in the District that is intended to and will be further subdivided shall continue to be within the District and subject to the Mill Village Special Tax notwithstanding such subdivision.

SECTION THREE: BE IT FURTHER ESTABLISHED AND ORDAINED that the types of maintenance services proposed to be provided to the District by the Town shall be as determined by a Resolution duly passed by the Town from year to year (hereafter "Services"), which Services will directly benefit each parcel in the District.

SECTION FOUR: BE IT FURTHER ESTABLISHED AND ORDAINED that a "Special Tax" sufficient to pay the costs of the Services will be levied annually within the District, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the Town or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the District, the date on which the Special Tax will be due and payable and, the interest rate which may be charged on installments of the Special Tax, if any, will be determined by resolution by the Town each year.

SECTION FIVE: BE IT FURTHER ESTABLISHED AND ORDAINED that the Special Tax shall be imposed upon each parcel in the District for the purpose of reimbursing the Town the costs of performing the Services.

SECTION SIX: BE IT FURTHER ESTABLISHED AND ORDAINED that if any of the sections, paragraphs, clauses, provisions, covenants, or agreements provided in this Ordinance shall be contrary to law or held invalid, then such section, paragraph, clause, provision, covenant, or agreement shall be deemed severable from the remaining sections, paragraphs, clauses, provision, covenants, and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Chapter 68

Volunteer Fire Department Property Tax Credit

[History: Adopted by the Mayor and Council of the Town of Millington April 9, 2024 by Resolution 2024-04, amended 11/12/2024]

Chapter 68

Volunteer Fire Department Property Tax Credit

An Ordinance to establish the Volunteer Fire Department Property Tax Credit on certain real property owned by Millington Volunteer Fire Department members, establishing eligibility requirements for such tax credits and the amount, terms, and conditions of the credit; and generally dealing with real property tax credits in the Town of Millington, Maryland.

§ 68.1. Property Tax Credit for Real Property owned by certain Millington Volunteer Fire Department members.

Definitions: "Dwelling" – the primary residence of the Millington Volunteer Fire Department member.

Creation: In accordance with Section 9-260 of the Tax Property Article of the Annotated Code of Maryland, (2022 version) there is a Town of Millington property tax credit against the tax on real property that qualifies under this Section.

Eligibility A Millington Volunteer Fire Company member is eligible for a tax credit under this Section if the Volunteer Fire Department member:

(1) Is a member of the Millington Volunteer Fire Company;

(2) Has maintained active service status as determined by the Millington Volunteer Fire Company for at least three (3) consecutive calendar years accounting from January 1, 2021.

(3) Amount of credit:
- subject to the conditions in this Section, the tax credit may be granted in an amount up to $400, per dwelling, but not to exceed the amount of the Town tax on the property.

(4) Termination of Credit. The tax credit created by this Section shall terminate and the Volunteer Fire Department member will not be eligible if any of the following occurs:
- The Volunteer Fire Department member has failed to maintain active service status in the preceding calendar year. In the event the Volunteer Fire Department member shall fail to maintain active service status for two consecutive years, the Volunteer Fire Department member shall be ineligible to receive the tax credit until such time as the Volunteer Fire Department member re-qualifies under this Section, or
- The Volunteer Fire Department member no longer resides or owns the dwelling for which the credit was granted.

(5) Application and Annual Verification. On or before May 1st of each year, an individual seeking a credit under this Ordinance must submit to the Town of Millington:
- An application in the form that the Town of Millington requires;

- A copy of the Maryland State Point System Verification form as issued by the Millington Volunteer Fire Company to show that the individual and the property remain qualified for the credit, and
- A copy of the property tax bill for their residence.

Upon approval by Millington Town Council at the June meeting, a list will be provided to the Town Administrator/Town Clerk of eligible properties. Upon receipt from Kent/Queen Anne's Department of Finance of payment made for property tax by approved Fire Company property owner; a credit in the form of a refund check will be issued to property owner.

TREES

Chapter 69

§ 69-1. Definitions.

§ 69-2. Care of public trees.

§ 69-3. Topping of trees.

§ 69-4. Pruning to prevent obstructions or dangers.

§ 69-5. Removal of dead or diseased trees.

§ 69-6. Removal of stumps.

§ 69-7. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 03-07-90. Amended 09-30-0 1.1]

GENERAL REFERENCES

Brush, Grass and Weeds - See Chapter 2 1.

§ 69-1. Definitions.

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

PARK TREES - Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the Town or to which the public has free access as a park.
STREET TREES - Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.
TOWN - The Mayor and Town Council of Millington, Maryland, a municipal corporation.

§ 69-2. Care of public trees.

A. The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such Code of the Town of Millington public grounds.

B. The Town may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is in accordance with this Chapter.

§ 69-3. Topping of trees.

It shall be unlawful as a normal practice for any person, firm or Town department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stumps larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the determination of the Mayor and Council..

§ 69-4 Pruning to prevent obstructions or dangers.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, the free passage along the sidewalk or street or the visibility of any traffic control device or sign.

§ 69-5. Removal of dead or diseased trees.

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property or harbors insects or disease which, constitute a potential threat to other trees within the Town. The Mayor and Council will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of the notice.

In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners§ property tax notice.

§ 69-6. Removal of stumps.

All stumps of streets and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Code of the Town of Millington

§ 69-7. Violations and penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 70

FOREST CONSERVATION

ARTICLE I

Forestry Regulations

§ 70-1. Introduction.

§ 70-2. Purpose.

§ 70-3. Forest Stand Delineation.

§ 70-4. Forest Conservation Plan.

§ 70-5. Conservation Criteria.

§ 70-6. Other Qualified Professionals.

§ 70-7. Short Term Protective Agreements.

§ 70-8. Long Term Protective Agreements.

§ 70-9. Annual Report.

§ 70-10. Biennial Review.

(HISTORY: Adopted by the Mayor and Council of the Town of Millington 06-07-2006 as Ordinance Number 2006-01.)

ARTICLE I

Forestry Regulations

(Adopted 06-07-2006 as Ordinance #2006-01)

§ 70-1. Introduction.

To conserve existing Forest and to promote reforestation is a stated policy in the Town of Millington. The Town of Millington recognizes that forest and individual trees greatly contribute to the quality of life, the health of the natural ecosystem, and the health and welfare of our citizens. The Town of Millington's economic health depends heavily or, is natural resources of which forests are major component.

Forest plays a critical role in the improvement and maintenance of water, soil and air quality. In particular, forests absorb C02, reduce local air temperatures, filter particulate, absorb gaseous pollutants, hold soil in place, improves soil permeability, filters nutrients sediments, and pollutants, prevent the heating of water in summer and rapid cooling of water in winter and provides for wildlife habitat. Forests along waterways play a particularly crucial role in maintaining water quality and a healthy aquatic community.

For these reasons, the Town of Millington is committed to the conservation and creation of forests. This overall policy will be considered when considering development plans, when proposing Town capital improvements, For these reasons, the Town of Millington is committed to the conservation and creation of forests. This overall policy will be considered when considering development plans, when proposing Town capital improvements, and in the day to day operation of the Town.

It is not the intent of this policy to place unreasonable demands on development, town capital improvements, or the general operation of the town. Rather it aims to maximize the benefits of forest in a cooperative effort with development, thereby retaining forest land and improving the environment of the Town of Millington.

§ 70-2. Purpose.

It is the purpose of this policy document to state the town's policy on the conservation and creation of forest and to outline policies necessary to implement the Forest Conservation Act of 1991.

§ 70-3. Forest Stand Delineation.

The key to forest conservation is the mapping and analysis of existing natural and man-made features prior to designing the actual development. The Forest Stand Delineation is a method designed to provide the applicant and the review staff with adequate site information. The delineation will be used during the existing development review process to determine the most suitable and practical areas for forest conservation.

The delineation consists of a map or maps with forest stand data and a narrative statement describing the forest stands and other physical site features. The map(s) must contain the following information: property boundaries, soils types, topographic features, steep slopes, wetlands, 100-year floodplain, intermittent and perennial streams, man-made features, historic sites, and, most importantly, forest cover. The stand data and delineation narrative are recorded during the site visit. The onsite reconnaissance will supply the necessary information to properly diagnose and characterize the forest stands. Additional information would include a detailed location map and the zoning classification for the property.

Anyone making an application for subdivision, grading permit, or sediment control plan on a tract containing 20,000 square feet or more shall submit a Forest Stand Delineation unless otherwise exempt. The delineation must be prepared by a licensed forester that may be approved by the Town of Millington. Within 30 days from receipt of the delineation, the applicant will be notified whether the submittal is complete and correct, or if revisions are necessary. The delineation shall meet the minimum submittal requirements to be deemed adequate.

§ 70-4. Forest Conservation Plan.

The Forest Conservation Plan is a document negotiated during the existing development review process. The plan is a site map delineating the forest areas to be saved and the text that details any general or specific requirements and necessary mitigation measures. The intent of these documents is to ensure that the applicant will carry out the forest conservation elements agreed to during the review and approval process.

A proposed Forest Conservation Plan shall be included with any project submittal that requires a Forest Stand Delineation. The conservation plan is a map drawn at the same scale as the site plan indicates how existing natural features are going to be blended into the site design. The plan shall include the following:

1) map,

2) table listing net tract area, zoning category and all required calculations,

3) physical location of all forest retention areas,

4) anticipated construction time table,

5) afforestation/reforestation plans including species, size and spacing,

6) illustration of tree protection devices to be used,

7) limits of disturbance,

8) location of stock pile areas,

9) binding 2-year management plan for all tree planting areas,

10) protective agreements for all forest conservation areas, and

11) any additional information as required.

Net tract area is defined as the total tract area excluding non-tidal the 100-year floodplain and any portion of the tract remaining in agricultural production. The amount of afforestation/reforestation required on any given tract is determined by six factors.

1. Land Use Category
2. Afforestation Threshold
3. Conservation Threshold
4. Net Tract Area
5. Existing Forest Cover
6. Area of Forest to be cleared

The afforestation threshold is the minimum amount of the net tract area that shall be retained as forest. The afforestation threshold in the Agricultural and Resource Areas, Medium Density Residential Areas and High Density Residential is 20%. In the other land use categories, the afforestation threshold is 15%. Areas which have less than the threshold amount must be brought up to that amount through afforestation.

The conservation threshold is the percentage of the net tract area that may be retained as existing forest cover. The reforestation requires rent changes from a ratio of ¼ acre planted for every acre cleared above the threshold to 2 acres planted for every acre cleared below the threshold.

The applicant shall have an approved Forest Conservation Plan prior to being issued a grading permit or approval of a sediment control plan. Tree protective devices shall be installed before any forests or trees are cleared and shall be maintained until all work in the vicinity has been completed. Protective devices, signs, utility boxes or other objects may not be nailed or attached to trees slated for retention. No debris or construction materials may be pushed into or stored with tree retention areas. The final record plat shall contain all off-site locations used for replanting, the protective agreement and management agreement for the site, and a statement that existing forests or planted trees are to be retained.

The reviewing authority shall have 30 days to approve the finalized Forest Conservation Plan. The plan shall be treated as complete and correct if the reviewing authority fails to notify the applicant within that 30 day period or fails to extend the review deadline.

Any person who violates this Act by grading prior to approval of the Forest Conservation Plan will be assessed the penalty of 50 cents (50¢) per square foot of the area found to be in violation. Other violations requiring this penalty would be for non-compliance with any portion of the Forest Conservation Plan, the Forest Conservation Act or the 2-year planting site management agreement.

§ 70-5. Conservation Criteria.

The Forest Stand Delineation shall be used as the basis for determining priority areas for forest retention. The areas listed below should be left in an undisturbed condition unless there is no reasonable alternative.

1. Trees, shrubs and plants in sensitive areas such as:
   a. Non-tidal 100-year floodplain
   b. Stream corridors-intermittent and perennial streams and their buffers.
   c. Steep slopes - 25% slope or greater or slopes of 15% with a soils K value greater than 0.35.
2. Contiguous forests - forested corridors that connect with other forested tracts.
3. Critical habitat - protection areas for threatened and endangered species.
4. Historic or champion trees - trees associated with historic sites or trees designated as champions by the state or local jurisdiction.
5. Specimen trees - trees 30 inches in diameter or larger, or trees with 75% or more of the diameter of the state champion tree. Exceptions may be approved along with the Forest Conservation Plan approval process.

In addition any parcel 10,000 square feet or greater in size shall comply with the following conservation thresholds unless otherwise exempt.

Forest Conservation Thresholds

Land Use Category	Retention Threshold
Agricultural and Resource Areas	50%
Low and Medium Density Residential Areas	25%
Institutional Development Areas	20%
High Density Residential Areas	20%
Commercial and Industrial Use Areas	15%

As an added incentive to retain forest cover, there is a forest retention credit. Each acre of forest retained above the threshold will be credited against the total number of acres required for mitigation plantings. A breakeven point exists where clearing up to that point will not require mitigation.

Maintaining flexibility in design is primary goal of this plan. It will not always be possible to preserve all of the trees during development. When forest lands must be disturbed, forest conservation should follow a logical sequence from retention to restoration to replacement. The preferred sequence of restoration to replacement is as follows:

1. Selective clearing and supplemental planting
2. On-site afforestation or reforestation
3. Landscaping with an approved plan
4. Off-site afforestation or reforestation
5. Natural regeneration on or off-site

This sequence may be altered to take advantage of opportunities to consolidate forest conservation efforts. Priority planting areas include buffers for streams, corridors to connect existing forests, buffers between differing land uses and expansion of existing forests. The use of native plant materials is encouraged.

All afforestation, reforestation, landscaping and natural regeneration requirements shall be accomplished within one year or two growing seasons after completion of the development project. All mitigation areas shall have a binding 2-year management agreement to ensure proper establishment and survival. All mitigation and retention areas shall be legally protected to limit the use of these areas.

§ 70-6. Other Qualified Professionals.

In the Town of Millington a licensed forester, licensed landscape architect, or other qualified professional may prepare a forest stand delineation, or forest conservation plan.

Another qualified professional shall:

1. Possess a 4-year degree in the natural resources sciences, natural resources management, or landscape or environmental planning.
2. Have
   a. 2 years of professional experience in natural resources sciences, natural resources management, landscape planning, environmental planning, or the equivalent as determined by the state, or
   b. a graduate degree in natural resources and 1-year professional experience.
3. Have the ability to meet the obligations required by the Forest Conservation Manual to prepare a forest stand delineation and a forest conservation plan; and
4. Satisfactorily completes a forest conservation course offered by the Department of Natural Resources.

§ 70-7. Short Term Protective Agreements.

A. Maintenance Agreements

1 .Application. A person required to conduct afforestation or reforestation under the Millington Forest Conservation Program shall include in the forest conservation plan, a binding maintenance agreement for the length of 2 years, as specified in the Forest Conservation Manual.

2. Approval procedures and timing shall be consistent with the procedures provided in the Millington Forest Conservation Ordinance.

3. The maintenance agreement shall detail how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment of forest and shall follow the standards provided in Chapter 3 of the Millington Forest Conservation Manual.

4. The person required to conduct the afforestation or reforestation, after this referred to as the "obligee", shall present evidence of a legal right to implement the proposed maintenance agreement on a selected site by providing:
   a. An executed deed conveying title to a selected site to the obligee;
   b. An executed conservation easement agreement;
   c. Written evidence of the landowner's consent to the use of a selected site;

d. A fully executed option agreement, long-term lease agreement, or contract of sale for a selected site; or

e. Other written evidence of a possessor or ownership interest in a selected site.

5. The Town of Millington shall be a signatory to the maintenance agreement, or shall be designated a third-party beneficiary of the agreement.

6. The Town of Millington may not release financial security or end monitoring without receipt of a legally binding deed, long-term lease, or conservation easement agreement on those lands where afforestation or reforestation will occur.

7. The maintenance agreement shall provide for access by the town to the afforestation or reforestation site.

B. Bonding

1. Application

a. A person required to conduct afforestation or reforestation shall include a bond, letter of credit, or other financial security as an element of a forest conservation plan.

b. This section does not apply to agencies of any federal, state, county or municipal government.

2. Requirements. A financial security shall be furnished in the form of:

a. A bond which shall be shade payable to Town of Millington;

b. An irrevocable letter of credit which shall:

i) Be equivalent to the required bond,

ii) Be issued by a financial institution authorized to do business in Maryland,

iii) Be in force until all mitigation for reforestation and afforestation and monitoring requirements have been fulfilled to the satisfaction of the Town; or

c. Other security approved by the Town.

3. The financial security shall:

a. Ensure that the afforestation, reforestation and associated maintenance agreements are conducted and maintained in accordance with the approved forest conservation plan

b. Be in the amount equal to 125% of the estimated cost of afforestation, reforestation as determined by the Town

c. Be in a form and content approved by the Town.

4. The value of the financial security:

a. Shall be based on 125% of the cost to perform all work required by the afforestation or reforestation plan if the work had to be performed by or contracted out by the Town.

b. May be adjusted according to 125% of the actual cost of mitigation for afforestation and reforestation or, if the cost of future mitigation work changes, the Town shall notify the obligee of a proposed adjustment and provide an opportunity for an informal conference on the adjustment; and

c. May be reduced if the obligee proves to the Town that the costs to complete the mitigation project have been reduced.

5. A surety bond or other alternative form of security may not be canceled by the surety, bank, or other issuing entity unless both of the following conditions are satisfied:

a. The surety notifies the Town and the obligee of its intent to cancel the bond, or other surety in writing, by registered mail, not less than 90 days before cancellation; and

b. At least 45 days before the cancellation date indicated in the notice, the obligee files a commitment from a surety, bank, or other issuing entity to provide a substitute security which will be effective on the cancellation date indicated in the notice.

6. After one growing season, the person required to file a bond or other financial security under this regulation may request reduction of the amount of the bond or other financial security by submitting a written request to the Town with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure that the afforestation or reforestation requirements are met.

7. The Town shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:

a. The number of acres;

b. The cost of planting materials or replacement materials;

c. The cost of maintenance of the afforestation or reforestation project; and

d. Other relevant factors.

8. If, after two growing seasons or one year, whichever is greater, the planting associated with the afforestation or reforestation meets or exceeds the standards of the Forest Conservation Manual, the remaining amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.

9. Bond Release

a. The bond shall be released on receipt of written notice from the Town, if applicable, stating that all afforestation or reforestation requirements have been met.

b. The written notice shall be sent at the end of the required two year monitoring and management period, as provided in the maintenance agreement.

c. If the Town fails to send written notice within sixty days after the end of the monitoring and management period, the bond shall be automatically released.

10. Financial Security Forfeiture

a. The bond or other financial security may be subject to forfeiture if the obligee fails to comply with:

i) Revocation of the forest conservation plan;

ii) An Administration order; or

iii) An element of the afforestation or reforestation plan.

b. The Town of Millington shall notify the obligee, by certified mail, of the intention of the Department or local authority to initiate forfeiture proceedings.

c. The obligee has thirty days from receipt of the notice of forfeiture to show why the bond or other financial security may not be forfeited.

d. If the obligee fails to show cause, the bond or other financial security shall be forfeited.

§ 70-8. Long Term Protective Agreements.

A. An applicant shall have in effect at all times, approved long-term protective measures for all land forested, afforested, or reforested under the Forest Conservation Ordinance.

B. Approved Forest Management Plan

Procedure for Approval

An application for approval of a forest management plan shall include all the information required in the Millington Forest Conservation Technical Manual.

The Forest Management Plan:

i) Shall be legally binding from the date of approval

ii) Shall be prepared by a licensed professional forester;

iii) Shall be submitted to the Department of Natural Resources project forester for Millington; and

iv) May be amended periodically, as provided in the Better-ton Forest Policy document.

C. The Department of Natural Resources Project Forester shall review the plan to ensure that it is complete and consistent with the Millington Forest Conservation Program.

. The Town of Millington shall notify the applicant whether the Forest Management Plan has been approved.

D. Procedure for Amendment of an Approved Forest Management Plan.

a. An approved forest management plan may be amended if there is a change in site conditions or landowner objectives.

b. Amendments shall be prepared by a licensed professional forester.

c. The amendment shall be submitted to the Department of Natural Resources project forester for the Town of Millington where the property is located.

d. The forester shall review the amendment to ensure that it is complete and consistent with the Forest Conservation Program.

e. The town shall notify the applicant as to whether the amendment has been approved.

f. applicant shall sign the amendment.

D. Forest Conservation and Management Agreement. An applicant may satisfy the requirement for long-term protection by executing a Forest Conservation and Management Agreement, as provided in Tax Property Article, Section 8-211, Annotated Code of Maryland, and COMAR 08.07.03

E. Other Legally Binding Protective Agreements

1. Other legally binding protective agreements include:

a. Covenants running with the land;

b. Deed restrictions;

c. Conservation easements; and

d. Land trusts

2. Other legally binding agreements shall provide:

a. Protection for land forested, afforested, or reforested under the Forest Conservation Ordinance.

b. Limitation on the uses of forest to those that are consistent with forest conservation.

F. An applicant may include in a forest conservation plan another long-term protective measure if the applicant demonstrates to the satisfaction of the Town that the measure will provide for the long term protection of the areas retained, afforested or reforested under the Forest Conservation Ordinance.

G. Procedure for a Timber Harvesting Plan

1. An individual may harvest timber on forested, reforested, or afforested areas protected under an approved forest conservation plan provided that the harvest:

a. is consistent with the intent of an approved forest management plan, forest conservation management agreement, or other long term protective agreement;

b. Is subject to a timber harvest plan:

i) Prepared by a licensed professional forester

ii) Submitted to Kent County Forest Conservancy District Board for review and approval, and

iii) That remains in effect for two years;

c. Is consistent with the intent and requirements of the approved forest conservation plan.

2. The Kent County Forest Conservancy District Board shall notify the individual whether the timber harvest plan has been approved.

§ 70-9. Annual Report.

On, or before the first of each year, the Town shall submit to the Department of Natural Resources a report on:

1. The number, location, and type of projects subject to the provisions of this ordinance.

2. The amount and location of acres cleared, conserved, and planted in connection with a development project;

3. The amount of reforestation and of forestation fees and non-compliance penalties collected and expended.

4. The costs of implementing the Forest Conservation Program.

§ 70-10. Biennial Review.

The Department of Natural Resources shall conduct a biennial review of the Towns Forest Conservation Program. During the review the Town shall provide documentation of:

1. The number, location, and types of projects

2. The number and location of acres cleared, conserved and planted; and

3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended.

Chapter 71

VEHICLES, ABANDONED

§ 71-1. Title.

§ 71-2. Definitions; word usage.

§ 71-3. Parking or storing of inoperative vehicles prohibited; exceptions.

§ 71-4. Notice to remove.

§ 71-5. Responsibility for removal.

§ 71-6. Notice to remove; contents.

§ 71-7. Hearings.

§ 71-8. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 02-06-91. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and Traffic - See Chapter 72.

§ 71-1. Title.

This Chapter shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance."

§ 71-2. Definitions; word usage.

A. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

ABANDONED AUTO - Any motor vehicle or part thereof which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair or unregistered and is visible from the street, sidewalk or other public right-of-way or from any other person's private property, whether or not the property on which the vehicle(s) is located is owned, leased or used, with or without the consent of the owner or tenant.

MOTOR VEHICLE - Any vehicle defined in Section 11-135 of the Transportation Article of the Annotated Code of Maryland, including but not limited to any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor or other motorized farm implement and any other device in, on or by which any individual or property is or might be transported or towed on a highway, including but not limited to flatbed trailers, semi-trailers and boat trailers.

PERSON - The owner of public record of any lot or part of a lot within the Town. "Owner" and "person" are used interchangeably throughout this Chapter.

PRIVATE PROPERTY - Any real property within the Town which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY - Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

TOWN - The Town of Millington.

B. When not inconsistent with the context, words used in the present tense include the future, words in plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

§ 71-3. Parking or storing of inoperative vehicles prohibited; exceptions.

A. No person shall park, store, leave or permit the parking, storing or leaving of any abandoned automobile, upon any public or private property within the Town for a period of time in excess of seventy-two (72) hours. The presence of an abandoned automobile or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

B. This section shall not apply to any vehicle enclosed within a building on private property.

§ 71-4. Notice to remove.

Whenever it comes to the attention of the Town that any nuisance, as defined in § 71-3 of this Chapter, exists in the Town, a notice, in writing, shall be served upon the owner of the land where the nuisance exists, identifying the existence of the nuisance and requesting its removal in the time specified in this Chapter.

§ 71-5. Responsibility for removal.

Upon proper Notice and opportunity to be heard, the owner of the private property on which the abandoned vehicle is located shall be responsible for its removal. In the event of removal and disposition by the Town, the owner of the private property where the same is/was located shall be liable for all expenses incurred by the Town of said removal/disposition with cost of removal to be added to property owner's Municipal Taxes.

§ 71-6. Notice to remove; contents.

A. Notice procedure. The Town shall give notice of removal to the owner of the private property where it is located at least fifteen (15) days before the time of compliance. It shall constitute sufficient notice, when a copy of the same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner of the private property at the address designated on the property tax rolls or assessment records.

B. Content of notice. The notice shall contain the request for removal within the time specified in this Chapter, and this notice shall advise that upon failure to comply with the notice to remove, the Town or its designee shall undertake such removal with the cost of removal to be added to the property owner's Municipal Taxes...

§ 71-7. Hearings.

A. Request. The person to whom the notices are directed or their duly authorized agents may file a written request for hearing before the Town within the fifteen-day period of compliance prescribed in § 71-6A for the purpose of defending the charges by the Town.

B. Procedure. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least fifteen (15) days in advance thereof. At any such hearing the Town and the persons to whom the notices have been directed may introduce such relevant and material witnesses and evidence as either party deems necessary.

§ 71-8. Violations and penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 72

Signage

Section 72-1	Authority to erect signs.
Section 72-2	Stop Signs to be erected.
Section 72-3	Parking restrictions on Town streets.
Section 72-4	Observing signs; violations and penalties.

(HISTORY: Adopted by the Mayor and Council of the Town of Millington 09-05-63 as Ordinance No. 111, Amendments noted where applicable. Amended by Mayor and Council of the Town of Millington December 19, 2007 by Resolution 2007-13.)

§ Section 72-1 Authority to erect signs.

The Mayor and Council of Millington, Maryland, are authorized and empowered, by the Charter of the Town of Millington, Article IV § C4-1, B49, to provide for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, to erect or cause to be erected stop, no-parking, speed limit, one-way and other traffic control and parking restriction signs designed to control, regulate, warn, or guide traffic or limit parking on public streets, highways, or other areas in the Town.

§ Section 72-2 Stop signs to be erected at the following intersections.

The Mayor and Council of Millington hereby direct the erection and enforcement of stop signs at the following intersections:

STREET	AT	LOCATION
School Street	Cypress Street	North Side
School Street	Hurtt Avenue	South Side
School Street	Hurtt Avenue	North Side
School Street	Chesterville-Millington Rd	South Side
Carville Drive	Chesterville-Millington Rd	South Side
Carville Drive	School Street	East Side
Embert Drive	Carville Drive	West Side
Embert Drive	School Street	East Side
Hurtt Avenue	School Street	East Side
Hurtt Avenue	Sassafras Street	West Side
Back Street	Sassafras Street	North Side
Crane Street	Cypress Street	North Side
Crane Street	Cypress Street	South Side
Hazel Lane	Sassafras Street	West Side
Chesterville-Millington Rd	Sassafras Street	South Side
Comegys Street	Hurtt Avenue	East Side
Comegys Street	Cypress Street	West Side
Railroad Avenue	Back Street	East Side
Railroad Avenue	Cypress Street	West Side

§ Section 72-3 Parking restrictions on Town streets.

The Mayor and Council of Millington hereby direct the enforcement of restrictive parking on the following streets:

STREET	NO-PARKING
Back Street	North Side
Hurtt Avenue	North Side
Crane Street	West Side

§ Section 73-4 Observing signs; violations and penalties.

It shall be the duty of all persons to observe such signs, and any person failing to observe and obey any such sign shall, upon conviction thereof, be guilty of a misdemeanor, the penalty for which shall be a fine not exceeding one hundred dollars ($100.00) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment.

Chapter 73

PARADES

§ 73-1. Purpose.
§ 73-2. Scope and application.
§ 73-3. Enforcement.
§ 73-4. Definitions.
§ 73-5. Exceptions.
§ 73-6. Procedures.
§ 73-7. Standards for Issuance.
§ 73-8. Time limit established for review and issuance; denial of permit.
§ 73-9. Appeals; time limits established for filling and subsequent action.
§ 73-10. Permit contents.
§ 73-11. Permit compliance.
§ 73-12. Public conduct during parade.
§ 73-13. Revocation of permit.
§ 73-14. Violations and penalties.

§ 73-1. Purpose.

It is the purpose of this Chapter and regulations passed pursuant thereto to allow the orderly organization of all parades within the Town of Millington and at the same time to ensure public safety and to minimize the disruption of the normal flow of pedestrian and vehicle traffic within the Town of Millington.

§ 73-2. Scope and application.

The provisions of this Chapter shall apply to all individual(s), companies, organizations, affiliations, and residents desiring to hold a parade within the corporate limits of the Town regardless of the size or number of participants in said parade.

§ 73-3. Enforcement.

This chapter shall be enforced before, during, and after a parade for which a permit is applied for is issued or cancelled. All parties involved will be held liable and subject to the penalties outlined in paragraph § 73-14 of this chapter. In addition it is unlawful for any person, circus, show, organization, affiliation, company, or other to parade through, over or on the streets, roads, avenues, or sidewalks of the Town of Millington without first obtaining a permit from the Mayor and Town Council.

§ 73-4. Definitions.

PARADE - Any march, procession, ceremony, show, exhibition, or pageant consisting of people, animals, vehicles, or combination thereof, or any similar display upon any public street, sidewalk, alley, sidewalk, or any combination thereof which does not comply with normal and usual traffic regulations or controls.

PERSON - Any person, firm, partnership, association, corporation, company, affiliation, or organization of any kind.

MOTORCADE - Any organized procession of three or more vehicles, bicycles, mopeds, motorcycles, or any other device used to carry or transport an individual or animal of any kind.

§ 73-5. Exceptions.

This chapter shall not apply to the following:

Funeral processions.

Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

Children under the direct supervision of an approved and licensed day care or home day care operator who is walking or transporting his or her charges from point to point.

Governmental agencies acting within the scope of its functions.

§ 73-6. Procedure.

A person seeking issuance of a parade permit shall file an application with the Mayor and Council of Millington on forms provided by such officers.

Filing period. An application for a parade permit shall be filed with the Town Clerk not less than sixty (60) days nor more than ninety (90) days before the date on which it is proposed that the parade be conducted.

Contents. The application for a parade permit shall set forth the following information:

The name, address, and telephone number of the person seeking to conduct such a parade.

If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

The date when the parade is to be conducted.

The route to be traveled, the starting point and the termination point.

If the parade goes on, by, or will interfere with the use of any State Highway in the Town the applicant shall secure use of said State Highway use through the Maryland State Highway Administration using form found in Appendix A prior to submission of the application to the Mayor and Council and shall become part of said application.

The approximate number of persons who and animals and vehicles which will constitute such parade, the type of animals and a description of the vehicles.

The hours when such parade will start and terminate.

A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

The location, by streets or other prominent geographical marker, of any assembly and termination areas for such parade.

Means by which the applicant will ensure that all litter or trash is removed from assembly and termination areas as well as along the parade route regardless of how the litter or trash arrived at the site of the parade route or assembly and termination areas.

The time at which units of the parade will begin to assemble at any such assembly area or areas.

The time at which all participants of the parade will vacate the parade route and termination point and clean-up if any is completed so that a final inspection can be performed by the Town.

If the parade is designed to be held by, on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Mayor a communication, in writing, from the person proposing to hold the parade which authorizes the applicant to apply for the permit on his or her behalf.

The applicant will coordinate all assistance from the Kent or Queen Anne's Counties Sheriff Department to ensure police traffic control along entire parade route, assembly, and termination areas is adequately provided and that such a letter indicating that traffic control and other assistance will be provided by the Sheriff's Department shall be submitted along with and will become part of the parade application.

Any additional information which the Mayor and Council shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Late applications. The Mayor and Council, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed no less than fourteen (14) days before the date of such parade is proposed to be conducted as long as all other requirements as outlined in Section B are completed.

Fee. There shall be paid at the time of filing the application for a parade permit a non-refundable fee of ten dollars ($10.00).

Clean-up Deposit. There shall be paid at the time of application a clean-up deposit of two hundred dollars ($200.00) for clean-up of the parade route, assembly, and parade termination areas. If the applicant/sponsor has the above referenced areas cleaned and free of all liter to the satisfaction of the Town Clerk, than the clean-up deposit will be returned within seven (7) days by first class mail to the address provided by the applicant on the parade permit application.

Insurance. The applicant will submit proof of insurance by/with a licensed carrier in the State of Maryland, and as otherwise acceptable to the Mayor and Council of the Town of Millington, reflecting insurance coverage in the amount of one million dollars ($1,000,000.00) for both liability and property damage for the parade event.

§ 73-7. Standards for issuance.

The Mayor and Council shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

The conduct of the parade will not require the diversion of so great a number of county police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town or county.

The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than those to be occupied by the proposed line of march and areas contiguous thereto.

The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas.

The conduct of such parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.

The conduct of such a parade will not interfere with the movement of fire-fighting equipment en route to a fire.

The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit.

§ 73-8. Time limit established for review and issuance; denial of permit.

The Mayor and Council shall act upon the application for a parade permit at the next regularly scheduled meeting of the Mayor and Council after the application has been received and has been posted on the Millington Community Bulletin Board outside the Town Office for a minimum of two (2) weeks for receipt of Public Input in writing. If the application is approved by the Mayor and Council the parade route will be posted and marked by the applicant with date and times of the parade at least 48 hours prior to the parade start time and will be removed within 24 hours by the applicant after the stop time of the parade. If the Mayor and Council disapproves the application, the town will mail, by first class mail, to the applicant within five days (5) after the date upon which the decision was made, a notice of their action stating the reasons for denial of the permit.

§ 73-9. Appeals; time limits established for filing and subsequent action.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Circuit Court of Maryland in the manner and time as prescribed by law.

§ 73-10. Permit contents.

Each parade permit shall state the following information:

The starting time.

The minimum speed.

The maximum speed.

The maximum interval of space to be maintained between the units of the parade.

The portions of the streets to be traversed that may be occupied by the parade.

The maximum length of the parade in miles or fractions thereof.

Such other information as the Mayor and Council shall find necessary to the enforcement of this chapter.

§ 73-11. Compliance with permit conditions and applicable laws required; possession of permit.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§ 73-12. Public conduct during parades; parking restrictions.

Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

Parking on parade route. The Mayor and Council shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Mayor and Council shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a non-posted street in violation of this chapter.

§ 73-13. Revocation of permit.

The Mayor and Council shall have the authority to revoke/deny a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

§ 73-14. Violations and penalties.

A violation of the terms of this Chapter shall be considered a municipal infraction subject to a penalty of one hundred dollars ($100.00) as provided in § C12-4 of the Charter of the Town of Millington.

TOWN OF MILLINGTON
PARADE APPLICATION

Parade Date: _____ Date Filed: _____

Name of Applicant: _____

Address of Applicant: _____

Telephone Numbers of Applicant: Daytime _____ Evening _____

Organization Sponsor: _____

Organization Address: _____

Organization Telephone: _____

Organization Contact: _____

Contact Telephone: _____

Parade Chair: _____

Chair Address: _____

Chair Telephone: _____

Parade Route: _____

_____

_____

_____

_____

State Highways Affected: _____ Number of persons/units: _____

Parade Start Time: _____ Parade End Time: _____

Assembly Area: _____ Termination Area: _____

Time of Assembly: _____ Time of Termination: _____

Minimum Speed of Parade: _____ Maximum Speed of Parade: _____

Interval Between Units: _____ Maximum Parade Length: _____

Width of Streets To Be Used: _____

Parade Clean-up Procedures: _____

_____

_____

_____

_____

I/We hereby agree and acknowledge that the event sponsor and the participants will comply with all applicable Maryland laws and will adhere to the conditions granted by this permit. By affixing my/our signature on this form, the sponsor and/or the individual participants agree to hold the public agencies harmless from any liability, incurred by them or to others associated with this event. This shall require purchase of liability and property damage insurance in the amounts of $1,000,000 each.

_____

Sponsor's Authorized Representative or

Parade Applicant

CONDITIONS OF APPROVAL:

The event must adhere to the highways, streets, number of participants, date, and times specified.

The sponsor will insure the Traffic Control Plan is followed as submitted and approved.

Other: _____

_____

_____

_____

COMMENTS:

_____

_____

_____

_____

☐ Approved ☐ Disapproved _____Mayor

☐ Approved ☐ Disapproved _____Council Member

☐ Approved ☐ Disapproved _____Council Member

Chapter 74

NOISE

§ 74-1. Definitions.
§ 74-2. Loud and disturbing noises prohibited.
§ 74-3. Noises generally prohibited - enumeration.
§ 74-4. Noise for entertainment purposes.
§ 74-5. Noise from electronic devices.
§ 74-6. Temporary exemptions.
§ 74-7. Non-applicability of ordinance.
§ 74-8. Severability.
§ 74-9. Violations and penalties.

§ 74-1. Definitions.

As used in this Ordinance, the following words have the meanings indicated:

COUNCIL – The Mayor and Council of the Town of Millington.

HIGHWAY – The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way of the thoroughfare has been dedicated to the public and accepted by and proper authority.

PERSON – Any individual person or any group, association, company, firm, partnership, corporation, or other type of commercial enterprise.

TOWN – The Town of Millington.

§ 74-2. Loud and disturbing noises prohibited.

It shall be unlawful for any person to make, continue, cause to be made or continued, or permit to be made or continued any loud and disturbing noise prohibited by this Ordinance.

§ 74-3. Noises generally prohibited - enumeration.

Prohibited Noises. The following noises are hereby declared to be loud and disturbing noises in violation of this Ordinance:

The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street, way, highway, avenue, or alley or other public place except when reasonably necessary to ensure safe operation.

The creation by any means of any horn or signaling device of any unreasonably loud or harsh sound.

The sounding of any horn or signaling device for an unnecessary or unreasonable length of time.

The sounding of any horn or signaling device except on operated by hand or electricity.

The sounding of any horn, whistle, or other signaling device operated by engine exhaust.

Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any dwelling, hotel, other type of residence or business establishment.

Prohibited Acts. The following acts are hereby declared to be productive of loud and disturbing noises and are hereby declared to be a violation of this Ordinance.

The playing, using, or operating of any radio receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sound that:

in such a manner as to disturb the peace, quiet, and comfort of other persons in the vicinity; or

at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto and who are in the immediate vicinity, vehicle, or chamber in which such machine or device is operated.

The causing or permitting of any of the acts set forth in § 74-3.B (1).

Prima Facie Evidence. The operation of any radio receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from the device, building, structure, or vehicle in which the noise is generated shall be proma facie evidence of a violation of this Ordinance.

§ 74-4. Noise for entertainment purposes.

Prohibited Noises. It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used, or operated any radio, musical instrument, phonograph, or other machine or device designed for the producing or reproducing of sound:

If such sound is for the purpose of entertainment or is used for that purpose and

If the noise source is located in or upon a public street, highway, sidewalk, park, thoroughfare, or other public area, or is located in or upon a public access area, including but not limited to a shopping mall or a parking lot, or on any private property, and the sound can be heard more than fifty (50) feet from its source; or

If the noise source is in a building or other structure and the sound can be heard more than one hundred (100) feet away from the building or structure or the boundaries of the property surrounding such building or structure, whichever is greater.

Prima Facie Evidence. It shall be prima facie evidence of a violation of this Section if the noise can be heard outside the limits set forth in § 74-4.A (1) (a) and (b).

Presumptions.

Where the source of the prohibited noise, as set forth in § 74-4.A(1)(a), is a portable noise-producing or noise-reproducing device, including but not limited to a radio, tape recorder, or tape player, and where such device is present in or is being transported through a public street, highway, area, or access area or is present on any private property, the person or persons in possession of the device shall be presumed to have permitted the noise in violation of this Section in the absence of evidence to the contrary.

Where the source of the prohibited noise, as set forth in § 74-4.A(1)(b), is located in a building or other structure, the owner, occupant, resident, manager, or other person in possession of the premises shall, if present, be presumed to have permitted the noise in violation of this Section in the absence of evidence to the contrary.

Warnings/Arrests. A police officer, having probable cause to believe a violation of this Section is being committed, may warn the apparent perpetrator or perpetrators to cease such noise as violates this Section. If the violation persists after such warning, the officer may arrest, without a warrant, the perpetrator or perpetrators of the violation, and it is not necessary for the officer to have received a complaint in order to so act.

§ 74-5. Noise from electronic devices.

Prohibited Noises. It shall be unlawful for any person or persons to broadcast, or to permit to be broadcast, for advertising purposes, or for any other purposes whatsoever, sound over a speaker, loudspeaker, or other device for the production, reproduction, or amplification of sound in any manner so as to allow the sound to be audible to normal human hearing beyond a distance of one hundred (100) feet from the premises of the building, vehicle, or property wherein such device is located or upon which or to which such device is affixed.

Prima Facie Evidence. It shall be prima facie evidence of a violation of this Section if the noise can be heard outside the limits set forth in § 74-5.A

Presumption. The owner, manager, or other person in possession of the building, vehicle, or property, from which emanates sound prohibited by § 74-5.A, shall, if present, be presumed to have permitted the noise in violation of this Section in the absence of evidence to the contrary.

§ 74-6. Temporary exemptions.

A permit for a temporary exemption from the provision of § 74-1 though § 74-5 of this Ordinance may be issued by the Mayor and Council for commercial, political, civic, charitable, or other community activities, including, but not limited to fund raisers, carnivals, bazaars, meetings, and other activities of other than a day-to-day nature.

Each application for such permit shall be addressed to the Mayor and Council, shall be accompanied by a fee to be determined by the Mayor and Council shall be set forth:

The date and hours between which such noise is to be made; and

The nature of the mechanical device to be employed for such purpose; and

The person or persons to be in charge of the operation thereof.

The application shall be rejected by the Mayor and Council if there is a good sufficient reason within the meaning and purpose of this Ordinance for rejecting the application.

§ 74-7. Non-applicability of ordinance.

The provisions of § 74-4 though § 74-6 shall not apply to:

Town permitted events in public parks; or

Federal, State, or Local Government agencies; or

Public service companies as defined in Article 78 of the Annotated Code of Maryland.

§ 74-8. Severability.

If any provision of this Ordinance is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions of any other application of this Ordinance which can be given affect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared to be and are hereby severable.

§ 74-9. Violations and penalties.

Any person violating the provisions of this Article/Chapter shall be deemed guilty of a Municipal Infraction and shall upon conviction thereof be punished be a fine as outlined in the Code of the Town of Millington Chapter 2. Each day, or each separate occasion during each such day, that a violation of this Article/Chapter occurs or reoccurs shall constitute a separate offense.

Chapter 75

MOBILE FOOD UNITS

NOTE: Ordinance Chapter 75 – Mobile Food Units, Adopted 05-09-23 Resolution 2023-04.

§ 75-1. Definitions.

For the purpose of this chapter, the following words, terms, and phrases, when used in this article, shall have the meanings indicated:

Food(s) – any type of edible substance meant to be eaten by any creature, including, but not limited to persons, dogs, cats, etc.

Food Truck – an enclosed motor vehicle equipped with equipment and facilities, including but not limited to cookers, grills, smokers, and other similar equipment for preparing, cooking, and selling various types and forms of food products and beverages

Vending Unit – any freestanding pushcart, wagon, table shelving unit, rack vehicle or device, except for a Food Truck defined above, which may be moved, with or without assistance of a motor, which is used in the preparation, display, sale, transportation or storage of any good, wares, or merchandise, personal service, food, food product, or beverage intended for sale, consumption, or distribution on or over the streets, highways, sidewalks, or properties within the Town of Millington

§75-2. Licensing.

A. Business license required – any person operating a food truck or vending unit must have the following licenses:
   - Millington business license
   - Millington master sign plan approval
   - Maryland business license
   - Kent County Trader's license
   - Kent County Health Department license
   - Special Event permit

§75.3. Fees.

All fees must be made with the appropriate permit applications. Fees are subject to change at time of annual budget approval.

§75.4. Application and Issuance.

A. The Town Council shall act upon the application for a Food Truck or Vending Unit at the next regularly scheduled meeting of the Town Council after the application has been received and has been posted on the Millington website, http://millingtonmd.us for a minimum of two (2) weeks. If the application is approved by the Town Council the approved location can be posted by the vendor at least 48 hours prior to the start time and must be removed within 24 hours by the vendor after the stop time. If Town Council disapproves the application, the Town will mail, by first class mail, to the applicant within five days (5) after the date upon which the decision was made, a notice of their action stating the reasons for denial of the permit. Approval of application requires two signatures; the Mayor and one (1) Council member.
B. All licenses must be attached to the food truck or vending unit in such a way as to be conspicuously displayed to the public during all times of operation.
C. All licenses shall not be assignable or transferable and may be used only in the operation of the food truck/vending unit as provided for in the license and its application.
D. All licenses are non-renewable. Upon expiration a new application and documentation must be submitted for review.
E. An application or license may be denied or revoked for any of the following reasons:
   a. An investigation reveals that the applicant falsified and/or provided inaccurate information on the application;
   b. The applicant fails to provide proof of possession of any license or permit which, under federal, state, or local law or regulations, the applicant is required to have in order to conduct the proposed business;

c. There is no proof as to the authority of the applicant to serve as an employee/agent to the employer/principle;
d. Failure by the applicant to provide all information required by permit application;
e. Failure of any portion of the inspection of the mobile food unit by Kent County Health Department or its agents.

F. Appeal of denial, suspension, or revocation. The decision to deny an application or to suspend other than temporary or revoke a permit may be appealed to the Millington Board of Appeals.

§75.5. Requirements, operations.

A. All food trucks or vending units are restricted to commercial properties or public parks with proper permission.
B. All food truck vendors must utilize an approved commercial kitchen for preparation of all food.
C. All food trucks or vending units are restricted from parking in the street or along curbs; locations must be on the commercial property or in the public park.
D. No food truck or vending unit can be operated if constructed, loaded, or covered as to prevent its driver from having a clear and unobstructed view of all persons and fixtures located in front of such vending unit or food truck while being moved or operated.
E. Food truck or vending unit can not be left unattended, at any time. No food truck or vending unit can be left overnight without prior approval by property owner or as part of the special event.
F. Any person operating a food truck or vending unit must have written permission of the property owner where the units is to be in operation. This written permission must be submitted with the Special Events Permit for review.
G. Any person operating a food truck or vending unit shall ensure the proper containment and disposal of all waste and trash associated with the operation before leaving the site of the unit's operation. No person shall use the Town's trash receptacles for any purpose associated with the food truck or vending unit or its operations.
H. A food truck or vending unit shall not use any on-site utilities without permission obtained from the property owner or authorized user of the utilities.
I. No person shall use amplified microphones, bull horns, flashing lights, or any other distraction sound or light in connection with the food truck or vending unit operation unless approved by the Town during the permit approval process. This does not prevent the use of traditional music with acceptable noise levels.
J. Any signage for the food truck or vending unit shall be affixed to the unit, only. All signage must be approved by the Millington Planning Commission through the Master Sign plan process.
K. No person shall use, operate, deploy, or locate a food truck or vending unit in a manner that creates or maintains a public nuisance, damages or alters public property or infrastructure, and/or erects or utilizes any permanent or fixed structure in any public place.
L. No food truck or vending unit shall impede or obstruct any street, street intersection or crosswalk. No food truck or vending unit shall impede the ingress or egress of any public or private driveway. No food truck or vending unit shall obstruct pedestrian space.

§75.6. Violations.

Any person who violates any section, subsection, or provision of this article shall commit an offense against the Town punishable by a fine not to exceed five hundred dollars ($500.00). Each day that a person operates in violation of this article shall be considered a separate offense punishable by addition fines.

Chapter 76

Construction Standards and Specifications of Queen Anne's County, Maryland

Construction Standards and Specifications of Kent County, Maryland

[On August 13, 2024 Town Council adopted by Resolution 2024-14 and 2024-15 the current Construction Standards and Specifications of Kent and Queen Anne's County, Maryland.]

Chapter 77

DEVELOPER'S RIGHTS AND RESPONSIBILITIES AGREEMENT

§ 77-1. Purpose and authority.
§ 77-2. Applicability.
§ 77-3. Contents of agreement.
§ 77-4. Referral to Planning Commission.
§ 77-5. Public hearing by Mayor and Council.
§ 77-6. Amendments of agreements.
§ 77-7. Applicable laws, regulations, and policies.
§ 77-8. Recordation
§ 77-9. Enforcement.
§77-10. Fees.
§77-11. Legislative Authority.

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 9-13-2022

GENERAL REFERENCES

Subdivision of Land - See Chapter 66.
Zoning - See Chapter 80.

§ 77-1. Purpose and authority.

A. The purpose of this article is to provide an additional technique for land development consistent with the Comprehensive Plan as authorized by the Annotated Code of Maryland. Further, this article aims to enhance development flexibility, innovation, and quality while protecting the public interest, health, safety, and welfare.

B. The right to enter into development rights and responsibilities agreements is hereby vested in the Mayor and Council of Millington under the authority conferred in Land Use Article, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements) of the Annotated Code of Maryland.

§ 77-2. Applicability.

A. Any person with a legal or equitable interest in real property or a representative of a person with a legal or equitable interest in real property in the Town of Millington may petition the Mayor and Council to enter into an agreement.

B. A petition shall be entirely voluntary on the part of the petitioner. It shall not be required by the Town or any of its agencies as a condition of any land-use classification, designation, permit, or approval.

§ 77-3. Contents of agreement.

A. At a minimum, a development rights and responsibilities agreement shall contain the following:

(1) A legal description of the real property subject to the agreement. The agreement shall be accompanied by a title report from an attorney or title company which includes copies of all plats, covenants, restrictions, easements, and title encumbrances that affect the use, occupation, or location of improvements of the real property.

(2) A certification that the petitioner has either a legal or equitable interest in the property, together with a copy of the instrument establishing such interest.

(3) The names of all parties having an equitable or legal interest in the property, including lien holders.

(4) The duration of the agreement.

(5) The permissible uses of the real property.

(6) The density or intensity of use of the real property.

(7) The maximum height and size of structures to be located on the real property.

(8) Architectural elevation sketches, if required by the Mayor and Council.

(9) A description of the plan approvals and permits required or already approved for the development of the property.

(10) A statement that the proposed development is consistent with applicable development regulations and the Comprehensive Plan, with references to specific provisions of the applicable law or plan.

(11) A description of the conditions, terms, restrictions, or other requirements determined by the Mayor and Council, or their designees, to be necessary to ensure the public health, safety, or welfare.

(12) To the extent applicable, provisions for:

(a) Dedication or reservation of a portion of the real property for public or private uses.

(b) Protection of sensitive areas.

(c) Preservation and restoration of historic structures.

(d) Construction or financing of public facilities.

(e) Provisions that the petitioner shall be responsible for attorney's fees, costs, and expenses incurred by the Town if an agreement is abandoned or breached by the petitioner or challenged by others.

B. An agreement may fix the period in and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including, but not limited to, the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion in the discretion of the Town.

C. An agreement shall be void five (5) years after the day on which the parties execute the agreement unless:

(1) A different duration is expressed within the agreement; or

(2) The duration of the agreement is extended by amendment of the agreement following the formalities required for such amendments.

§ 77-4. Referral to Planning Commission.

Upon receipt of a petition to enter into an agreement, the Mayor and Council shall refer the petition to the Planning Commission to determine whether the proposed agreement is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within sixty (60) days of referral of the petition. The Mayor and Council may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

§ 77-5. Public hearing by Mayor and Council.

Before a developer's rights and responsibilities agreement may be executed, the Mayor and Council shall conduct a public hearing on the proposed agreement. Notice of the hearing shall be published in a newspaper of general circulation in the Town once each week for two consecutive weeks, with the first publication at least fourteen (14) days before the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition, and the date, time, and place of the public hearing.

§ 77-6. Amendments of agreements.

A. Subject to Subsection B of this section and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

B. The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Commission shall make specific findings within sixty (60) days of the referral of the proposed amendment.

§ 77-7. Applicable laws, regulations, and policies.

A. Except as provided in Subsection B of this section, the laws, rules, regulations, and policies governing the use, density, or intensity of the real property subject to the agreement shall be the laws, rules, regulations, and policies in force at the time the parties execute the agreement.

B. An agreement may not prevent compliance with laws, rules, regulations, and policies enacted or adopted after the effective date of the agreement if the Mayor and Council determine that imposition and compliance with these laws, rules, regulations, and policies are essential to ensure the public health, safety, or welfare of residents of all or part of the Town.

§ 77-8. Recordation.

A. An agreement shall be void if not recorded among the land records of Kent County within twenty (20) days after the day on which the Mayor and Council and the petitioner execute the agreement.

B. When an agreement is recorded, the Mayor and Council, the petitioner(s), and their successors in interest are bound to the agreement.

§ 77-9. Enforcement.

Unless terminated according to this article, the Mayor and Council or the petitioner(s), and their successors in interest, may enforce the agreement.

§ 77-10. Fees.

The petition shall be accompanied by fees that may be established or modified by resolution of the Mayor and Council, from time to time adopted. The petitioner shall be responsible for payment in advance of all advertising and recording expenses incurred in connection with an agreement.

§ 77-11. NOTE: Legislative Authority

2020 Maryland Statutes, Land Use, Division I - Single-Jurisdiction Planning and Zoning

Title 7 - Other Development Management Tools, Subtitle 3 - Development Rights and Responsibilities Agreements

Section 7-302 - Powers

Universal Citation: MD. Land Use Code Ann. § 7-302 (2020)

(a) Subject to §§ 7–303 through 7–305 of this subtitle, the local governing body of a local jurisdiction may:

(1) by local law, establish procedures and requirements for the consideration and execution of agreements; and

(2) delegate all or part of the authority established under the local law to a public principal within the jurisdiction of the local governing body.

(b) The public principal may:

(1) execute agreements for real property located within the jurisdiction of the local governing body with a person having a legal or equitable interest in the real property, including property that is the subject of annexation of land to a municipal corporation; and

(2) include a federal, State, or local government or unit as an additional party to the agreement.

Chapter 78

Cannabis – Medicinal and Recreational

In the Town of Millington

[History: Adopted by Mayor and Council of the Town of Millington by Resolution 2024 - 17 on August 13, 2024.]

§ 78 – 01. Definitions

Cannabis – all parts of any plant of the genus cannabis, whether growing or not, including: (1) the seeds of the plant; (2) the resin extracted from any part of the plant; and (3) any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

Cannabis Business- A business licensed or registered by the *Maryland Cannabis Administration* to operate in the cannabis industry.

Cannabis Consumer- An individual at least 21 years of age who purchases cannabis or cannabis products for personal use

Cannabis Products – Products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including edible products, oils, and tinctures.

Cannabis Dispensary – An entity licensed under the *Maryland Cannabis Administration* that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and education materials for the use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type. This definition includes medical marijuana dispensaries.

Cannabis Micro Dispensary – An entity licensed under the *Maryland Cannabis Administration* to operate a delivery service.

Cannabis Grower – An entity licensed under the *Maryland Cannabis Administration* that (1) cultivates or packages cannabis and (2) is authorized by the *Administration* to provide cannabis to licensed dispensaries and registered independent testing laboratories.

Cannabis Growing Facility – An entity that cultivates, manufactures, packages, or distributes cannabis to licensed processors, licensed dispensaries, or registered independent testing laboratories.

Cannabis Processor – An entity licensed under the *Maryland Cannabis Administration* that (1) transforms cannabis into another product or an extract and packages and labels the cannabis product and (2) is authorized by the *Administration* to provide cannabis to licensed dispensaries and registered independent testing laboratories.

Cannabis Processing Facility – An entity licensed by the *Maryland Cannabis Administration* that: (a) transforms the cannabis into another product or extract; and (b) packages and labels cannabis.

Child Care Center – An agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulations.

Independent Testing Laboratory – A facility, an entity, or a site that is registered with the *Maryland Cannabis Administration* to perform tests related to the inspection and testing of cannabis and products containing cannabis.

Maryland Cannabis Administration – As established as "*the Administration*" under §36-201 Maryland Alcoholic Beverages Article of the Maryland Annotated Code, or its successor agency.

On-Site Consumption Establishment – An entity licensed under the *Maryland Cannabis Administration* that allows cannabis to be consumed, smoked, vaped, or otherwise ingested, on premises.

P = Permitted Use
PC = Permitted Use with Conditions
SE = Special Exception Use
SC = Special Exception with Conditions

Use Description	AG	R-1	R-2	R-3	TC	L1
Cannabis – Growing	SE					
Cannabis – Processing						SE
Cannabis – Selling					PC	PC
Cannabis – On-Site Consumption					SC	SC
Cannabis – Independent Testing Lab						SC

§ 78 – 02. Cannabis Dispensary – Medical and Recreational

A cannabis licensed dispensary may be permitted by the Planning Commission with site plan approval and subject to the following conditions:

1. A cannabis dispensary shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR, Chapter 10 and Title 36 of the Alcoholic Beverages Articles of the Maryland Annotated Code.
2. All facilities and uses shall be located at least 500 feet from any public or private school, playground or recreation center, public park, or correctional facility;
3. No cannabis dispensary shall be located within 1,000 feet (measured from the closest portion of the affected properties) of another cannabis dispensary.
4. All aspects of use shall comply with Maryland Annotated Code;
5. It shall be prohibited for any dispensary to permit the consumption, smoking, vaping, or otherwise ingesting, cannabis or cannabis products on-site.
6. All lighting, including security lighting required by COMAR 10.62.10.05, shall be approved by the Planning Commission;
7. Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis; and
8. The use shall be limited to the sale of Cannabis and related products.
9. A licensed dispensary may not operate:
    A. For more than 12 hours per day;
    B. Past 10:00 PM or
    C. Before 8:00 AM.

§ 78 – 03. Cannabis Micro Dispensary

A cannabis micro dispensary may be permitted by the Planning Commission with site plan approval and subject to the following conditions:

1. A cannabis micro dispensary shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR, Chapter 10 and Title 36 of the Alcoholic Beverages Articles of the Maryland Annotated Code.
2. A micro dispensary shall be located at least 500 feet from any public or private school, playground, or recreation center, public park, or correctional facility;
3. No micro dispensary shall be located within 1,000 feet (measured from the closest portion of the affected properties) of another cannabis dispensary;
4. All aspects of use shall comply with Maryland Annotated Code.
5. A micro dispensary may not operate a storefront or employ more than 10 employees;
6. A micro dispensary shall only deliver cannabis products within its authorized service area.

§ 78 – 04. Cannabis Growing Facility

A cannabis growing facility may be recommended by the Planning Commission for a special exception in the Agricultural District from the Board of Appeals and subject to the following conditions:

1. A cannabis growing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR, Chapter 10 and Title 36 of the Alcoholic Beverages Articles of the Maryland Annotated Code.
2. A growing facility shall not be less than 500 feet from any dwelling, school, church, or other structure intended for human occupancy.
3. All aspects of use shall comply with Maryland Annotated Code;
4. The use shall be limited to the growing of Cannabis and related products.
5. All lighting, including security lighting required by COMAR 10.62.10.05, shall be approved by the Planning Commission;

§ 78 – 05. Cannabis Processing Facility

A Cannabis processing facility may be recommended by the Planning Commission for a special exception in the Light Industrial District from the Board of Appeals and subject to the following conditions:

1. A cannabis processing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR, Chapter 10 and Title 36 of the Alcoholic Beverages Articles of the Maryland Annotated Code.
2. A processing facility shall not be less than 500 feet from any dwelling, school, church, or other structured intended for human occupancy.
3. All aspects of use shall comply with Maryland Annotated Code;
4. The used shall be limited to the processing of Cannabis and related products.
5. All lighting, including security lighting required by COMAR 10.62.10.05, shall be approved by the Planning Commission;

§ 78 – 06. Cannabis On-Site Consumption Establishment

A Cannabis on-site consumption establishment may be recommended by the Planning Commission for a special exception in the Town Center or Light Industrial District from the Board of Appeals and is subject to the following conditions:

1. A cannabis on-site consumption establishment shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR, Chapter 10 and Title 36 of the Alcoholic Beverages Articles of the Maryland Annotated Code.
2. Vaping and smoking are prohibited indoors but is allowed in approved outdoor areas like patios;
3. On-site establishments cannot make cannabis-infused preparations or products themselves;
4. On-site establishments cannot serve nor sell alcohol or tobacco products;
5. All lighting, including security lighting required by COMAR 10.62.10.05, shall be approved by the Planning Commission;

§ 78 – 07. Independent Testing Laboratory

An independent testing laboratory may be recommended by the Planning Commission for a special exception in the Light Industrial District from the Board of Appeals and is subject to the following conditions:

1. An independent testing laboratory shall be registered by the *Maryland Cannabis Administration* in accordance with COMAR 10.62.16.02.
2. Shall maintain accreditation;
3. Shall adopt standard operating procedures to test cannabis, cannabis concentrate, and any other products that are approved by the accrediting body and the Administration;

4. Must be independent from all other persons and entities involved in the cannabis industry;

§ 78 – 08. Signage

Advertising, marketing, and signage cannot:

1. Include false or misleading statements;
2. Include designs that are attractive to minors;
3. Display use of cannabis;
4. Promote cannabis use as an intoxicant, or be obscene; and
5. Target individuals under 21.

All signage must be approved by the Planning Commission through a Master Sign Plan.

§ 78 – 09. Complaints, Enforcement, and Inspections of Cannabis Businesses

In the event the Town receives any complaints, the complaint will be logged by the Town and a meeting scheduled with licensee to discuss complaint and remediation of complaint. Complaints may be directed to the "*Administration"*.

The Town of Millington will require an annual business inspection as part of the license renewal. Any concerns must be addressed prior to reissuance of business license.

CHAPTER 79
BUILDING PERMIT

Article 1 Building Permit Application

Article 2 Construction in Flood Plains

Article 3 Penalty

[HISTORY: Adopted by the Mayor and Council of the Town of Millington: 06-02-1975]

Building Permits

§ 79-01 Article 1 – Building Permit Application.

No improvements shall be made to any land within the Corporate limits of Millington without a permit from the Town Council. Said permit may be obtained by petitioning the Town Council for same and by first presenting detailed plans for said improvements.

§ 79-02 Article 2 – Construction in Flood Plains .

The following regulations are applicable to those areas determined to be Special Flood Hazard Areas by the Federal Insurance Administration of the Department of Housing and Urban Development and are shown on the Flood Hazard Boundary Maps available in the Kent County Zoning Office.

1. All new construction, substantial improvements, or major repairs to any building or structure in a flood hazard area must:

    A. Anchored to prevent movement or collapse.
    B. Use flood resistant materials or equipment.
    C. Use construction methods and practices to minimize flood damage.

2. The lowest floor of new construction or substantial improvements must be located:

    A. For residences, at or above the 100 year flood level.
    B. For non-residential building and structures, at or above the 100 year flood level or flood proofed.

3. In riverine areas:

    A. Designated flood ways must be able to pass the 100 year flow.
    B. No use will raise 100 year flood level more than one (1) foot.
    C. Encroachments in the floodway must be offset by channel improvements.

4. In coastal high hazard areas:

    A. Non-conforming uses on land below the 100 year level cannot be expanded.
    B. New structures or substantial improvements must:
        I. be located landward of mean high tide.
        II. be elevated above 100 year level and anchored to piles.
        III. have space below the lowest floor free of obstruction

§ 79-03 Article 3 – Penalty.

Any person or corporation violating the provisions of this Ordinance shall be fined not less than Five dollars or more than Twenty dollars per day, as long as said violation exists. Also the Council may institute proceedings for removal of any structure built in violation of this ordinance.

CHAPTER 80

ZONING ORDINANCE

MILLINGTON, MARYLAND

Version 12-22-2011
Adopted 08-14-2012
Amended 08-11-2020
Amended 12-5-2022
Amended 10-14-2025
Amended _____ per comments Critical Area Commission
Amended 09-08-2026 – ADU updates per MDP

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ARTICLE I GENERAL PROVISIONS

§ 80-1. Title.

This Zoning Chapter shall be known as the "Zoning Ordinance for Millington, Maryland."

§ 80-2. Authority.

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

§ 80-3. Applicability.

This Zoning Ordinance shall apply to the incorporated territory of Millington, Maryland. It is the intent of this Zoning Ordinance that the extent of its applicability be automatically changed in accordance with the provisions of state law which may affect the applicability of this Zoning Ordinance.

§ 80-4. Purpose.

A. This Zoning Ordinance is intended to promote the orderly development of the Town of Millington, Maryland in accordance with the *Millington Comprehensive Plan* or any of the parts thereof and in compliance with the Land Use Article of the Annotated Code of Maryland, as amended.

B. The purpose of this Zoning Ordinance is to promote the health, safety, order, convenience and general welfare of the citizens of the Town in accordance with present and future needs. It also is the purpose of the Zoning Ordinance to provide for efficiency and economy in the process of development; for the appropriate and best use of land; for convenience of traffic and circulation of people and goods; for the appropriate use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement, including the preservation and enhancement of the attractiveness of the community; and for adequate public utilities, public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use.

D. The regulations and provisions contained in this Zoning Ordinance were adopted and became effective on August 13, 2012.

§ 80-5. Jurisdiction.

A. Except as provided for in Subsection B below, this Zoning Ordinance shall apply to all land, structures and buildings within the corporate limits of the Millington, including all submerged lands and water areas.

B. This Zoning Ordinance shall not apply to land, structures and buildings owned by or leased solely to the Federal Government, State of Maryland, Kent County Commissioners, Queen Anne's County Commissioners or the Town of Millington, provided that such land, structure or building is used for the sole purpose of providing a public service or carrying out a legitimate government function.

§ 80-6. Severability.

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Zoning Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Zoning Ordinance since the same would have been enacted without the incorporation into this Zoning Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

§ 80-7. Reserved

ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

§ 80-8. Definitions and word usage.

A. General rules of construction. The following general rules of construction shall apply to the regulations of this Zoning Ordinance:

1. The singular number includes the plural, and the singular, unless the context clearly indicates the contrary.
2. Words used in present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building"
5. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings and customary usage.

B. Definitions. For the purpose of this Zoning Ordinance, certain terms and words are hereby defined:

ABATEMENT - The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

ACCESSORY BUILDING - A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with and, except as otherwise provided in this Zoning Ordinance, located on the same lot as the main building or principal use of the land.

ACCESSORY DWELLING UNIT – a secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and is not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. "Accessory Dwelling Unit" includes a structure that is separate from the primary single-family detached dwelling unit or attached as an addition to the primary single-family detached dwelling unit.

ACCESSORY STRUCTURE – a structure that is:

a. Detached from the principal structure;
b. Located on the same lot as the principal structure; and
c. Customarily incidental and subordinate to a principal structure.

ACCESSORY USE - One which is clearly incidental to or customary found in connection with and, except as otherwise provided in this Zoning Ordinance is located on the same lot as the principal use of the premise when the term "accessory" is used in the Zoning Ordinance, it shall have the same meaning as "accessory use."

ADDITION – newly constructed area that increases the size of a structure

ADMINISTRATOR - Authorized representative designated by the Mayor and Council to carry out duties as specified in this Ordinance. In the absence of an appointed Zoning Administrator, these duties are assumed to be the responsibility of either the Town Administrator or his/her designee.

ADULT BOOK OR VIDEO STORE - An Adult Oriented Business, whether or not containing viewing booths, theatres, or other performance viewing space, that involves the sale, rental, transfer, loan,

dissemination, distribution, provision or promotion of Adult Entertainment or Material in the form of books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, or other electronic recordings, or, in the form of merchandise, objects, items or devices.

ADULT ENTERTAINMENT OR MATERIAL - Any performance, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

A. In which an individual or individuals appear in a state of Nudity or Partial Nudity; or
B. That consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
    1. Human genitals in a discernible state of sexual stimulation or arousal; or
    2. Any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, Sadomasochistic Abuse, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
C. That consists of sexual contact with animals or inanimate objects; or
D. That consists of any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

ADULT ORIENTED BUSINESS - Any business, operation, or activity a Significant Amount of which consists of:

A. The conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, night club, modeling studio, bar, restaurant, club, lodge, or similar establishment; or
B. The sale, rental, transfer, loan, dissemination, distribution, provision or promotion of Adult Entertainment or Material, in any format, form, or medium, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, other electronic recordings, and/or coin operated or pay-view-viewing devices, including, but not limited to, the operation of an Adult Book or Video Store or Viewing Booth.

ADULT NIGHTCLUB, BAR, RESTAURANT, OR SIMILAR ESTABLISHMENT - An entertainment establishment which features go-go dancers, topless service personnel, exotic dancers, strippers, male or female impersonators, or similar entertainers.

ADULT ORIENTED COMMERCIAL ENTERPRISES - Business activities such as adult bookstores, adult entertainment, escort services, massage parlors, tattoo studios, body piercing or branding studios, pawnbrokers, pawnshops, palm readers, fortune teller or soothsayer.

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

AGGREGATE AREA OR WIDTH - The sum of two (2) or more designated areas or widths to be measured, limited, or determined under the provisions of this Zoning Ordinance.

ASSISTED LIVING - A residential facility-based program licensed by the State of Maryland that provides housing and supportive services, supervision, personalized assistance, heath-related services or a combination of these services to meet the needs of the 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.

AGRICULTURE - All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

AGRICULTURAL EASEMENT – A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

AGRICULTURAL BEST MANAGEMENT PRACTICE – an agronomic, conservation, or pollution control practice, installation, or structure that manages soil loss, nutrients, animal wastes, or agricultural chemicals so as to minimize their movement into State waters; includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management, and stream protection practices such as fencing, stream crossings, and remote watering devices; does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04

ALLEY - A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.

ANADROMOUS FISH - Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

ANADROMOUS FISH PROPAGATION WATERS - Those streams that are tributary to the Chesapeake Bay and Atlantic Coastal bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

AQUACULTURE - (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack 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 aqua cultural practices.

APARTMENT - A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed and used as a residence by an individual or a single family.

APARTMENT HOUSE - Same as “dwelling, multiple family.”

ARTERIAL STREET - A street so designated on the Transportation Plan of the Town of Millington.

ARTESIAN INDUSTRIAL – On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar types of arts and crafts, or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

BASEMENT - That portion of a building between the floor and the ceiling, which is wholly or partly

below grade.

BED AND BREAKFAST ESTABLISHMENT - An owner-occupied or manager-occupied structure where for compensation and only by prearrangement (transients only) for definite periods, lodging and breakfast are provided.

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

BOARD - The Board of Appeals of the Town of Millington.

BOARDING HOUSE - Same as "rooming house."

BUFFER - Area that is immediately landward from mean high water of tidal waterways, the edge of each bank of a tributary stream, or the landward edge of a tidal wetland; and the area is characterized by, or established in, natural vegetation for the purpose of protecting aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbance. The Buffer includes an area of at least 100 feet even if that area was previously disturbed by human activity or is currently developed and also include any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in the COMAR 26.23.01.01.

BUFFER MANAGEMENT PLAN – a narrative, graphic description, or plan of the Buffer that is necessary when an applicant proposes a development activity that will:

a. Affect a portion of the Buffer
b. Alter Buffer vegetation; or
c. Require the establishment of a portion of the Buffer in vegetation.

Buffer Management Plan includes a major Buffer Management Plan, a minor Buffer Management Plan, or a Simplified Buffer Management Plan as described in this ordinance.

BUFFERYARD – an area that is at least 25 feet wide, located between a development activity and tidal waters, tidal wetlands, or a tributary stream, that is planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Modified Buffer Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

BUILDABLE AREA - The area of that part of a lot not included within the yards or open spaces herein required.

BUILDABLE WIDTH - The width of that part of a lot not included within the open spaces herein required.

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

BUILDING, COMPLETELY ENCLOSED - Any building having no outside openings other than ordinary doors, windows and ventilators.

BUILDING, HEIGHT OF - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line or highest point of the coping or parapet of a mansard roof or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within thirty (30) feet of a street, the "height of such building" shall be measured to the highest point of the coping or parapet.

BULK - Describes the size and shape of a building or structure and its relationship to the other buildings, to the lot area for a building and to open spaces and yards.

BUSINEES SERVICE - Services rendered to a business establishment or individual on a fee or contract basis including actuarial, advertising, credit reporting, janitorial, office or business equipment rental or leasing, photofinishing, telecommunications, blueprinting, and photocopying, and other such services.

CALIPER - The diameter of a tree measured at two inches above the root collar.

CANOPY - A detachable, roof-like cover supported from the ground or from the deck, floor or walls of a building for protection from sun or weather.

CANOPY TREE - means a tree that when mature commonly reaches a height of at least 35 feet.

CHILD CARE CENTER - A place for the care of children under twelve (12) years of age away from their own homes who stay less than twenty-four (24) hours in a day regardless of compensation.

CLEARCUTTING - The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

CLIMATE RESILIENCY – the capacity of a natural system to maintain function in the face of stresses imposed by climate change; Climate Resiliency includes adapting a natural system to be better prepared for future climate impacts including sea level rise, saltwater intrusion, wetland migration, storm sure, precipitation – induced flooding, and other extreme weather events

CLINIC- A building or portion thereof designed for, constructed or under construction or alteration for or used by two (2) or more physicians, surgeons, dentists, psychiatrists, psychotherapists, or practitioners in related specialties or a combination of persons in these professions, but not including lodging of patients overnight.

CLUB, PRIVATE - Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit.

CLUSTER DEVELOPMENT – A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, or other open space uses on the remainder.

COLONIAL NESTING WATER BIRDS - Herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

COMAR - The Code of Maryland Regulations, as from time to time amended, including any successor provisions.

COMMERCIAL AMUSEMENT AND RECREATIONAL - An establishment which provides entertainment, recreation, or amusement for profit including commercial establishments which house

more than three (3) or a combination of three (3) of the following: video games, pinball machines, pool tables or similar amusements as the principal purpose of the use.

COMMERCIAL HARVESTING - A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMISSION – When use in conjunction with the Chesapeake Bay Critical Area, this term refers to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

COMMUNITY PIERS - Boat docking facilities associated with subdivisions or similar residential areas, and with condominiums, apartments and other multiple family dwelling units. Private piers are excluded from this definition.

COMPREHENSIVE PLAN - A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the planning commission, agency or office.

CONFORMING – a parcel or lot that meets all Critical Area requirements. Conforming does not include a parcel or lot for which a Critical Area variance is sought or has been issued; or that is located in the Resource Conservation Area and is less than twenty acres.

CONSERVATION EASEMENT - A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

CONSISTENT – a standard or factor will further, and not be contrary to, the following items in the comprehensive plan:

a. Policies;
b. Timing of the implementation of the plan, of development, and rezoning;
c. Development patterns;
d. Land uses; and
e. Densities or intensities.

CONSOLIDATION - A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. Consolidation includes a lot line abandonment, a boundary line adjustment, a replating request, and a lot line adjustment.

CONSTRUCTION SERVICES - The performance of work by, or furnishing of supplies to, members of building trades including building contractors, carpentry, wood flooring services, electrical services, energy systems services and products, general contracting, masonry, stonework, tile setting, and plastering, plumbing, heating and air conditioning services, roofing and sheet metal services, and other such services.

CONVALESCENT HOME - A building where regular nursing care is provided for more than one (1) person, not a member of the family who resides on the premises.

CONVENIENCE STORE - An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises by travelers and highway users. Sales of items are dependent upon convenience of location, speed of service, and highway accessibility and are not dependent upon comparison shopping or pedestrian traffic within the site or on adjoining sites. It is

designed to attract a large volume of stop and go traffic.

COURT - An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

CRAFT DISTILLERY AND MICROBREWERY ESTABLISHMENTS – Establishments for fermenting, distilling, blending, aging, storing of alcoholic spirits including administrative activities, warehousing, bottling, and shipping facilities. Such establishment offers the public on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including but not limited to: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for the consumption of off-premises and other retail items related to the establishment.

CRITICAL AREA - All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

a. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide;
b. All State and private wetlands designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland;
c. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland; and
d. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

DATA CENTER – Data centers are secure facilities that house computer and network equipment that store, process, and distribute large amounts of data.

DEDUCTION – the total number of growth allocation acres that are necessary for approval of a growth allocation project and, after approval by the Critical Area Commission, are subtracted from the growth allocation reserves of the local jurisdiction in which the project is located.

DENSITY - The number of dwelling units per acre within a defined and measurable area.

DEVELOPED WOODLANDS – An area of trees or of trees and natural vegetation that is interspersed with residential, commercial, industrial, or recreational development.

DEVELOPER - A person who undertakes development activity as defined in this ordinance; or a person who undertakes development activity as defined in the Criteria of the Commission.

DEVELOPMENT - Any activity that materially affects the condition or use of dry land, land under water, or any structure.

DEVELOPMENT ACTIVITIES – Human activity that results in disturbance to land, natural vegetation, or a structure, and includes the construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

DEVELOPMENT ENVELOPE – Includes an individually owned lot, the lot coverage on that individually owned lot, a road, a utility, a stormwater management measure, an onsite sewage disposal measure, any area subject to human use such as an active recreation area, any required buffers, and any additional acreage necessary to meet the requirements of the Program.

DISTRICT - Any section of Millington in which the zoning regulations are uniform.

DISTURBANCE - An alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintaining an existing grass lawn.

DOCUMENTED BREEDING BIRD AREAS - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

DOG KENNEL, COMMERCIAL - The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, dog beauty parlor or pet shop, as permitted by these regulations, or the keeping of five (5) or more dogs, six (6) months or older, for any purpose.

DRIVE-IN FACILITY - A facility designed or operated to conduct services directly to the occupants of motor vehicles.

DRIVE-IN RESTAURANT - Any place or establishment merchandising or dispensing food or drink at which the customer is served:

a. While sitting in an automobile or other motor vehicle, or
b. Through an interior or exterior sales window, counter or serving area, and in which a substantial part of the food or drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure in which the food or drink is dispensed.

DWELLING - A building or portion thereof designed or used exclusively for residential occupancy but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

DWELLING UNIT – A single unit providing complete living facilities for at least one person, including, at a minimum, provisions for sanitation, cooking, eating, and sleeping.

DWELLING, ONE FAMILY (SINGLE FAMILY) - A dwelling containing not more than one (1) dwelling unit. An accessory apartment may also be a part of a one- family dwelling. A one-family dwelling with either of these subordinate uses is not a two- family dwelling, as defined in this section.

DWELLING, TWO- FAMILY - A dwelling containing not more than two (2) dwelling units arranged one above the other or side by side.

DWELLING, MULTIPLE- FAMILY - A dwelling containing three (3) or more multiple-family dwelling units, which may or may not share a common entrance.

ECOSYSTEM - A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

ENDANGERED SPECIES – a species of flora or fauna whose continued viability is determined to be in jeopardy, in accordance with the provision of:

a. The federal Endangered Species Act of 1973, 16 U.S.C. §§1531-1544;

b. Natural Resources Article, Title 4, Subtitle 2A or Title 10, Subtitle 2A, Annotated Code of Maryland; or
c. Comar 08.03.08.

ESTABLISHMENT (BUFFER) – The planting or regeneration of native vegetation throughout the Buffer.

EXCESS STORMWATER RUN-OFF - All increases in storm water resulting from:

a. An increase in the imperviousness or lot coverage of the site, including all additions to buildings, roads, and parking lots;
b Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
c. Alteration of drainage ways, or regrading of slopes;
d. Destruction of forest; or
e. Installation of collection systems to intercept street flows or to replace swales or other drainage ways.

FAMILY - An individual or two or more persons who are related by blood or marriage living together and occupying a single dwelling unit with single culinary facilities, or a group of not more than four (4) persons living together by joint agreement and occupying a single dwelling unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic employees residing on the premises shall be considered as part of the family.

FARM BREWERY – A part of a producing farm operation that brews beer from ingredients grown and produced on the farm. Incidental operations include fermenting, distilling, blending, aging, storing, administrative activities, warehousing, bottling, and shipping facilities.

FILLING STATION - Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or accessories or for the servicing of automobiles or repairing of minor parts and accessories in a completely enclosed facility, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

FINANCIAL ASSURANCE - A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the Town.

FISHERIES ACTIVITIES - Commercial water dependent fisheries facilities including structures for the parking, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aqua cultural operations.

FLOOR AREA –

a. For commercial, business and industrial buildings or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the center line of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, basement space not used for retailing, uncovered steps or fire escapes, accessory water towers or cooling towers, accessory off- street parking spaces and accessory off-street loading spaces.
b. For residential buildings, the sum of the gross horizontal areas of the several floors of the dwelling, exclusive of garages, basements and open porches, measured from the exterior

faces of the exterior walls

FOOD SERVICE ESTABLISHMENT - Any commercial or nonprofit business engaged in the preparation and sale of food or beverages, whether or not it is the principal business of the establishment. The following types of uses are food service establishments: bakery, bake shop, candy store, catering establishment, convenience store, cooking school, ice cream store, restaurant, and supermarket.

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

FOREST INTERIOR DWELLING BIRDS - Species of birds which require relatively large, forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

FOREST MANAGEMENT - The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRACTICE - alteration of the forest, either through tree removal or replacement, in order to improve the timber, wildlife, recreational, or water quality values.

FRONTAGE, LOT - The distance for which the front boundary line of the lot and the street line are coincident.

FULLY ESTABLISHED – The Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

GARAGE, PRIVATE - A garage used for storage purposes only and having a capacity of not more than four (4) automobiles or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one (1) commercial vehicle, and that one (1) of not more than one-ton capacity, and space may be rented for not more than two (2) vehicles to persons other than occupants of the buildings to which such garage is accessory.

GENERAL MERCHANDISE - Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment, such as farm and garden supplies, lumber and building materials, marine equipment sales, and service, and stone monument sales with incidental processing to order, but not including the shaping of headstones.

GRADE - Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

GRANDFATHERED PARCEL" OR "GRANDFATHERED LOT" - A parcel of land located in the Critical Area that was created or a lot located in the Critical Area created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

GROUP HOME - A place, home, or institution which is licensed to provide board, shelter, and personal services to not more than eight (8) persons, regardless of age, who have a need for supervision or assisted community living based on emotional, mental, physical, familial, or social differences. (Examples of such persons include but shall not be limited to the mentally retarded, physically handicapped, alcoholics, elderly, drug-dependent, and juveniles under the jurisdiction of the courts, the Department of Social Services, or the Department of Juvenile Justice.) Group homes shall not include public or private schools

organized and operated under Maryland laws, persons related by blood or marriage within the third degree to the custodial person, or to the churches or other religious or other private institutional caring for such persons within the building while parents or other custodial persons are attending services, activities, or meetings.

GROWTH ALLOCATION - The number of acres of land in the Critical Area that the Town may use to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is five percent of the total Resource Conservation Area acreage in the Town at the time the Critical Area Commission approved the Town's original Critical Area Program, not including tidal wetlands or land owned by the federal government. The Town may also receive Growth Allocation from the County.

GROWTH ALLOCATION ENVELOPE – all of the proposed components of a growth allocation that are necessary to serve the proposed development, including an individually owned lot, lot coverage, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, an active recreation area, and additional acreage needed to meet the development requirements of the Critical Area criteria

GUEST HOUSE - Living quarters within a detached accessory building located on the same premises as the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

HABITAT PROTECTION AREA – an area that is designated for protection:

a. Under Natural Resources Article, §§8-1806, Annotated Code of Maryland, regulations adopted under that authority, or a local program; or
b. By the Secretary of Natural Resources

Habitat Protection Area includes:

a. The Buffer as described in COMAR 27.01.01.01B(8);
b. A nontidal wetland as defined in COMAR 26.24.01.02B;
c. A habitat of a threatened species as defined in COMAR 27.01.09.03A;
d. A habitat of a species in need of conservation as defined in COMAR 27.01.09.03A;
e. A plant habitat as defined in COMAR 27.01.09.04A;
f. A wildlife habitat as defined in COMAR 27.01.09.04A; and
g. Anadromous fish propagation waters as defined in COMAR 27.01.09.05A.

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

HAZARDOUS TREE – A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion. Or based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion. Hazardous tree does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished with routine and proper

arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning, or by relocation of property that is likely to be damaged.

HEALTH SERVICES - The provision of medical, dental, or surgical, or other health services to individuals, including medical out-patient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies, and opticians.

HIGHLY ERODIBLE SOILS - Those soils with a slope greater than 15 percent; or those soils with a K value greater than .35 and with slopes greater than 5 percent.

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

HOME IMPROVEMENT – the addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building; or an improvement to land adjacent to the building. Home improvement includes construction, improvement, or replacement, on land adjacent to the building, of a driveway, fall-out shelter, fence, garage, landscaping, deck, pier, porch, or swimming pool, a shore erosion control project, as defined under §8-1001 of the Natural Resources Article for a residential property, connection, installation, or replacement, in the building or structure, of a dishwasher, disposal, or refrigerator with an ice maker to existing exposed household plumbing lines; installation in the building or structure, of an awning, fire alarm, or storm window; and work done on individual condominium units.

HOME OCCUPATION - Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on by a member of a family residing on the premises and in connection with which there is no 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. Within the above requirements, a “home occupation” includes but is not limited to the following: art studio; dressmaking; professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent or other similar occupation; and teaching, with musical instruction limited to one (1) or two (2) pupils at a time. However, a “home occupation” shall not be interpreted to include barbershops, tourist homes, animal hospitals, child-care centers, tearooms or restaurants.

HOSPITALS - A building or group of buildings having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be in integral part of the hospital operations.

HOTEL - A building in which lodging or boarding are provided for more than 15 persons, primarily transient, or with more than ten (10) guest rooms, offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, in contradistinction to a boarding, rooming, or lodging house, or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

HOUSING FOR THE ELDERLY - A building or buildings containing dwelling units and related service

facilities for elderly persons and which is subject to management or other legal restrictions that require the units in the project to be occupied by households of persons aged sixty two (62) or over. Occupancy is restricted as provided in the Conditional Use Article. The use may also include facilities for such occasional services to residents as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the elderly population of the community that is an ancillary part of one of the above operations.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions; thereby influence the species composition of growth, or both, of plants on those soils.

HYDROPHYTIC VEGETATION - Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

IMMEDIATE FAMILY - A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

INFILL - The development of vacant, abandoned, passed over or underutilized land within built-up areas of Town.

IN-KIND REPLACEMENT – The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint, area, width, and length.

INSTITUTIONAL USE -A use that provides a public service and is operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

INTENSELY DEVELOPED AREA - An area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre.

INVASIVE SPECIES – A species that is non-native or alien to the ecosystem under consideration whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

JUNK - Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof; dilapidated wagons, trailers, and other kinds of vehicles and parts thereof: scrap building materials, scrap contractor’s equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, rags, machinery, rags, paper, excelsior, hair mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled or displayed.

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

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

LANDFORMS - Feature of the earth's surface created by natural causes.

LANDWARD EDGE – The limit of a site feature that is furthest away from a tidal water, tidal wetland, or a tributary stream.

LARGE SHRUB - A shrub that, when mature, reaches a height of at least six feet.

LAUNDROMAT - A business that provides washing, drying and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

LEGALLY DEVELOPED - All physical improvements to a property that existed before Critical Area Commission approval of a local Program or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.
LIMITED DEVELOPMENT AREA – an area:

a. That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat; and
b. Where the quantity of runoff has not been substantially altered or impaired; Limited development area includes an area:
    a. With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre
    b. With public water or sewer system;
    c. That is not dominated by agricultural land, wetland, forest, barren land, surface water, or open space; or
    d. That is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Chapter.

LIMIT OF DISTURBANCE - The area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

LIVING SHORELINE - A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

LOADING SPACE - A space within the main building or on the same lot providing for standing, loading or unloading of trucks, having a minimum of five hundred forty (540) square feet, a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet and a vertical clearance of at least fourteen and five-tenths (14.5) feet.

LOCAL SIGNIFICANCE - Development of a minor scale which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the Town; and is not considered to be major development as defined in this chapter.

LOCALLY SIGNIFICANT HABITAT – a plant or wildlife habitat that may not be of Statewide significance but, in a local jurisdiction's Critical Area program, is considered to be significant in a local or regional context because the habitat contains a species:

a. Uncommonly found or of limited occurrence in that area; or
b. With an unusually high concentration in that area.

LODGING HOUSING - Same as “rooming house.”

LOT - A parcel of land which include one (1) or more planted lots, occupied or intended for occupancy by a use permitted in this Zoning Ordinance, including one (1) main building, together with its accessory buildings and the yard areas and parking spaces required by this Zoning Ordinance, and having its principal frontage upon a street or upon an officially approved place.

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

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

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF - The average horizontal distance between the front and rear lot lines.

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

LOT LINE - The boundary line of a lot.

LOT, THROUGH (DOUBLE FRONTAGE) - A lot having a frontage on two (2) approximately parallel streets or places.

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

MAJOR STREET OR HIGHWAY - A street or highway so designated on the Major Thoroughfare Plan of Millington.

MARINA – Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies and provision of lodging, food, beverages and entertainment as accessory uses. A yacht club shall be considered as a “marina,” but a hotel, motel or similar use where docking of boats and provision of services thereto is incidental to other activities shall not be considered a “marina,” nor shall boat docks accessory to a multiple dwelling where no boating-related services are rendered.

MAJOR BUFFER MANAGEMENT PLAN – a type of Buffer Management Plan and all supporting documentation required under this Ordinance.

MAJOR DEVELOPMENT - Development of a scale that may cause State-wide, regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This development includes, but is not limited to, airports, power plants, major solar energy generating systems, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities, and any development or project authorized by the

Public Service Commission under a Certificate of Public Convenience and Necessity.

MANUFACATURED DWELLING - - as defined in Maryland's Housing Expansion and Affordability Act (HB 538) effective January 1, 2025 as a transportable structure that is more than 320 feet designed to be used as a dwelling, and includes the plumbing, heating, air-conditioning, and electrical system; any manufactured home that has a HUD certification number and complies with federal safety standards meets the criteria; the manufactured dwelling has to be converted to real property. To be converted to real property all of the following have occurred: the manufactured home is attached to a permanent foundation; the ownership interest of the manufactured home and the parcel of land it is affixed to are identical; and an affidavit of affixation has been recorded with the Clerk of the Court of the County or jurisdiction in which the parcel of real property is located.

MASSAGE PARLOR - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of Maryland. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEAN HIGH WATER LINE (MHWL) - The average level of high tides at a given location.

MEDICAL CANNABIS – Any product containing usable cannabis or medical cannabis finished product.

MEDICAL CANNABIS FINISHED PRODUCT – Any product containing a medical cannabis concentrate or a medical cannabis-infused product package and labeled for release to a qualifying patient. Medical cannabis-infused produce is oil, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material. Medical cannabis-infused product does not include a food as that term is defined in Health – General Article §21-101, Annotated Code of Maryland.

MEDICAL CANNABIS LICENSED DISPENSARY – Medical Cannabis Licensed Dispensary is an entity licensed by the State of Maryland Medical Cannabis Commission that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing medical cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

MINOR BUFFER MANAGEMENT PLAN – a type of Buffer Management Plan and all supporting documentation required under this Ordinance

MITIGATION - An action taken to compensate for adverse impacts to the environment resulting from development, development activity, or a change in land use or intensity.

MOBILE HOME OR TRAILER - Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car and any vehicle or similar portable structure with any or all of the following characteristics:

a. Manufactured as a re-locatable dwelling unit intended or year-round occupancy with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar, axles, and wheels.
b. Designed to be transported after manufacturing on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house-moving equipment.
c. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.

MODIFIED BUFFER AREA – an area of land:

a. Where a pattern of residential, industrial, commercial, or recreational development existed in the 100-foot Buffer on December 1, 1985 in the Chesapeake Bay Critical Area or on June 1, 2002 in the Atlantic Coastal Bays Critical Area; and
b. That, as part of a local program approved by the Commission, is shown on a map maintained on file by the local jurisdiction and is subject to modified development provisions

Modified Buffer area includes an area referred to by a local jurisdiction as a buffer exemption area, buffer exempted area, buffer modification area, buffer management area, buffer management overlay, buffer modified area, special buffer management area, special buffer area, or any other similar term that has the same substantive meaning as modified buffer area.

MODULAR DWELLING - as defined in Maryland's Housing Expansion and Affordability Act (HB 538) effective January 1, 2025 as a building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals that includes the necessary electrical, plumbing, heating, ventilating, and other service system; is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site and; is installed and set up according to the manufacturer's instructions on a foundation and support system that meets local building codes.

MOTEL or MOTOR LODGE - A building or buildings in which lodging or boarding and lodging are provided and offered to the public for compensation; same as a hotel, except that the buildings are usually designed to serve tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

NATIVE PLANT - A species that is indigenous to the physiographic area in Maryland where the planting is proposed.

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

NATURAL FOREST VEGETATION - Vegetation consisting of canopy trees, under story trees, shrubs, and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this ordinance shall resemble the structure and species composition of natural forests.

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 REGENERATION - The natural establishment of trees and other vegetation with at least 400

free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

NATURAL VEGETATION - Those plant communities that develop in the absence of human activities.

NATURE-DOMINATED - A condition where landforms or biological communities, or both, have developed by natural processes 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.

NEW DEVELOPMENT - That for purposes of implementing Critical Area provisions of this ordinance, new developments (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985.

NON-COMFORMITIES –

a. Nonconforming lots - A validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum density, area, and dimension.
b. Nonconforming Structures - A structure or building, not including signs, which lawfully existed on the effective date of this Zoning Ordinance, but which do not comply with one or more of the development standards for the district in which it is located.
c. Nonconforming Use - A use or activity that was lawful prior to the effective date of this Zoning Ordinance but fails to comply with the present requirements of the Zoning Ordinance.

NON-POINT SOURCE POLLUTION - Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather by changes in land management practices.

NON-RENEWABLE RESOURCES - Resources that are not naturally regenerated or renewed.

NON-TIDAL WETLANDS - Those areas regulated under Subtitle 9 of the Environment Article that are 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.

NONWATER-DEPENDENT PROJECT – a temporary or permanent structure that, by reason of its intrinsic nature, use, or operation, does not require location in, on or over State or private wetlands; includes a dwelling unit on a pier; a restaurant, a shop, an office, or any other commercial building, or use on a pier; a temporary or permanent roof or covering on a pier; a pier used to support a nonwatery-dependent use; and a small-scale renewable energy system on a pier, including a solar energy system and its photovoltaic cells, solar panels, or other necessary equipment; a geothermal energy system and its geothermal heat exchanger or other necessary equipment; and a wind energy system and its wind turbine, tower, base, or other necessary equipment. Non-water dependent projects do not include a fuel pump or

other fuel-dispensing equipment on a pier; a sanitary sewage pump or other wastewater removal equipment on a pier; or an office on a pier for managing marina operations, including monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations.
NURSING HOME - Same as "convalescent home."

OFFSETS - Structures or actions that compensate for undesirable impacts.

OPEN SPACE - Land and water areas retained in an essentially undeveloped state. Open space may include, but not be limited to, buffers and buffer yards, lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveways, parking lots, or drainage areas, as to have no substantial value for the purpose stated in this definition.

OVERBURDENED COMMUNITY – stated in §1-701 of the Environment Article.

PALUSTRINE - All non-tidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

PARKING LOT ISLAND - An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

PARKING LOT PENINSULA - An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by areas designated for parking and related movement of vehicles.

PARKING SPACE OFF-STREET - An all-weather surfaced area not in a street or alley and having an area of not less than one hundred sixty-two (162) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a paved driveway that affords ingress and egress for an automobile without requiring another automobile to be moved.

PERMANENT DISTURBANCE – A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. "Permanent disturbance" includes construction or installation of any material that will result in lot coverage, construction of a deck, except under §B (18-2) (b) (iii) of this regulation, grading, except under §B (18-2) (b) (ii) of this regulation, clearing of a tree, forest, or developed woodland; and a septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required. Permanent disturbance does not include a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required.

PERSON - An individual, partnership, corporation, contractor, property owner, or any other person or entity.

PERSONAL SERVICES - Clothing alteration, interior decorating, watch/jewelry repair, catering, photo studios, shoe repair, travel agent, formal wear/rental barbershops and beauty salons and the like.

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

PIER - Any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. Pier does

not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

PLACE - An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

PLANT HABITAT - A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.
PORT – A facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

PREMISES - A lot, together with all buildings and structures thereon.

PRINCIPAL STRUCTURE - The primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

PRIVATE HARVESTING - The cutting and removal of trees for personal use.

PROFESSIONAL SERVICES - The service by members of any profession including but not limited to accountants, architects, chiropractors, doctors, lawyers, dentist, engineers, optometrists, osteopaths, or social workers.

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

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

a. A change to an adopted Program that results from State law;
b. A change to an adopted Program that affects local processes and procedures;
c. A change to a local ordinance or code that clarifies an existing provision; and
d. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

PROJECT APPROVALS - The approval of development, other than development by the State or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of preliminary and final subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

PROPERTY OWNER - A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

PUBLIC RECREATION – Recreation facilities or activities provided by public or private agencies that are available to the general public.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, and the protection

of the natural resources of adjacent areas, including water bodies.

RECONFIGURATION - A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. Reconfiguration includes a lot line adjustment, a boundary line adjustment, and a replating request.
REDEVELOPMENT - The process of developing land which is or has been developed. For purposes of implementing the Critical Area provisions of this ordinance, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.

REFORESTATION – The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

REGISTERED CHILD CARE HOME - A home-based facility for the care of six or fewer children operating under the requirements of appropriate State and local agencies for child care.

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

RENTAL UNIT - A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis but not intended for use as a permanent dwelling and not including culinary facilities.

RENEWABLE RESOURCE - A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

RESOURCE CONSERVATION AREA - An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource–based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.

RESOURCE UTILIZATION ACTIVITIES - Any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.

RESTAURANT - An establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose method of operation includes one or both of the following characteristics:

a. Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter to which the items are consumed.
b. A cafeteria-type operation where foods or beverages are consumed within the restaurant building.

This definition does not include food service establishments which include facilities designed for the serving of food directly to the occupants of motor vehicles.

RETAIL STORES - Business establishments dealing in commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment, sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics, and re-upholstery, floor covers, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall covers, party supplies, photographic equipment sales and service, radios, records and tapes, second-hand merchandise, sporting goods, television and stereo sales and service, and toys and games. Specialty shops which carry only one type of

interrelated goods, including book stores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, souvenir shops, stationery shops, tack shops, and tobacco shops shall also be regulated as retail stores.

RESTORATION - The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

RIPARIAN HABITAT - A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

ROAD – A public thoroughfare under the jurisdiction of the State, a county, a municipal corporation, or any other public body. Road does not include a drive aisle or a driveway.

ROOMING HOUSE - A building where, for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons but containing no more than five (5) guest rooms or rental units.

SAFETY SERVICES – Facilities provided by the Town, State, or Federal Government, or private entity, that provide fire, police, life protection, or detention services together with incidental storage and maintenance of necessary vehicles.

SEASONALLY FLOODED WATER REGIME - A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

SELECTION - The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

SIGN - For definitions pertaining to signs, see Article XIII.

SHORE EROSION PROTECTION WORKS - Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

SIGNIFICANTLY ERODING AREAS - Areas that erode two feet or more per year.

SMALL SHRUB - A shrub that, when mature, reaches a height no greater than six feet.

SOIL CONSERVATION AND WATER QUALITY PLANS - Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

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

SPECIES IN NEED OF CONSERVATION - Those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article §§ 10-2A-06 and 4-2A-03, Annotated Code of Maryland or COMAR 08.03.08.

SPECIALITY SHOPS - A retail store which carries only one type of interrelated goods, including book

stores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, souvenir shops, stationery shops, tack shops, tobacco shops, and wine and cheese shops.

SPOIL PILE - The overburden and reject materials as piled or deposited during surface mining.

STABLE, PRIVATE - An accessory building, not related to the ordinary operation of a farm, for the housing of not more than four (4) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

STABLE, PUBLIC - Any stable for the housing of horses or mules, operated for remuneration, hire, sale or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for more than four (4) horses or mules, whether or not such stable is operated for remuneration, hire, sale, or stabling.

STEEP SLOPES - Slopes of 15 percent or greater incline.

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 is no floor next above it, then the space between such floor and the ceiling next above it.

STORY HALF - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half story containing independent apartments for living quarters shall be counted as a full story.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property.

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

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building, such as footings, bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair as may be required for the safety of the building.

STRUCTURE – Building or construction materials or a combination of those materials that are purposely assembled or joined together on or over land or water. Structure includes a temporary or permanent fixed or floating pier, piling, deck, deck, walkway, dwelling, building, boathouse, platform, gazebo, and shelter for the purpose of marine access, navigation, working, eating, sleeping, or recreating.

SUBSTANTIAL ALTERATION - Any repair, reconstruction, or improvement of a principal structure, where the proposed footprint equals or exceeds 50 percent of the existing principal structure.

SUPPLEMENTAL PLANTING PLAN – A description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.

SURFACE MINING - The breaking of the surface soil in order to extract or remove minerals. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other facilities. For the purpose of this ordinance, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural

deposit; and mining operations, if the affected land exceeds one acre or more in area.

SWIMMING POOL - Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and two hundred fifty (250) square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool located and designed so as not to create a hazard or be used for swimming or wading.

TEMPORARY DISTURBANCE – A short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance includes storage of materials that are necessary for the completion of the development or redevelopment activity, construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road, or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; and grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and locating a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required. Temporary disturbance does not include a septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required; and a violation.

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 that appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a “threatened” species pursuant to the federal Endangered Species Act, 16 U.S.C. § 1431 et seq., as amended.

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

TOURIST HOME - A building in which lodging or boarding and lodging are provided for not more than fifteen (15) persons, primarily transient, or with not more than ten (10) guest rooms or rental units offered to the public for compensation. As such, it is open to the public, in contradistinction to a rooming, boarding, or lodging house or a multiple dwelling, which are herein separately defined.

TOWNHOUSE - A single-family dwelling forming one (1) of a group or series of three (3) 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 of the dwelling units to another.

TRAILER PARK, TRAILER COURT, or MOBILE HOME PARK - Any site, lot, field or tract of land upon which is located one (1) or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as a part of the equipment for such a park or court.

TRANSITIONAL HABITAT - A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES - Anything that is built, installed, or established to provide a means of transport from one place to another.

TRIBUTARY STREAM - A perennial stream or intermittent stream that has been identified by site

inspection or in accordance with local procedures approved by the Critical Area Commission.

UNDERREPRESENTED COMMUNITY – has the meaning stated in the Business Regulation, §19-106, Annotated Code of Maryland. "Underrepresented community" means a community whose members self-identify:

a. As Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alask Native; or
b. With one or more of the racial or ethnic groups listed in item (a) of this paragraph

UNDERSERVED COMMUNITY – stated in §1-701 of the Environment Article; any census tract according to the most recent U. S. Census Bureau Survey:

a. At least 25% of the residents qualify as low-income;
b. At least 50% of the residents identify as nonwhite; or
c. At least 15% of the residents have limited English proficiency.

UNDERSTORY - The layer of forest vegetation typically located underneath the forest canopy.

UNDERSTORY TREE - A tree that, when mature, reaches a height between 12 and 35 feet.

UNWARRANTED HARDSHIP - That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which a variance is requested.

UPLAND BOUNDARY - The landward edge of a tidal wetland or nontidal wetland.

UTILITY TRANSMISSION FACILITIES - Fixed structures that convey or distribute resources, waste, or both, including but not limited to electrical lines, water conduits and sewer lines.

VESSEL – every description of watercraft, including an ice boat but not including a seaplane, that is used or capable of being used as a means of transportation on water or ice. Vessels include the motor, spars, sails, and accessories of a vessel.

WASH PLANT - A facility where sand and gravel is washed during processing.

WATERWAY - Any body of water, including any creek, canal, river, lake or bay or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

WATERWAY LINE - A line marking the normal division between land and a waterway as established by the Administrator or by town ordinances.

WATER-BASED AQUACULTURE - The raising of fish and shellfish in any natural, open, free-flowing water body.

WATER-DEPENDENT FACILITIES - Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities.

WATER-USE INDUSTRY - An industry that requires location near the shoreline because it utilizes

surface waters for cooling or other internal purposes.

WATERFOWL - Birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WATERFOWL STAGING AND CONCENTRATION AREA – an area of open water and adjacent marshes where, as documented by the Department of Natural Resources, waterfowl gather during migration and throughout the winter season

WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and safe passage for wildlife.

WILDLIFE HABITAT - Those plant communities and physiographic features that provide food, water, cover, and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals in the Critical Area as described in COMAR 27.01.09.04.

WINERY – A facility to grow fruit for wine or pomace brandy production. A facilities for and use that include crushing, fermenting, blending, aging, storage administration office functions for the winery, warehousing, and shipping facilities. Retail sales and tasting facilities of wine and related promotional items are permitted as part of the winery operations. As regulated by Article 2B, section 2-205 of the Annotated Code of Maryland and this ordinance a winery may include the following:

a. ferment and bottle wine;
b. distill and bottle pomace brandy;
c. store wine and pomace brandy;
d. sell wine and pomace brandy produced by the occupant for consumption on or off premises;
e. provide sales of wine and pomace brandy;
f. serve and sell food; and or
g. hold promotional or organized events.

YARD - An open space, other than a court on a lot and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Ordinance.

YARD, FRONT - A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces or uncovered porches. On corner lots, the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR - A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

YARD, SIDE - A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projections thereof.

ARTICLE III ADMINISTRATIVE MECHANISMS

§ 80-9. Creation

A. Pursuant to the authority and provisions of the Land Use Article of the Annotated Code of Maryland (1952 Edition), there is hereby created a Municipal Planning Commission for the Town of Millington. Such Commission shall be known as the "Millington Planning Commission" and is hereafter referred to as the "Planning Commission"

§ 80-10. Composition; appointment; terms; vacancies; compensation.

A. The Planning Commission shall consist of five (5) members.

B. The members shall be appointed by the Mayor and Council from among the residents of Millington or Millington Postal Code 21651. The terms of such members shall be five (5) years or until their successors take office; provided, however, that the terms of the five (5) members first appointed by the Mayor and Council of Millington shall be one (1), two (2), three (3), four (4) and five (5) years respectively, from the effective date of creation of the Planning Commission, and shall be specified by the Mayor and Council of Millington at the time of appointment.

C. A vacancy occurring prior to the expiration of the term for which a member of the Planning Commission is appointed shall be filled in in the manner of original appointment.

D. Members may, after a public hearing, be removed for cause by the Mayor and Council.

E. Members of the Planning Commission shall serve without compensation.

F. The Planning Commission shall elect a Chairman from among its members. The term of the Chairman shall be one (1) year with eligibility for reelection.

§ 80-11. Rules for transaction of business.

The Planning Commission shall adopt rules for the transaction of its business.

§ 80-12. Powers and duties.

The Planning Commission shall have the powers and duties as now or hereafter provided for in the Land Use Article of the Annotated Code of Maryland (1957 Edition, as amended).

§ 80-13. Public hearings; method of adoption.

A. Public hearings.

1. The Planning Commission shall hold public hearings on all plans, regulations and other proposals for which such hearings are required under the Land Use Article of the Annotated Code of Maryland (1957 Edition, as amended). The Planning Commission shall give at least fifteen (15) days' notice of such hearings by an advertisement published in a newspaper of general circulation in the town and in an area around the town within one (1) mile from the corporate limits. Such notice shall include the time and place of the hearing, a description of the proposals to be considered at the hearing, and a place where a copy of such proposals can be obtained. At any such hearings

interested persons shall be afforded an opportunity to submit data, views or regulations with respect to the proposals under consideration.

2. A written record shall be prepared for any public hearing held by the Planning Commission.

B. Any regulations or other proposals in connection with planning and zoning that are recommended or approved by the Planning Commission shall be confirmed by a yea or nay vote in open session.

§ 80-14. Duties of Town Clerk and Attorney filing of materials.

A. The Town Clerk shall be the chief executive officer of the Planning Commission, and the Appointed Attorney shall serve as attorney for the Planning Commission.

B. All applications, plats, maps and other matters required to be filed with the Planning Commission by the Land Use Article of the Annotated Code of Maryland (1957 Edition, as amended) or regulations adopted pursuant thereof shall be deemed filed when filed with the Town Clerk, and the Town Clerk shall be responsible for presenting all such applications, plate, maps and other matters to the Planning Commission for its consideration for action.

§ 80-15. Duties of Commission.

A. The Planning Commission shall make and approve a plan to be recommended to the Mayor and Council of Millington for adoption and which shall serve as a guide to decisions to ensure the development of public and private property both inside of the Town of Millington and any areas outside of its boundaries which, in the judgment of the Planning Commission, bear relation to the planning responsibilities of the Commission. The plan shall contain as a minimum the elements set forth in § 3.102 of the Land Use Article of the Annotated Code of Maryland.

B. Also, as provided in said § 2.202, it shall be the duty of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, in order that the Mayor and Council may avail themselves of the zoning powers conferred by the Maryland Code. The Planning Commission shall make a preliminary report and hold at least one (1) public hearing thereon before submitting its final report, and the Mayor and Council shall not hold public hearings or take action until the final report of the Planning Commission has been received.

ARTICLE IV DISTRICTS AND DISTRICT MAP

Part I Zoning Districts

§ 80-16. Districts Established

A. The incorporated area of the Town of Millington shall be divided into base zoning districts as follows:
"AR" – Agriculture District;
"R-1" - Rural Conservation Residential District;
"R-2" - Single Family Residential District;
"R-3" – Old Town Residential District;
"TC" – Town Center District; and
"LI" - Light Industrial.

B. In addition to the base zoning districts described above, the Zoning Ordinance provides for the following special districts:

"PN" - Planned Neighborhood District Floating Zone;
"GA" - Critical Area Growth Allocation Floating Zone;
"CA" - Critical Area Overlay District; and
"CD" – Community Design Overlay District.

C. These districts are established to regulate the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings; to protect water quality and sensitive environmental areas; to maintain the traditional visual characteristics of the Town that define its uniqueness and are important to the economic stability of the Town; and to implement the recommendations of the 2009 *Millington Comprehensive Plan*

§ 80-17. Purpose of Districts

A. AR: Agriculture District

The purpose of the AR Agricultural District is to permit the continuation of existing agriculture land uses within the Town while limiting new agriculture uses to those with the least potential for adverse impacts on adjacent non-agriculture land uses. This classification is intended as an interim zoning designation that will apply until that date being five (5) years from the date of annexation, and that the properties will be rezoned R-1, R-2, and L1-1.

B. R-1: Rural Conservation District

The purpose of the R-1 District regulations is to provide appropriate protection for the sensitive environmental features located in this district. Development standards emphasize the protection of sensitive environmental areas and wildlife habitats of concern to the State. District standards are set to maintain low residential density consistent with the land use designation under the Town's Critical Area Overlay District and afford a high level of protection for water quality and existing plant and wildlife habitat.

C. R-2: Single Family Residential

The purpose of the R-2 Single Family Residential District regulations is to protect the single family residential character in established neighborhoods and encourage appropriate infill and redevelopment consistent with the existing character of the surrounding neighborhoods. Development standards are established to protect the area from incompatible land use uses, while permitting appropriate infill and redevelopment on vacant and underutilized properties. Because of the historic importance of portions of these neighborhoods, strict appearance and development standards apply to infill and redevelopment projects.

D. R-3: Old Town Residential District

The R-3 Old Town Residential District abuts the Town Center on four sides and encompasses the preeminent historic structures in the Town. Nearly 70 percent of the structures are two-story residences built prior to 1925. The purpose of the R-3 District regulations is to maintain the existing architectural character of this residential neighborhood, allow appropriate infill and redevelopment that reflects the site development and architectural characteristics of the district and encourage preservation of landmark structures.

District regulations limit permitted uses to detached single family residential and customary accessory uses. Conversion of multi-family use of residential buildings, not specifically designed and intended as multi-family structures, is not be allowed. Because of the historic importance of these neighborhoods, strict appearance and development standards apply to infill and redevelopment projects.

E. TC: Town Center District

The TC Town Center District encompasses a mix of private and public uses including retail, service, and civic uses as well as detached single family dwellings and apartment buildings. It is Millington's objective to maintain this area as the primary location of commercial activity in the Town. Standards for the TC District are designed to allow for a broad range of uses including business, retail sales, services and office in existing buildings and to encourage appropriate infill and redevelopment for new commercial, business retail, and service uses as well as redevelopment of existing single family dwellings. Conversion of buildings into apartment is not permitted where it preempts first floor non-residential use but residential apartments are permitted above the first floor of existing businesses. Accommodations such as country inns or bed and breakfasts may be permitted as an adaptive reuse of existing buildings. Infill and redevelopment standards, including height, lot area and yard requirements are flexible to encourage infill and redevelopment that reflects the existing land development pattern and the architectural character of the district including buildings that face on and come up to meet the street, parking situated at the rear or side of buildings and connection to the existing sidewalk system. Because of the historic importance of this area, strict appearance and development standards apply to infill and redevelopment projects.

F. LI: Light Industrial

The purpose of this LI District is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads. Light industrial uses generally involve small to medium scale industrial activities including, but not limited to research and development, warehousing and storage activities, light manufacturing and assembly of products, and other similar uses. Light industrial uses usually generate less heavy truck traffic and have fewer adverse environmental effects on surrounding areas, as compared to heavy industrial uses. Commercial uses and open storage of materials are permitted, but new residential development is excluded.

§ 80-18. Special Districts

A. Floating Zone District

1. Purpose. Floating zones provided for uses that may be appropriate for the Town but are not given specific mapped locations at the time of adoption of the most recent comprehensive revision to the Millington Zoning Ordinance. The purpose of the designated floating zones is to permit the mapping of appropriate areas for land uses that may be required over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.

2. Designation of floating zones. The following are designated as floating zones:

   a. "PN" Planned Neighborhood Development Floating Zone; and
   b. "GA" Growth Allocation Floating Zone

   The Mayor and Council and Planning Commission find that they are not able to locate the Floating Zones with precision in advance and that it is desirable to leave specific locations and conditions for future determination as the Town grows and specific needs develop.

B. Overlay Districts

1. Overlay zones build on the underlying zoning by establishing additional or stricter standards and criteria. The standards of the overlay zone apply in addition to those of the underlying zoning district.

2. The following overlay districts shall apply in the corporate limits of Millington:

   a. "CA" Critical Area Overlay District
   b. "CD" Community Design Overlay District

§ 80-19. Official Zoning Maps

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

B. The Official Zoning Map shall be identified by the signatures of the Mayor and Council, attested by the Town Administrator, and including the following words: "This is to certify that this is the Official Zoning Map referred to in §80-19 of the Zoning Ordinance for Millington, Maryland," together with the date of the adoption of this Zoning Ordinance.

C. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the Town Office and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

D. Official Critical Area Overlay District Map

1. The Official Critical Area Overlay District Map has been prepared for the Town of Millington and shall be maintained in force as part of the Official Zoning Maps referred to in this Zoning Ordinance. The Official Critical Area Map shall be identified by the signatures of the Mayor and Council, attested by the Town Administrator, and including the following words: "This is to certify that this is the Official Critical Area Map referred to in §80-19 of the Zoning Ordinance for Millington, Maryland," together with the date of the adoption of this Zoning Ordinance.

2. The Official Critical Area Map shall delineate the extent of the CA Overlay District. The Critical Area Overlay District shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

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

2. Within the designated CA District all land shall be assigned one of the following land use management designations:

   a. Intensely Developed Area (IDA)
   b. Limited Development Area (LDA)
   c. Resource Conservation Area (RCA)

   The Critical Area Overlay District Maps may be amended by the Mayor and Council in compliance with amendment provisions in this Zoning Ordinance, the Maryland Critical Area Law and Critical Area Criteria.

§ 80-20. Replacement of Official Zoning Maps

A. 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 Mayor and Council may by resolution adopt new Official Zoning Map which shall supersede the prior Official Zoning Map.

B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such corrections shall have the effect of amending the original zoning map, the Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map and the maps shall be identified by the signature of the Mayor and Council attested by the Town Administrator, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted *(date of adoption of maps being replaced)* as part of the Zoning Ordinance of Millington, Maryland."

§ 80-21. Annual map revision; fee.

A. Any person desiring a copy of said Official Zoning Map shall pay the current cost for each copy thereof to the appropriate Town official. Such fees shall be applied to defray the cost of revising and printing the Official Zoning Map.

§ 80-22. Periodic review of regulations and map.

A. At least once every five (5) years, the Planning Commission shall review the zoning regulations and the Official Zoning Map to determine whether it is advisable to amend the regulations or the maps, or both, to bring them into accord with the objectives of the *Millington Comprehensive Plan*, to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Millington, to correct deficiencies or difficulties which may have developed in administration or for such other reasons as the Planning Commission may determine.

B. The Planning Commission shall submit a report on their findings to the Mayor and Council.

§ 80-23. Interpretation of district boundaries.

A. A zoning district name or letter-number combination shown on the Official Zoning Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the Town bounded by the district boundary lines, except as otherwise provided by this section.

B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map accompanying and made a part of these regulations, the following rules shall apply:

1. In cases where a boundary line is given a position within a street or alley, easement, canal or navigable or non-navigable stream, it shall be deemed to be in the center of right-of-way of the street, alley, easement, canal or stream, and if the actual location of such street, alley, easement, canal or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
3. In cases where the district boundaries as shown on the Official Zoning Map approximately coincide with lot lines, the lot lines shall be construed to be the district boundary lines, unless otherwise indicated.
4. In cases where district boundaries as shown on the Official Zoning Map do not coincide or approximately coincide with street lines, alley lines or lot lines and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

§ 80-24. Regulation of areas under water.

A. All areas within the limits of the incorporated Town of Millington which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the Town boundary or by a straight line projection of the district boundaries as indicated on the Official Zoning Map.

B. Straight line district boundaries over water areas shall be assumed to continue as straight lines

until they intersect with each other or with the Town boundary.

Part II Planned Neighborhood Development (PND) Floating Zone

§ 80-25. Planned Neighborhood Floating Zone District.

A. Purpose. The Planned Neighborhood ("PN") District is a floating zone, which means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Official Zoning Map. The PN District is intended to permit master planned, mixed-use developments of large tracts of land. The PN District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Zoning Ordinance and that is approved by the Mayor and Council at the time the PN zoning is applied to specific land(s). The purpose of the PN is to provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:

1. Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
2. A range of housing types and densities to accommodate a diverse population of age groups and income levels;
3. Compact design;
4. Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking and implement the recommendations of the transportation element of the Comprehensive Plan;
5. Open spaces are integral to the community; and,
6. Location adjacent to and extending the fabric of existing development.

B. It also is the intent of the PN District to promote the following:

1. Implement the recommendations of the *Millington Comprehensive Plan*;
2. Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips;
3. Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets;
4. Encourage the inclusion of a diversity of household types, age groups, and income levels;
5. Promote traditional town building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
6. Encourage creation of functionally diverse, but visually unified, neighborhoods focused on central squares;
7. Promote use of neighborhood greens, landscaped streets, boulevards, and "single-loaded" parkways woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;
8. Provide buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and symbols of identity;
9. 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;
10. Preserve open space, scenic vistas, agricultural lands, and natural areas;
11. Permit design flexibility in order to achieve an appropriate mix of residential and non-residential building uses; and,
12. Require efficient utilization of designated growth areas.

C. Applicability. The PN District is intended to apply to large tracts of land of at least twenty-five

(25) acres. Smaller tracts may be considered when the development of such land is found to be compatible with an adjacent, existing, or proposed PN type development and/or adjacent Town land uses.

D. Density Determination.

1. General. The total number of dwelling units permissible in the PN District shall be determined in accordance with the provisions of this section (as adjusted by density bonuses as set forth below) subject to the following:

   a. Areas used for non-residential purposes shall be subtracted from the Adjusted Tract Acreage, as described in subsection 2 below before determining permissible residential density.
   b. All dwelling units constructed above commercial uses in a Neighborhood Center shall be permissible in addition to the number of dwelling units otherwise authorized under this Section. The total number of additional dwelling units permitted above commercial uses in the Neighborhood Center area shall be approved by the Planning Commission and in no case shall exceed five percent (5%) of the permissible number of dwelling units.

2. Base Density Calculation. Base density shall be determined by the land area yielded through calculations of the Adjusted Tract Acreage determined in accordance with the density factors in 3 below. The minimum residential density for a proposed PN District shall be three and one-half (3 1/2) dwelling units per net tract acre and the maximum residential density shall be six (6) dwelling units per net tract acre. For purposes of calculating the minimum residential density for a proposed PN District, the non-residential acres, the open space acres, and the conservation acres shall be subtracted from the net tract acres.
3. Density Factors for Calculating Adjusted Tract Acreage. The Density Factor is the percentage of the constrained area that shall be used for purposes of calculating density. (e.g., for 10 acres of the constraint "slopes between 15% and 25%", the formula is 0.75 x 10 acres = 7.5 acres. This is the acres that may be used for density calculation)

Name	Density Factor	Description of Constraint
DF 1	0.00	Existing street right-of-way, Floodways within the 100 year Floodplain
DF 2	0.05	Tidal and non-tidal wetlands. Utility easement for high-tension electrical transmission lines (>69KV)
DF 3	0.25	Steep Slopes; i.e., slopes greater than 25%
DF 4	0.50	100 year floodplain (excluding floodways or wetlands within the floodplain)
DF 5	0.75	Slopes between 15% and 25%
DF 6	1.00	Unconstrained land

E. General Design Requirements.

1. Design standards referenced in this section shall be considered as minimum performance standards for the PN District.
2. Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to four (4) use areas: Single-Family Residential Areas (SRA), Central Residential Areas (CRA), Neighborhood Center Areas (NCA), and Conservation Areas (CA). At a minimum, a planned neighborhood must contain both a SRA and a CA. The

four (4) use areas are defined as follows:

a. Single-Family Residential Areas (SRA) provides locations for a broad range of housing types, including single-family detached, semi-detached, and attached.
b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, habitat protection areas, and private non-common acreage.
c. Central Residential Areas (CRA) are intended to contain a variety of housing options and related uses. These areas are typically located adjacent to primary neighborhood centers.
d. Neighborhood Center Area (NCA) is the identifiable focal point of each neighborhood and is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-story and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance, specifically including second-floor residential uses.

F. Land Uses in 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 DISTRICT			
		SRA	NCA	CRA	CA
1.00.000	AGRICULTURAL USES				
	Agriculture				P
	Forestry				P
	Wildlife Conservation & Refuge Area				P
	Greenhouse – on-premise sales permitted				SE
2.00.000	RESIDENTIAL				
	Dwelling – Single Family Detached	P		P	
	Dwelling – Two-Family	P		P	
	Dwelling – Multi-Family	P		P	
	Dwelling – Townhouse	P		P	
3.00.000	ACCESSORY DWELLING				
	- 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		
4.00.000	HOME-BASED BUISNESS				
	Home Occupation	P		P	
	Day Care Center, Group		P	SE	
	Bed and breakfast	SE		SE	
5.00.000	INSTITUTIONAL				
	Schools, Public	SE	P	SE	
	Schools, Private	SE	P	SE	
	Churches and parish halls, temples and convents and monasteries, houses of worship	SE	P	SE	

CLASS	USE DESCRIPTION	PN DISTRICT			
		SRA	NCA	CRA	CA
	Libraries, museums		P	P	
	Private Clubs		P		
	Medical facility or clinic for human care		P		
	Funeral Home		P		
6.00.000	RECREATION, AMUSEMENT, ENTERTAINMENT				
	Athletic fields	P			
	Community Center including indoor recreation	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	
	Fire Station with Assembly Hall		P	P	
	Rescue squad, ambulance service	P	P	P	
8.00.000	UTILITIES				
	Essential Service	P	P	P	
9.00.000	COMMERCIAL –SERVICE				
	Barber Shop, Beauty Salon, Nail Salon		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		
	Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment		P		
	Advertising agencies		P		
	Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music		P		
	Bakery		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		
	Business uses including insurance, real estate, and computer centers		P		
	Professional uses, including medical, legal, engineering, surveying, and architectural offices and other uses of a similar nature		P		

Key: P - Permitted use within zoning district or sub-district SE - Use subject to special exception from the Board of Appeals

G. Development Standards.

1. The following development standards shall apply to the PN District:

a. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PN shall be established for each individual project by the Planning Commission in accordance with the *Planned Neighborhood Design Guidelines (APPENDIX C)*. In establishing these requirements, the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent neighborhoods.

b. Land Coverage. The maximum amount of land that may be built over (or covered) by parking lots, roads, sidewalks, or plazas, buildings, or other structures shall be sixty percent (60%) of the gross land area of the PN property(ies).

c. Minimum Required Open Space:

(1) A minimum of twenty percent (20%) of the adjusted tract acreage shall be open space including parks and recreational areas. Not less than fifteen percent (15%) of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent (50%) of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

(2) Open space land shall be permanently protected through conservation easements or dedications, as may be decided by the Planning Commission, and may be developed for uses consisting of the following:

(a) Equestrian facilities, including related stables and pastures;

(b) Municipal or public uses, 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, or private or municipal sanitary landfills; and,

(f) Active recreation, if it is non-commercial in nature and provided that no more than fifty percent (50%) of the minimum required open space is so used. Parking areas and any roofed structures associated with the active recreation may not be included within the fifty percent (50%) minimum.

(3) The required open space shall be located and designed to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space as “terminal vistas” (the building or landscape seen at the end of a street, or along the outside edges of street curves) and by maximizing the visibility of external open space as perimeter greenbelt land (the undeveloped and permanently protected acreage around a community). Such greenbelt open space shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

(4) 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 five hundred (500) square feet of land for active recreation per dwelling unit.

(5) Civic greens or squares shall be distributed throughout the neighborhood. A civic green, common or open space shall be located within 1,500 feet

of ninety percent (90%) of all residential units in the SRA and CRA areas.

2. Residential Unit Mix

a. The minimum and maximum percentages of types of residential units for each PN District, and each phase thereof, shall be as set forth in subsection c below.

b. Each phase of a proposed PN development shall provide housing opportunities for a diverse population mix of age groups and income levels. At a minimum each PN development shall have at least three (3) of the four (4) unit types. Each phase of a proposed PN shall have at least three (3) of the four (4) unit types. The Planning Commission may vary this phase requirement if a majority of its members are satisfied that at build-out three (3) of four (4) unit types are included in the overall PN development.

c. Residential Unit Mix.

Unit Type	Minimum	Maximum
Detached Single Family Dwelling	50%	80%
Two (2) Family Dwelling	20%	40%
Townhouse	5%	40%
Multi-Family	5%	40%

H. Small Planned Neighborhood Projects. The Mayor and Council may modify the minimum performance standards established in subsection F, herein, for a PN District development of less than twenty-five acres (25) acres provided that:

1. The proposed development in the PN District can be integrated with a Master Development Plan for an adjacent and larger PN District project by such features as street extensions, compatible location of SRAs and common areas. In addition, the Mayor and Council must find that the proposed design meets the goals and objectives of the *Millington Comprehensive Plan*, as amended, and the intent of this section; or
2. The Mayor and Council find that the proposed PN District is for an infill or transition project between existing developed areas and/or adjacent to a proposed or planned large scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the *Millington Comprehensive Plan* and the intent of this section.
3. The design of all PN projects shall be consistent with the *Planned Neighborhood Design Guidelines.*

§ 80-26. Procedure for Approval of a PN Planned Neighborhood Development District

A. Purpose. The purpose and intent of the PN floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned Community that includes carefully planned, well-designed development projects at appropriate locations.

B. PN District Design. Applicants for a PN District shall be guided throughout the review process by the *Planned Neighborhood Design Guidelines*. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The *Planned Neighborhood Design Guidelines* shall serve as a tool for the Town by providing a checklist of elements to be considered. The *Planned Neighborhood Design Guidelines* shall also inform the design professionals of items that shall be considered or included from the outset of the design process.

C. Application. Application for a floating zone amendment for a PN approval shall be made to the Mayor and Council. Applications shall include:

1. A written petition for location of a PN District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
2. A narrative describing the following:

    a. Statement of present and proposed ownership of all land within the development;
    b. Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and comply with the goals and objectives of this Ordinance, the proposed PN District, and the *Millington Comprehensive Plan*;
    c. Method of providing sewer and water service (including design, permitting, construction and financing) and other utilities, such as, but not limited to, telephone, gas, and electric services;
    d. Storm drainage areas and description of storm water management concepts to be applied;
    e. Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
    f. School availability and school population impact analysis;
    g. General description of architectural and landscape elements, including graphic representations; and
    h. If the applicant desires to develop the property in phases, a preliminary phasing plan, indicating:
        (1) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
        (2) If different land use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.

3. A Concept Master Development Plan, which includes:

    a. Boundary survey of the area subject to the application;
    b. Graphic and tabular presentation of proposed site development information that clearly depicts the following, as applicable:
        (1) Total acreage of subject property and identification of all adjoining landowners;
        (2) Description of proposed land uses, including residential, commercial, institutional, and recreational;
        (3) Maximum number of dwelling units, approximate densities of residential areas and anticipated population;
        (4) Land area and locations generally allocated to each proposed use;
        (5) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and
        (6) Maximum non-residential floor area proposed.

D. Referral of Application to Planning Commission. Upon submission to the Mayor and Council of an Application for a PN District and a Master Development Plan, the Mayor and Council shall refer said application and Master Development Plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, the staff of the

Town, and any consultants or professionals on behalf of the Planning Commission or the Town to analyze the application and Master Development Plan, in accordance with all applicable review processes and procedures. The Mayor and Council will require the cost of any analysis or consultant or professional be paid for by the applicant. No development may occur until:

1. A PN District has been applied to the property by legislative action of the Mayor and Council;
2. A Master Development Plan for the PN is approved by the Mayor and Council; and
3. A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies required to approve the plat or site plan.

E. Master Development Plan submittal to the Planning Commission. After the Mayor and Council refer the application and Master Development Plan, the applicant shall submit the following to the Planning Commission for review and recommendations to the Mayor and Council:

1. Graphic Master Development Plan Requirements:
   a. Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans shall be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.
      (1) The referred Master Development 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;
         (i) Habitat Protection Areas; and
         (j) Existing land uses.
      (4) Proposed open space, protected areas, and public and private parks;
      (5) Pedestrian and vehicular master plan showing proposed street configuration and hierarchy, and pedestrian walking and biking systems;
      (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 entrances 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 in subsection

an above and subsection c below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities or public facilities within each phase.

(b) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.

(c) If different land use types are to be included, the Master Development Plan shall include the approximate mix of uses anticipated to be built in each phase.

b. 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 one (1) mile of the project that may be impacted by traffic generated by the proposed project;
   (2) Nontidal wetlands delineation;
   (3) Endangered species study prepared by qualified professionals; and
   (4) Historical and archeological survey.

c. Master Development Plan Design Standards shall generally conform to the elements of the *Planned Neighborhood Design Guidelines*. The Master Development Plan Design Standards shall 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, buffer, and environmental standards, including: location, scope, materials, and scheduling.

d. Project Scheduling Information, including: anticipated permitting hearings, approvals, construction start, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town as a tool for long-range planning activities but shall not be binding.)

e. The Master Development 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, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and
   (3) Parks, parkways, walking paths, cycle paths, playgrounds, and open spaces.

2. The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and the Mayor and Council.

3. The Mayor and Council may establish additional and supplemental requirements for the Master Development Plan prior to its referral of the application, if the Mayor and Council determine such requirements are necessary to enable the Mayor and Council to evaluate the particular floating zone amendment request.

F. Planning Commission Review and Recommendation – PN District Amendment and Master Development Plan.

1. The Planning Commission shall review the PN District request and Master Development Plan for compliance with the requirements of this Zoning Ordinance and consistency with the *Millington Comprehensive Plan* and the *Planned Neighborhood Design Guidelines*.
2. The Planning Commission shall evaluate the degree to which the proposed PN District request and Master Development Plan incorporate and/or address the *Planned Neighborhood Design Guidelines* and furthers the goals and objectives of the *Millington Comprehensive Plan*.
3. The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of the Planning Commission, shall cause the proposal to better conform to the requirements of the *Millington Comprehensive Plan*, the *Planned Neighborhood Design Guidelines*, and the goals and objectives of this Zoning Ordinance. The applicant may revise and resubmit the Master Development Plan to the Planning Commission addressing the Planning Commission's comments.
4. If, after four (4) Master Development Plan re-submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Planning Commission shall make a negative recommendation to the Mayor and Council setting forth its reasons as to why the Master Development Plan should not be approved.
5. After a public hearing, the Planning Commission shall consider and comment on the findings required of the Mayor and Council, as set forth in G.2, herein, and shall make a favorable or negative recommendation to the Mayor and Council.
6. The Planning Commission shall forward the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Mayor and Council for action pursuant to the floating zone and Master Development Plan approval process.

G. Mayor and Council Approval of PN District and Master Development Plan.

1. The Mayor and Council shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
2. After a public hearing, the Mayor and Council may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan and shall follow the procedures set forth §80-200 of this Ordinance. Concurrently with the location of a floating zone, the Mayor and Council may approve the Master Development Plan, which, in addition to the provisions of PN District, shall govern the subdivision and/or development of the property. The Mayor and Council may approve the floating zone designation with development subject to approval of a Master Development Plan.
3. In approving PN District floating zone map amendment, the Mayor and Council shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Mayor and Council may approve the Planned Development District map amendment if it finds that the proposed floating zone amendment is:

    a. consistent with the *Millington Comprehensive Plan*;
    b. consistent with the stated purposes and intent of the Planned Development District;

c. complies with the requirements of this Ordinance; and
d. is compatible with adjoining land uses.

4. After approval of a floating zone amendment by the Mayor and Council, two (2) complete copies of the approved Master Development Plan shall be filed with the Town Clerk. One (1) additional complete copy of the approved Master Development Plan shall be filed with the Planning Commission for reference during its subsequent review and approval of subdivision plats and/or site plans.
5. When a Planned Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for any applicable federal, state, or local permit for construction of that particular phase.
6. As part of the final Master Development Plan approval, the Mayor and Council shall approve a date for initiation of the proposed development.
7. In the event that a floating zone amendment is approved by the Mayor and Council without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development review and approval provisions of this Zoning Ordinance and may not be developed except in conformance with a site plan as required by and in conformance with this Zoning Ordinance.

H. Additional Required Procedures.

1. The administrative procedures for approval of a site plan for property located within the PN District are set forth in § 80-206 of this Zoning Ordinance. Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.

2. The administrative procedures for approval of a subdivision located within the PN District shall be those of the Town's Subdivision Regulations. Final subdivision plats shall conform to the approved Master Development Plan.

3. Any development, site plan or subdivision approval for land in a PN District shall be consistent with the provisions of the PN District as applicable, and the specific Master Development plan applicable to the property, as approved or amended by the Mayor and Council.

I. Amendment to Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the PN District or any phase(s) thereof, subject to guideline 3 below; internal road locations or configurations; the number, type or location of dwelling units, subject to guideline 5 below; and the location of public amenities, services, or utilities. The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts upon the delivery or the Town's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a "minor amendment." In addition to the foregoing, an amendment shall be deemed a "minor amendment", provided that such amendment:

1. Does not conflict with the applicable purposes and land use standards of this Zoning Ordinance;
2. Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;
3. Does not significantly change the general character of the land uses of the approved Master Development Plan;
4. Does not result in any substantial change of major external access points;
5. Does not increase the total approved number of dwelling units or height of buildings; and
6. Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.

J. Conflict with other Articles. Provisions of the PN Floating Zone, when found to be in conflict with other provisions of this Ordinance, shall supersede those other provisions with which they conflict except any provisions related to the Critical Area. Provisions of the PN Floating zone, when found to be in conflict with provisions of the Millington Subdivision Code, shall supersede those provisions with which they conflict.

K. A PN District shall be considered to be a "floating zone", and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each PN District shall be as set forth in Town of Millington Zoning Ordinance and shall be the basis for approval or denial by the Mayor and Council without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

Part III Cottage Housing Development and Affordable Housing Options

§80-27. Cottage Housing Development (CHD).

A. The following definitions shall apply to this subsection:

1. Cluster – a group of four (4) to twelve (12) cottages arranged around a shared open space.
2. Common open space – an area improved for passive recreational use or gardening. Shared open spaces must be owned and maintained through a homeowners' or condominium association or similar mechanism.
3. Cottage – a single-family detached dwelling unit part of a cottage housing development.
4. Cottage housing development – a cluster of four (4) to twelve (12) cottages developed under a single master land development plan or as part of another land development plan.
5. Footprint – the gross floor area of a cottage's ground-level story.

B. Minimum land area. The minimum land area shall be one (1) acre.

C. Density.

1. The maximum allowable density is one (1) unit per 3,600 square feet.
2. The Planning Commission may permit more than one cottage housing development on a parcel of record or assembled two (2) acres or larger parcels.

D. Cottage clusters. The minimum and the maximum number of cottage units permitted shall be as follows:

1. Minimum units per cluster: 4.
2. Maximum units per cluster: 12.

E. Community Assets.

1. Common open space. Each cluster of cottages shall provide common open space at the rate of 400 square feet per cottage. In addition:
   a. Each cluster of cottages shall have a common open space to provide residents with a sense of openness and community.
   b. Each common open space area shall be in one continuous and usable piece.
   c. To be considered part of the minimum open space requirement, an area of common open space must have a minimum dimension of twenty (20) feet on all sides.
   d. The common open space shall be at least three thousand (3,000) square feet in area, regardless of the number of units in the cluster.
   e. Required common open space may be divided into no more than two separate areas per cluster.
   f. At least two sides of the common open area shall have cottages along its perimeter.
   g. Parking areas, yard setbacks, private open spaces, and driveways do not qualify as common open spaces.
2. Community Building
   a. Community buildings are permitted.
   b. Community buildings shall be incidental in use and size to dwelling units.
   c. The height of the community building shall be no more than one story.

F. Ownership.

1. Community buildings, parking areas, and shared open spaces shall be owned and maintained by the residents through a condominium association, a homeowners' association, or a similar mechanism. If they can be dedicated to the Town with the establishment of a special tax district to cover costs of maintenance of this buildings and areas.
2. Ownership documents shall be reviewed and approved by the Town Attorney.

G. Design.

1. Cottage Size
   a. The gross floor area of each cottage shall not exceed 1,200 square feet.
   b. Cottage areas that do not count toward the gross floor area or footprint calculations are:
      i. interior spaces with a ceiling height of six feet or less, such as in a second-floor area under the slope of the roof;
      ii. basements;
      iii. architectural projections – such as bay windows, fireplaces, or utility closets – no greater than twenty-four (24) inches in depth and six (6) feet in width;
      iv. attached unenclosed porches; and
      v. garages or carports.
2. Unit Height. The maximum height of cottage housing units shall be twenty-six (26) feet.
3. Orientation of Cottages.
   a. Each dwelling unit shall be clustered around a shared open space. Each unit shall have a primary entry and covered porch oriented to the common open space.
   b. Lots can abut either a street or an alley.
   c. Each unit abutting a public street (not including alleys) shall have a façade, secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.
4. Cottage setbacks
   a. The minimum setbacks for all structures (including cottages, parking structures, and community buildings) in a CHD are:
      i. Ten (10) feet from any public right-of-way.
      ii. Ten (10) feet from any other structure.

b. Cottages shall be no more than twenty-five (25) feet from the common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
c. No part of any structure in the CHD (including but not limited to cottages, parking structures, and community buildings) shall be more than one hundred fifty (150) feet, as measured by the shortest clear path on the ground, from fire department vehicle access.

5. Porches
   a. Cottage units shall have covered front porches. The front porch shall be oriented toward the common open space.
   b. Covered porches shall have at least sixty (60) square feet.
6. Basements. Cottages may have basements.

H. Parking.

1. Minimum number of off-street parking spaces
   a. Units up to seven hundred (700) square feet: one (1) space per dwelling unit.
   b. Units 701 = 1,000 square feet: one and one-half (1.5) spaces per dwelling unit, rounded up to the whole number.
   c. Units with more than one thousand (1,000) square feet: two (2) spaces per dwelling unit.
   d. Additional guest parking shall be included. A minimum of one-half (0.5) guest parking spaces per dwelling unit, rounded up to the whole number, shall be provided for each cottage cluster. Guest parking may be clustered with resident parking; however, the spaces shall include clear signage identifying them as reserved for visitors.
   e. The requirement for off-street parking may be waived or reduced by the Planning Commission if sufficient on-street parking is available.
2. Parking design
   a. Parking shall be separated from the common area and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen.
   b. Parking areas shall be accessed only by a private driveway or a public alley.
   c. The design of garages and carports, including rooflines, shall be similar to and compatible with the cottage units.
   d. Parking areas shall be limited to five (5) contiguous spaces.

I. Walkways.

1. There should be sidewalks along all public streets.
2. A system of interior walkways shall connect each cottage, parking area, and sidewalks abutting any public streets bordering the development.
3. Walkways and sidewalks shall be at least five (5) feet in width.

J. Flexibility

The Planning Commission may approve minimal modifications to the design standards outlined in subsections G through I where they find the modification(s) do not materially change the project design from that intended by the standard(s).

K. Project Plan Application and Approval.

1. Information: the following must be submitted as part of the application. This information must be presented on plans of professional quality.
   a. A tabulation of the total acreage of the site and the percentages to be designated for various uses, i.e., parking, residential units, open space, or shared space, streets, etc.
   b. The proposed circulation pattern includes private driveways, public and private streets, and

pedestrian paths.

c. Parks, shared open spaces, playgrounds, and other public or private recreation facilities and improvements proposed within the project
d. Project plan; general location of all dwellings and other structures.
e. Typical exterior design is presented as exterior perspectives or elevations for all building types.
f. Conceptual landscaping plans showing all plant material's types, sizes, and locations.
g. The dimensional parking layout shows the location of individual parking stalls and all areas of ingress or egress.
h. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan in the manner presented.

2. The Planning Commission will review the application to determine if it is completed or requires additional information. The Planning Commission will post the property and conduct a public hearing on the application following the provision of Article XVII of this Ordinance if it is complete.
3. Planning Commission Review: The Planning Commission may approve, approve with conditions, or deny the application. In granting such approval, the Planning Commission may impose specific conditions as site development, phasing, and building construction or maintenance and operation as it deems necessary to protect the health, safety, and welfare of the Town's residents.

L. Amendments and Modifications.

1. Any amendments to the development plan shall be accomplished in the same manner as the original application.
2. Revised text and/or plans shall be submitted to the Planning Commission and reviewed like the initial application.

M. Variations to Zone Permitted.

1. The Planning Commission may permit variations from the development standards of the existing zone, provided the variations are expressly approved and adopted as part of the approved development plans and other supporting documents.
2. Variations shall not include changes in the permitted uses allowed by the zone except to the extent set forth herein.

Part IV CD Community Design Overlay District

§ 80-28. Purpose of the District

The purpose of CD Community Design Overlay District is to apply community appearance standards that promote public health, safety, and welfare. Economic objectives include enhancement and preservation of property values. These standards are not intended to restrict imagination or variety, but rather to assist in focusing on design principles that result in creative solutions that will develop a satisfactory visual appearance within the Town.

§ 80-29. Development Subject to Community Appearance Standards

All new development and/or redevelopment within the Community Design Overlay District shall be subject to the performance standards in this section.

§ 80-30. Process for Review

The Planning Commission and/or Board of Appeals shall review development plans as required to ensure the standards specified in this section are met. These standards are in addition to other regulations in this ordinance.

§ 80-31. Standards

A. Relationship of Buildings to Site

1. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from public ways.
3. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
4. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground where possible.

B. Relationship of Buildings and Site to Adjoining Area

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.
2. Attractive landscape transition to adjoining properties shall be provided.
3. Harmony in texture, lines, and masses is required. Monotony of design shall be avoided.

C. Landscape and Site Treatment

1. Where natural or existing topographic patterns contribute to beauty and utility of a development they shall be preserved and developed. Modifications to topography will be permitted where it contributes to good appearance.
2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for the pedestrian.
3. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade.
4. Unity of landscape design shall be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent development.
5. Plant material shall be selected for interest in its structure, texture and color, and for its ultimate growth. Plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance shall be used.
6 In locations where plants will be susceptible to injury by pedestrian or motor traffic they shall be protected by appropriate curbs, tree guards, or other devices.
7. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
8. Where building sites limit planting, the placement of trees in parkways or paved areas may be required.
9. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, plantings, or combinations of these. Screening shall be effective in winter and summer.
10. In areas where general planting will not prosper, other materials such as fences, walls, and paving or wood, brick, stone gravel, and cobbles shall be used. Carefully selected

plants shall be combined with such materials where possible.

11 Exterior lighting, when used, shall enhance the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be retrained in design and excessive brightness avoided.

D. Building Design

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development. Building bulk and scale shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
3. Primary facades and entries face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways and that maintains the integrity of the existing streetscape.
4. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering appropriate buffer yards, the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.
5. Building materials shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc., to establish compatibility. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Materials shall be of durable quality. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
6. All planned uses, building types, and landscaping will be included in the preliminary plans and will demonstrate the relationships of the proposed development with existing off-site development in the context of the adjacent community.
7. In any design in which the structural frame is exposed to view, the structural material shall be compatible within themselves and harmonious with their surroundings.
8. Building components, such as windows, eaves, doors, parapets, etc., shall have good proportions and relationships with one another.
9. Colors shall be harmonious and shall use only compatible accents.
10. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from public ways.
11. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
12. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual projects shall be used to prevent a monotonous appearance.

E. Miscellaneous Structures and Street Hardware

1. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.

2. Lighting in connection with miscellaneous structures and street hardware shall adhere to standards set forth for site, landscape, buildings, and signs.

F. Maintenance - Planning and Design Factors

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures shall be conducive to easy maintenance and upkeep.
2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
3. Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse shall be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

G. Application information should include adequate information to address this burden of proof requirement and shall, at a minimum, include the following:

1. A description of the proposed development site, i.e., a plot plan or survey plot.
2. A description of existing conditions in the vicinity of the site (e.g. block face on both sides of the street within 500 feet of the proposed development site). These descriptions shall include documenting photographs and an analysis of the prominent architectural features, and as applicable shall address the following:
   (a) Site location and Topography;
   (b) Street Connections;
   (c) Pedestrian Pathways;
   (d) Lot Coverage;
   (e) Impervious Surfaces;
   (f) Building Orientation;
   (g) Roofs;
   (h) Massing and Proportions;
   (i) Entryways;
   (j) Windows;
   (k) Garage Doors;
   (l) Finishes and Materials;
   (m) Ornamentation; and
   (n) Building and other Colors.
3. A description of the proposed development including:
   (a) Elevations of all proposed buildings;
   (b) Plot plan showing the existing and proposed footprint of structures on the property; and
   (c) A statement describing how the proposed development is compatible these appearance standards.

Part V CA Critical Area Overlay District

§ 80-32. Implementation of the Critical Area Program Purpose and Goals

A. The Millington Critical Area Program

1. The Millington Critical Area Program consists of the Millington Zoning Chapter including the Official Critical Area map. Related provisions may be found in the Millington Subdivision Regulations.

2. The Town adopted its Critical Area Program on August 7, 1986. The Town of Millington Critical Area Program consists of the Town of Millington Zoning Ordinance, the Official Critical Area map(s), and any other related provisions within the Town's ordinances.
3. Notwithstanding any provision in this ordinance, or the lack of a provision in this ordinance, all of the requirements of Natural Resources Article 8-1801 through 8-1817 and COMAR Title 27 shall apply to and be applied by the Town of Millington as minimum standards.
4. In the case of conflicting provision, the stronger provision applies.

B. Goals.

The goals of the Millington Critical Area Program are to accomplish the following:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impact that the number, movement, and activities of people may have on the area.
4. Reduce vulnerability to the impacts of climate change and incorporate measures to improve the climate resiliency of the Chesapeake and Atlantic Coastal Bays and its tributaries; and
5. Ensure an equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation, and adaptation to climate change with the Critical Area.

C. Regulated activities and applicability.

1. Any applicant for a permit or license to pursue activities within the Critical Area, including but not limited to, development or redevelopment, grading, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities shall have such permits or licenses issued by the Town after review to determine compliance with the Millington Zoning Ordinance.
2. The Town's Critical Area Program and all applicable provisions of this Ordinance shall be implemented and enforced by the Town Administrator.
    a. The Town Administrator shall review a permit, license, or other authorization for a development or redevelopment activity in the Critical Area for compliance with this Critical Area Ordinance prior to issuance of that permit or license.
    b. Should an infraction of the provisions contained in any law, regulation, or plan related to the Town's Critical Area Program be brought to the attention of any Town official, said official shall contact the Town Administrator.

D. Critical Area Overlay District Map. The Official Critical Area Overlay District Map is maintained in force as part of the Official Zoning Map for Millington as described in §80-19.

E. Notification of project approval - the Town of Millington shall send copies of applications for all developments, subdivisions, and site plan wholly or partially within the Critical Area as specified in COMAR 27.03.01.04 to the Critical Area Commission for review and comment. The Town of Millington may not process any application, which has been sent to the Commission for notification until it has received notice of receipt by the Commission or the close of the fifth

business day, whichever comes first. Any action by the town of Millington in violation of these procedures shall be void.

F. General Requirements

1. Development and redevelopment shall be subject to the water-dependent facilities requirements of this Ordinance.
2. The Town shall maintain areas of public access to the shoreline, and, if possible, encourage the establishment of additional areas of shoreline access for public use, such as foot paths, scenic drives, and other public recreational facilities.
3. Development shall comply with the following complementary State statutes and regulations, including:
    a. For soil erosion and sediment control, management measures shall be consistent with the requirements of Environment Article §4-101through 4-116, Annotated Code of Maryland, and COMAR 26.17.01;
    b. For stormwater runoff, stormwater management measures shall be consistent with the requirements of Environment Article §4-201 through 4-215, Annotated Code of Maryland, and COMAR 26.17.02;
    c. For shore erosion, shoreline stabilization measures shall be consistent with the requirements of Environment Article, Title 16, Annotated Code of Maryland, and COMAR 26.24.04; and
    d. Any other applicable State statute or regulation.
4. A development activity or facility may not be authorized in the Critical Area, if by its intrinsic nature the activity or facility has the potential to cause an adverse effect on water quality, wildlife, or fish habitat or plant habitat, unless:
    a. For an activity or facility such as non-maritime heavy industry.
        i. It is located within an intensely developed area;
        ii. It fully complies with all requirements under Part 6 of this Ordinance of this chapter; and
        iii. The owner or operator of the activity or facility demonstrates to all applicable State and local agencies that there will be a net improvement in water quality to the adjacent body of water; or
    b. For an activity or facility such as a sanitary landfill or a solid or hazardous waste collection or disposal facility;
        i. There is no environmentally acceptable alternative outside the Critical Area; and
        ii. The activity or facility is necessary in order to correct a water quality or wastewater management problem;
5. A transportation facility or a utility transmission facility or activity may not be authorized in the Critical Area; unless it is:
    a. A facility that serves a use identified under this Critical Area program;
    b. A linear regional or interstate transportation facility that must cross tidal waters; or
    c. A linear regional or interstate utility transmission facility that must cross tidal waters.
6. A permanent sludge hauling storage or disposal activity or facility may not be authorized in the Critical Area unless:
    a. The activity or facility is associated with a wastewater treatment facility; or
    b. In accordance with an approved nutrient management plan under Agriculture Article, Title 8, Subtitle 8, Annotated Code of Maryland, and COMAR 15.20.04 and COMAR 15.20.06 – 08, sludge is applied on agricultural land that is not in the buffer.
7. Roads, bridges, and utilities are prohibited in a Habitat Protection Area unless no

feasible alternative exists. If a road, bridge or utility is authorized the design, construction and maintenance shall:

a. Provide maximum erosion protection;
b. Minimize negative impacts on wildlife, aquatic life, and their habitats; and
c. Maintain hydrologic processes and water quality.

8. Development activities that cross or affect a stream are prohibited unless there is no feasible alternative. All development activities that must cross or affect streams shall be designed to:
   a. Reduce increases in flood frequency and severity that are attributable to development;
   b. Retain tree canopy so as to maintain stream water temperature within normal variations;
   c. Provide a natural substrate for stream beds, and
   d. Minimize adverse water quality and quantity impacts of stormwater.
9. Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in this Ordinance.
10. Reasonable accommodations for the needs of disabled citizens.
    a. An applicant seeking relief from the Critical Area standards contained in this Ordinance in order to accommodate the reasonable needs of disabled citizens shall have the burden of demonstrating the following:
       i. The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act;
       ii. Literal enforcement of the provisions of this Ordinance would result in discrimination by virtue of such disability or deprive a disabled resident or use of the reasonable use and enjoyment of the property;
       iii. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this Ordinance or restore the disabled resident's or users reasonable use or enjoyment of the property;
       iv. The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Ordinance as applied to the property; and
       v. The accommodation would be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation, or other requirement, or would allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant or appellant.
    b. The Board of Appeals shall determine the nature and scope of any accommodation under this Ordinance and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
    c. The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this Ordinance. Appropriate bonds may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.
11. Non-water Dependent Structures on Piers
    a. Except as provided in paragraphs (b) and (d) of this subsection and notwithstanding any other provisions of the law, Town of Millington may not issue a building permit or any other approval to authorize a non-water dependent project located on State or private wetlands within the Critical Area.
    b. Town of Millington may issue a building permit or any other approval to

authorize a non-water dependent project located on State or private wetlands within the Critical Area if the project:

i. Involves a commercial activity that is permitted as a secondary or accessory use to a permitted primary commercial use:

ii. Is not located on a pier that is attached to residentially, institutionally, or industrially used property;

iii. Is located in:

1. An Intensely Developed Area (IDA); or

2. An area that has been excluded from a local Critical Area program if the exclusion has been adopted or approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays:

iv. Is approved by the Planning Commission and the Zoning Board after December 17, 2025;

v. Allows or enhances public access to State wetlands;

vi. Does not expand beyond the length, width, or channel ward encroachment of the pier on which the project is constructed.

vii. Has a height of up to 18 feet unless the project is located at a marina; and

viii. Is up to 1,000 square feet in total area; or

1. Is located on a pier that was in existence on or before December 31, 2012;

2. Satisfies all of the requirements under Section (2)(a)-(g) of this paragraph; and

3. If applicable, it has a temporary or permanent roof structure or covering that is up to 1,000 square feet in total area.

c. The Town of Millington may issue a building permit or other approval to authorize a non-water dependent project for a small-scale renewable energy system on a pier located on State or private wetlands within the Critical Area if the project:

i. Involves the installation or placement of a small-scale renewable energy system that is permitted as a secondary or accessory use on a pier that is authorized under Title 16 of the Environment Article.

ii. Is approved by the Town of Millington's Planning Commission and Zoning Board after December 17, 2025;

iii. A building permit or other approval may include the installation or placement of:

a. A solar energy system attached to a pier of the device or equipment associated with that system does not extend more than:

aa. Four (4) feet above or 18 inches below the deck of the pier; or

bb. One (1) foot beyond the length or width of the pier;

b. A solar energy system attached to a piling if there is only one solar panel per boat slip;

c. A solar energy system attached to a boathouse roof if the device or equipment associated with that system does not extend beyond the length, width, or height of the boathouse roof.

d. A closed-loop geothermal heat exchanger under a pier if the geothermal heat exchanger or any associated devices or equipment do not:

aa. Extend beyond the length, width, or channel ward encroachment of the pier.

bb. Deleteriously alter longshore drift; or

cc. Cause significant individual or cumulative thermal impacts to aquatic resources; or

e. A wind energy system attached to a pier if there is only one wind energy system per pier for which:

aa. The height from the deck of the pier to the blade extended at its highest point is up to 12 feet;

bb. The rotor diameter of the wind turbine is up to four (4) feet, and

cc. The setbacks of the wind energy system from the nearest property line and from the channel ward edge of the pier to which that system is attached are at least 1.5 times the total height of the system from its base to the blade extended at its highest point.

12. Shore Erosion Protection.

a. All shore erosion control activities or projects shall meet the requirements of COMAR 26.24.02 and COMAR 26.24.04.

b. The Town of Millington shall require any authorized shore erosion control project to submit a Buffer Management Plan.

c. The Buffer Management Plan shall meet the requirements of this Ordinance and COMAR 27.01.09.

d. A copy of the approved Buffer Management Plan shall be forwarded to the Critical Area Commission.

§ 80-33. Intensely Developed Areas.

A. Development standards.

For all development activities in the Intensely Developed Areas, the applicant shall identify any environmental or natural feature described below and meet all of the following standards:

1. Intensely Developed Areas (IDA) include areas where residential, commercial, institutional, and/or industrial development uses predominate and where relatively little natural habitat occurs. At the time of the initial mapping, these areas shall have had at least one of the following features;

a. Housing density equal to or greater than four dwelling units per acre;

b. Industrial, institutional, or commercial uses are concentrated in the area; or

c. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre;

2. In addition, IDAs shall be located in an area of at least 20 adjacent acres unless it is the entirety of the upland area of the Town or it is a growth allocation that is consistent with this ordinance;

3. Land use activities within the IDA will be managed in accordance with the land use policies of COMAR 27.01.02.03.

4. The Town of Millington shall develop a strategy to reduce the impacts on water quality generated by existing development. This shall include an assessment of water quality and impacts to biological resources prompted by community redevelopment plans and programs and may further include a public education program, the implementation of urban best management practices, and the use of such techniques as urban forestry programs street tree plantings, gardens, and open land buffer plantings.

5. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation;

6. All development and redevelopment activities shall include storm water management technologies that reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to development or redevelopment as provided in *Critical Area*

10% Rule Guidance Manual – Fall 2003 and as may be subsequently amended.

§ 80-34. Limited Development Areas.

A. Development standards.

For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below, and shall meet all of the following standards:

1. Development and redevelopment shall be subject to the water-dependent facilities requirements of this Ordinance;
2. Limited Development Areas (LDA) are those areas that are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats. The quality of runoff from these areas has not been substantially altered or impaired. At the time of the initial mapping, these areas shall have had at least one of the following features:
   a. Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;
   b. Areas not dominated by agricultural, wetland, forest, barren land, open water, or open space;
   c. Areas meeting the conditions of Intensely Developed Area but compromising less than 20 acres; or
   d. Areas having public sewer or public water, or both.
3. Land use activities within the LDA will be managed in accordance with the land use policies of COMAR 27.01.02.04.
4. If there is a wildlife corridor system identified by the Department of Natural Resources, Wildlife Heritage Service on or near the site which can be enhanced by additional plantings, the applicant shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Ordinance. Millington shall ensure the maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the Town through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts and other organizations.
5. Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for Limited Development Areas.
6. Except as otherwise provided in this subsection, lot coverage is limited to 15% of a lot or parcel or any portions of a lot or parcel that are designated LDA.
   a. If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then lot coverage is limited to twenty-five (25%) of the parcel or lot.
   b. If a parcel or lot is greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to fifteen percent (15%) of the parcel or lot.
   c. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then lot coverage may exceed fifteen percent (15%) of the individual lot; however, the total lot coverage for the entire subdivision may not exceed fifteen percent (15%).
   d. Lot coverage limits provided in § (a) and § (b) above may be exceeded, upon findings by the Planning Commission or its designee that the following

conditions exist:

i. The lot or parcel is legally nonconforming. A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for the purposes of lot coverage requirements.

ii. Lot coverage associated with new development activities on the property have been minimized;

iii. For a lot or parcel one-half acre or less in size, total lot coverage does not exceed the lot coverage limits in § (a) by more than twenty-five percent (25%) or five hundred square feet (500 square feet), whichever is greater;

iv. For a lot or parcel greater than one-half acre and less than one acre in size, total lot coverage does not exceed the lot coverage limits in §(b) or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;

v. The following table summarizes the limits set forth in § (i) through § (iii) above:

Lot Coverage Limits

Lot/Parcel Size (Square Feet)	Lot Coverage Limit
0 – 8,000	25% of parcel + 500 SF
8,001 – 21, 780	31.25% of parcel
21,780 – 36,300	5,445 SF
36,301 – 43,560	15% of parcel

e. If the Planning Commission or its designee makes the findings set forth in § (d) above and authorizes an applicant to use the lot coverage limits set forth in that paragraph, the applicant shall:

i. Demonstrate that water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and

ii. Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of the development activity.

iii. If the applicant cannot provide appropriate storm water treatment and plantings due to site constraints, then the applicant shall pay a fee to Millington in lieu of performing the on-site mitigation. The amount of the fee shall be $1.50 per square foot of the required mitigation.

f. For the purpose of calculating limitations on lot coverage, is as follows:

i. When a site is mapped entirely as LDA, lot coverage is based on the entire site area; and

ii. When a portion of a lot or parcel is mapped as LDA, lot coverage is based on the area of the LDA.

g. The Planning Commission may allow an applicant to exceed the limits established in §(d) above 500 square feet for development that uses the following pervious materials:

i. Pervious pavers; and

ii. Pervious concrete.

7. The alteration of forest and developed woodlands shall be restricted and shall be mitigated as follows:

a. The total acreage in forest and developed woodlands within the Critical Area shall be maintained or preferably increased;

b. All forests and developed woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;

c. If an applicant is authorized to clear more than 20 percent of a forest or developed woodlands on a lot or parcel, the applicant shall replace the forest or developed woodlands at 1.5 times the area extent of the forest or developed woodlands cleared, including the first 20 percent of the forest or developed woodlands cleared.

d. An applicant may not clear more than 30 percent of a forest or developed woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of 3 times the area extent of the forest or developed woodlands cleared.

e. If an applicant is authorized to clear any percentage of forest or developed woodland the remaining percentage shall be maintained through recorded, restrictive covenants or similar instruments approved by the Town.

8. The following are required for forest or developed woodland clearing as required in § (7) above:

a. The applicant shall ensure that any plantings that die within twenty-four (24) months of installation shall be replaced. A performance bond in an amount determined by Millington shall be posted to assure satisfactory replacement as required in § (7) above and plant survival;

b. No clearing is allowed until the Town has issued a permit;

c. Clearing of forest or developed woodlands that exceed the maximum area allowed in § (7) above or prior to the issuance of a permit shall be replanted at three times the area extent of the cleared forest; and

d. If the area extent of the site limits the application of the reforestation standards in this section the applicant may be allowed to plant offsite or pay a fee in lieu of planting.

9. If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15 percent.

a. The applicant shall designate, subject to Town approval, a new forest area on a part of the site not forested; and

b. The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the Town.

c. The applicant may be allowed to pay a fee in lieu of planting to meet the requirements of this subsection provided in lieu fees can be used to implement a comprehensive offset strategy developed by the Town and approved by the Critical Area Commission.

10. New, expanded or redeveloped industrial facilities may only be permitted in Limited Development Areas (LDA) if such a use is permitted in the underlying zoning district and provided such facilities meet all requirements for development in the LDA.

§ 80-35. Resource Conservation Areas.

A. Development standards.

1. RCAs are those areas characterized by nature dominated environments (wetlands, forests, abandoned fields) and resource utilization activities (agriculture, forestry, fisheries activities or aquaculture). These areas shall have at least one of the following features: (1) Density is less than one dwelling unit per 5 acres; or (2) Dominant land use is in agriculture, wetland, forest, barren land, surface water, or open space.

2. Land use activities within the RCA will be managed in accordance with the land use policies of COMAR 27.01.02.05.
3. Development activity within the RCA shall be consistent with the requirements and standards for Limited Development Areas as specified in COMAR 27.01.02.04 and this Ordinance.
    a. For the purpose of calculating limitations on lot coverage, it is as follows:
        i. When a site is mapped entirely as RCA, lot coverage is based on the entire site area; and
        ii. When a portion of a lot or parcel is mapped as RCA, lot coverage is based on the area of the RCA.
4. Density
    a. Land within the RCA may be developed for residential use at a density not to exceed one dwelling unit per 20 acres. A local jurisdiction may not authorize a variance to the maximum density of one dwelling unit per 20 acres. In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the RCA, Town of Millington:
        i. Shall count each dwelling unit;
        ii. May only permit the area of any private wetlands located on the property to be included when using transfer of development rights and the area of private wetlands is field delineated.
    b. One additional dwelling unit (accessory dwelling unit) as part of a primary dwelling unit may be permitted in the RCA provided the additional dwelling unit does not require a variance to any critical area development standards; and
        i. Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit and does not exceed 900 square feet in total enclosed areas; or
        ii. Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit and does not exceed 900 square feet in total enclosed areas; or
        iii. Is located within the primary dwelling unit, and by its construction does not increase the amount of lot coverage already attributed to the primary dwelling unit by greater than 900 square feet.
    c. An additional dwelling unit, meeting all of the provisions of this section may not be subdivided or conveyed separately from the primary dwelling unit; and
    d. An additional dwelling unit that exceeds 900 square feet shall count towards the density calculations.

§ 80-36. Land Uses

A. Permitted Uses

1. Permitted uses in the Critical Area shall be limited to those uses allowed in the underlying zoning classification as modified by Table 1a and the supplemental use standards in §80-36 provided such uses meet all standards established for the Critical Area Overlay District.

Permitted Uses

	LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted	**Land Use Management Designation**		
Item	**Use Description**	**IDA**	**LDA**	**RCA**
1.00	**RESIDENTIAL**			
1.10	Accessory Dwelling Unit	P	P	PC
2.00	**INSTITUTIONAL**			
2.10	Existing institutional uses	P	P	PC
2.20	New institutional uses	P	P	NP
2.30	Cemetery	P	P	PC
2.40	Group Home	P	P	PC
2.50	Day Care	P	P	PC
3.00	**COMMERCIAL**			
3.10	Existing commercial uses	P	P	PC
3.20	New commercial uses	P	P	NP
3.30	Home occupation	P	P	PC
3.40	Bed and breakfast facility	P	P	PC
4.00	**MARITIME/WATER DEPENDENT**			
4.10	Expansion of existing commercial marinas	P	P	PC
4.20	New marina, commercial	P	P	NP
4.30	Community piers and noncommercial boat docking and storage	P	P	PC
4.40	Public beaches and public water-oriented recreational and educational areas	P	P	PC
4.50	Research Areas	P	P	PC
4.60	Fisheries activities	P	P	P
4.70	Structures on Piers	PC	PC	PC
4.80	Private pier	P	P	P
5.00	**RECREATION**			
5.10	Golf course	P	P	PC
6.00	**INDUSTRIAL**			
6.10	Existing industrial uses	P	P	PC
6.20	New industrial uses	P	PC	NP
6.30	Non-maritime heavy industry	P	NP	NP
7.00	**TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES**			
7.10	Utility transmission facilities	PC	PC	PC
8.00	**PUBLIC/QUASI-PUBLIC**			
8.10	Sanitary landfill; rubble fill	PC	PC	PC
8.20	Solid or hazardous waste collection or disposal facilities	PC	PC	PC
8.30	Sludge Facilities	PC	PC	PC

B. Maximum Permitted Density

1. The maximum permitted density for properties located in the Millington Critical Area

shall be as shown in the table below.

Maximum Residential
Density (Dwelling Units Per Acre)

Land Use Management Designation		
IDA	**LDA**	**RCA**
Density permitted by Underlying Zoning	Density permitted by Underlying Zoning	1 dwelling unit per 20 acres

§ 80-37. Supplemental Use Standards

The following supplemental use standards apply to the permitted uses listed in Table A (1) (a) above and shall apply when the permitted use is allowed in the underlying zoning district.

A. Existing institutional uses (2.10)

1. Existing institutional facilities shall be allowed in Resource Conservation Areas.
2. Expansion of existing institutional facilities and uses in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the Grandfathering provisions in §80-38 and may require growth allocation.

B. New institutional uses (2.20)

1. New institutional facilities and uses, except those specifically listed shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain institutional uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Ordinance. These institutional uses are limited to:
   a. A cemetery that is an accessory use to an existing church; provided manmade lot coverage is limited to 15 percent of the site or 20,000 square feet, whichever is less;
   b. A day care facility in a dwelling where the operators live on the premises and there are no more than eight (8) children;
   c. A group home or assisted living facility with no more than eight (8) residents; and
   d. Other similar uses determined by the Town and approved by the Critical Area Commission to be similar to those listed above.

C. Existing Commercial Uses (3.10)

1. Existing commercial facilities and uses, including those that directly support agriculture, forestry, aquaculture or residential development shall be allowed in Resource Conservation Areas.
2. Expansion of existing commercial facilities and uses in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the Grandfathering provisions in §80-38 and may require growth allocation.

D. New commercial uses (3.20)

1. New commercial uses, except those specifically listed, shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain commercial uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Ordinance. These commercial uses are limited to:
    a. A home occupation as an accessory use on a residential property and as provided for in this Ordinance;
    b. A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility; and
    c. Other uses determined by the Millington and approved by the Critical Area Commission to be similar to those listed above.

E. Golf course (4.10)

1. A golf course, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc., may be permitted in Resource Conservation Areas (RCAs) provided:
    a. Such use is a permitted use allowed in the underlying zoning district; and

    b. Development is in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005.

F. Existing industrial uses (5.10)

1. Existing industrial facilities and uses, including those that directly support agriculture, forestry, or aquaculture may be permitted in Resource Conservation Areas (RCAs).
2. Expansion of existing industrial facilities and use in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Ordinance and the Grandfathering provisions in §80-38 and may require growth allocation..

G. New industrial uses (5.20)

1. New industrial uses shall not be permitted in Resource Conservation Areas (RCA).
2. New, expanded or redeveloped industrial facilities may only be permitted in Limited Development Areas (LDA) if permitted use in the underlying zoning district and provided such facilities meet all requirements for development in the LDA.
3. New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas (IDAs) that have been designated as Buffer Management Areas.

H. Non-maritime heavy industry (5.3)

1. Non-maritime heavy industry may be permitted if:
    a. The site is located in an Intensely Developed Area (IDA); and
    b. The activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

I. Utility transmission facilities (6.10)

1. Utility transmission facilities, except those necessary to serve permitted use, or where

regional or interstate facilities must cross tidal waters, may be permitted in the Critical Area provided:

a. The facilities are located in Intensely Developed Areas (IDAs); and

b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

2. These provisions do not include power plants.

J. Sanitary landfill; rubble fill (7.10)

1. Sanitary landfills or rubble fills may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.

2. Existing, permitted facilities shall be subject to the standards and requirements of the Maryland Department of the Environment.

K. Solid or hazardous waste collection or disposal facilities (7.20)

1. Solid or hazardous waste collection or disposal facilities, including transfer stations may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality wastewater management problem.

2. Existing, permitted facilities shall be subject to the standards and requirements of the Maryland Department of the Environment.

L. Sludge Facilities (7.40)

1. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities may be permitted in the Critical Area provided:

a. The facility or activity is located in an Intensely Developed Areas; and

b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

2. Agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100 foot-Buffer.

§ 80-38. Growth Allocation.

A. Growth allocation acreage

Growth allocation available to Millington includes:

1. An areas equal to five (5) percent of the RCA acreage located within Millington and;

2. Growth allocation available to Millington as provided by Kent and Queen Anne's Counties.

B. Purpose.

Growth Allocation is available for use in a Resource Conservation Area (RCA) or in a Limited Development Area (LDA) in the Town of Millington Critical Area Overlay District. The purpose is to authorize a change in the Critical Area classification to develop at a higher density or use

than the current classification allows.

C. Process.

An applicant shall submit to Town of Millington a complete application for growth allocation that complies with the submittal and environmental report requirements of COMAR 27.01.02.06-1 through 06.2. A Growth Allocation request shall be approved by Town Administrator prior to submission to the Commission.

D. Requirements.

When locating new Intensely Developed or Limited Development Areas, the following requirements apply;

1. A new Intensely Developed Area shall be at least 20 acres unless it is adjacent to existing IDA.
2. An application for a new IDA or LDA shall be:
   a. In conformance with the requirements of COMAR Title 27 Subtitle 01; and
   b. Designated on the approved Critical Area map that is submitted as part of its application to the Commission for growth allocation approval.
3. As part of a growth allocation approved by the Commission, the following shall be enforced;
   a. A buffer management plan;
   b. A habitat protection plan; and
   c. Other applicable conditions of approved as determined by the Commission at the time of project approval.

E. Standards.

When locating new Intensely Developed or Limited Development Areas the following standards apply:

1. A new Intensely Developed Area shall only be located in an LDA or adjacent to an existing IDA.
2. A new Limited Development Area shall only be located adjacent to an existing LDA or an IDA.
3. A new LDA or IDA shall be located in a manner that minimizes impacts to Habitat Protection Area as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality.
4. A new IDA shall only be located where they minimize their impact to the defined land uses of the RCA;
5. A new IDA or an LDA in an RCA shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters unless Town of Millington proposes and the Commission approves alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources and waters;
6. IDA or LDA to be located in RCA shall conform to all criteria of this Ordinance for such areas, shall be so designated on the Millington Critical Area Maps and shall constitute an amendment to this Ordinance subject to review by the Millington Planning Commission and approval by the Mayor and Council and the Critical Area Commission as provided herein.

7. Locate new IDAs and LDAs outside of areas vulnerable to climate change as identified by the Town of Millington, unless the Town of Millington proposes and the Commission approves measures that assess climate resiliency and vulnerability and incorporate siting, design, construction, and other natural features to significantly enhance climate resiliency and reduce vulnerability.

F. Additional Factors.

In reviewing map amendments or refinements involving the use of growth allocation the Planning Commission and Mayor and Council shall consider:

1. Consistency with Millington's Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan.
2. For a map amendment ore refinement involving a new LDA, whether the development is:
   a. To be served by a public wastewater system;
   b. A completion of an existing subdivision;
   c. An expansion of an existing business; or
   d. To be clustered.
3. For a map amendment or refinement involving a new IDA, whether the development is:
   a. To be served by a public wastewater system;
   b. If greater than 20 acres, to be located in a designated Priority Funding Area;
   c. To have a demonstrable economic benefit; and
   d. Have an allowed average density of at least 3.5 units per acre as calculated under State Finance and Procurement Article, §5-7B-03(h), Annotated Code of Maryland
4. The use of existing public infrastructure, where practical;
5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site.
6. Impacts on a priority preservation area;
7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams;
8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development and/or sea level rise; and
9. Environmental impacts on underserved or overburdened communities.

§ 80-39. Grandfathering.

A. Continuation of existing uses.

1. The continuation, but not necessarily the intensification or expansion, of any use in existence on January 1986 may be permitted, unless the use has been abandoned for more than one year or is otherwise restricted by existing municipal Ordinances.

2. If any existing use does not conform with the provisions of this Ordinance, its intensification or expansion may be permitted only in accordance with the variance procedures in §80-39.

B. Residential density on Grandfathered Lots.

1. Except as otherwise provided, the following types of land are permitted to be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of this Ordinance.
   a. A legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985
   b. Land that received a building permit subsequent to December 1, 1985, but prior to January 1986**.**
   c. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval between June 1, 1984 and December 1, 1985;
   d. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985 and provided that either development of any such land conforms to the IDA, LDA or RCA requirements in this Ordinance or the area of the land has been counted against the growth allocation permitted under this Ordinance.
   e. Any land on which development activity has progressed to the point of pouring of foundation footings or the installation of structural members.

C. Consistency.

1. For purposes of implementing this regulation, a local jurisdiction shall have determined, based on land uses and development in existence on December 1, 1985 which land areas fall within the three types of development areas described in this chapter.
2. Nothing in this Section may be interpreted as altering any requirements of this Ordinance related to water-dependent facilities or Habitat Protection Areas.

§ 80-40. Variances. (See Article XIV § 80-151)

A. Applicability. The Town has established provisions where, owing to special features of a site or other circumstances literal enforcement of the CA District provisions of this Zoning Ordinance would result in unwarranted hardship to an applicant, a variance may be obtained. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the CA District, that is subject to the application and for which a variance is required, does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of this Zoning Ordinance. Unwarranted hardship means that

without a variance, an application would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

B. In accordance with Natural Resources Article, §8-1808(d)(2), Annotated Code of Maryland, if a person meets the threshold standing requirements under federal law, the person shall have standing to participate as a party in a local administrative proceeding,

C. Standards. The provisions for granting such a variance shall include written findings submitted by the applicant based on complete and substantial evidence that the applicant has overcome the presumption established under A. above and that the following standards are met:

a. Due to special features of the site or special conditions or circumstances that exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of this Ordinance would result in unwarranted hardship;
b. A literal interpretation of the provisions of the CA District provisions will deprive the applicant of the use of land or a structure permitted to others in accordance with the provisions of this Critical Area Ordinance;
c. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this Zoning Ordinance to other lands or structures in accordance with the provisions of the Critical Area of this Ordinance.

D. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or non- Process.

a. The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the CA District and the granting of the variance will be in harmony with the general spirit and intent of the State Critical Areal Law the regulations in COMAR Title 27, Subtitle 01, and this Critical Area Ordinance.

E. Process. Applications for a variance will be made in writing to the Town of Millington Board of Appeals with a copy provided to the Critical Area Commission. Town of Millington shall follow its established procedures for advertising and notification of affected landowners.

a. After hearing an application for a Critical Area variance, the Board of Appeals shall make written findings reflecting analysis of each standard. With due regard

for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

i. The applicant;
ii. Town of Millington or any other government agency; or
iii. Any other person deemed appropriate by Town of Millington.

b. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, Town of Millington shall consider that fact, and whether the application has met the requirements of Part F below.
c. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of non-conformance established in paragraph A above.
d. Town of Millington shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.

F. After-the-Fact Requests.

1. A local jurisdiction may not accept an application of a variance to legalize a violation of this subtitle including an unpermitted structure or other development activity until the local jurisdiction;
    a. Issues a notice of violation; and
    b. Assesses an administrative or civil penalty for the violation.
2. The Town of Millington may not issue a permit, approval, variance, or special exception to legalize a violation of this Ordinance unless an applicant has;
    a. Fully paid all administrative, civil and criminal penalties imposed under Natural Resources Article §8-1808©(1), Annotated Code of Maryland;
    b. Prepared a restoration or mitigation plan, approved by the local jurisdiction to abate impacts to water quality or natural resources as a result of the violation; and
    c. Performed the abatement measures in the approved plan in accordance with the local Critical Area Ordinance.
3. If the Board denies the requested after-the-fact variance, then the Town of Millington shall:
    a. Order removal or relocation of any structure; and
    b. Order restoration of the affected resources

G. Appeals.

Appeals from decision concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of the Town for variances. Variance decisions by the Board of Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation, or governmental agency aggrieved or adversely affected by any decision made under this Zoning Ordinance.

H. Conditions and mitigation. The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure

that the spirit and intent of the CA District is maintained including, but not limited to the following:

a. Adverse impacts resulting from the granting of the variance shall be mitigated as recommended by the Zoning Administrator or Planning Commission, but not less than by planting on the site per square foot of the variance granted at no less than a three to one basis.
b. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

I. Commission notification. Within ten (10) working days after a written decision regarding a variance application is issued, a copy of the decision will be sent to the Critical Area Commission. The Town may not issue a permit for the activity that was the subject of the application until the applicable 30-day appeal period has elapsed.

§ 80-41. Lot Consolidation and Reconfiguration

A. Applicability

The provisions of this section apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

1. Those for which a Critical Area variance is sought or has been issued; and
2. Those located in the Resource Conservation Area and are less than 20 acres in size.

B. Procedure

An applicant seeking a parcel or lot consolidation or reconfiguration shall provide the information required in COMAR 27.01.02.08.E.

1. Millington will not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with COMAR 27.01.02.08.F.
2. The Planning Commission shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
    a. After a final written decision or order is issued, the Planning Commission shall send a copy of the decision or order and a copy of any approved development plan within ten (10) business days to the Critical Area Commission's business address.
3. The Town of Millington may not issue a permit or approval of any type on a property affected by the final written decision or order until after the expiration of the time within which the Commission may file an appeal or petition for judicial review.

§ 80-42. Local Development Projects

A. Applicability.

For all developments in the Critical Area resulting from any action by the Town of Millington on local or privately owned lands, the Town of Millington shall adhere to COMAR 27.02.02,

COMAR 27.02.04 and COMAR 27.02.06.

B. Procedures.

1. If the project meets the provision of this Ordinance and is minor development, the Planning Commission shall prepare a consistency report and submit a copy of the report with relevant plans and information about the project to the Critical Area Commission per the requirements of COMAR 27.02.02.
2. If the project does not meet the provision of this Ordinance, the Planning Commission shall seek a conditional approval by the Critical Area Commission per the requirements of COMAR 27.02.06.
3. The Town of Millington shall submit information as required in the Critical Area Commission's Project Subcommittee Application and Checklist.

C. Notice and posting requirements for projects reviewed and approved by the Critical Area Commission. Public notice is required for all development projects that qualify under COMAR 27.03.01.03. Public notice shall be the responsibility of the Town of Millington and evidence that those requirements have been met shall be included as part of the submittal to the Critical Area Commission.

§80-43. Amendments.

A. Amendments (See Article XVI §80-189).

Program changes. The Mayor and Council may from time to time amend the provisions of this Zoning Ordinance that apply to the CA Critical Area Overlay District amendments include, but are not limited to, amendments, revisions, and modifications to zoning regulations, Critical Area Maps, implementation procedures, and local policies that affect the CA District. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in §8-1809 of the Natural Resources Article of the Annotated Code of Maryland. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law §8-1809(d), respectively.

B. Comprehensive reviews. The Town will review its entirety of CA District provisions and propose any necessary amendments at least every ten (10) years. The anniversary of the date that the adoption of this Zoning Ordinance shall be used to determine when the review shall be completed. The Town of Millington shall notify the Commission in writing if it requires a one (1) year extension to the ten-year deadline of September 9, 2035. Within 60 days after the completion of the review, the Town will send the following information in writing to the Commission:

1. A statement certifying that the required review has been accomplished.
2. A list of requests for amendments, refinements, or other matters that the Town wishes the commission to consider.
3. An updated resource inventory; and
4. A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.

C. Zoning map amendments.

1. The Town of Millington may grant a zoning map amendment in the Critical Area if the

map amendment:

a. is wholly consistent with the Critical Area land classification; or

b. if not consistent with the Critical Area land classification:

i. proposes the use of a part of the remaining growth allocation; or

ii. proposes to change the Critical Area land classification from either an IDA to an LDA or an RDA; or from an LDA to an RCA.

2. The Town of Millington may grant a change to the Critical Area land classification on proof of mistake if the proposed Critical Area classification:

a. conforms to the State Critical Area mapping criteria based on land uses in existence either:

i. as of December 1, 1985 if part of the originally mapped Critical Area; or

ii. as of the date the land was included in the Critical Area due to a Critical Area boundary remapping effort.

b. Follows the Town of Millington's documented mapping methodology for Critical Area classification at the time of mapping; and

c. Is consistent with the purposes, policies, and goals of the Critical Area law and regulations.

D. Process.

1. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research. Upon completing Findings of Fact, these documents shall be forwarded to the Mayor and Council.

2. Mayor and Council shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.

3. After the Mayor and Council approve an amendment, they shall forward their decision and applicable resolutions along with the amendment request to the Critical Area Commission for final approval.

E. Critical Area Commission review.

When the Town submits a request for review and approval of changes to any element of the Zoning Ordinance provisions applicable to the CA District including, but not limited to Zoning Ordinance text or maps, the request will include all relevant information necessary for the Chair of the Commission, and as appropriate, the Commission, to evaluate the changes. The Chairman, and as appropriate, the Commission, shall determine if the requests for amendment(s) are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.

F. Critical Area Commission decision. In accordance with the determination of consistency outline above, the Chairman, or as appropriate, the Commission will:

a. Approve the proposed refinement or amendment and notify the local jurisdiction;

b. Deny the proposed refinement or amendment;

c. Approve the proposed refinement or amendment subject to one or more conditions; or

d. Return the proposed refinement or amendment to the town with a list of changes to be made.

G. Adoption of a Program Amendment or Refinement.

If approved by the Critical Area Commission, Town of Millington shall incorporate a program amendment or refinement into its adopted Critical Area Program, including any conditions of approval, within 120 days of receiving notice from the Chairman of the Commission.

§ 80-44. Enforcement

A. Consistency.

The Critical Area provisions of this Ordinance, in accordance with the Critical Area Act and Criteria supersede any inconsistent law, Ordinance or plan of Millington. In the case of conflicting provisions, the stricter provisions shall apply.

B. Violations.

1. No person shall violate any provision of this Ordinance. Each violation that occurs and each calendar day that a violation continues shall be a separate offense, subject to separate fines, orders, sanctions, or other penalties.
2. Each person who violates a provision of this Ordinance shall be subject to separate administrative civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit or order issued by the Town related to the Critical Area shall be a violation of this Ordinance and shall be enforced as provided herein.

C. Responsible persons.

The following persons may each be held jointly or severally responsible for a violation: (1) persons who apply for or obtain any permit or approval, (2) contractors, (3) subcontractors, (4) property owners, (5) managing agents, or (6) any person who has committed, assisted, or participated in the violation.

D. Required enforcement action.

In the case of violations of this Ordinance, the Town shall take enforcement action including:

1. Assess administrative civil penalties as necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying and citing the violation, issuing abatement and restoration orders, and reviewing mitigation plans and ensuring compliance with these plans;
2. Issue abatement, restoration, and mitigation orders as necessary to:
    a. Stop unauthorized activity;
    b. Restore and stabilize the site, as appropriate, to its condition prior to the violation or to a condition that provides the same water quality and habitat benefits; and
    c. Require the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Restoration and Mitigation.

1. A restoration or mitigation order shall specify the amount of appropriate restoration and mitigation as necessary to offset the adverse impacts to the Critical Area, resulting from the violation, consistent with all other requirements of this Ordinance.
2. For restoration or mitigation that exceeds 1,000 square feet or involves expenses

exceeding $1,000, the Town of Millington shall collect a bond or other financial security.

3. if restoration or mitigation involves planting, a bond shall be held for at least 2 years after the date the plantings were installed to ensure plant survival.
4. A property owner may request the Town of Millington to schedule inspections as necessary to ensure compliance and the return of the bond or other financial security.

F. Right to enter property.

Except as otherwise authorized and in accordance with the procedures specified herein, the Mayor and Council or their designee may obtain access to and enter a property in order to identify or verify a suspected violation, restrain a development activity, or issue a citation if the Town has probable cause to believe that a violation of this Ordinance has occurred, is occurring, or will occur. Town officials shall make a reasonable effort to contact a property owner before obtaining access to or enter the property. If entry is denied, the Town may seek an injunction to enter the property to pursue an enforcement action.

G. Administrative civil penalties.

In addition to any other penalty applicable under State or Town law, every violation of a provision of Natural Resources Article, Title 8 Subtitle 18 or Critical Area provisions of this Ordinance shall be punishable by a civil penalty of up to $10,000 per calendar day.

1. Before imposing any civil penalty, the person(s) believed to have violated this Ordinance shall receive: written notice of the alleged violation(s) including which, if any, are continuing violations, and an opportunity to be heard. The amount of the civil penalty for each violation, including each continuing violation, shall be determined separately. For each continuing violation, the amount of the civil penalty shall be determined per day. In determining the amount of the civil penalty, the Town shall consider:
    a. The gravity of the violation;
    b. The presence or absence of good faith of the violator;
    c. Any willfulness or negligence involved in the violation including a history of prior violations;
    d. The environmental impact of the violation; and
    e. The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to Millington for performing, supervising, or rendering assistance to the restoration and mitigation.
2. Administrative civil penalties for continuing violations shall accrue for each violation, every day each violation continues, with no requirements for additional assessments, notice, or hearings for each separate offense. The total amount payable for continuing violations shall be the amount assessed per day for each violation multiplied by the number of days that each violation has continued.
3. The person responsible for any continuing violation shall promptly provide the Town with written notice of the date(s) the violation has been or will be brought into compliance and the date(s) for Town inspection to verify compliance. Administrative civil penalties for continuing violations continue to accrue as set forth herein until the Town receives such written notice and verifies compliance by inspection or otherwise.
4. Assessment and payment of administrative civil penalties shall be in addition to and not in substitution for recovery by the Town of all damages, costs, and other expenses caused by the violation.
5. Payment of all administrative civil penalties assessed shall be a condition precedent to the issuance of any permit or other approval required by this Ordinance.

H. Cumulative remedies.

The remedies available to the Town under this Ordinance are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

I. Variances pursuant to a violation.

For any violation that requires a variance to this Ordinance, Town of Millington shall follow the after-the-fact variance provisions found in this Ordinance.

J. Permits pursuant to a violation.

The Town will not issue any permit, approval, variance, or special exception, that is subject to the violation, unless the person seeking the permit has:

1. Fully paid all administrative, civil, or criminal penalties as set forth in §F. above;
2. Prepared a restoration or mitigation plan, approved by the Town, to abate impacts to water quality or natural resources as a result of the violation;
3. Performed the abatement measures in the approved plan in accordance with all Town regulations; and
4. Unless an extension of time is approved by the Town because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

K. Appeals.

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the Town in connection with the administration and enforcement of this Ordinance.

1. An appeal is taken by filing a written notice of appeal with the Board of Appeals in accordance with the provisions of the Ordinance and accompanied by the appropriate filing fee.
2. An appeal must be filed within thirty (30) days after the date of the decision or order being appealed; and
3. An appeal stays all actions by the Town seeking enforcement or compliance with the order or decisions being appealed, unless the Town certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the Town shall not be stayed except by order of a court on application of the party seeking the stay.
4. Application for a variance pursuant to a violation constitutes a waiver of the right to appeal any order, requirement, decision or determination related to the violation and its final adjudication including the payment of any penalties and costs assessed.

L. Additional Enforcement Authorities.

1. The Town of Millington is authorized to pursue violations in Circuit Court or District Court in accordance with the Natural Resources Article §8-1815(a)(2).
2. Town of Millington is authorized to institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Ordinance, an administrative order, a permit, a decision, or other imposed condition. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent Town

of Millington from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

§ 80-45. The Buffer.

A. Applicability and Delineation

An applicant for a development activity or a change in land use shall apply all of the required standards for a minimum 100-foot Buffer as described in this section. The minimum 100-foot Buffer shall be delineated in the field and shall be shown on all applications as follows:

1. The minimum 100-foot Buffer is delineated and expanded as described in A2 below, based on existing field conditions landward from:
   a. The mean high-water line of tidal water;
   b. The edge of each bank of a tributary stream; and
   c. The upland boundary of a tidal wetland.
2. The Buffer shall be expanded beyond the minimum 100-foot Buffer as described in §A1 above and the minimum 200-foot Buffer as described in §A3 below, to include the following contiguous land features:
   a. A steep slope at a rate of four feet for every one percent of slope or the entire steep slope to the top of the slope, whichever is greater;
   b. A nontidal wetland to the upland boundary of the nontidal wetland;
   c. The 100-foot buffer that is associated with a Nontidal Wetland of Special State Concern as stated in COMAR §26.23.06.01;
   d. For an area of hydric soils or highly erodible soils, the lesser of:
      (i) The landward edge of the hydric or highly erodible soils; or
      (ii) Three hundred feet where the 300-foot expansion area includes the minimum 100-foot Buffer.
3. Applications for a subdivision or for a development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include a minimum Buffer of at least 200 feet from a tidal waterway or tidal wetlands, and 100 feet from a tributary stream:
   a. The 200-foot Buffer may be reduced if strict application of the 200-foot Buffer would preclude either subdivision at a density of one dwelling unit per 20 acres, or an intrafamily transfer subdivision.
   b. The reduced Buffer should be the minimum necessary to accommodate a dwelling and a sewage reserve area, as determined by the Planning Commission, but no less than 100 feet.
4. The provisions of §A (3) above do not apply if:
   a. The application for subdivision or site plan approval was submitted before July 1, 2008, and were legally recorded (subdivisions) or received final site plan approval (site plans), by July 1, 2010;
   b. The application involves the use of growth allocation.

B. Permitted activities.

The Town may authorize disturbance to the Buffer for the following activities provided mitigation is performed in accordance with Section D below and an approved Buffer Management Plan is submitted as required per section F below.

1. A new development or redevelopment activity associated with a water-dependent facility or located in an approved Modified Buffer Area; or
2. A shore erosion control activity constructed in accordance with COMAR 26.24.02,

COMAR 27.01.04, and this Ordinance;

3. A development or redevelopment activity approved in accordance with the variance provisions of this Ordinance;
4. A new development or redevelopment activity on a lot or parcel that was created before January 1, 2010 where:
   a. The Buffer is expanded for highly erodible soil on a slope less than 15 percent or is expanded for a hydric soil and the expanded Buffer occupies at least 75% of the lot or parcel;
   b. The development or redevelopment is located in the expanded portion of the Buffer and not within the 100-foot Buffer; and
   c. Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.
5. A septic system on a lot created before August 7, 1986, where mitigation is provided at a 1:1 ratio for area of canopy cleared of any forest or developed woodland.
6. Associated with the placement of dredged material under COMAR 27.01.03.03D.

C. Buffer establishment in vegetation.

1. The requirements of this regulation are applicable to:
   a. a development or redevelopment activity that occurs on a lot or parcel that includes a buffer to tidal waters, a tidal wetland, or a tributary stream if that development or redevelopment activity is located outside the buffer; and
   b. The approval of a subdivision that includes a buffer to tidal waters, a tidal wetland, or a tributary stream.
2. If an applicant for a subdivision of a lot uses or leases the lot for an agricultural purpose, the applicant:
   a. In accordance with local land recordation requirements, shall record an approved buffer management plan under Section F of this Part; and
   b. If authorized by the local jurisdiction, may delay implementation of the buffer management plan until the use of the lot is converted to a non-agricultural purpose.
3. The requirements of this regulation are not applicable to an in-kind replacement of a structure.
4. A local jurisdiction shall require an applicant to establish the buffer in vegetation in accordance with Part E of this chapter and to provide a buffer management plan under Part F of this chapter when an applicant applies for:
   a. Approval of a subdivision;
   b. Conversion from one land use to another land use on a lot or a parcel; or
   c. Development on a lot or a parcel created before January 1, 2010.
5. If a Buffer is not fully forested or fully established in woody or wetland vegetation, the Buffer shall be established through planting in accordance with COMAR 27.01.09.01-1.

D. Mitigation for impacts to the Buffer.

An application for a development activity that includes disturbance to the Buffer shall mitigate impacts to the Buffer and shall provide a Buffer Management Plan in accordance with the standards set forth in this section.

1. Authorized development activities may include a variance, subdivision, site plan, shore erosion control permit, building permit, grading permit, septic system approved by the Health Department on a lot created before January 31, 1988, and special exception.
2. All authorized development activities shall be mitigated in accordance with COMAR

27.01.09.01-2 and for the area of disturbance in the Buffer based on the following type:

a. 1:1 for shore erosion control projects;
b. 2:1 for riparian water access;
c. 2:1 for development or redevelopment of water-dependent utilities;
d. 2:1 for public roads, bridges & utilities; and
e. 3:1 for any development activity authorized by variance;
f. 1:1 for a septic system in a forest or developed woodland on a lot created before January 31, 1988 if clearing is required;
g. 0 for a septic system on a lot created before January 31, 1988 if located in existing grass or if clearing is not required.

3. All unauthorized development activities in the Buffer shall be mitigated at a ratio of 4:1 for the area of disturbance in the Buffer.
4. Planting for mitigation shall be planted onsite within the Buffer. If mitigation planting cannot be located within the Buffer, the Town may permit planting in the following order of priority:
   a. Onsite and adjacent to the Buffer; and
   b. Onsite elsewhere in the Critical Area.
5. For the removal of a dead tree, the affected area shall be stabilized with native groundcover or other native vegetation as necessary.
6. The removal of a diseased, dying, invasive, or hazardous tree shall be mitigated with one tree of a least ¾-inch caliper for each tree removed or the affected area shall be stabilized in native woody vegetation if a tree cannot be replanted due to space constraints.
7. The installation or cultivation of a new lawn or turf in the Buffer is prohibited.
8. As applicable to a site, Town of Millington shall require that an area in the buffer that is temporarily disturbed by a development activity be restored in pre-disturbance conditions.

E. Buffer Planting Standards.

1. An applicant that is required to plant the Buffer for Buffer establishment or Buffer mitigation shall apply the planting standards set forth in COMAR 27.01.09.01-2.
2. A variance to the planting and mitigation standards of this Ordinance is not permitted.

F. Required Submittal of Buffer Management Plans.

An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved by the Town.

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall submit a Buffer Management Plan as provided in COMAR 27.01.09.01-3 with the application for the specific activity. The provisions of this section do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

1. A Buffer Management Plan that includes planting for establishment shall be submitted with all other application materials clearly specifies the area to be planted and state if the applicant is:
   a. Fully establishing the Buffer;
   b. Partially establishing an area of the Buffer equal to the net increase in lot coverage, or
   c. Partially establishing an area of the Buffer equal to the total lot coverage.
2. Any permit for development activity that requires Buffer establishment or Buffer mitigation will not be issued until the Town approves a Buffer Management Plan.

3. An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved by the Town.
4. The Town will not approve a Buffer Management Plan unless:
    a. The plan clearly indicates that all planting standards under §E will be met; and
    b. Appropriate measures are in place for the long-term protection and maintenance of all Buffer areas.
5. For a Buffer Management Plan that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy will not be issued until the applicant:
    a. Completes implementation of a Buffer Management Plan; or
    b. Provides financial assurance to cover the costs for:
        (i) Materials and installation; and
        (ii) If the mitigation or establishment requirement is at least 5,000 square feet, long-term survivability requirements as set forth in COMAR 27.01.09.01-2.
6. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
7. If an applicant fails to implement a Buffer Management Plan, that failure shall constitute a violation of this Ordinance. A permit for development activity will not be issued for a property that has the violation.
8. An applicant shall post a subdivision with durable signs prior to final recordation in accordance with COMAR 27.01.09.01-2.
9. Buffer management plans that include natural regeneration shall follow the provisions of COMAR 27.01.09.01-4.
10. An applicant may submit a "Shoreline Stabilization Measure Buffer Management Plan" as provided on the Commission's website for any shore erosion activity authorized by Maryland Department of Environment in accordance with COMAR 26.24.04.

I. Fees-In-Lieu of Buffer Mitigation.

A fee in-lieu of mitigation will be collected if the planting requirements of the Buffer Management Plan cannot be fully met onsite in accordance with the following standards:

1. Fee-in-lieu monies shall be collected and held in a special fund, which may not revert to Millington's general fund;
2. Fee-in-lieu shall be assessed at $1.50 per square foot of required Buffer mitigation;
3. A portion of fee-in-lieu money can be used for management and administrative costs; however, this cannot exceed 20% of the fees collected; and

4. Fee-in-lieu monies shall be used for the following projects:
    a. To establish the Buffer on sites where planting is not a condition of development or redevelopment;
    b. For water quality and habitat enhancement projects as approved by the Critical Area Commission or by agreement between the Town and the Critical Area Commission.

J. Shore Erosion Control Projects.

Shore erosion control measures are permitted activities within the Buffer in accordance with the following requirements:

1. An applicant for a shore erosion control project that affects the Buffer in any way, including, but not limited to access, vegetation removal and pruning, or backfilling shall submit a Buffer Management Plan in accordance with the requirements of this section;

and

2. Comply fully with all of the policies and criteria for a shore erosion control project stated in COMAR 27.01.04 and COMAR 26.24.06.01.

§80-46. Modified Buffer Area (MBA).

A. Applicability.

The following provisions apply to areas designated and mapped by Town of Millington as Modified Buffer Areas (MBA) and shown on maps available to the public held by Town of Millington. All MBA maps and provisions must be approved by the Critical Area Commission.

B. Development and Redevelopment Standards.

New development or redevelopment activities, including structures, roads, parking areas, and other impervious surfaces or septic systems will not be permitted in the Buffer in a designated MBA unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission finds that efforts have been made to minimize Buffer impacts and the development complies with the following standards:

1. Development and redevelopment activities have been located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
2. Variances to other local setback requirements have been considered before additional intrusion into the Buffer.
3. Commercial, industrial, institutional, recreational, and multi-family residential development and redevelopment shall meet the following standards:
    a. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the minimum required setback for the zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line.
    b. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the minimum setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. A new structure may be constructed on the foot print of an existing structure.

4. Single family residential development and redevelopment shall meet the following standards:
    a. New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the minimum setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 50 feet from the water (or the edge of tidal wetlands).
    b. Existing principal or accessory structures may be replace din the same footprint.
    c. New accessory structures may be located closer to the water than the

setback if the Planning Commission has determined there are no other locations for the structures. The area of new accessory structures shall not exceed 500 square feet with 50 feet of the water and 1,000 square feet total in the Buffer.

5. Variances to other local setback requirements shall be considered before additional intrusion into the Buffer is permitted.
6. Development and redevelopment may not impact any Habitat Protection Area (HPA) other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
7. Modified Buffer Area (MBA) designation shall not be used to facilitate the filing of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
8. No natural vegetation may be removed in the Buffer except that required by the proposed construction.
9. Mitigation for development or redevelopment in the MBA approved under the provision of this subsection shall be implemented as follows:
    a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in the Buffer or at another location approved by the Planning Commission.
    b. Applicants who cannot fully comply with the planting requirement in §(a) above, may use offset by removing an equivalent area of existing lot coverage in the Buffer.
    c. Applicants who cannot comply with either the planting or offset requirements in §(a) or §(b) above shall pay into a fee-in-lieu program as follows:
        i. Applicants shall submit to the Planning Commission two cost estimates from qualified landscape businesses for planting the equivalent of twice the extent of the development within the 100-foot Buffer. The estimate shall include the cost of stock, planting, staking, mulching, and a one-year survival guarantee.
        ii. The Planning commission shall determine the amount of the fee-in-lieu based on the average of the two estimates.
    d. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical area to enhance wildlife habitat, improve water quality, or otherwise promote the goals of the Millington's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been required under existing local, State, or federal laws, regulations, statutes, or permits. The status of these funds must be reported in the jurisdiction's quarterly reports.
    e. Any required mitigation or offset areas shall be protected from future development through easement, development agreement, plat notes, or other instrument approved by the Town and recorded among the land records of the County.

§80-47. Other Habitat Protection Areas.

A. Identification.

An applicant for a development activity, redevelopment activity, or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas includes:

1. Threatened or endangered species or species in need of conservation;
2. Colonial waterbird nesting sites;
3. Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and non-tidal wetlands;
4. Existing riparian forests;
5. Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
6. Other plant and wildlife habitats determined to be of local significance;
7. Natural Heritage Areas; and
8. Anadromous fish propagation waters.

B. Standards.

1. An applicant for a development activity proposed for a site within the Critical Area that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service (DNR WHS) and as necessary United States Fish and Wildlife (USFWS), for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a threatened and endangered species and species in need of conservation in a Habitat Protection area on or near a site.
2. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall follow the requirements of COMAR 27.01.09.02 through 27.01.09.05, all recommendations from DNR, WHS and as necessary all recommendations from USFWS.
   a. If potential FIDS habitat is identified, the proposed development shall conform to the Critical Area Commission's FIDS Guidance Manual, dated June 2000 and as updated.
   b. If potential anadromous fish propagation waters are identified, the proposed development shall conform to the policies and criteria listed in COMAR 27.01.09.05.
3. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

§80-48. Environmental Impact Assessment (EIA).

A. Applicability

The Planning Commission, Board of Appeals, or Mayor and Council may require an Environment Impact Assessment (ETA) for the following:

1. Development or redevelopment activities in the Critical Area requiring site plan approval;
2. Development or redevelopment activities in the Critical Area requiring subdivision approval;
3. Development or redevelopment activities within a Habitat Protection Area other than a detached single-family dwelling;

4. An application of Growth Allocation; or
5. An application of a variance other than for detached single family dwelling

§80-49. Water Dependent Facilities.

A. Applicability

The provisions of this chapter apply to those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer. The provisions of this chapter are not applicable to:

1. A private pier that,
   a. Is installed or maintained by a riparian landowner, and
   b. Is not part of a residential project that provides a community pier or other community boat-docking or storage facility under F, of this chapter, or
2. A non-water dependent project covered under COMAR 27.01.13.
   The requirements of COMAR 27.01.02 apply to this chapter.

B. General Criteria.

The following standards shall apply to new or expanded development activities associated with water-dependent facilities:

1. In accordance with Natural Resources Article §8-1808.3, Annotated Code of Maryland, permitted development in the Buffer is limited to the minimum lot coverage necessary to accommodate each water dependent facility or activity.
2. New or expanded development activities may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that it can be shown:
   a. That the facility or activity are water-dependent;
   b. That the facility or activity meets a recognized private right or public need;
   c. That adverse effects on water quality, fish, plant, and wildlife habitat are first avoided, or if unavoidable, minimized;
   d. That, insofar as possible, a non-water dependent project associated with the water dependent facility or activity is located outside the Buffer;
   e. Impacts to fish, wildlife, or plant habitat are avoided, or if unavoidable, minimized; and
   f. Mitigation is provided at a minimum ratio of 1:1 based on the square footage of canopy coverage removed.
3. Except as otherwise authorized in this section, a water dependent facility or activity is prohibited in the Buffer of the Resource Conservation Area.
4. The placement of dredged material in the Buffer or a portion of the Critical Area that has been designated as a habitat protection area is prohibited, except as necessary for:
   a. A beneficial use approved by the Board of Public Works or the Department of the Environment, such as:
      i. Backfill for a shoreline stabilization measure;
      ii. Use in a nonstructural shoreline stabilization measure, including a living shoreline:
      iii. Beach nourishment;
      iv. Restoration of an island;

v. The creation, restoration, or enhancement of a wetland, or a wish, wildlife, or plant habitat;
vi. Any other approved beneficial use; or

b. Placement in an area that was approved for the disposal of channel maintenance dredged material before June 11, 1988; and

5. Shall ensure:
   a. The avoidance or, if unavoidable, the minimization of impacts to fish, wildlife, or plant habitat; and
   b. Mitigation at a ratio of 1:1 based on the square footage of the area of the canopy coverage removed.

C. General Requirements for the Location of Water Dependent Facilities or Activities.

1. The Town of Millington shall evaluate on a case-by-case basis all proposals for expansion of existing or new water-dependent facilities. The Town of Millington shall work with appropriate State and federal agencies to develop a plan for the approval of an area suitable for the location of a new or expanded water dependent facility or activity.
2. The following siting factors shall be considered when evaluating proposals for new or expanded water dependent facilities:
   a. The impact on the water body upon which the water dependent facility or activity is proposed that would likely result from the approval of that location, including:
      i. Alteration of an existing water circulation pattern or salinity regime;
      ii. Adequacy of area flushing characteristics:
      iii. Necessity of, and proximity to, a dredging operation; and
      iv. Interference with the natural transport of sand;
   b. Disturbance to:
      i. An oyster harvest area, as defined in COMAR 08.02.04.11;
      ii. An area covered in a current aquaculture lease, as defined in Natural Resources Article, §4-11A-01, Annotated Code of Maryland;
      iii. A harvest reserve area, as designated under Natural Resources Article §4-1009.1, Annotated Code of Maryland;
      iv. An oyster sanctuary, as established in COMAR 08.02.04.15A; and
      v. Any other shellfish located in a shellfish area regulated by the Department of Natural Resources;
   c. Avoidance of disturbance to water quality and aquatic or terrestrial habitat resulting from the method or manner of dredging; and
   d. The avoidance or, if unavoidable, the minimization of:
      i. Disturbance to:
         a. A wetland;
         b. Submerged aquatic vegetation;
         c. A habitat of threatened or endangered species or species in need of conservation;
         d. In accordance with COMAR 26.08.02.04-1, a water body identified by the Department of the Environment as a Tier II, high quality water body and its watershed; and
         e. A nontidal wetland of special State concern, as set forth in COMAR 26.23.01.01 and 04 and COMAR 26.23.06.01; and

ii. Adverse impact on water quality that would likely result from the facility or activity, such as nonpoint source runoff, sewage discharge, or other pollution related to vessel maintenance.

D Industrial and port-related facilities.

New, expanded, or redeveloped industrial or port-related facilities or activities and the replacement of these facilities or activities may be permitted only in those portions of Intensely Developed Areas that have been designated as Modified Buffer Areas as described in this ordinance and are subject to the provisions set forth in that Chapter.

E. Commercial Marinas and Other Water Dependent Commercial Maritime Facilities and Activities.

1. In addition to meeting the requirements of §80-49B and §80-49C.
   a. A new or expanded commercial marina or related commercial maritime facility or activity may be permitted in the Buffer of an IDA or LDA.
   b. A redeveloped or expanded commercial marina or related commercial maritime facility or activity may be permitted in the Buffer of an RCA; or
   c. A new commercial marina or related commercial maritime facility or activity may be permitted in the Buffer of an RCA, only if it is publicly owned and meets all the requirements of Section G of this Part.
2. Town of Millington shall require that the operation of each commercial marina and each related commercial maritime facility or activity complies with:
   a. The requirements of COMAR 26.08.04.09 and, as applicable, COMAR 26.24.04.03; and
   b. The stormwater, wastewater, noncontact cooling water discharge, and any other applicable requirements of the Department of the Environment.

F. Community Piers and Other Community Boat-Docking and Storage Facilities.

1. in addition to meeting the requirements of §80-48B and §80-48C, new or expanded community piers or other community boat-docking and storage facility may be permitted in the Buffer if:
   a. The owner or operator of the pier or facility:
      i. Does not offer food, fuel, or other goods and services for sale in the buffer or on the community pier; and
      ii. As applicable, complies with the requirements of COMAR 26.24.04.03;
   b. The pier or facility is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision.
   c. The pier or facility is associated with a residential project approved by the Town for the Critical Area and consistent with all State requirements and program requirements for the Critical Area;
   d. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the pier or facility; and
   e. If community piers are provided as part of a new residential project, private piers in the development are not allowed.
2. The number of slips authorized at a pier or facility shall be the less of (a) or (b) below:
   a. One slip for each 50 feet of shoreline in a residential project in the Intensely Developed and Limited Development Areas; and one slip for

each 300 feet of shoreline in a residential project in the Resource Conservation Area; or

b. A density of slips to platted lots or dwellings within a residential project in the Critical Area according to the following schedule:

Table 6.F.2 Number of Slips Permitted

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 – 40	15 or 75% whichever is greater
41 - 100	30 or 50% whichever is greater
101 - 300	50 or 25% whichever is greater
Over 300	75 or 15% whichever is greater

G. Public Beaches and Other Public Water Oriented Recreation or Education Areas or Activities.

1. In addition to meeting the requirements of §80-49B and §80-49C, public beaches or other public water-oriented recreation or education areas or activities may be permitted in the Buffer of:
   a. An Intensely Developed Area; or
   b. A Limited Development Area or a Resource Conservation Area provided that:
      i. Adequate sanitary facilities exist:
      ii. Sanitary and service facilities are, to the extent possible, located outside the Buffer;
      iii. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would likely result; and
      iv. Disturbance to natural vegetation is first avoided or, if unavoidable, minimized.
2. Areas for public passive outdoor recreation, such as nature study, hiking, hunting, trapping, and for education, may be permitted in the Buffer within a Limited Development Area or a Resource Conservation Area if sanitary and service facilities for these uses are located outside of the Buffer.

H. Research Associated and Education Associated Water Dependent Facilities or Activities.

In addition to meeting the requirements of §80-49B and §80-49C, a research associated water dependent facility or activity or of an education associated water dependent facility or activity may be permitted in the Buffer of an IDA, LDA, or RCA, if any associated nonwatery dependent project or activity is located outside the Buffer.

I. Aquaculture and Fishery Facilities and Activities; Water Quality Restoration.

The following types of aquaculture and fishery facilities and activities may be permitted in the Buffer of an IDA, LDA, or RCA:

1. A shore-based facility or activity necessary for a commercial aquaculture operation.
2. A commercial water dependent fishery facility or activity, including a structure for crab shedding, a fish off-loading dock, and a shellfish culture operation: and
3. A facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.

§80-50. Reserved.

§80-51. Reserved.

ARTICLE VI GENERAL REGULATIONS

§ 80-52. Compliance required.

No building or land shall hereafter be used and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with the regulations as set forth in this Zoning Ordinance.

§ 80-53. Encroachment; reduction of lot area.

The minimum yards, height limits, parking space and open spaces, including lot area per family, required by this Zoning Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

§ 80-54. Availability of copies of other regulations.

Whenever reference is made in this Zoning Ordinance to any other Ordinance , chart, table, schedule, or regulation which itself is not copied herein, a copy of such Ordinance, chart, table, schedule or regulation shall be kept on file in the Town office and available for inspection and reference.

§ 80-55. Construction in special flood hazard areas.

A. The following regulations are applicable to those areas determined to be special flood hazard areas by the Federal Insurance Administration of the Department of Housing and Urban Development and are shown on the flood hazard boundary maps available in the Town office of Millington.

B. The authority and responsibility for implementation and enforcement of the floodplain regulations in the Town of Millington are vested in the County Commissioners of Queen Anne's County and of Kent County.

C. All new construction, substantial improvements or major repairs to any building or structure in a flood hazard area must:

1. Be anchored to prevent movement or collapse.
2. Use flood-resistant materials or equipment.
3. Use construction methods and practices to prevent flood damage.
4. The lowest floor of new construction or substantial improvements must be located:
    a. For residences, at least two (2) feet above the one-hundred-year flood level.
    b. For nonresidential buildings and structures at least two (2) feet above the one-hundred-year flood level or be flood proofed.

D. In riverine areas:

1. Designated floodways must be able to pass the one-hundred-year flow.
2. No use will raise the one-hundred-year flood level more than one (1) foot.

3. Encroachments in the floodway must be offset be channel improvements.

E. In coastal high hazard areas:

1. Nonconforming uses on land below the one-hundred-year level cannot be expanded.
2. New structures or substantial improvements must:
   a. Be located landward of mean high tide.
   b. Be elevated above the one-hundred-year level and anchored to piles.
   c. Have space below the lowest floor free of obstruction.

ARTICLE VII PERMISSIBLE USES

§ 80-56. Use of the Designations P, PC, SE and SC in the Table of Permissible Uses.

When used in connection with a particular use in the Table of Permissible Uses included in this Article, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Town Administrator, the letter "PC" means that the use is permissible in the indicated zone with a zoning permit recommended by the Planning Commission and issued by the Town Administrator provided the conditions stipulated in Article VIII of this Ordinance are met; the letters "SC" mean the conditions of approval stipulated in Article VIII of this Ordinance for the proposed use must be met and a special exception permit must be recommended by the Planning Commission, approved by the Board of Appeals and issued by the Town Administrator; the letters "SE" means a special exception permit must be recommended by the Planning Commission and approved by the Board of Appeals.

§ 80-57. Unclassified Uses.

In the event an applicant wishes to use property for a use which is not specifically identified as a principal permitted use or a special exception use and where such use is not specifically prohibited from the district, the following provisions shall apply:

A. The Town Administrator shall submit to the Planning Commission and the Board of Appeals a written request for a determination of the unclassified use.

B. The Planning Commission if agreeable with request will recommend to the Board of Appeals their determination. The Board of Appeals shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.

C. If the Board of Appeals determines that the use is of a similar character and meets the intent of the principal permitted uses within the district, then it shall instruct the Town Administrator to issue a zoning certificate.

D. In the event that the Board of Appeals determines that the proposed use in the district is consistent with the character and intent of the uses permitted by special exception within the district, then the applicant shall apply for a special exception in the normal manner.

E. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by this Ordinance within a certain district.

F. This section shall not apply to the residential districts.

G. Once a use has been allowed or disallowed by the Board of Appeals, it shall then be considered classified under the appropriate category in the district.

§ 80-58. Board of Appeals Jurisdiction.

A. Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of the applicable provisions contained in this article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special-exception permit shall nevertheless be required if the Planning Commission finds that the proposed use would have an extraordinary impact on neighboring properties or the general public.

B. In making this determination, the Planning Commission shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

§ 80-59. Permissible Uses and Specific Exclusions.

A. The presumption established by this Zoning Ordinance is that all legitimate uses of land in the Town are provided for within at least one zoning district in the Town's planning jurisdiction. Because the list of permissible uses set forth in the Table of Permissible Uses cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

B. Notwithstanding Subsection A, all uses that are not listed in the Table of Permissible Uses, even given the liberal interpretation mandated by Subsection 1, are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

C. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:
   1. Uses lawfully existing on the effective date of this Ordinance.
   2. Special exceptions recommended by the Planning Commission and approved by the Board of Appeals.

D. Uses lawfully existing on the effective date of this Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article XIII of this Zoning Ordinance.

E. The following uses are specifically prohibited in all districts:
   1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials (solid or liquid substances that can easily ignite and burn).
   2. Stockyards, slaughterhouses, rendering plants.
   3. Use of a travel trailer or accessory building as a temporary or permanent residence; unless classified as an accessory dwelling unit.
   4. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted unless approved as a Food Truck vendor with the appropriate licensing.
   5. Solid or hazardous waste collection or disposal facilities excluding approved waste water treatment facilities.
   6. Sanitary landfills.
   7. Adult oriented businesses, establishments providing adult entertainment or material, adult

oriented commercial enterprises adult nightclub, bar, restaurant, or similar establishment adult bookstore; or massage parlor. See definitions.

§ 80-60. No More Than One Principal Structure on a Lot.

A. Every structure hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal structure on a lot unless as provided in 2 below or as an approved accessory dwelling unit.

B. More than one principal structure may be located upon a lot in the following instances subject to the lot, yard and density requirements and other provisions of this Ordinance:
1. Institutional buildings.
2. Public or semi-public buildings.
3. Multiple family dwellings.
4. Commercial or industrial buildings.
5. Additional principal structures in permitted mixed-use projects with the prior approval of the Planning Commission.
6. Condominiums.

§ 80-61. Accessory Uses.

A. The Table of Permissible Uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (a) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (b) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a separate permit.

B. The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.
2. Hobbies or recreational activities of a non-commercial nature.

3. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

C. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
2. Storage of more than two (2) recreation vehicles and/or boat and boat trailer requiring Maryland Registration on a residential lot.

§ 80-62. Permissible Uses Not Requiring Permits.

Notwithstanding any other provisions of this Zoning Ordinance or the Town Code, no zoning or special-exception permit is necessary for the following uses:

A. Streets.
B. Access driveways to an individual detached single-family dwelling.
C. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
D. Neighborhood Essential Services – those services vital for the well-being and functionality of a community – including but not limited to healthcare, education, public safety, and infrastructure.

§80-63. Permissible Uses Tables.

A. More specific use controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls shall apply.

B. Permitted uses in the PN Planned Neighborhood Floating Zone are separately enumerated in Article IV, Part II.

C. Table of Permissible Uses (see following pages)

LEGEND:
P = Permitted Use
PC = Permitted Use with Conditions
SE = Special Exception Use
SC = Special Exception with Conditions

AG = Agriculture
R-1 = Rural Conservation
R-2 = Single Family Residence
R-3 = Old Town Center
TC = Town Center
L-1 = Light Industrial

ZONING CLASSIFICATION	**AG**	**R-1**	**R-2**	**R-3**	**TC**	**LI**
USE DESCRIPTION						
AGRICULTURE						
Agriculture, including horticultural, hydroponics, general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs on properties of ten (10) acres or more, but not including feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.	P	PC	PC			PC
Aquaculture, including accessory processing and sales.	P					
Greenhouses, wholesale or retail	P					
Data Center	PC				PC	PC
Farm Brewery	P					PC
Farm employee housing	SE					
RESIDENTIAL USES						
Detached single-family dwellings	P	P	P	P	P	
Two-family dwellings			PC	PC	PC	

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
Townhouses				PC	PC	
Multiple-family dwellings		P		PC	PC	
Bed and Breakfast establishments		PC		PC	PC	
Accessory apartment		SC				
Accessory Dwelling Unit (ADU)	P	P	P	P	P	
Modular Home	P	P	P	P	P	
Manufactured Home	P	P	P	P	P	
Qualified projects developed by nonprofits		SE	SE	SE	SE	SE
Cottage Housing Development (CHD)		P	P	P		
LODGING						
Rooming, boarding, and lodging houses		SC	SC	SC		
Hotel, Motel					SC	
INSTITUTIONAL USE						
Cemeteries		PC				
Churches, temples, and synagogues		PC	PC	PC	PC	PC
Child care center		SC	SC	SC	SC	
Funeral homes		PC	PC	PC	PC	
Group Home		PC				
Government buildings and structures		SC	SC	SC		
Housing for the elderly, Nursing Home, Assisted Living Facility		SC	SC	SC		
Private clubs				SC	SC	
Public Safety						SC
Trade, artistic, or technical schools					SC	P
Schools and colleges, public and private		SC	SC	SC	SC	
RETAIL TRADE/COMMERCIAL/SERVICES USES						

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
Banks					P	
Business services					P	
Car wash.						SC
Computer programming and software services including data banks and data retrieval					P	P
Convenience Store					P	
Data Center	PC				PC	PC
Duplicating, mailing and copy services					P	P
Dry-cleaning and pressing pickup stations or shops.					SC	
Farm implement sales, service, rental and repair, but not salvage or junk						P
Food service establishments					P	
General offices					P	P
Health Services					P	
Lawn mower and yard and garden equipment sales, service, rental and repair.					SC	
Medical Cannabis Licensed Dispensary					SC	
Motor Vehicle and Related Services uses					SC	SC
Offices, general business and professional					P	
Personal services					P	
Parking garages and lots					P	
Private clubs, lodges, and meeting halls.					P	
Professional services					P	
Retail stores					P	
Radio and television stations and studios and recording studios, but not towers					P	
Schools for industrial training, trade, or business.					P	
Specialty shops					P	
RECREATION USE						
Billiard or pool parlors					P	
Bowling alley					P	

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
Dance halls					P	
Golf Courses		PC				
Health clubs					P	P
Indoor model racing tracks and similar activities					P	
Recreational or entertainment establishments, commercial					P	
Recreational uses, non-commercial		PC	PC	PC	PC	
LIGHT INDUSTRIAL USES						
Artisan Industrial		P	P	P	P	
Bakery						P
Blacksmith shops, welding shops, ornamental iron works, and machinery shops						P
Bottling plants						P
Confectionery production						P
Contractors storage yards						P
Craft distillery and microbrewery establishments		PC	PC	PC	P	
Data Center	PC				PC	PC
Dry cleaning plants						P
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders						P
Utilities		SC	SC	SC	SC	SC
Food production, packaging, packing and canning						P
Fuel storage yards						P
Ice manufacturing and storage						P
Laundry plants and dry-cleaning establishments (combined operation)						P
Manufacturing of light sheet metal products						P
Manufacturing, compounding, assembling or treatment of articles from the previously prepared materials						P
Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and						P

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
development						
Manufacturing, fabrication and/or subassembly of aircraft or satellite parts, components, and equipment						P
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps						P
Manufacturing of paint not employing a boiling or rendering process						P
Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas						P
Manufacturing and assembly of electronic components, instruments, and devices						P
Manufacturing and assembly of machine parts, components, and equipment						P
Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment						P
Manufacturing and assembly of mobile, modular, and manufactured homes						P
Manufacturing and assembly of semi-conductors, microchips, circuits, and circuit boards						P
Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development						P
Paper products manufacturing						P
Printing, publishing and engraving						P
Research, development, and related activities						P
Sawmills						P
Sign making shop						P
Stone works						P
Tinsmith and roofing services						P
Winery		PC	PC	PC	P	
Wood products manufacturing						P
Transportation, communication, and utilities uses						P
Cable communications system						P
Heliports						P
Pipelines						P

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
Radio and television broadcasting stations, towers, and accessory structures						P
Telephone offices, communication and telecommunication centers						P
Trucking terminals						P
Commercial uses:						
General Merchandise						P
Construction Services						P
Lumberyards						P
Retail sales and personal services, dealing primarily with employees in the zone						P
Wholesale trades limited to sale or rental of products intended for industrial or commercial users						P
Animal boarding places						P
Laboratories						
Storage, outdoor						P
Warehousing and storage services including self-storage facilities						P
ACCESSORY USES						
Accessory storage structures with a floor area of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres	SE					
Accessory structures for sale or processing farm products raised on the premises on a farm of ten (10) acres or more.	P	P	P			
Accessory open or enclosed storage of farm materials, products or equipment on a farm of ten (10) acres or more.	P	P	P			
Accessory farm buildings, including barns, stables, shed, tool rooms, shops, bins, tanks and silos on a farm of ten (10) acres or more.	P	P	P		P	
Accessory boathouses, piers, and bulkheads		PC	PC	PC	PC	PC
Data Center	PC	SC	SC	SC	PC	PC
Domestic storage		PC	PC	PC		
Private garage		PC	PC		PC	

ZONING CLASSIFICATION	AG	R-1	R-2	R-3	TC	LI
USE DESCRIPTION						
Guest houses		P	P		P	
Home Occupation		PC	PC	PC		
Keeping of small animals, insects, reptiles, fish, or birds		PC	PC	PC		
Storage of a recreational vehicle and/or boat and boat trailer		PC	PC	PC		
Swimming pools		PC	PC	PC	PC	
Temporary buildings		PC	PC	PC	PC	PC
Accessory off-street parking		PC	PC	PC		
Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use.					P	
Storage of goods or materials used in or produced by permitted commercial and industrial uses and related activities subject to applicable district regulations.					P	P

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ARTICLE VIII DENSITY DIMENSIONAL REGULATIONS

§ 80-64. Minimum Lot Size.

A. Subject to the exceptions listed below all lots shall have at least the amount of square footage indicated for the appropriate zoning district.

B. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area, the provisions of such lot-area-per-family and lot-width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.

§ 80-65. Residential Density.

A. Every lot developed for residential purposes shall have the minimum number of square feet of land area per dwelling unit as required by the Schedule of Zone Regulations. In determining the number of dwelling units permitted on a tract of land, fractions shall be rounded to the nearest whole number.

§ 80-66. Density on Lots Where Portion Dedicated to the Town.

A. Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates that portion of the tract so designated, then when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

B. If the proposed use of the remainder is a single-family detached residential subdivision, then the minimum lot size and minimum setbacks in such subdivision may be reduced, as determined appropriate by the Planning Commission to achieve the development, and the permitted density shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

C. If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

D. If the portion of the tract that remains after dedication as provided in Subsection A is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in Subsections B. and C.

§ 80-67. Minimum Lot Widths.

A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

1. Could be used for purposes that are permissible in that zoning district, and
2. Could satisfy any applicable setback requirements for that district.

B. The Schedule of Zone Regulations indicates minimum lot widths and depths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection A.

C. No lot created after the effective date of this Ordinance that is less than the recommended width shall be entitled to a variance from any building setback requirement.

§ 80-68. Building Setback Requirements.

A. Subject to other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot or property line than is authorized in the table set forth in Section 80-69.

1. If the lot or property line is not readily determined (by reference to a recorded map, set irons, or other means), the setback shall be measured from the boundary line of any adjacent right-of-way. If the boundary line of the right-of-way is not readily determinable the setback shall be measured from the centerline of the right-of-way and half the width of the right-of-way shall be added to the minimum setback requirement.
2. Whenever a lot abuts upon a public alley, the alley width may not be considered as a portion of the required yard.
3. Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two (2) streets is the side street.
4. Every part of a required yard shall be open to the sky, except as authorized by this Ordinance and except ordinary projections of sills, belt courses, window air-conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.

§ 80-69. Height, Area and Bulk requirements.

A. Modification of height regulations.

1. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this Zoning Ordinance shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, public monuments, commercial radio and television towers less than one hundred twenty-five (125) feet in height, silos, smokestacks, tanks, and water towers and standpipes.
2. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semipublic and public service buildings, hospitals, institutions and schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

B. Lot area.

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or tourist home or to rooms in rooming, boarding or lodging housing.

C. Front yards.

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
2. On through lots, the required front yard shall be provided on each street.
3. There shall be a front yard of at least fifteen (15) feet on the side street of a corner lot in any district: provided, however, that the buildable width of a lot of record at the time of passage of this Zoning Ordinance shall not be reduced to less than twenty-eight (28) feet.
4. Open, unenclosed porches, platforms or paved terraces not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project into the required front or side yard not more than six (6) feet.
5. Where twenty-five percent (25%) or more of the street frontage or where twenty-five percent (25%) or more of the street frontage within four hundred (400) feet of the property in question is improved with buildings that have a front yard (with a variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided however, that a depth of front yard of more than fifty percent (50%) in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty percent (40%) or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

E. Side yards.

1. The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case the width of that yard shall be as required in the Table of District Height, Area and Bulk Requirements for the district in which the building is located.

F. Corner visibility.

1. No sign, fence, wall, hedge, planting, or other obstruction to vision extending to a height in excess of three (3) feet above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty (20) feet distant from the intersection of the street lines.

G. Accessory buildings and structures.

1. An ornamental fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided that such fences and walls do not exceed a height of six (6) feet.
2. Accessory buildings which are not a part of the main building, although they may be

connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than thirty percent (30%) of the area of the required rear yard, and provided that it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.

3. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from street lines.

Table of Height, Area and Bulk Requirements follows:

			Minimum Lot Requirements		Min. Lot Dimensions		Minimum Required Yards			
District	**Maximum Height Feet**	**Stories**	**Lot Area per Family (sq. ft.)**	**Lot Area per Unit (sq. ft.)**	**Lot Width (ft.)**	**Lot Depth (ft.)**	**Front Yard Depth**	**Side Yard Width (ft.) 2 required**	**Width of Side Yards (ft.)**	**Rear Yard Depth (ft.)**
AR	35	21/2	(1)	(1)	75	200	50	15	25	30
R-1	35	21/2	10,000	10,000	70	100	30	5	15	30
R-2	35	21/2	8,000	8,000	70	100	25	5	15	25
			2-family, 4,000 each (2)	4,000	40	100	30	1,2, or 21/2 Story: 8	20	25
R-3	40	3	1-family, 8,000	8,000	70	100	30	1,2, or 21/2 Story: 8	20	25
			2-family, 4,000 each (2)	4,000	40	100	30	1,2, or 21/2 Story: 8	20	25
			3-family, 4,000 each	8,000	80	100	30	3 story: 10	25	30
			4+ - family, 3,500 each	3,500	80	100	30	3 story: 10	25	30
			Townhouse, 3,500 each (2)	2,000	18	100	30	10	20	25
TC										
- Nonresidential	45	3	NA	NA	NA	NA			(3)	(3)
- Residential	For Dwellings: Same as R-2									
LI-1	45	3	NA	None	None	None	50	20	50	None (4)

(1) The maximum residential density permitted in the AR Agriculture District shall be one dwelling unit per 30 acres. The minimum lot size shall be ¾ of an acre. The maximum percentage of property in lots shall be ten (10) percent.

(2) See additional regulations pertaining to two-family dwellings and townhouses.

(3) There shall be a side yard not less than twenty (20) feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than thirty (30) feet in depth on the rear side of a lot adjoining a residential district.

(4) There shall be a rear yard not less than forty (40) feet in depth on the rear side of a lot adjoining a residential district.

§80-70. Reserved

§ 80-71. Reserved

ARTICLE IX SUPPLEMENTARY USE REGULATIONS

This Article contains regulations to specific uses that supplement the requirements found in other articles of this Ordinance. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article VI and in the Table of Permissible Uses.

§ 80-72. Accessory Apartment

§ 80-72A. Accessory Dwelling Units (ADUs).

Accessory Dwelling Units, permitted as set forth in the land use table, subject to the following regulations:

A. An accessory dwelling unit is permitted on any lot with an existing single-family detached dwelling unit, provided it meets all other standards for accessory structures.

B. An accessory dwelling unit is exempt from the calculation of density for the lot, parcel, or tract upon which it is located. The construction of accessory dwelling units is not restricted by any Town of Millington ordinance, policy, or program intended to limit residential growth.

C. The rear and side lot line setback requirements for accessory dwelling units are the same as other accessory structures for the zoning district in which the lot, parcel or tracts is located.

D. Design Standards:

1. Purpose. Standards for creating accessory dwelling units address the following purposes:
    a. Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
    b. Respect the general building scale and placement of structures to allow sharing of shared space on the lot, such as driveways and yards; and
    c. Ensure accessory dwelling units are smaller than the principal residential units.
2. Creation. An accessory dwelling unit may only be created through the following methods:
    a. Converting existing living area, attic, or basement;
    b. Adding floor area to an existing dwelling;
    c. Construction of a stand-alone unit; or
    d. Adding onto or repurposing an existing accessory building (e.g., an apartment in an existing garage or converting an existing accessory building into an ADU).
3. Parking.
    a. No additional parking space is required for the accessory dwelling unit if on-street parking is permitted and adequate.
    b. One additional parking space located on or within one hundred (100) feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in

abutting streets can accommodate on-street parking, or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.

§ 80-73. Accessory Boathouses, Piers and Bulkheads.

A. Accessory boathouses, piers and bulkheads are permitted in all districts subject to the following regulations:

1. A boathouse may not be used as a dwelling, guest house or servants' quarters unless specifically permitted by other sections of this Ordinance.
2. The height of a boathouse shall not exceed twenty (20) feet above mean high water.
3. No boathouse shall exceed twenty (20) feet in width or forty (40) feet in depth.
4. No boathouse shall be built beyond the established bulkhead line or waterway line or closer than ten (10) feet to a side lot line.
5. Boathouses and boat slips, together with other accessory buildings, may occupy no more than thirty-five percent (35%) of a required rear yard.
6. Boat house must comply with the requirements of the CA Critical Area Overlay District.

§ 80-74. Accessory Off-Street Parking.

Accessory off-street parking for one (1) commercial vehicle of not more than one (1) ton's capacity and used by the occupant of a dwelling may be permitted R-1, R-2, R-3 and PN Districts.

§ 80-75. Bed and Breakfast Establishments.

Bed and breakfast establishments are permitted in the R-1, R-2, R-3 and PN Districts subject to the following:

A. The facility shall operate in accordance with all State and local health and fire code requirements.

B. Breakfast is the only meal that may be served to a transient visitor; and it must not be provided, for compensation, to any other nonresident of the dwelling unit.

§ 80-76. Car Wash.

The Board of Appeals may permit a car wash as a special exception use in the LI district subject to the following:

A. The business shall be effectively screened from the view of any abutting land in a residential District or land proposed to be used for residential purposes.

B. The subject property shall be of sufficient size to accommodate development of the type and scope proposed.

C. Materials, textures, colors and designs of fences, walls, and screening shall be compatible with the on-site development, the adjacent properties and the neighborhood.

D. Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to off-street parking spaces otherwise required on the site.

§ 80-77. Cemeteries

Cemeteries may be permitted in the R-1 District subject to the following:

A. A minimum parcel area of ten (10) acres for cemeteries shall be established, unless such uses are accessory to a house of worship.

B. Structures used for interment (including mausoleums and vaults) shall be set back not less than eighty (80) feet from any road bounding the cemetery, and not less than fifty-five (55) feet from any other lot line.

C. All graves or burial plots shall be set back not less than thirty (30) feet from any public road right-of-way and not less than fifty (50) feet from any adjacent lot line.

D. The buffer areas created by the setbacks shall be suitably landscaped with trees and shrubs.

E. Satisfactory arrangements must be made for perpetual maintenance of the cemetery.

§ 80-78. Child Care Center.

The Board of Appeals may permit a child care center as a special exception use in the R-1, R-2 and R-3 TC and PN districts subject to the following:

A. Applicant shall meet the requirements of appropriate State and local agencies for child care.

B. Applicant shall provide verification of qualifications to conduct the proposed use.

C. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of the use on neighboring properties given identification of concerns specific to a particular site.

D. The facility shall operate in accordance with all State and local health and fire code requirements.

§ 80-79. Churches, Temples, and Synagogues.

Churches, temples and synagogues may be permitted in any district provided:

A. Structures used primarily for religious activities may be erected to a greater height than permitted in the district in which it is located, provided that the front, side, and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation established for the District in which such structure is located.

B. Structures erected after the date of passage of this Ordinance shall have their principal means of access from a major street and shall be located on a lot of at least two (2) acres in area.

§ 80-80. Dry-Cleaning and Pressing Pickup Stations or Shops

The Board of Appeals may permit a dry-cleaning and pressing pickup stations or shop as a special exception use in the TC district subject to the following:

A. The facility may not occupy more than two thousand five hundred (2,500) square feet of floor area.

B. The facility may not use any cleaning fluid whose base is petroleum or one of its derivatives.

§ 80-81. Domestic Storage

Domestic storage in an accessory building or buildings is permitted provided the total square footage of which is not to exceed fifteen percent (15%) of the total area of the required rear yard for lots greater than five thousand square feet (5,000 sq. ft.) and twenty five percent (25%) of the total area of the required rear yard for lots smaller than five thousand square feet (5,000 sq. ft.).

§ 80-82. Funeral Homes.

Funeral homes may be permitted in the R-1, R-2, R-3, TC and PN districts provided the proposed use shall be located in a building which is residential in character and architectural style.

§ 80-83. Golf Courses.

Golf courses not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business may be permitted in the R-1 and PN Districts provided:

A. Any building for a golf shop, locker room and snack bar as an accessory use to a permitted golf course shall not be located closer than one hundred (100) feet to adjoining property lines.

B. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least seventy-five (75) acres.

C. Golf courses located in the CA District shall be developed in accordance with the guidance provided by the Critical Area Commission.

§ 80-84. Group Homes

The Board of Appeals may permit a group home as special exception uses in the R-1 district subject to the following:

A. A statement shall be submitted by the applicant explaining the character of the facility, the program's policies, goals, means proposed to accomplish these goals, characteristics of the service population and number of residents to be served, operating methods and procedures, and any other aspects pertinent to the facility's program.

B. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan.

C. Subject property shall have frontage on and direct vehicular access to an existing street with sufficient capacity to accommodate any traffic generated by the proposed use.

D. Parking and loading shall be provided at the rear of the site.

E. All trash and refuse shall be stored in a self-enclosed storage area at the rear of the site.

F. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.

G. The applicant shall meet the requirements of appropriate State and local agencies for group

homes.

H. The total number of residents and supervisors shall not exceed eight (8) persons.

I. The facility shall operate in accordance with all State and local health and fire code requirements.

§ 80-85. Home Occupation.

A home occupation which is clearly subordinate to the residential use of the dwelling is permitted in the R-1, R-2, R-3 and PN Districts subject to the following provisions:

A. A home occupation shall be incidental to the use of a dwelling unit for residential purposes and shall be conducted only by members of the family residing in the dwelling unit, plus no more than one non-resident assistant or employee. No more than fifteen percent (15%) of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.

B. No more than one home occupation shall be permitted within any single dwelling unit.

C. A home occupation shall be carried on wholly within the principal building. No home occupation shall be allowed in accessory buildings or detached garages. There shall be no outdoor storage of materials of products on the premises.

D. There shall not be conducted on the premises the business of selling stocks or merchandise, supplies, or products, except that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks are not allowed, but a person may pick up an order placed earlier as directed above.

E. The home occupation shall not cause any significant effect associated with the home occupation, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the gases into the sewer system or any other manner of discharging such item in violation of any applicable government code.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

G. A home occupation shall limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area.

§ 80-86. Hotel/Motel

The Board of Appeals may permit hotel or motel as special exception uses in the TC district subject to the following:

A. The applicant shall site new structures to ensure that adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise, and odor, as applicable.

B. The applicant shall design structures to complement and contribute to a desirable community character in terms of shape and style, roof lines, color, and materials.

C. Circulation and parking shall be adequate to fulfill requirements of all proposed uses - principal

and accessory. The Board may require a traffic analysis provided by the applicant demonstrating adequacy of the system.

D. The applicant shall design and site structures to screen from public view unsightly elements such as shipping and loading areas, transformers, dumpsters, and meters.

E. The applicant shall design the structured roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.

G. The applicant shall develop the public streetscape between the structure and the street curb as a safe and convenient pedestrian way with attractive amenities such as paving, lighting, seating, shelter, and landscaping.

H. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the structure and the adjacent properties.

J. The applicant shall design and locate signs so that their illumination is directed away from adjacent neighbors.

J. The applicant shall integrate ground signs into the design of the site and the streetscape.

§ 80-87. Housing for the Elderly and Nursing Home, Assisted Living Facility

The Board of Appeals may permit housing for the elderly or a nursing home or an assisted living facility as a special exception in the R-1, R-2, R-3 and PN Districts subject to the following:

A. The development must be subject to management or other legal restrictions that require at least eighty (80%) of the units in the project to be occupied by households of persons aged 62 or over.

B. One or more of the following ancillary, occasional services may be included to serve the residents and possibly nonresident elderly persons:

1. Provision for on-site meal service, medical or therapy facilities;
2. Space for mobile services, nursing care, personal care services;
3. Day care for elderly; and
4. On-site facilities for recreation, hobbies, or similar activities.

C. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the structures near the periphery to be harmonious in density and type with the surrounding neighborhood.

D. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the project is submitted.

E. The height, area, and bulk requirements of the R-2 District shall apply.

§ 80-88. Keeping of Small Animals.

Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not as a business is permitted in R-1, R-2, R-3 TC and PN Districts. This provision does not include chickens, other edible fowl, or swine.

§ 80-89. Lawn Mower and Yard and Garden Equipment Sales, Service, Rental or Repair.

The Board of Appeals may permit lawn mower and yard and garden equipment sales, service, rental or repair as a special exception in the TC Districts provided facilities are located in a completely enclosed building.

§ 80-90. Manufactured Homes.

A manufactured home outside a mobile park or mobile home subdivision shall be permitted provided:

A. The manufactured home complies with all code requirements applicable to residential units.

B. The manufactured home is attached to a permanent foundation.

C. The ownership interests of the manufactured home and the parcel of land it is affixed to are identical.

D. An affidavit of affixation has been recorded with the Clerk of the Court for Kent or Queen Anne's County (appropriate jurisdiction) as provided in Title 8B Manufactured Homes, Subtitle 2 Conversion to Real Property, Section 8B-202 Affidavit of Affixation.

§ 80-91. Motor Vehicles and Related Services.

The Board of Appeals may permit motor vehicles and related services as a special exception in the TC district subject to the following:

A. All sales and installation facilities operations shall be conducted within a wholly enclosed structure.

B. Outdoor display of motor vehicles for sale shall be permitted if areas for this purpose are integrated into the overall site design and are compatible with the adjacent and neighboring properties.

C. Applicant shall submit a plan indicating outdoor storage areas and screening of such areas. The Board may require additional landscape treatment to address this requirement. Neighboring properties shall be protected from site illumination, noise, and odor.

D. The applicant shall design structures to complement and contribute to desirable community character in terms of shape and style, roof lines, color and materials.

E. The applicant shall design and site structures to screen from public view unsightly site elements such as shipping and loading areas, car storage areas, dumpsters, etc.

F. Pollutant and waste disposal shall be carried out in compliance with applicable Town, State, and Federal regulations.

G. Where a residential use abuts, buffering shall be provided by the applicant.

H. Outdoor storage of vehicles, tires, and equipment and the erection or location of accessory structures on the premises shall be prohibited unless approved by the Planning Commission.

I. The storage of trailers, boats, or trucks shall be prohibited.

J. Any outdoor storage or refuse area approved shall be fenced and screened from adjacent property.

K. Materials, textures, colors, and designs of fences, walls and screening shall be compatible with the on-site development, the adjacent properties, and the neighborhood.

L. Major repair work such as motor replacement, body and fender repair, or spray painting shall be prohibited.

M. Lighting shall be arranged so as not to reflect or cause glare into any residential district.

§ 80-92. Private Garage.

A private garage used for storage purposes only is permitted in the R-1, R-2 and PN Districts provided:

A. The garage shall have a capacity of not more than four (4) automobiles or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is the greater.

B. Space therein may be used for not more than one (1) commercial vehicle of not more than one-ton capacity and space may be rented for not more than two (2) vehicles to persons other than occupants of the buildings to which such a garage is accessory.

§ 80-93. Qualified Projects Developed by Nonprofits.

The Board of Appeals may approve a special exception for a qualified project controlled by a §501©(3) in any zoning district where permitted, subject to the following:

A. The nonprofit that has been designated as such for at least 3 years. "Controlled by" in this application means a business structure in which the nonprofit organization is a managing member, general partner, or otherwise controlling entity with a for-profit member or partner, as demonstrated by an attorney licensed in Maryland.

B. The "qualified project" under this section meets all of the following three criteria:
   (1) The project consists of a new construction or substantial renovation. Substantial renovation means the project meets the criteria outlined within DHCD's Multifamily Rental Financing Program Guide, including the following:

(a) Total hard construction costs of rehabilitation for projects must be at least $25,000 per unit.
(b) The project provides an improved visual impact on the neighborhood, upgrades aging fixtures, and updates ventilation standards.

(2) The project is on land, including land that is subject to a ground lease, that is either
(a) wholly owned by a nonprofit organization or (b) includes improvements owned by an entity that a nonprofit organization controls.

(3) The project is deed-restricted to include twenty-five (25%) percent of units that are affordable dwelling units for Kent County for at least (40) years.

(4) Qualified may include duplex, triplex, quadplex, cottage cluster, or town house units.

(5) Height, area, and bulk requirements for the R-3 Residential district shall apply.

C. Qualified projects developed by nonprofits in the L1 District.

(1) May include detached single-family, duplex, triplex, quadplex, cottage cluster, or townhouse units.

(2) Height, area, and bulk requirements for the R-3 district shall apply subject to a public health assessment approved by the Maryland Department of Housing and Community Development.

(3) The Board of Appeals may vary other development standards, e.g., heigh, setback, bulk, parking, loading, dimensional, area, or other requirements, if such limitations or requirements are demonstrated to be unreasonable. An unreasonable limitation or requirement is one that an applicant demonstrates amounts to a de facto denial of the project by having a substantial adverse impact on either (a) the viability of an affordable housing development in a qualified project, (b) the degree of affordability of units in a qualified project; or (c) the allowable density or number of units of the qualified project.

§ 80-94. Recreational Uses.

Recreational uses such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes may be permitted in all districts except the AR and LI districts provided:

A. No such use, structure or accessory use is located closer than fifty (50) feet to any adjoining property line unless such property line fronts on a public street or waterway with a right-of-way not less than twenty-five (25) feet, in which instance the required setback need not exceed twenty-five (25) feet; and

B. All such facilities most be located on a site having a minimum of five (5) acres.

§ 80-95. Rooming, Boarding, and Lodging Houses.

The Board of Appeals may permit rooming, boarding, and lodging houses as a special exception in the R-1, R-2, R-3 and PN Districts provided:

A. Facilities for dining shall be in a common location customarily used by a single family in the structure. No separate kitchen shall be provided. Meals shall be provided for rooming house guests and residents only.

B. Parking and loading shall be provided at the rear of the site.

C. The Board must find that the rooming or boarding house will not constitute a nuisance because of sidewalk or street traffic, noise, or type of physical activity, and that the use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood.

D. The facility may contain no more than five sleeping rooms.

§ 80-96. Schools and Colleges, Public and Private.

The Board of Appeals may permit public and private schools and colleges as a special exception in the R-1, R-2, R-3, PN and TC districts provided:

A. The allowable number of pupils permitted to occupy the premises at any one time shall be specified by the Board upon consideration of the following factors:

1. Traffic patterns, including the impact of increased traffic on residential streets.
2. Noise or type of physical activity.
3. Character, percentage and density of existing development and zoning within the community.

§ 80-97. Storage of a Boat, Boat Trailer and Recreational Vehicle.

Storage of no more than two (2) recreational vehicles, boats, or boat trailers is permitted in the R-1, R-2, R-3 and PN Districts provided:

A. The combined total of recreational vehicles and boat and boat trailer shall not exceed two (2);

B. The boat has a current Maryland boat registration;

C. Storage may not be in a front yard; and

D. None of the equipment may be used for human habitation.

§ 80-98. Swimming Pools and Game Courts.

Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests may be permitted in the any district except the LI district provided:

A. Accessory swimming pools, open and unenclosed, and game courts may occupy a required rear or side yard, provided that they are not located closer than six (6) feet to a rear lot line or ten (10) feet to an interior side lot line.

B. A walk space at least three (3) feet wide shall be provided between pool walls and protective fences or barrier walls.

C. Every swimming pool shall be protected by a forty-eight inch high safety fence or barrier including automatic closing gates subject to approved by the Administrator.

§ 80-99. Temporary Buildings.

Temporary buildings, the use of which is incidental to construction, operations for sale of lots during development being conducted on the same or adjoining tract or subdivision may be permitted in any district provided such buildings shall be removed upon completion or abandonment of such construction.

§ 80-100. Two-family Dwellings, Townhouses and Multi-family Units.

A. The following regulations shall apply to two-family dwellings in any district where permitted:

1. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the Table of District Height, Area and Bulk Requirements §80-69 .
2. The dwelling units and individual lots of a two-family dwelling or townhouse may be sold separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

B. The following regulations shall apply to townhouses in any district where permitted:

1. The townhouse building shall comply with minimum lot requirements contained in the §80-69, Table of District Height, Area and Bulk Requirements, but each dwelling unit of a townhouse need not be located on a lot complying with minimum lot area and lot area per family requirements in the table, provided that the average for all dwelling units in the building equals or exceeds the minimum requirements, and provided that no lot is created with lot area less than two thousand (2,000) square feet.
2. Lot frontage, measured at a building line, for individual dwelling units of a townhouse may be reduced to not less than eighteen (18) feet. Lot width for end units shall be adequate to provide required front and side yards.
3. For the purpose of the side yard regulations, a townhouse building shall be considered as one (1) building on one (1) lot, with side yards required for end units only, in accordance with §80-69, Table of District Height, Area and Bulk Requirements. Any side yard adjacent to the line of a lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than twenty-five (25) feet.
4. Unless otherwise restricted by district regulations, not more than six (6) dwelling units shall be included in any one (1) townhouse building.
5. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three (3) feet and variation in materials or design, so that no more than three (3) abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and rooflines.
6. Provision satisfactory to the Mayor and Council and approved by the Town Attorney shall be made to assure that nonpublic areas for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants shall be maintained in a satisfactory manner without expense to the general public.

C. Apartments and other multi-family residential units shall be permitted in the R-3, TC and PN districts provided:

1. Maximum density. The density shall not exceed the maximum permitted density for the Zoning District as averaged for the total area.

2. Code requirements. All structures will comply with all Town, County and State codes.
3. Setbacks.
   (a) PN District - All buildings and structures shall be set back according to an approved site plan.
   (b) TC District - Buildings and structures shall have a minimum front set back according to the prevailing front yard characteristics in the areas, as determined by the Planning Commission.
   (c) The minimum setback between any two principal buildings on the same lot shall be twenty-five (25) feet.
4. Area to be landscaped. All lot area not occupied by principal and accessory structures, required off-street parking and loading, access and circulation facilities, or other required areas shall be landscaped by lawns, trees, shrubs, ground cover, and other appropriate materials.

§ 80-101. Utilities.

The Board of Appeals may permit utilities, other than neighborhood essential services, as a special exception in any district provided:

A. The proposed use does not have an adverse effect on the Comprehensive Plan for development of the community.

B. The proposed use will not affect adversely the health and safety of residents or workers in the area.

C. There is a public necessity for the proposed building, structure, or facility at the location selected.

D. The proposed use will have the least possible detrimental effect on the use or development of adjacent properties or the general neighborhood.

E. In making these findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:
   1. Points at which the proposed utility crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
   2. Proximity of the utility to schools, churches, theaters, or other places of assembly, either existing or proposed;
   3. Effect upon property values of those who will not be compensated for a taking under the laws of the State; and
   4. Proximity of the utility to historic sites and structures.

§ 80-102. Medical Cannabis Licensed Dispensary.

A medical cannabis licensed dispensary may be permitted by the Planning Commission, as a special exception by the Board of Appeals with site plan approval and subject to the following conditions:

1. Signage shall be limited to one internally illuminated sign not exceeding twelve (12) square feet, and;
2. All facilities and uses shall be located at least 500 feet from any public or private church, school, or correctional facility;
3. All aspects of use shall comply with COMAR Title 10.62;
4. Shall take access from a public right-of-way that meets or exceeds Kent County Public Roads Standards;
5. Shall not have an on-site physician for the purpose of issuing written certifications for

medical cannabis; and

6. The use shall be limited to the sale of Medical Cannabis and related products.

§80-103. Farm Brewery.

A farm brewery may be permitted by the Planning Commission, with site plan approval and subject to the following conditions:

1. Retail sales and tasting facilities for beer and related promotional items shall be permitted as part of the use.
2. All permits and approvals required by the Maryland Alcoholic Beverage Commission are obtained and remain in full force and effect. Planned promotional events or other organized activities as permitted under Section 2-110 of the Alcoholic Beverages Article, as amended of the Annotated Code of Maryland are permitted.
3. Signage shall be approved by the Planning Commission through the Master Sign Plan.
4. All facilities and uses shall be located at least 500 feet from any public or private church, school, or municipal facility.
5. All facilities and uses shall be located on property at least 100 feet from any residential dwelling. Shall not be located on a property that abuts any property with an existing residential use.
6. Shall take access from public right-of-way that meets or exceeds Kent County's Public Road Standards.
7. Shall be located on a property that comprises 20 acres or more.
8. Outdoor seating and gathering areas shall be permitted subject to approval of a building permit approved by the Planning Commission. Outdoor seating and gathering areas shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
9. On-site consumption or tasting associated with a craft distillery or microbrewery establishments shall be permitted; only those products brewed or distilled on the premises. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. Any food sales

shall be limited to prepackaged snack foods or those food items prepared by an approved food establishment licensed by the State of Maryland.

§80-104. Craft Distillery and Microbrewery Establishments.

Craft distillery and microbrewery establishments shall be permitted by the Planning Commission, with site plan approval and subject to the following conditions:

1. All aspects of the distilling and brewing process are completely confined within a building, including storage of all materials and finished product.
2. All permits and approvals required by the Maryland Alcoholic Beverage Commission are obtained and remain in full force and effect. Planned promotional events or other organized activities as permitted under Section 2-110 of the Alcoholic Beverages Article, as amended by the Annotated Code of Maryland are permitted.
3. Signage shall be approved by the Planning Commission through the Master Sign Plan.
4. All facilities and uses shall be located at least 500 feet from any public or private church, school, or municipal facility.
5. Shall take access from public right-of-way that meets or exceeds Kent County's Public Road Standards.
6. Outdoor seating and gathering areas shall be permitted subject to approval of a building permit approved by the Planning Commission. Outdoor seating and gathering areas shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
7. On-site consumption or tasting associated with a craft distillery or microbrewery establishments shall be permitted; only those products brewed or distilled on the premises. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. Any food sales shall be limited to prepackaged snack foods or those food items prepared by an approved food establishment licensed by the State of Maryland.

§80-105. Winery.

Wineries may be permitted by the Planning Commission, with site plan approval and subject to the following conditions:

1. Shall be located on a property that comprises 20 acres or more.
2. Shall not be located on a property that buts any property with an existing residential use.
3. All permits and approvals required by the Maryland Alcoholic Beverage Commission are obtained and remain in full force and effect. Planned promotional events or other

organized activities as permitted under Section 2-110 of the Alcoholic Beverages Article, as amended of the Annotated Code of Maryland are permitted.

4. Signage shall be approved by the Planning Commission through the Master Sign Plan.
5. All facilities and uses shall be located at least 500 feet from any public or private church, school, or municipal facility.
6. Shall take access from public right-of-way that meets or exceeds Kent County's Public Road Standards.
7. Outdoor seating and gathering areas shall be permitted subject to approval of a building permit approved by the Planning Commission. Outdoor seating and gathering areas shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
8. On-site consumption or tasting associated with a craft distillery or microbrewery establishments shall be permitted; only those products brewed or distilled on the premises. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. Any food sales shall be limited to prepackaged snack foods or those food items prepared by an approved food establishment licensed by the State of Maryland.

§80-106 through 80-110. Reserved

ARTICLE X GENERAL SIGN REGULATIONS

§ 80-111. Statement of intent.

The purpose of this section is to establish minimum regulations for the design and display of signs and to ensure that signage promotes the safety of persons and property, promotes the efficient transfer of general public and commercial information, and protects the public welfare by enhancing the overall appearance and economic value of the community.

§ 80-112. Definitions.

The purpose of this Section is to define certain terms and words pertaining to signs.

ABANDONED SIGN - A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty days or more, or a permitted temporary sign for which the permit has expired.

ACCESSORY SIGN - A sign relating only to uses of the premises on which the sign is located or products sold on the premises on which the sign is located or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.

BANNERS, FLAGS, PENNANTS, AND BALLOONS - Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention.

DETACHED SIGN - A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall not a part of a building, shall be considered a detached sign.

DOUBLE-FACED SIGN - A sign with two faces, back to back, which are usually, but not necessarily, parallel, and located not more than 24 inches from each other.

EXISTING SIGN - Any sign that was erected, mounted, or displayed prior to the adoption of this Zoning Ordinance.

FACADE - The entire building wall, including parapet, fascia, windows, doors, canopy, and roof on any street-facing elevation.

FLASHING SIGN -An illuminated sign on which the artificial or reflecting light is not maintained stationary and constant in intensity and color all times when in use. Any sign that revolves or moves, whether illuminated or not, shall be considered a flashing sign.

FLAT SIGN - A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 18 (eighteen) inches at all points.

ILLUMINATED SIGN - Any sign designed to give forth artificial light, reflect light from another source, or back-lighted by spot lights or flood lights not a part of or attached to the sign itself.

INDIRECTLY ILLUMINATED SIGN - A sign which does not produce artificial light from within itself but which is opaque and back lighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself or a sign of translucent nontransparent material illuminated from within but with no exposed or exterior bulbs, tubes or other light source.

MARQUEE - A covered structure projecting from and supported by the building, with independent roof and drainage provisions, and which is erected over a doorway or doorways as protection against the weather.

MARQUEE SIGN - Any sign attached to or hung from a marquee.

MURAL SIGN - An expression of public art painted directly on the exterior of a building or on a backing that is affixed to the building and is sanctioned by the property owner.

NONCONFORMING SIGN - Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto and does not conform with the provisions of this Article.

PORTABLE SIGN - Any sign which is not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle.

PROJECTING SIGN - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure. The term projecting sign includes a marquee sign.

SEASONAL/HOLIDAY SIGN - A sign, used for emphasizing the celebration of a local or historic American holiday, which is erected for a limited period of time.

SIGN - Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, or merchandise, whatsoever for advertisement, announcement, identification, description, or direction purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes.

SIGN AREA - That area within a line including the outer extremities of letters, fixtures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign, whether it is columns, a pylon, or a building or part thereof, shall not be included in a computation of sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by height of the sign.

TEMPORARY SIGN - Any sign or information transmitting structure intended to be erected or displayed for a limited period.

WINDOW SIGN - Any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within a distance equal to the greatest dimension of the window if obviously intended for viewing from the exterior.

WINDOW SIGN, TEMPORARY - A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

§ 80-113. Requirements.

A. General

1. No sign shall be erected, hung, placed, constructed, posted, altered, maintained, relocated or painted in any District except as hereby provided and included in the approved Master Sign Plan.
2. No sign shall be erected, hung, affixed, painted, or otherwise displayed or altered unless a permit has been issued by the Administrator.
3. Any sign existing as of the effective date of this Article which does not have a valid permit from the Town is deemed to be an illegal sign.
4. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
5. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
6. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
7. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.
8. Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
9. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
10. Each permit will expire two (2) years after issuance date. At that time all signs must be submitted for reapproval with the appropriate fee.

11. Advertisement on materials, propane tanks, distribution vehicles, etc. are not subject to this sign ordinance.
12. Regarding advertisement on vehicles, as long as the vehicle is located on the owner's property there is no enforcement necessary; if vehicle is located on other property vehicle must be move within 72 hours.

B. Notwithstanding any other provision of these regulations, no signs visible from the main-traveled way of the public travel ways, which have any of the following characteristics shall be erected or maintained:

1. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.
2. Illegal, destroyed, abandoned, or discontinued signs.
3. Signs that are not clean and in good repair.
4. Signs that are not securely affixed to a substantial structure.
5. Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
6. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of at-grade intersections, approaching or merging traffic, official traffic control signs, or other traffic control devices.
7. Signs which have lasers, strobe lights, or other lights with stroboscopic effect.
8. Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
9. Signs which are erected or maintained upon trees, power poles or painted or drawn upon rocks or other natural features.
10. Balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or grand opening displays, or the following other exceptions:
    a. Flags of the United States, the state, the Town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by the Mayor and Council, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such, and

C. Nonconforming Signs

1. Any sign existing as of the effective date of this Article which has a valid permit from the Town, but which does not conform to the provisions of this Article, is hereby deemed a nonconforming sign.
2. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued.
3. Nonconforming signs which are structurally altered, relocated, or replaced shall comply with all provisions of this ordinance.
4. Upon a determination by the Administrator and notice to the permittee that a nonconforming sign has become dilapidated or structurally unsound, such sign shall be removed within thirty days.

5. All signs deemed nonconforming shall be removed or replaced with legal signs within five (5) years of the effective date of this Article.

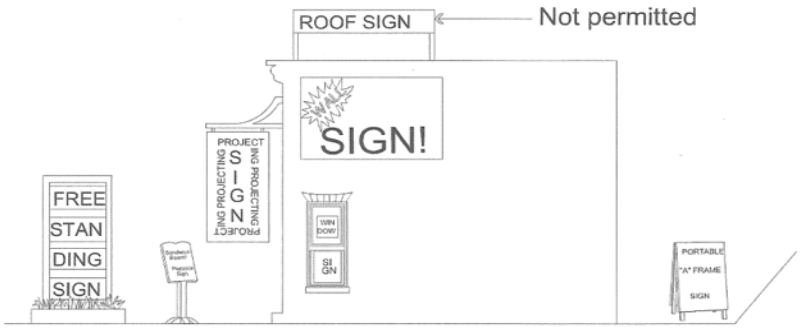
D. Exemptions

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit, so long as they are in accordance with the structural and safety requirements of the applicable codes:

1. Public signs of a non-commercial nature and in the public interest, erected by, or on the order of a public official such as safety signs, danger signs, trespassing, traffic, memorial plaques, signs of historic interest, civic events, and the like.
2. Institutional signs setting forth the name or simple announcement for any public charitable, educational, or religious institution, located entirely on the premises of that institution, up to an area of fifteen (15) square feet.
3. Temporary, non-illuminated signs not more than ten (10) square feet in area, erected in connection with new construction work and displayed on the premises daring such time as the actual construction work is in progress, one (1) such sign for each street frontage.
4. Changing of the copy on a bulletin board, poster board, display encasement or marquee.
5. Temporary non-illuminated signs, not more than six (6) square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, one (1) such sign for each street frontage.
6. Non-illuminated signs, not exceeding ten (10) square feet in area with letters not exceeding one (1) foot in height, painted, stamped, perforated or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
7. Non-illuminated signs warning trespassers or announcing property as posted.
8. Sign on a truck, bus, or other vehicle while in use in the normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.
9. Signs of political parties and candidates seeking public office; provided that such signs are installed and removed in accordance with Maryland law governing political signs.

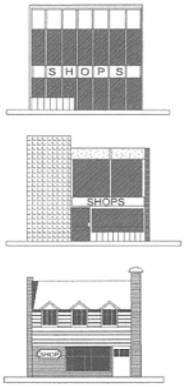
SIGN REQUIREMENTS

Sign Types:

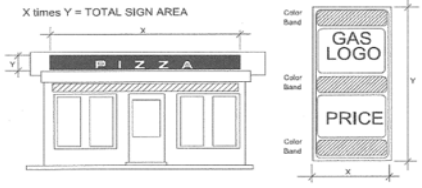


Sign Design

- Good scale and proportion
- Design as intergral part of architectire
- Color, materials and lighting restrained
- Graphic elements held to minimum
- Compatible with adjoining premises
- Prototype signs comply with criteria of all signs



Sign Area Computation





Sign Area - That area enclosed by the periphery connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting lines, etc., which are not part of the main supports of the sign are to be included in determining sign area. On a two-sided sign, only one face is counted in computing the sign's area provided the faces are located not more than two (2) feet from each other.

§80-114. Master Signage Plan.

1. A master signage plan shall be required for all commercial businesses, proposed shopping centers, industrial park, institutional or industrial development. No permit shall be issued for an individual sign requirement a permit unless and until a Master Signage Plan has been approved by the Planning Committee.
2. Information required. A Master Signage Plan shall contain the following information:
   a. An accurate plot plan of the proposed development site, at such scale as the Zoning Administrator may reasonably require.
   b. Location of buildings, parking lots, driveways, and landscaped areas;
   c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs and banners allowed on the zone lot(s) included in the plan;
   d. Sign plans and, if requested, photo simulation of the signs in the proposed location; and
   e. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
3. Proposed standards for consistency among all signs affected by the Master Signage Plan with regard to:
   a. Color scheme;
   b. Lettering or graphic style;
   c. Lighting;
   d. Location of each sign on the buildings;
   e. Material; and
   f. Sign proportions.
4. No sign permit shall be issued for a sign included in a master signage plan that does not conform to the standards of the master signage plan. A master signage plan may be amended at any time.
5. The following principles shall control the computation of sign area and sign height.
   a. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
   b. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
   c. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of

the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

§ 80-115. Permitted signs.

A. Except as otherwise provided, these regulations shall be interpreted to permit signs as approved by the Master Sign Plan.

B. The following signs are permitted in any district:

1. One name plate, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building.
2. One sign, limited in area to two (2) square feet, to identify a permitted home occupation.
3. No trespassing or no hunting signs, without limitation on number or placement, limited in area to two (2) square feet.
4. Directional signs, limited in area to two (2) square feet.
5. One sign, limited in area to ten (10) square feet to identify a farm or approved subdivision.
6. One sign, limited in area to twenty (20) square feet, advertising products raised on the premises.

C. The following signs are permitted in association with certain public and semipublic uses:

1. A customary church bulletin board, limited in area to twenty (20) square feet.
2. A sign, limited in area to twenty (20) square feet, for identification of permitted public and semipublic uses, recreational uses, or clubs.

D. The following signs are permitted in association with multi-family dwellings:

1. A sign, limited in area to ten (10) square feet, giving the name and/or address of the owner or management of a multiple-family dwelling or group of multiple-family dwellings. If such sign is placed on a marquee, awning or canopy, the height of letters shall not exceed one (1) foot.

E. The following signs and amounts of signage are permitted in the TC Town Center District:

1. Flat signs with total aggregate sign area not more than ten percent (10%) of the area of walls fronting on a street, and no one (1) sign with sign area of more than thirty (30) square feet.
2. Projecting signs, if there are no marquee or detached signs, one (1) for each business on the premises, with sign area limited to fifteen (16) square feet.
3. Detached signs, if there are no projecting signs, limited in area to thirty (30) square feet and limited in height to fifteen (15) feet, one (1) for each business on the premises. A group of three (3) or more contiguous stores, such as those forming a shopping center, may combine permitted detached sign area to provide a single sign advertising the group if there are no other detached signs advertising the group and if the combined sign area does not exceed sixty (60) square feet.
4. Marquee signs, if there are no projecting signs, two (2) for each business on the premises, with sign area for each sign limited to three (3) square feet.
5. Directional signs, limited in area to two (2) square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

F. The following signs and amounts of signage are permitted in the LI Light Industrial District:

1. For permitted business and commercial uses, any sign permitted in the TC Town Center District.
2. For permitted manufacturing, processing, storage or distributing use, any sign permitted in the TC Town Center, with permitted area of flat signs increased to one hundred: (100) square feet, one (1) for each street frontage or one (1) for each building of more than twenty thousand (20,000) square feet of floor area on the premises, and with permitted area of directional signs increased to ten (10) square feet.

§ 80-116. Height and placement restrictions.

A. Except as otherwise provided, any sign may be a flat, detached or projecting sign, and, except as otherwise provided, no detached sign shall exceed a height of fifteen (15) feet.

B. Signs of permitted types and sign area may be placed on walls of buildings other than the front except on side or rear walls facing and within one hundred (100) feet of a residential district.

C. Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located, provided that one (1) accessory sign may occupy required yards in a district where such sign is permitted by these regulations if such sign is not more than thirty (30) square feet in area and other requirements of these regulations are complied with.

D. No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.

E. No signs shall be attached to trees, utility poles or any other unapproved supporting structure.

§ 80-117. Reserved.

§ 80-118. Temporary permits.

A. The Administrator, upon application may issue temporary permits for the following signs and displays for a period not exceeding thirty (30) days when, in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property:

1. Signs advertising a social, civic or cultural event, such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
2. Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.
3. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.

§ 80-119. Prohibited signs.

The following signs are prohibited in all districts:

A. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

B. Signs advertising an activity, business, product, or service no longer conducted on the premises.

C. Exposed neon tubing.

D. Roof signs and signs fastened to, or supported by, the roof of a building.

E. Outdoor advertising structures, poster panels, or billboards, or signs of any other type advertising products or services not available on the premises.

G. Any sign or sign structure, any portion of which extends above the parapet, building roof line at the soffit, or canopy against which the sign is located.

H. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or street right-of-way.

I. Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone or utility poles.

J. Portable signs.

K. Inflatable signs.

L. Any sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building, and no projecting sign shall extend over or above the roofline or parapet wall of a building.

§ 80-120. Reserved

§ 80-121. Illumination.

A. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding area.

B. Beacon lights are not permitted.

C. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

D. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

E. No exposed reflective type bulbs or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

§ 80-122. Signs for nonconforming uses in residential district.

Permitted signs for a nonconforming business, commercial or industrial use in a residential district shall consist of those signs permitted in the TC Town Center District.

§ 80-123. Unusual signs requiring interpretation of provisions.

A. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations shall be referred to the Board of Appeals.

B. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this Zoning Ordinance.

§ 80-124. Enforcement.

A. The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.

B. Inspection, Removal, and Safety

1. Signs for which a permit is required may be inspected periodically by the Administrator for compliance with this and other codes of the municipality.
2. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. After due notice has been given as provided below, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.
3. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the zoning administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator or his duly authorized representative may remove the sign at cost to the owner.
4. When a successor to a defunct business agrees to maintain the signs as provided in this Ordinance, this removal requirement shall not apply.
5. Repeat violators will be subject to a fine of $500 per day and required to remove all signs from the property for 30 days each violation.

C. Permits

1. Before any permit is issued a Master Sign Plan must be submitted and approved by the Planning Commission. Upon approval of the Master Sign Plan an application shall be filed, together with three (3) sets of drawings and/or specifications, one (1) to be returned to the applicant as may be necessary to fully advise and acquaint the Administrator with the location, construction, materials, manner of illuminating and/or securing or fastening, number of signs applied for and the wording of the sign or advertisement to be carried on the sign.
2. All signs which are electrically illuminated shall require a separate electrical permit and inspection.
3. Upon compliance with the provisions of this Article, the Administrator shall make a decision to issue, deny, or issue with conditions a permit for such sign or sign structure within thirty (30) days of receipt of a complete permit application. Permits shall be numbered and shall contain the following information.
    a. The type of sign as defined in this Article.
    b. The street address of the property upon which the sign is proposed to be located and the proposed location of the sign on the property.
    c. The amount of the fee paid for the permit.
    d. The date of issuance.
    e. In the case of a temporary sign, the date of expiration of the permit.
    f. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.

g. All signs shall be erected on or before the expiration of thirty (30) days from the date of issuance of the permit. Otherwise, the permit shall become null and void, and a new permit shall be required.

§ 80-125. Compliance with technical codes and ordinances required.

A. Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances.

B. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Zoning Ordinance and applicable technical codes.

§ 80-126. Penalties.

A. The Administrator and duly authorized staff shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this Article for the purpose of enforcing the provisions herein.

B. The Administrator shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of such signs, or of the building, structure, or premises on which such sign is located fails to correct the violation within thirty (30) days after receiving written notice of violation from the Administrator.

C. The sign may be removed at cost to the owner.

D. The Zoning Administrator may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

E. Removal of a sign by the Administrator shall not affect any proceedings instituted prior to removal of such sign.

F. Penalties for violations of the provisions of this Article are contained in Article XVI of this Ordinance.

ARTICLE XI OFF-STREET PARKING

§ 80-128. Requirements.

Except as otherwise provided in this Zoning Ordinance, when any building or structure is hereafter erected or structurally altered or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this Article.

Column 1	**Column 2**	**Column 3**
Use or Use Category	**Spaces Required Per Basic Measuring Unit**	**Additional Requirements**
1-, 2-, and 3-family dwellings	2 per dwelling unit	
Church or temple, auditorium or place of assembly	1 per 5 seats or bench seating spaces	Seats in main auditorium only
College or high school	1 per 5 seats in main auditorium	Or 1 per 8 classroom seats, whichever is greater
Elementary, junior high or nursery school	1 per 10 seats in main assembly room	Or 1 per l0 classroom seats, whichever is greater
Country club or golf club	1 per 20% of rated rapacity	
Public library, museum, art gallery or community center	1 per 30% of rated capacity	Plus 1 additional space for each 300 sq. ft. of floor area in excess of 1,000 sq. ft.
Multiple-family dwelling, more than 3 dwelling units	1.5 per dwelling unit	Plus 1 per 2 roomers
Private clubs	1 per 30% of rated capacity	Or 1 per 5 active members, whichever is greater
Housing for the Elderly	1 per dwelling unit	
Sanitarium, convalescent home, home for the aged or similar institution	1 per 3 patient beds	
Tourist home, motel, motor hotel, motor lodge or hotel	1 per sleeping room or suite	
Rooming, boarding, or lodging house	1 per sleeping room	
Hospital	1 per 2 patient beds	
Office or office building, post office, studio or clinic	1 per 400 sq. ft. of floor area	3 spaces minimum; 10 spaces minimum for a clinic
Funeral home	1 per 50 sq. ft. of floor area, excluding storage and work area	30 spaces minimum
Retail store or personal service establishment or bank	1 per 300 sq. ft. of floor area	Retail food stores over 4,000 sq. ft.: 1 per150 sq. ft. of floor area
Furniture or appliance store, machinery, equipment and automobile and boat sales and service	1 per 300 sq. ft. of floor area	2 spaces minimum; automobile sales and service, 10 minimum

Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 5 seats or seating spaces	
Bowling alley	4 per alley	
Food storage locker	1 per 200 sq. ft. of customer service area	
Amusement place, dance hall, skating rink, swimming pool, natatorium or exhibition hall, without fixed seats	1 per 100 sq. ft. of floor area	Does not apply to accessory use
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 3 employees on premises	
Animal hospital	1 per 400 sq. ft. of floor area	4 spaces minimum
Manufacturing or industrial establishment, testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment	1 per 2 employees on maximum working shift	Plus, space for storage of trucks or other research or vehicles used in connection with the business or industry
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 30% of rated capacity	Plus 1 per 2 employees

§ 80-129. Interpretation of chart.

A. The use regulations for each district are not affected by arrangement of uses in the chart.

B. The parking requirements in the chart are in addition to space for storage of trucks or other vehicles used in connection with any use.

C. The parking requirements in the chart do not limit other parking requirements contained in the district regulations.

D. The parking requirements in the chart do not limit special requirements which may be imposed with special exception uses.

E. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

F. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one (1) time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

G. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

H. In the case of mixed uses or uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

I. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need under the requirements of this Article for an increase in parking spaces of ten percent (10%) or more than those required before the change or enlargement, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement, which would result in an increase of spaces of less than ten percent (10%) of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent (10%) more.

§ 80-130. Flexibility.

A. The Mayor and Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space.

B. The Planning Commission may permit deviations from the presumptive requirements and may require more parking or allow less parking as deemed appropriate.

§ 80-131. Joint use and off-site facilities.

A. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed three hundred (300) feet from an institutional building or other nonresidential building served.

B. Up to 50 percent (50%) of the parking spaces required for theaters. parking auditoriums. bowling alleys, dance halls and night clubs and up to one hundred percent (100%) of the parking spaces required for a church auditorium may be provided and used jointly by banks, offices, retail stores, repair shops. service establishments and similar uses not normally open, used or operated during the same hours as theaters, parking auditoriums, bowling alleys, dance halls and night clubs, and up to one hundred percent (100%) of parking spaces required for schools may be provided and used jointly by a church auditorium: provided, however, that written agreement thereto is properly executed and recorded as specified below.

C. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be valid for

the total period the use or uses for which the parking is needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the Administrator.

D. Whenever the Planning Commission allows or requires a deviation from the presumptive parking requirements it shall enter on the face of the permit the parking requirements that it imposes.

§ 80-132. Design standards.

A. Minimum area. For the purpose of these regulations, an off-street parking space is an all-weather surface area not in a street or alley and having an area of not less than one hundred and sixty-two (162) square feet and minimum dimensions of nine (9) feet wide by eighteen (18) feet deep, exclusive of driveways permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

B. Drainage and maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable town specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

C. Separation from walkways and streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys by a wall, fence, curbing or other approved protective device or by distance so that vehicles cannot protrude over publicly owned areas.

D. Entrances and exits. Location and design of entrances and exits shall be in accordance with the applicable requirements of town traffic regulations and standards. Landscaping, curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

E. Interior drives. Interior drives shall be of adequate width to serve the particular design arrangement of parking spaces.

F. Marking. Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

G. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in any residential district.

H. Screening. When off-street parking areas for ten (10) or more automobiles are located closer than fifty (50) feet to a lot in a residential district or to any lot upon which there is a dwelling as a permitted use under these regulations and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided a continuous, visual screen with a minimum height of six (6) feet. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.

§ 80-133. Reserved.

ARTICLE XII OFF-STREET LOADING

§ 80-134. Spaces required.

Except as otherwise provided in this Zoning Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by twenty-five percent (25%) or more or any building is 'hereafter converted, for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3 or as required in subsequent sections of this Article.

Column 1	Column 2	Column 3
Use or Use Category	Floor Area as Defined in § 80-4 (Square Feet)	Loading Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000 to 10,000 10,000 to 20,000 20,000 to 40,000 40,000 to 60,000 Each 50,000 over 60,000	1 2 3 4 1 additional
Apartment building, motel, hotel, offices or office building, hospital or similar institution, or place of public assembly	5,000 to 10,000 10,000 to 100,000 100,000 to 200,000 Each 100,000 over 200,000	1 2 3 1 additional
Funeral home	2,500 to 4,000 4,000 to 6,000 Each 10,000 over 6,000	1 2 1 additional

§ 80-135. Interpretation.

A. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations

B. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with special exception uses.

C. The Board of Appeals may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities or where provision of loading space requirements is impractical under certain conditions for uses which contain less than ten thousand (10,000) square feet of floor area.

§ 80-136. Mixed uses in one building.

Where a building is used for more than one (1) use or for different uses and where the floor area used for each use for which loading space is required is below the minimum for required spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading spaces.

§ 80-137. Design standards.

A. Minimum size. For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a

minimum area of five hundred forty (540) square feet, a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet and a vertical clearance of at least fourteen and five-tenths (14.5) feet.

B. Loading space for funeral homes. Loading spaces for a funeral home may be reduced in size to ten by twenty- five (10 x 25) feet and vertical clearance reduced to eight (8) feet.

C. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

§ 80-138. Reserved.

ARTICLE XIII NONCONFORMING USES

§ 80-139. Nonconforming uses.

A. Any use of land or building actually existing at the time of the passage of this Ordinance and which does not conform with the requirements of regulations of the district in which it is located shall be known as a nonconforming uses.

B. Continuance

1. Except as otherwise provided herein, the lawful use of land or buildings existing at the effective date of this Zoning Ordinance may be continued although such use does not conform to the provisions hereof.
2. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification.
3. Whenever a nonconforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
4. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Zoning Ordinance.

C. Restoration after damage or reconstruction

Nothing in these regulations shall prevent the continuance of a use or the reconstruction of a structure occupied by a lawful nonconforming use destroyed by fire, explosion, act of God or, act of the public enemy, as it existed at the time of such destruction provided that a permit is obtained and reconstruction begun within six (6) months after the occurrence and substantially completed within twelve (12) months, unless an extension is granted by the Board of Appeals.

D. Discontinuance of nonconforming use

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

E. Intermittent use

The casual intermittent, illegal use of land or buildings shall not be sufficient to establish the

existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

F. Ordinary Repair and Maintenance

1. The normal maintenance and repair or the replacement, installation or relocation of non-bearing partitions, fixtures, wiring, or plumbing may be performed on any structure that is devoted in whole or in part to the nonconforming use or structure.
2. Neither this nor any other provision of this Zoning Ordinance shall be interpreted to authorize any increase in the size or degree of the nonconforming use or structure in violation of the provisions of any other subsection of this section.
3. Nothing in this section shall be deemed to prevent the strengthening or restoring of a structure to a safe condition by order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

G. Existence of a nonconforming use

1. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Appeals after public notice and hearing and in accordance with the rules of the Board.
2. Those nonconforming uses in existence prior to adoption of this Zoning Ordinance are hereby validated, albeit the nonconforming use failed to obtain certification from the Administrator.

§ 80-140. Nonconforming structures.

A. Continuance. A lawful nonconforming structure existing on the effective date of this Article may be continued, repaired, maintained or altered, subject to the provision of this section.

B. Additions or enlargements to nonconforming structures. A building nonconforming only as to height, area or bulk requirements may be altered or extended, provided that such alteration or extension does not increase the degree of nonconformity in any respect.

C. Moving of nonconforming structures. A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to the applicable zoning district.

D. Repair of Nonconforming Structures. Nothing in these regulations shall prevent the repair or reconstruction of a lawful nonconforming building damaged by fire, explosion, act of God or, act of the public enemy provided that the degree of nonconformity is not increased, that a permit is obtained, and construction begun within six months after the occurrence and substantially completed within twelve months, unless an extension is granted by the Board of Appeals.

§ 80-141. Nonconforming lots.

A. Nonconforming lots of record existing at the time of the adoption of this Ordinance shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district.

B. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth in this Zoning Ordinance.

§ 80-142. Nonconforming Signs

Refer to Article IXI, § 80-113 of this Ordinance.

ARTICLE XIV Board of Appeals – Appeals, Variances, Conditional Uses and Special Exceptions

Part I Board Of Appeals

§ 80-143. Board of Appeals.

A. The Board of Appeals is hereby created. The Board shall consist of three (3) members. The members shall be appointed by the Mayor and confirmed by the Town Council, and they shall be removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Of the members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years. Thereafter, members shall be appointed for terms of three (3) years each. The Mayor and Council shall designate one (1) alternate member for the Board, who may be empowered to sit on the Board in the absence of any member of the Board, when the alternate is absent, the Mayor and Council may designate a temporary alternate.

B. The Board shall adopt rules for the conduct of its business, such rules to be made available to the public. For the conduct of any hearing, a quorum shall be not less than two (2) members and an affirmative vote of two (2) members of the Board shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of this Zoning Ordinance or to approve any conditional use or variance. All meetings of the Board shall be open to the public.

§ 80-144. Application procedure; appeals; hearing.

A. Applications for special exceptions uses and variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be made to the Town Administrator in accordance with rules adopted by the Board of Appeals. The application and accompanying maps, plans or other information shall be submitted to the Planning Commission for a recommendation and the Board of Appeals for preview. Upon the recommendation by the Planning Commission a hearing will be scheduled, an advertisement for a public hearing will be listed in a local newspaper, the Town's website, and on the Town Office's public bulletin board, and written notice of such hearing to the parties in interest. The Administrator shall also transmit a copy of the application to the Board of Appeals Attorney.

B. An appeal to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Town Administrator or Planning Commission. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall be not stayed other than by a restraining order granted by the Board of Appeals or by a Court of record, on application and on notice to the Administrator and on due cause shown.

C. The Board of Appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days following the hearing. Upon the hearing, any party may appear in person or by

agent or by attorney. Public notice of hearing shall consist of publication at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the Town, specifying the time, place and nature of the hearing. In addition, the Board of Appeals shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board of Appeals. In exercising its powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the Administrator.

D. The Board of Appeals shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts and shall keep records of its examinations and other official actions, all of which shall be filed in the Town Office and shall be a public record. The Chairman of the Board of Appeals or, in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

§ 80-145. Powers of Board of Appeals.

A. The Board of Appeals shall have the following powers:
   1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Zoning Ordinance.
   2. To hear and decide on applications for special exceptions uses upon which the Board of Appeals is specifically authorized to pass under this Zoning Ordinance.
   3. To authorize upon appeal in specific eases, such area variances from the terms of this Zoning Ordinance will not be contrary to the public interest where, owing to special conditions, the enforcement of the provisions of this Zoning Ordinance will result in practical difficulties and injustices, but which will most nearly accomplish the purpose and intent of this Zoning Ordinance.

§ 80-146. Lapse of special exception or variance.

After the Board of Appeals has approved a special exception use or granted a variance, the special exception use or variance so approved or granted shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which such conditional use or variance was granted or if the Board of Appeals does not specify some longer period than one (1) year for good cause shown, and the provisions of these regulations shall thereafter govern.

§ 80-147. Amendment of special exception or variance.

The procedure for amendment of a special exception use or variance already approved or a request for a change of conditions attached to an approval shall be the same as for a new application, except that, where the Administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board of Appeals with the original record without requiring that a new application be filed.

§ 80-148. Appeals to courts.

Appeals to courts from a decision of the Board of Appeals may be filed in the manner prescribed by applicable law.

§ 80-149. Conditions attached to approvals.

A. Where, in these regulations, special exception uses are permitted, provided they are approved by the Board of Appeals, and where the Board of Appeals is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision or authorization shall be limited by such conditions as the case may require, including the imposition of requirements for any or all of the following:

1. Prohibition against outside signs or advertising structures except professional directional signs.
2. Limitation of signs as to size, type, color, location or illumination.
3. Amount, direction and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Cleaning or painting of buildings or structures.
6. Gable roof or other roof type.
7. Building construction and materials.
8. Building connected or disconnected with other buildings.
9. Exits or entrances, doors and windows.
10. Paving, shrubbery, landscaping or ornamental or screening fences, walls or hedges.
11. Time of day or night for operating.
12. Prohibition against storefronts.
13. Prohibition against structural changes.
14. Control or elimination of smoke, dust, gas, noise or vibration caused by operations.
15. Requirements for termination of a use, based on lapse of time or such other conditions as the Board of Appeals may specify.
16. Such other conditions as are necessary.

Part II Variances.

§ 80-150. Variances.

A. Subject to the provisions of § 80-151 of this Article, the Board of Appeals shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties and injustices in cases when and where, by reason of exceptional narrowness, shallowness or other unusual characteristic of size or shape of a specific piece of property at the time of the enactment of such regulation or restriction or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property or by reason of the use or development of property immediately adjacent thereto, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to the owner of such property.
2. Such grant of variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of this Zoning Ordinance, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional practical difficulty, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit or caprice.
3. No such variance shall be authorized by the Board unless it finds all of the following:

a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
b. That the variance will not change the character of the neighborhood or district.
c. That the variance is consistent with the Comprehensive Plan and the general intent of this Zoning Ordinance.
d. That the practical difficulty or other injustice was caused by the following:
(1) Some unusual characteristic of size or shape of the property.
(2) Extraordinary topographical or other condition of the property.
(3) The use or development of property immediately adjacent to the property.
(4) That the practical difficulty or other injustice was not caused by the applicants own actions.

4. No variance shall be authorized unless the Board of Appeals finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.

§ 80-151. Specific Provisions for Variances in the Millington Critical Area.

Reference §80-40 Variances.

Part III Special Exceptions

§ 80-152. Intent.

A. The development and execution of this Zoning Ordinance are based upon the division of the Town into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. The intent of this Part is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.

C. The granting of a special exception does not exempt the applicant from complying with all other requirements of this Ordinance or of the law.

§ 80-153. Initiation of Special Exceptions.

Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

§ 80-154. Application for Special Exception.

A. Such application for special exception shall be filed with the Town Administrator on a form prescribed by the Planning Commission.

B. The application shall be accompanied by such plans and/or data as necessary and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application shall be forwarded from the Town Administrator to the Planning Commission for recommendation to the Board of Appeals for review within forty-five (45) days of receipt of the application by the Town Administrator.

§ 80-155. Hearing on Application.

A. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.

B. Notice is required as provided in §80-144.

§ 80-156. Authorization.

For each application for a special exception, the Board of Appeals shall normally, within ninety (90) days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

§ 80-157. Standards.

No special exception shall be approved by the Board of Appeals unless such Board shall find:

A. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.

B. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

C. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

D. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided.

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

F. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Millington.

G. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.

H. Prior to the granting of any special exception, the Board of Appeals shall stipulate such

conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in herein. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

§ 80-158. Effect of Denial of a Special Exception.

No application for a special exception which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

§ 80-159. Complaints.

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the Board which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

§ 80-160. Revocation.

A. Whenever the Board shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such Town or state agencies or administrative officers as may be appropriate.

B. Whenever the Board shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one year after the date of approval, that its annual proof referred to above has not been filed within forth-five (45) days of its due date, or that all of the terms and conditions of its grant are not being complied with, the Administrator shall notify the Board and the Town attorney's office. Upon receipts of notice of such determination by the Board, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have 60 days from the date of written notice of expiration to file an appeal of said notice.

§ 80-161. Reserved

§ 80-162. Reserved

ARTICLE XV LANDSCAPING AND ENVIRONMENTAL STANDARDS

Part I Tree Protection

§ 80-163. Findings and Declaration of Policy: Shade Trees.

A. Finding:

1. Trees are proven producers of oxygen - a necessary element for human survival;
2. Trees appreciably reduce the ever-increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe;
3. Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
4. Trees have an important role in neutralizing wastewater passing through the ground from the surface to ground water tables and lower aquifers;
5. Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control;
6. Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas; and
7. For the reasons indicated herein, trees have an important impact on the desirability of land and therefore on property values.

B. Based upon the findings set forth in Subsection A, it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the Town's planning jurisdiction to protect existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

§ 80-164. Required Trees Along Dedicated Streets.

Along both sides of all newly created streets that are constructed in accordance with the street standards approved by the Mayor and Council, the developer shall at a minimum either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and fifty (50) feet from the centerline of the street, there is for every fifty (50) feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve (12) inches in diameter.

§ 80-165. Retention and Protection of Large Trees.

A. Every development shall retain all existing trees eighteen (18) inches in diameter or more unless the retention of such trees would unreasonably burden the development.

B. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12½) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

C. The retention or protection of trees eighteen (18) inches in diameter or more as provided in Subsection A and B unreasonably burdens a developer if, to accomplish such retention or

protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

D. If space that would otherwise be devoted to parking cannot be so used because of the requirements of Subsections A or B, and, as a result, the parking requirements set forth in the Ordinance cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of Subsections A and B, up to a maximum of fifteen (15) percent of the required spaces.

§ 80-166. Forest Protection

A. For the alteration of forest and developed woodlands the following requirements shall apply:

1. The total acreage in forest coverage within the Town shall be maintained or preferably increased;
2. All forests that are allowed to be cleared or developed shall be replaced on not less than an equal area basis;
3. No more than twenty (20) percent of any forest or developed woodland may be removed from forest use, except as provided in paragraph 4 below. The remaining eighty (80) percent shall be maintained through recorded, restrictive covenants or similar instruments approved by the Town Attorney; and
4. Developed woodland vegetation shall be conserved to the greatest extent practicable.

B. For replacement of forest and developed woodland, if more than twenty (20) percent is to be removed from forest use, an applicant may clear or develop not more than thirty (30) percent of the total forest area provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.

C. In addition, applicants shall adhere to the following criteria for forest and woodland development:

1. A performance bond shall be collected by the Town in an amount determined by the Town to ensure satisfactory replacement as required by subsections A and B above;
2. Grading permits shall be required before forest or developed woodland is cleared;
3. Forests which have been cleared before obtaining a grading permit or that exceed the maximum area allowed in A.3 above shall be replanted at three times the area extent of the cleared forest;
4. All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants or other protective instruments approved by the Town Attorney;
5. The applicant shall designate, subject to the approval of the Town, a new forest area on a part of the site not forested; and

6. The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the Town Attorney.

D. If the area extent of the site limits the application of the reforestation required or afforestation required in this Part, the Town shall collect a fee-in-lieu in accordance with the following standards:

1. Fee-in-lieu shall be assessed at $1.50 per square foot of required reforestation or afforestation area;

2. Fee-in-lieu monies shall be used for the following project to establish forest or developed woodlands on an alternative site or sites where planting is not a condition of development or redevelopment;
3. Fee-in-lieu monies shall be collected and held in a special fund, which may not revert to the Town's general fund; and
4. A portion of fee-in-lieu money can be used for management and administrative costs; however, this cannot exceed twenty (20) percent of the fees collected.

Part II Landscape Standards

§ 80-167. Plan Requirements for Landscaping and Screening.

A. Applicability. A master landscaping plan or screening plan meeting the standards of this part is required for any development, except applications involving a detached single family dwelling unit requiring only a zoning certificate and building permit.

B. A master landscape or screening plan shall consist of one (1) or more sheets drawn to scale or combined with a site plan and shall include the following information:

1. The location and footprint of all proposed buildings, structures, and facilities on the site and proposed landscaping areas.
2. The approximate location of rivers or stream branches or natural, intermittent streams or drainage channels, ponds, wooded areas, or other special natural features on the development site.
3. A tabular summary of type of species, height, diameter, and quantity of shrubbery and trees, including street trees, to be planted within landscaped or screening areas.
4. The height, length, type and location of fencing and related planting areas to be used for screening purposes.
5. Location of underground and overhead utilities.
6. The continuity of proposed open space with contiguous and other nearby open spaces, existing or proposed.

C. The plan shall show landscaping proposals for the following areas or facilities where applicable to the type of development proposed.

1. Street trees
2. Buffer yard plantings
3. Foundation plantings
4. Screening for dumpsters or other solid waste collection areas
5. Stormwater management retention or detention areas landscaping
6. Above ground utility box screening
7. Parking lot plantings/screening
8. Perimeter plantings
9. Recreation facilities and landscaping
10. Loading and unloading space screening

C. The plan shall be consistent with the specific requirements of a site plan or comprehensive development plan or the specific requirements for the type of development proposed.

80-168. Landscaping Materials.

A. Whenever landscaping is required, it shall consist of, as a minimum, a combination of grass, trees and shrubs including the following species at the sizes specified, arranged in such a manner as to complement the proposed structure or project and its adjacent neighborhood. The total linear amount of property lines or perimeter of the development site and each lot shall be used as a guide to compute the amount of plantings as required. All such materials may be randomly placed on the site except as may be required to meet the Buffer yard requirements of this Ordinance. Plantings required in other sections of this Zoning Ordinance shall count against the requirements of this part.

B. Landscaping shall emphasize native species trees, shrubs, and flowers to reduce maintenance, to help ensure longevity, and to reinforce the natural character of the area. Species shall be selected partly on the basis of their visual appeal during different seasons of the year.

C. Any applicant may incorporate and combine the mitigation requirements for meeting the provisions of the Forest Conservation Act and the State's Non-Tidal Wetlands Act with these provisions. The Planning Commission may approve such mitigation plans as a substitute for compliance with these conditions. Any plan may also use existing trees to count toward the requirements of these guidelines.

D. The applicant shall be required to post a performance bond with the Town to ensure that any landscape materials that die within eighteen (18) months of planting shall be replaced with the same species and size, and that any landscape material shall be well maintained, specifically irrigated and fertilized, for a total of twenty-four (24) months from time of planting. If landscape materials are removed, they shall be replaced with material of similar size, shapeliness, function, hardiness, longevity, and appearance.

§ 80-169. Shade Trees.

A. Shade trees, with a height of more than thirty (30) feet at maturity, shall be a minimum 1.5 inches in caliper and a minimum six (6) feet or more in height at the time of planting and shall be planted in continuous rows along the edges of properties in accordance with the following spacing standards:

1. Residential districts - one per one fifty (50) feet.
2. Commercial districts - one per fifty (50) feet.
3. Industrial district - one per thirty (30) feet.
4. Special exceptions - the requirements for the district in which the use is located or an alternate as may be determined by the Planning Commission, Town Administrator, or Board of Appeals.
5. Maintain a minimum distance of twenty (20) feet from overhead utilities for species that exceed thirty (30) feet at maturity.

B. Street Trees - Street trees meeting the standards of 1 above shall be planted along internal streets, with at least one tree for every fifty (50) feet of street frontage in residential, commercial, business, institutional and industrial projects.

§ 80-170. Under story (Decorative) Trees.

Under story trees, with a height of less than thirty (30) feet at maturity, shall be one (1) inch in caliper and four (4) feet in height at the time of planting and shall be provided as follows:

A. Residential districts - none.

B. Commercial districts - one per fifty (50) feet.

C. Industrial district - one per seventy-five (75) feet.

D. Special exceptions - the requirements for the district in which the use is located or an alternate as may be determined by the Planning Commission, Zoning Administrator, or Board of Zoning Appeals.

E. Maintain a minimum distance of twenty (20) feet from overhead utilities for species that exceed thirty (30) feet at maturity.

§ 80-171. Evergreen Trees.

Evergreen trees shall be at a height of three and one-half (3 ½) to four (4) feet or greater at planting and shall be provided as follows:

A. Residential districts – none.

B. Commercial - one per one hundred (100) feet.

C. Industrial district - one per one hundred fifty (150) feet.

D. Special exceptions - the requirements for the district in which the use is located or an alternate as may be determined by the Planning and Zoning Commission, Planning Staff, or Board of Zoning Appeals.

E. Maintain a minimum distance of twenty (20) feet from overhead utilities for species that exceed 30' at maturity

§ 80-172. Shrubs.

Evergreen and deciduous shrubs shall be at a height of eighteen (18) inches to twenty-four (24) inches or greater at the time of planting and shall be provided as measured by the length of the perimeter of the buildings or structures facing any public street or road as follows:

A. Residential districts - none.

B. Commercial districts - one per fifteen (15) feet.

C. Industrial district - one per forty (40) feet.

D. Special exceptions - the requirements for the district in which the use is located or an alternate as determined by the Planning Commission, Zoning Administrator, or Board of Appeals.

§ 80-173. Alternatives and Additional Landscape Requirements.

As an alternative, an applicant may propose and the Planning Commission or Board of Appeals may approve:

A. The retention of natural growth on the site to meet the requirements of this section, depending on width, density, and type of natural growth, provided that the Board or 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 the plantings listed in this article and alternate

plantings of various species and sizes.

C. 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.

D. Whenever deemed appropriate, the Planning Commission may require installation of a vegetated and/or structural buffer along property lines to protect adjoining residential properties from the potential impacts of a proposed non-residential use and/or to maintain or enhance the general visual character of the property and surrounding area. Buffer standards shall be selected from Appendix B.

E. The Planning Commission may approve variations to the specific landscaping standards, including but not limited to species, size, spacing, or quantity of plantings, provided that the proposed alternative achieves the objectives of the planting requirements, including visual appeal, environmental benefits, compatibility with the surrounding area, and compliance with the purpose and intent of this Ordinance. Such variations shall be supported by a written justification submitted by the applicant, demonstrating how the alternative meets or exceeds the intended outcomes of the original standards.

§ 80-174. Complementary Plantings

Dwarf and other species may be used only for complementary plantings and no minimum sizes shall be required.

Part III Landscaping of Parking Facilities

§ 80-175. Intent.

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare.

§ 80-176. Sites Affected.

A. New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.

B. Existing sites. No parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.

C. Change of use. No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing parking area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire parking area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

D. Change of zone. No use of an existing building, structure, or vehicular use area shall commence subsequent to a change in zoning unless perimeter landscaping as required herein has been

provided.

§ 80-177. Perimeter Landscaping.

A. A planting strip shall be provided at least eight (8) feet wide adjacent to the back of any sidewalks or ten (10) foot wide adjacent to the property line where no sidewalk exists. Where the parking lot does not abut a property line or sidewalk, a ten (10) foot planting area shall be provided.

B. Except where otherwise specifically required by the Zoning Ordinance, a minimum ten (10) foot wide screening area shall be provided along all abutting property lines of a residential district.

C. The following requirements shall apply to the design and construction of all parking lots for fifteen (15) vehicles or more:

1. Perimeter Landscaping. A minimum eight (8) foot wide landscaped area shall be provided adjacent to all driveways leading to the lot and around the outer edges of all parking lots.
2. Screening Areas. A minimum ten (10) foot wide screening area shall be provided abutting all residential districts except where a greater distance is required by the provisions of the zoning district in which the parking lot is located.

D. Each landscape area adjacent to a street right-of-way shall contain a minimum of one tree per forty (40) feet of landscape area parallel to the right-of-way. In addition, a vegetative screen, landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area shall be provided. The vegetative screen shall have an average continuous height of three (3) feet.

F. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.

G. Special notes on existing natural vegetation:

1. In all cases where significant natural vegetation exists, as determined by the Town Administrator, there shall be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.
2. In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage shall be permitted.
3. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.

H. Trees required as a part of the parking lot street right-of-way landscaping may be placed on the right-of-way adjoining such parking area when approved by the Planning Commission. Such trees shall be in addition to any street trees required by the subdivision regulations.

I. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.

J. In any parking lot perimeter landscaping area all trees shall be set back at least four (4) feet from the edge of paving where vehicles overhang.

§ 80-178. Interior Landscaping for Parking Lots.

A. For any parking lot containing more than 6,000 square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands. An interior parking lot landscape island or peninsula is defined as a landscaped area containing a minimum area of one hundred fifty-three (153) square feet having a minimum width of eight and one-half (8.5) feet and a minimum length of eighteen (18) feet. There shall be a minimum of four (4) feet to all trees from the edge of paving where vehicles overhang. The minimum landscape area permitted shall be ten (10) percent of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface. For purposes of Subsection D below and subject to the limits established in E below, up to 4 islands can be combined.

B. Where a parking area is altered or expanded to increase the size to 6,000 or more square feet of area or fifteen (15) or more vehicular parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.

C. Landscape area. For each 100 square feet, or fraction thereof, of parking lot, five (5 square feet of landscaped area shall be provided. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.

D. Landscape islands or peninsulas - number required:

1. For less than 100 spaces one island or peninsula is required for every 7 parking spaces.
2. For 100 spaces or more, one island or peninsula is required for every 10 spaces.
3. Each 10 parking spaces shall require an interior planting island.
4. All interior parking aisles shall end in a landscape island.

E. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than the following:

1. 350 square feet in parking areas under 30,000 square feet.
2. 1,500 square feet in parking areas over 30,000 square feet.

F. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists.

G. Minimum plant materials. A minimum of one tree for each two hundred and fifty (250) square feet or fraction thereof of required landscape or for each five (5) spaces of required parking or for each one hundred and sixty-one (161) square feet of island or peninsula, whichever is greater, shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed two (2) feet in height, or grass.

H. Landscaping for service structures. All service structures shall be fully screened, except when located more than thirty-five (35) feet above the established grade, and shall not be visible from a public way to the maximum extent possible, as determined by the Town Administrator. Service structures in an industrial zone shall be fully screened when located within one hundred (100) feet of any zone other than industrial. For the purposes of this article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other

equipment or elements providing service to a building or a site.

1. Location of screening. A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure or loading zone on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
2. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

I. Interior landscaping for parking areas shall be installed and continuously maintained by the owner.

J. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval according to the requirements contained in this Zoning Ordinance.

K. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Town.

L. Alternative parking area landscaping design may be considered by the Planning Commission in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this Zoning Ordinance.

Part IV Buffers

§ 80-179. Purpose.

A. One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Buffer yards will operate to minimize the negative impact of any future use on neighboring properties.

B. The buffer yard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting for each buffer yard requirement of this Ordinance are specified and are designed to ameliorate nuisances between adjacent zoning districts to ensure a desired character along public streets and roads. The planting units required of buffer yards have been calculated to ensure that they do, in fact, function as "buffers."

C. Buffer yards shall be required to separate different zoning districts from each other in order to

eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Mature woodlands are considered the best buffers and shall be used whenever possible.

§ 80-180. Location of Buffer yards.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

§ 80-181. Determination of Required Buffer yard.

To determine the type of buffer yard required on a parcel or between two parcels or between a parcel and a street, the following procedure shall be used:

A. Identify whether any portion or property line of the site constitutes a zoning district boundary. If it does, determine the zoning on both sides of the property.

B. Determine whether the land on the adjoining property is vacant or developed or whether a plat of the subdivision has been approved.

C. Classify any street adjacent to the proposed use as a local, collector, or arterial street.

D. Determine the buffer yard required on each boundary (or segment thereof) of the subject parcel by referring to the Tables of Required Buffer yards.

E. Determine if the proposed development is a use which has buffer yards required to separate that use from certain uses. Then determine the buffer yard required between such uses by referring to the Tables of Required Buffer yards.

§ 80-182. Responsibility for Buffer yards.

A. When a proposed use adjoins a vacant parcel for which a buffer yard is required by the presence of a zoning boundary, that use shall, at the time of development, provide one-half of the buffer which is required by the Tables of Required Buffer yards.

B. The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total buffer yard required between those two uses. If the adjoining use had developed without a buffer yard, the second use will be responsible for installing the total buffer yard.

C. Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this Ordinance may be counted as contributing to the total buffer yard required between it and the second (adjacent) land use to develop.

Tables of Required Buffer yards (See Examples in Appendix B)

	REQUIRED BUFFERYARDS BETWEEN ADJACENT ZONING DISTRICTS					
ZONE	AR	R-1	R-2	R-3	TC	LI-1
AR	--	--	--	--	--	E
R-1	--	--	--	--	--	E
R-2	--	--	--	--	--	E
R-3	--	--	--	--	--	E
TC	--	--	--	--	--	E
LI	E	E	E	E	E	E

REQUIRED STREET BUFFERS	**FUNCTIONAL CLASSIFICATION**		
ZONING DISTRICTS	**ARTERIAL**	**COLLECTOR**	**LOCAL**
AR, R-1, R-2, R-3, PN	C	B	A
TC	A	A	A
LI	E	E	D

§ 80-183. Buffer yard Requirements.

Illustrations graphically indicating the specification of each buffer yard are contained in Appendix B.

§ 80-184. Buffer yard Use.

A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (1) no plant material is eliminated, (2) the total width of the buffer yard is maintained, and (3) all other regulations of the Ordinance are met. (4) In no event, however, shall swimming pools, tennis courts or other such uses be permitted in buffer yards. The Planning Commission may allow substitution or reduction of the buffer yard if it finds that the required buffer yard will obstruct the view of a driver or that the buffer yard is incompatible with the existing streetscape.

§ 80-185. Ownership of Buffer yards

Buffer yards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, the Town of Millington, or a homeowner's association, provided that any such conveyance adequately guarantees the protection of the buffer yards for the purposes of this Ordinance. Final Ownership shall be specified and approved by the Planning Commission.

Part V Environmental Standards for Sensitive Areas

§ 80-186. Environmental Standards

The following provisions shall apply to all development activities requiring site plan or subdivision plat approval. Theses provisions do not preclude the provisions pertaining to the Buffer and other Habitat Protection Areas within the Critical Area as specified in §80-45, 46, and 47 of this Ordinance.

A. Perennial Stream no-disturbance buffer

1. A one hundred (100) foot natural buffer from all perennial streams shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this Buffer.
2. This buffer requirement may be reduced to no less than seventy-five (75) feet by the Planning Commission for the following:
   a. 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 one hundred (100) foot buffer, and if evidence is provided that said development will meet all other applicable requirements, as required.
   b. Road crossings, if disturbance is minimized.
   c. Other public or community facilities provided disturbance is minimized in so far as possible.

B. Intermittent Stream no-disturbance buffer

1. A fifty (50) foot buffer from all intermittent streams shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.
2. This buffer requirement may be waived by the Planning Commission for the following:
   a. Road crossings, if disturbance is minimized.
   b. Other public or community facilities provided disturbance is minimized in so far as possible.

C. Sensitive Soil no-disturbance buffer. The one hundred (100) foot perennial stream buffer shall be expanded to include contiguous 100 year floodplain and nontidal wetlands. In addition, the one hundred (100) foot perennial stream buffer shall 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, any 100 year flood plain adjacent to the stream, or any nontidal wetlands adjacent to the stream to a maximum distance of two hundred (200) feet.

D. Non-tidal Wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.

E. Steep Slopes.

The following steep slope provisions shall apply.

1. Grading, removal of vegetative cover and trees, and paving are not permitted on any land in excess of twenty-five percent slope for an area of forty thousand (40,000) square feet.
2. Not more than forty (40%) percent of any land in excess of fifteen percent slope and less than twenty-five percent slope for an area of forty thousand (40,000) square feet shall be cleared of natural ground cover or vegetation in preparation for development.

F. Habitat Protection Areas**.**

1. Identification.
   An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas includes:
   a. Threatened or endangered species or species in need of conservation;
   b. Forest areas utilized as breeding areas by future interior dwelling birds and other wildlife species;
   c. Natural Heritage Areas; and
   d. Other plant and wildlife habitats determined to be of local significance.
2. Standards
   a. An applicant for a development activity proposed that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a Habitat Protection Area on or near a site.
   b. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resource.
   c. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

§ 80-187. Reserved

ARTICLE XVI Administration and Enforcement

§ 80-188. Changes and amendments.

A. Initiation of change. The Mayor and Council may from time to time amend, supplement or change, by Ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Mayor and Council or by motion of the Planning Commission or by petition of any property owner addressed to the Mayor and Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

B. Report from Planning Commission. Before taking any action on any proposed amendment, supplement or change, the Mayor and Council shall submit the same to the Planning Commission for its recommendations and report. Failure of the Commission to report within sixty (60) days after the first meeting of the Planning Commission subsequent to the proposal being referred to the Planning Commission shall be deemed approval.

C. Notice and hearings. The Planning Commission shall hold a public hearing on any proposed amendment, supplement or change before submitting its report to the Mayor and Council. Notice of public hearing before the Commission shall be given at least fifteen (15) days prior to the bearing by publishing the time, place and nature of the bearing in a newspaper having general circulation in the Town. In addition, the Planning Commission shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property, in accordance with the rules of the Commission. The published and posted notices shall contain reference to the place or places within the town where the plans, ordinances or amendments may be examined.

D. Before approving any proposed change or amendment, the Mayor and Council shall hold a public hearing thereon. Notice of public hearing before the Mayor and Council shall be given at least fifteen (15) days prior to the bearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the Town.

E. In reaching a decision on zoning amendments, the Mayor and Council shall make findings of fact in each specific case including, but not limited to, the following matters: population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendations of the Planning Commission, consistency with the Comprehensive Plan, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. It shall be the responsibility of the applicant to delineate the boundaries of the neighborhood and to identify the change in the character of the neighborhood.

F. One-year limitation on reconsideration. Whenever a petition requesting an amendment, supplement or change has been denied by the Mayor and Council, such petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

G. The record in all zoning cases shall include the application, all documents or communications submitted regarding the application, the recorded testimony received at the hearing, any reports or communications to or from any public officials or agency concerning the application, and the final decision of the Mayor and Council. The record shall be open to public inspection and shall be maintained in the Town Office. The burden of proof for any zoning change shall be upon the applicant.

§ 80-189. Amendments for floating zones.

The provisions of this Article regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones, the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.

§ 80-190. Conformity with Zoning Ordinance Provisions.

Reference § 80-43, Amendments.

§ 80-191. Permits Required

A. No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning certificate (certificate of approval) therefore, issued by the Planning Commission. No zoning certificate shall be issued except in conformity with the provisions of this Zoning Ordinance, except after written order from the Board of Appeals.

B. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a building permit. When issued, such permit shall be valid for a period of six (6) months.

C. In addition to the building permit and zoning certificate, the following permits may be required by the Town Administrator:

1. Applications Approved by the Board of Appeals. The Town Administrator shall issue permits in conformance with the written authorization of the Board of Appeals concerning administrative review appeals, special exception permit appeals, dimensional variance appeals, or other appeals as authorized in this Zoning Ordinance.
2. Sign Permits. No sign shall be created, erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a sign permit.
3. Subdivision Plat. If the permit involves the subdivision of land, an approved subdivision plat shall be required as provided in the Millington Subdivision Regulations.
4. Other Permits. Additional permits, including approvals by other agencies, may be required to enforce the provisions of this Zoning Ordinance.

D. Permits are issued under this Zoning Ordinance when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Zoning Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, all development shall occur strictly in accordance with such approved plans and applications.

E. Physical improvements to land to be subdivided shall not be commenced without a signed, recorded final plat, a Bond, or Letter of Credit and a public works agreement approved by the Mayor and Council.

§ 80-192. Drawings and plats.

A. All applications for zoning certificate or building permits shall be accompanied by a drawing containing the information shown in Appendix A or plat, in duplicate or as required by the Town Administrator.

B. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator, and a duplicate copy shall be kept at the building at all times during construction.

§ 80-193. Site Plan Review and Approval

A. Prior to issuing a zoning certificate or building permit for construction, expansion or change in use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.

B. The purpose of major site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.

C. Applicability. All development or land use activities within the Town shall require site plan review before being undertaken, except the following:

1. Construction or expansion of a single one-family dwelling and ordinary accessory

structures, and related land use activities.

2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Zoning Ordinance.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 500 square feet or have a cost value of less than $10,000.00.
5. Agricultural or gardening uses.
6. All signs except in conjunction with new development.

D. Site plan applications shall include the information listed in Appendix A for preliminary and final site plans. The Planning Commission may at its discretion waive any information or preliminary requirements which are not relevant to the proposed use and site.

E. The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.
2. Location, arrangement, appearance and sufficiency of off-street parking and loading.
3. Location, arrangement, size and design of buildings, lighting and signs.
4. Relationship of the various uses to one another and their scale.
5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
6. Adequacy of storm water and sanitary waste disposal.
7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
8. Compatibility of development with natural features of the site and with surrounding land uses.
9. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.
10. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
11. Adequacy of pedestrian access.

F. The Planning Commission may require additional information which appears necessary for a complete assessment of the project.

G. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.

H. Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may appropriate. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of this Zoning Ordinance and all other Federal, State, and County regulations. Notice of approval or disapproval of the site plan shall be given in writing to the applicant.

I. Construction of required improvements.

1. Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may

construct only such improvements as have been approved by the Planning Commission or appropriate Town review and approval agencies.

2. The Town may require inspection after construction has been completed, and inspection of site improvements.

J. Expiration and Extension

1. Approval of site plans shall be for a two (2) year period and shall expire at the end of such period unless building construction has begun.
2. Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one (1) year extension may be given by the Planning Commission.
3. Such request shall be acknowledged and a decision rendered thereon not more than thirty (30) days after filing of said request.

§ 80-194. Fees.

A. The Town shall establish a schedule of fees, charges and expenses and a collection procedure for applications for zoning appeal cases, zoning and map amendments, permits, site plans, sign permits and other matters pertaining to this Zoning Ordinance. Such schedule shall be posted at the Town. The Mayor and Council may amend the fee schedule by resolution.

B. These fees may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner or similar service as may be used to assist the Town in the review of proposed development and improvement plans.

C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal pertaining to this Zoning Ordinance.

§ 80-195. Interpretation; conflict.

A. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

B. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other resolutions ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this Zoning Ordinance shall govern.

C. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Zoning Ordinance is not shown as being in a zoning district, the classification of such property shall be the zoning classification permitting the lowest residential density until changed by amendment.

D. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local Ordinances, regulations, or laws, the more restrictive Ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the Town. Private deed restrictions or private covenants for a subdivision, which have not been

approved by the Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any Town agency and cannot be enforced by the Town.

E. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the Town prior to the date of adoption of this Zoning Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within one hundred and eighty (180) days from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been let, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit or certificate.

§ 80-196. Enforcement.

A. It shall be the duty of the Town Administrator to enforce the provisions of this Zoning Ordinance and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of this Zoning Ordinance.

B. It shall also be the duty of all officers and employees of the Town to assist the enforcing officer by reporting to him any seeming violation in new construction or reconstruction or in the use of land or building.

§ 80-197. Institution of action to end violation.

In case any building is erected, constructed, reconstructed, altered, repaired or converted or any building or land is used in violation of this Zoning Ordinance the Town Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

§ 80-198. Violations and penalties.

A. Except as may otherwise be provided in this Zoning Ordinance, any person or corporation who shall violate any of the provisions of this Zoning Ordinance or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than five hundred dollars ($500.00), and each day such violation shall be permitted to exist shall constitute a separate offense.

B. The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

C. Additional enforcement provisions apply in the CA District.

APPENDIX A: BASIC INFORMATION REQUIRED WITH ZONING AND BUILDING PERMIT APPLICATIONS

NOTE: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission.

				DEVELOPMENT STAGE		
					Major Site Plan	
Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Prelim.	Final
I.	PROJECT-PLAT INFORMATION					
1.	Name, address of owner, applicant, developer and lien-holder, date of application.	X	X	X	X	X
2.	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X	X	X
3.	Date of survey.		X		X	X
4.	Seal, signature and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.		X		X	X
5.	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X	X	X
6.	A vicinity map at a specified scale (no smaller than 1"=200') showing location of the tract with reference to surrounding properties, streets, land landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X	X	X
7.	Existing and proposed zoning of tract and adjacent property from Official Zoning Map.	X	X	X	X	X
8.	Adjacent property owners, names, Liber and Folio.	X	X	X	X	X
9.	Title, north arrow and scale (1"=100').		X		X	X
10.	Appropriate signature block for planning director, planning commission chairman, and the health department.		X		X	X
11.	Appropriate certification blocks.		X			X
12.	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.		X			X
13.	Monumentation, location and description.		X			X
14.	Standardized sheets 18"x24" (final - black ink on mylar).		X		X	X
15.	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot).		X		X	X
16.	Acreage of tract to the nearest thousandth of an acre.	X	X	X	X	X
17.	Date of original and all revisions.	X	X	X	X	X
18.	Size and location of any existing or proposed structures with all setbacks dimensioned (for concept plan, GDP	X	X	X	X	X

				DEVELOPMENT STAGE		
					Major Site Plan	
Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Prelim.	Final
	general location but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures.					
19.	Number of dwelling units.	X	X	X	X	X
20.	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right of way widths. (for GDP, concept plans, general locations).	X	X	X	X	X
21.	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.		X		X	X
22.	Location and type of utilities.		X		X	
23.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.		X		X	
24.	References to protective covenants governing the maintenance of undedicated public spaces or reservations.		X			X
25.	Location and size of proposed Natural Park areas, play grounds and other public areas.	X		X	X	X
26.	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use*. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X	X	X	X	X
27.	Statement of owner dedicating streets, right-of-way, and any sites for public use.		X			X
28.	Development stages or phasing plans (for GDP and concept plans, general phasing). Sections numbered by phase.	X		X		
29.	Total number of off-street parking spaces including ratio and number of units per space.	X	X	X	X	
30.	List of required regulatory approvals/permits.	X	X	X	X	X
31.	List of variances required or requested.	X	X	X	X	X
32.	Requested or obtained design waivers or exceptions.	X	X	X	X	X
33.	Payment of application fees.	X	X	X	X	X
34.	Total area of the site that will be temporarily and/or permanently disturbed.		X		X	
II.	**SETTING-ENVIRONMENTAL INFORMATION**					
35.	All existing streets, water courses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	X	X	
36.	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	X
37.	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.	X		X	X	
38.	Field delineated or survey topo.		X			X
39.	General areas of >15% slope shaded and identified as steep	X	X	X		

				DEVELOPMENT STAGE		
					Major Site Plan	
Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Prelim.	Final
	slopes.					
40.	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.				X	X
41.	Forest Stand Delineation (See Zoning Ordinance).		X		X	
42.	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.		X		X	X
43.	A 100 Year Flood Plain based on FEMA maps.	X	X	X	X	X
44.	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	X	X	
45.	Non-tidal wetlands identification based on field delineation/determination.					X
46.	Location of sensitive areas and their Buffers (Zoning Ordinance).	X	X	X	X	X
47.	Location and width of Buffer yards.	X	X	X	X	X
48.	Soil types based on County Soil Survey.		X		X	
49.	Traffic Impact Study, as required.				X	
50.	Statement of effect on school district and school bus service, as required.				X	
The following additional information items are required in the areas designated Critical Areas						
51.	Location of the Critical Area District boundary and Critical Area designation.	X	X	X	X	X
52.	Number of acres in the Critical Area.	X	X	X	X	
53.	Mean high waterline and landward edge of tidal wetlands.	X	X	X	X	
54.	Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service (final).	X	X	X	X	
55.	The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation. Habitat Protection Plan reviewed by the Maryland Fish, Heritage and Wildlife Administration.	X	X	X	X	X
56.	The location of the Critical Area Buffer and the expanded Buffer, as required.	X	X	X	X	X
57.	Hydric and highly erodible soils based on the County Soil Survey.	X	X	X	X	
58.	Natural Park management plan, if applicable.					X
59.	Shore erosion protection plan, if applicable.					X
60.	Environmental assessment.		X	X	X	
61.	Statement of consistency with the Critical Area Program.	X	X	X	X	
III.	**PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION**					
62.	Subdivision Plat meeting requirements of Millington Subdivision Regulations.		X			X
63.	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.		X		X	X
64.	Existing and proposed contour intervals as follows:		X		X	X

				DEVELOPMENT STAGE		
					Major Site Plan	
Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Prelim.	Final
	Less than 5% slope = 1 foot					
	5 to 15% slopes = 2 feet or less					
	>15% = as required for construction					
65.	Proposed street grades, typical cross sections and profiles, right-of-way widths, pedestrian ways, total area of roads.		X		X	X
66.	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management, as appropriate in the case of minor subdivisions.		X		X	X
67.	Grades and sizes of sanitary sewers and waterlines.		X		X	X
68.	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.		X		X	
69.	Certification from electric and telephone utilities of adequate facilities to serve proposed development.		X		X	
70.	Location of fire hydrants.				X	X
71.	Construction details as required by ordinance.		X			X
72.	Stormwater Management Plan.		X		X	X
73.	Soil Erosion and Sediment Control Plan.		X		X	X
74.	Lighting plan and details, as required.					X
75.	Landscape plan and details, including required Buffer yards.		X		X	X
76.	Forest Conservation Plan				X	X
77.	Proposed street names.				X	X
78.	New block and lot numbers.				X	X
79.	Solid waste management plan.				X	X
80.	Preliminary architectural plan and elevations.				X	X
81.	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.		X			X
82.	Department of Public Works signature on final Site Plan					
83.	Public works agreement and surety instruments.					X

APPENDIX B: BUFFERYARD REQUIREMENTS AND LANDSCAPE GUIDELINES

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PART I Buffer yard Requirements

B-1: Buffer yard Specifications

The following illustrations graphically indicate the specifications of each buffer yard. Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plant units required per one hundred (100) linear feet of buffer yard. The recommended buffer yard should be one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given buffer yard is determined given a change in the width of that yard. The type and quantity of plant materials required by each buffer yard, and each buffer yard option, are specified in this section.

Afforestation and reforestation plantings required under the Forest Conservation requirements contained in the Zoning Code may occur in buffer yards provided such plantings meet the minimum requirements for afforestation or reforestation.

The options within any buffer yard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. Each illustration depicts the total buffer yard located between two uses.

Whenever a wall, fence, or berm is required within a buffer yard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use.

B-2: Plant Material

The following plant material substitutions shall satisfy the requirements of this section.

(1) In buffer yards C and D evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(2) In buffer yards B evergreen canopy or evergreen understory trees may be substituted as follows:
   (a) In the case of deciduous canopy forest trees, up to a maximum of fifty (50) percent of the total number of the deciduous canopy trees otherwise required.
   (b) In the case of deciduous understory, without limitation.

(3) In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

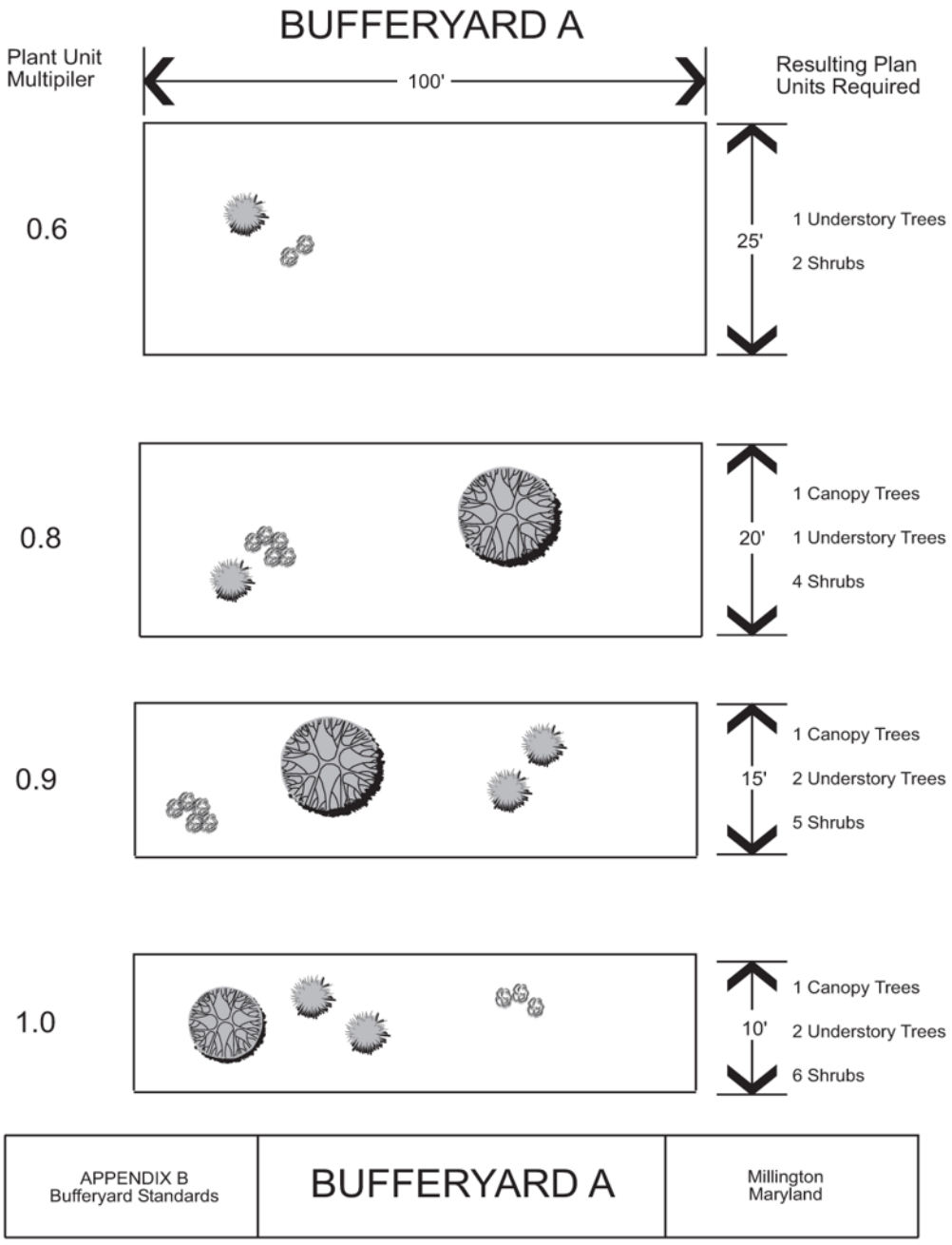
(4) In all buffer yards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and understory plant materials, without limitation. If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

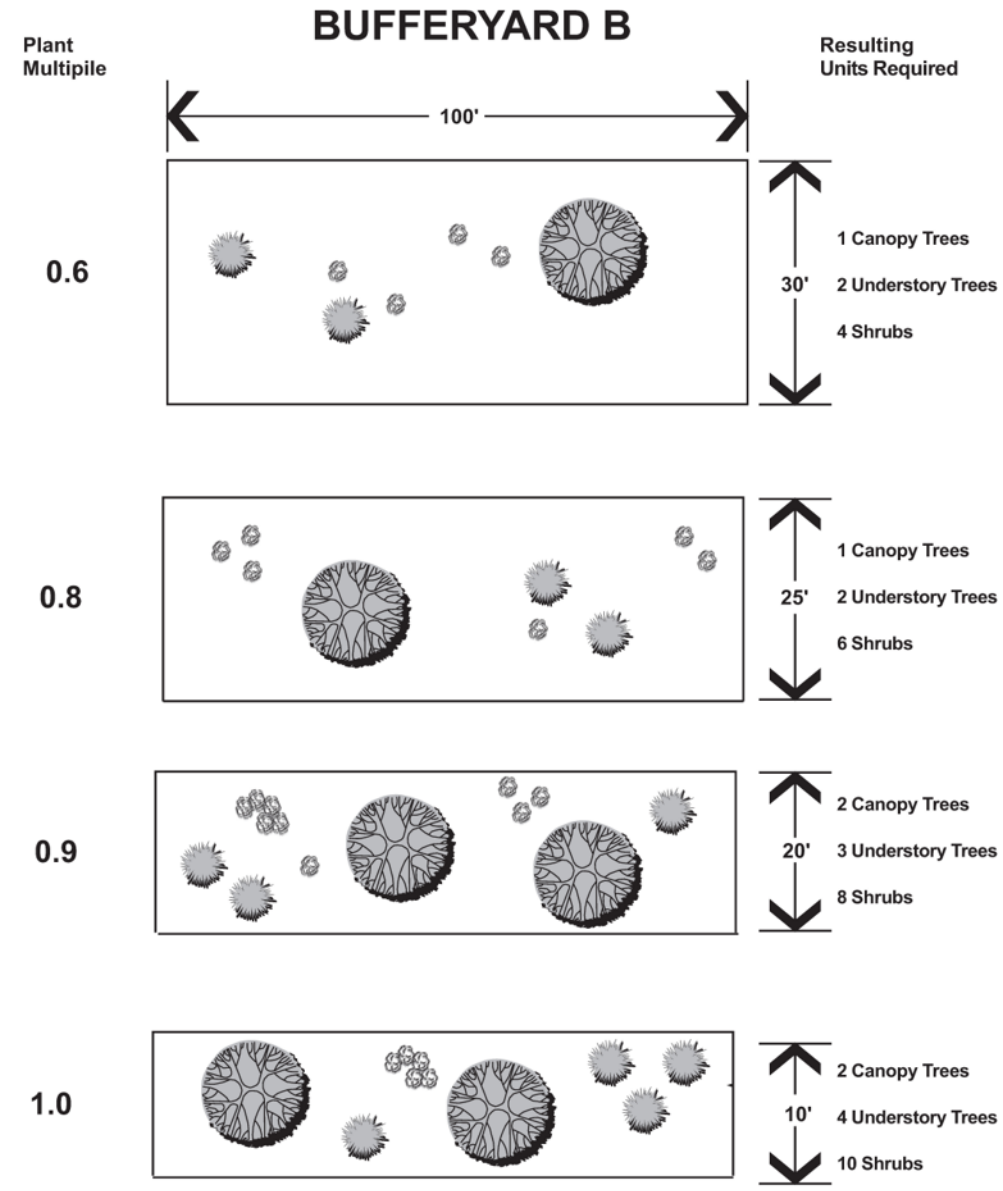
The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:

(1) Evergreen (or conifer) class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

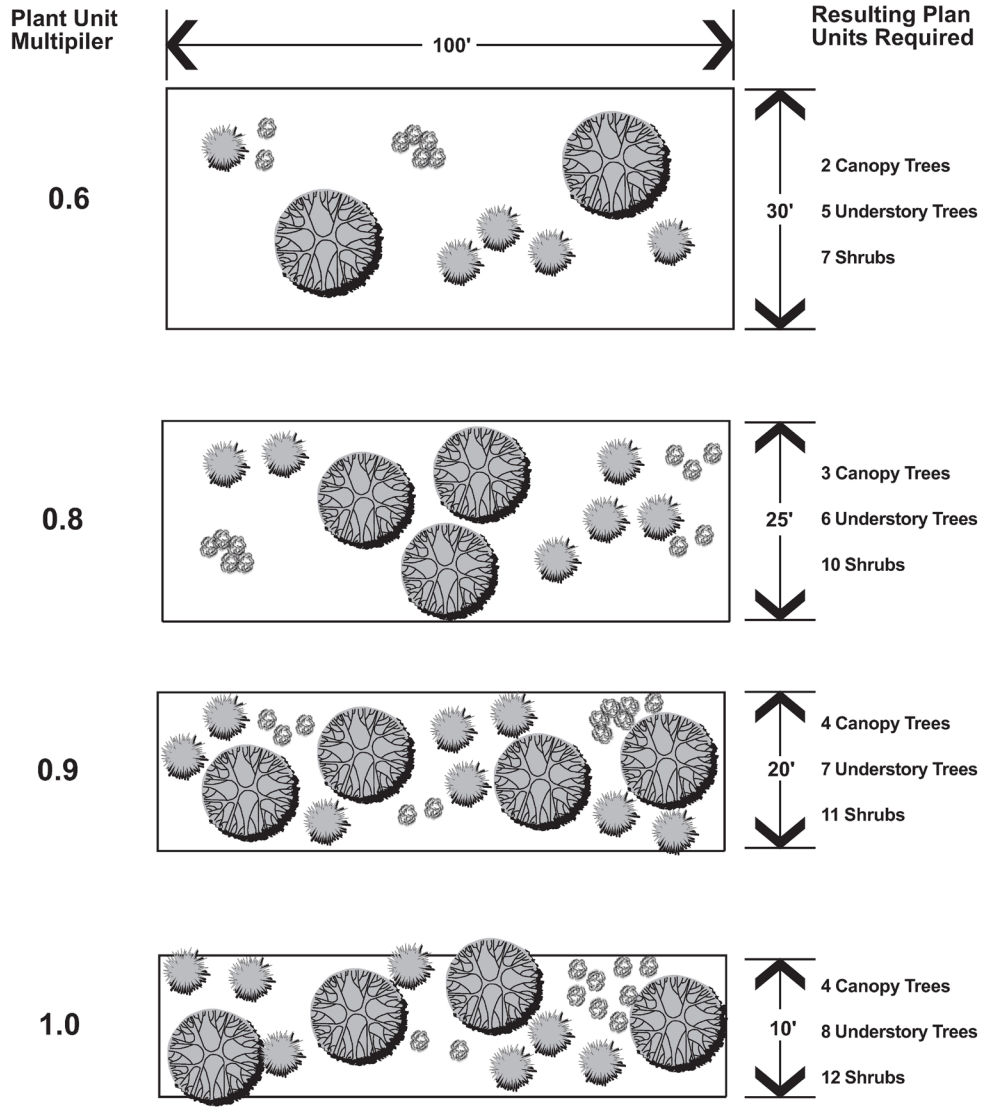
(2) Berms (B_1 and B_2,) required of buffer yard D options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

All buffer yard areas shall be seeded with lawn unless ground cover is already established.

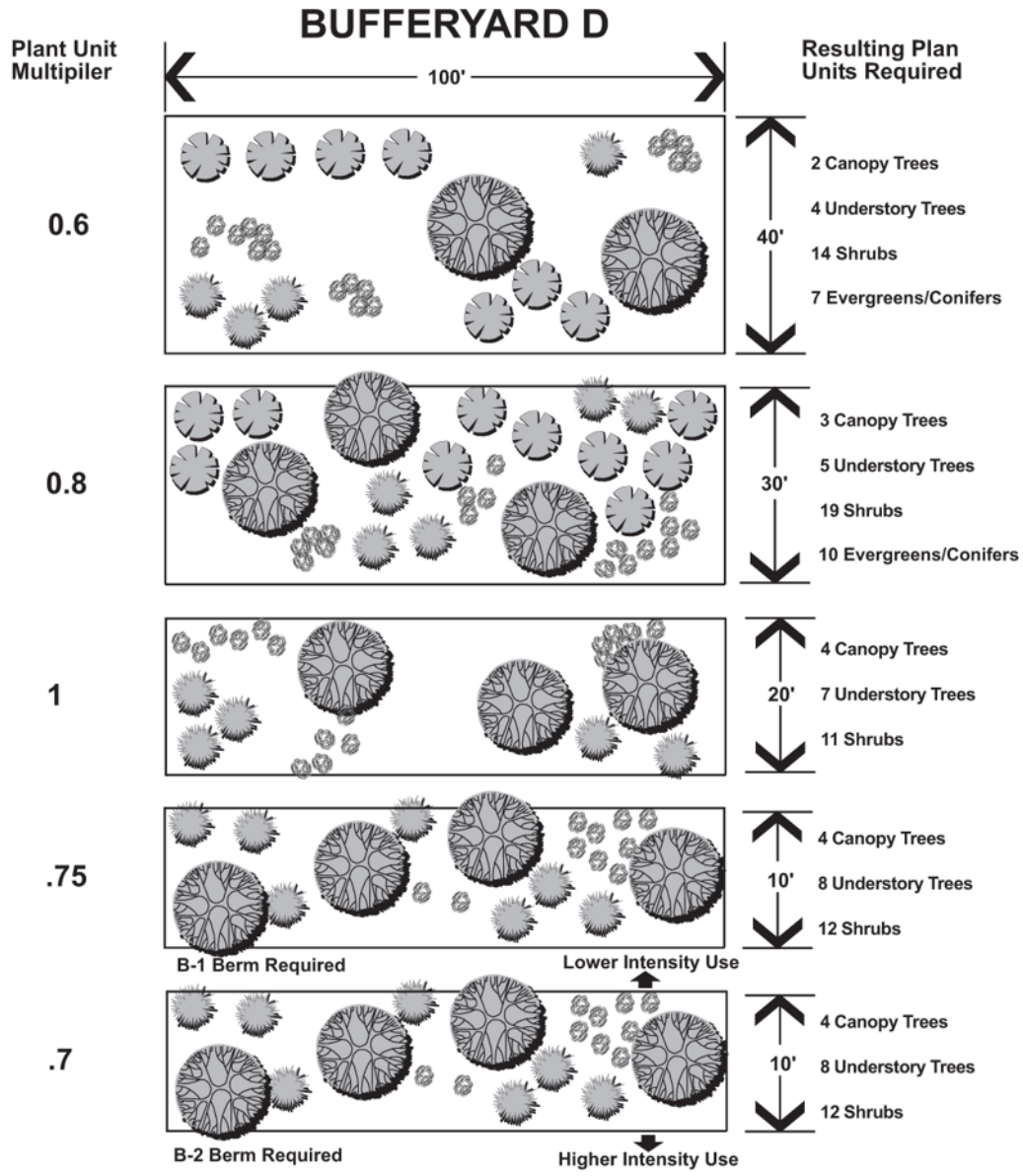

BUFFERYARD A
Plant Unit Multipiler
100'
Resulting Plan Units Required
0.6
25'
1 Understory Trees
2 Shrubs
0.8
20'
1 Canopy Trees
1 Understory Trees
4 Shrubs
0.9
15'
1 Canopy Trees
2 Understory Trees
5 Shrubs
1.0
10'
1 Canopy Trees
2 Understory Trees
6 Shrubs
APPENDIX B
Bufferyard Standards
BUFFERYARD A
Millington
Maryland


BUFFERYARD B
Plant Multipile
Resulting Units Required
100'
0.6
30'
1 Canopy Trees
2 Understory Trees
4 Shrubs
0.8
25'
1 Canopy Trees
2 Understory Trees
6 Shrubs
0.9
20'
2 Canopy Trees
3 Understory Trees
8 Shrubs
1.0
10'
2 Canopy Trees
4 Understory Trees
10 Shrubs
APPENDIX B
Bufferyard Standards
BUFFERYARD B
Millington, Maryland

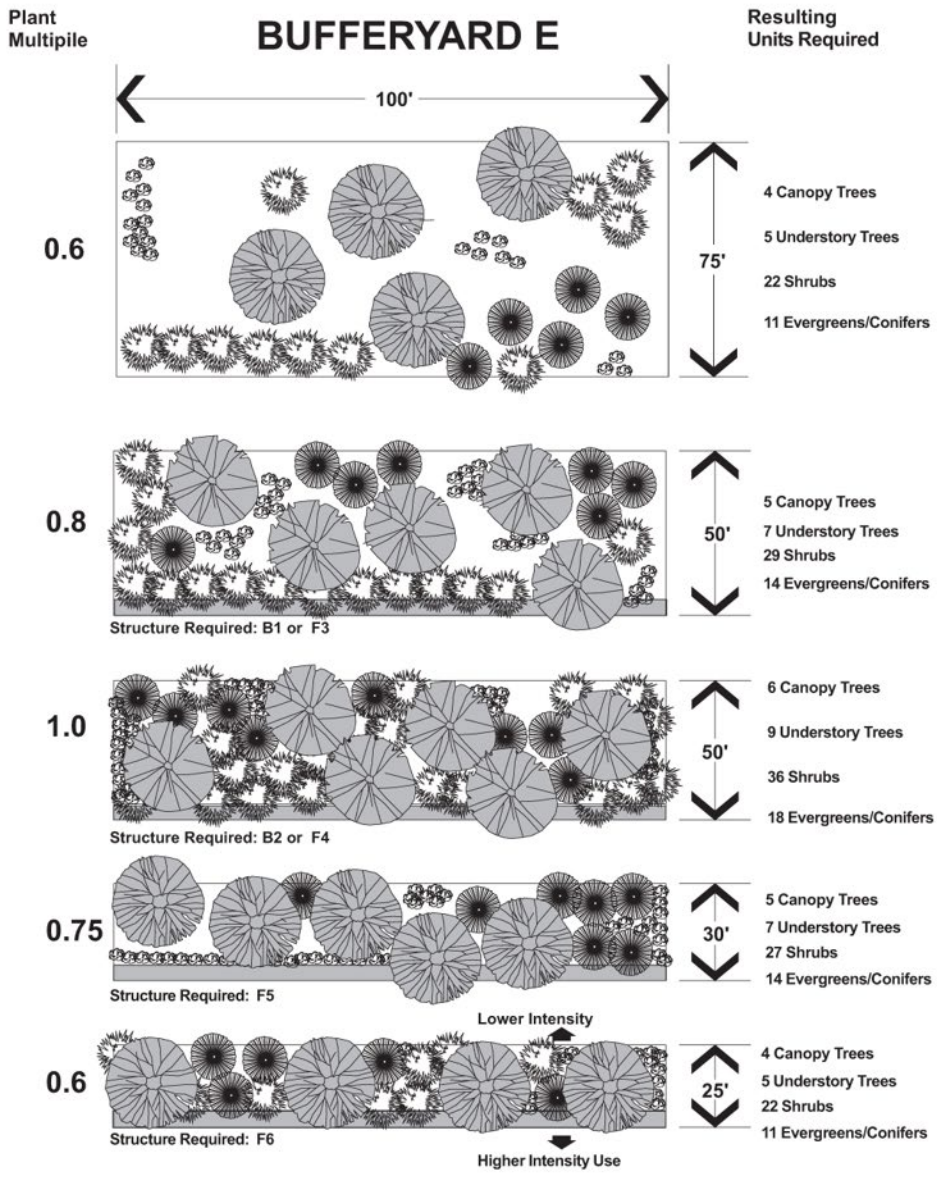
BUFFERYARD C



APPENDIX B Bufferyard Standards	BUFFERYARD C	Millington, Maryland

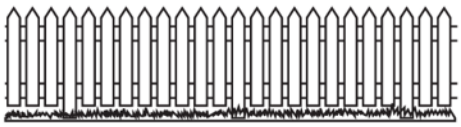
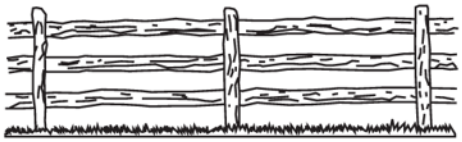
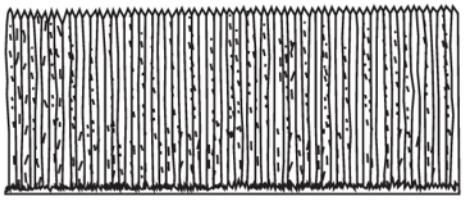
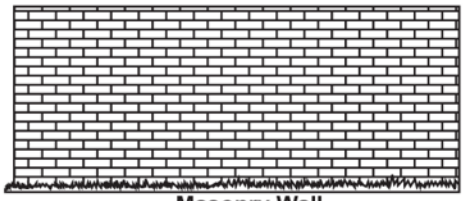


APPENDIX B Bufferyard Standards	BUFFERYARD D	Millington, Maryland



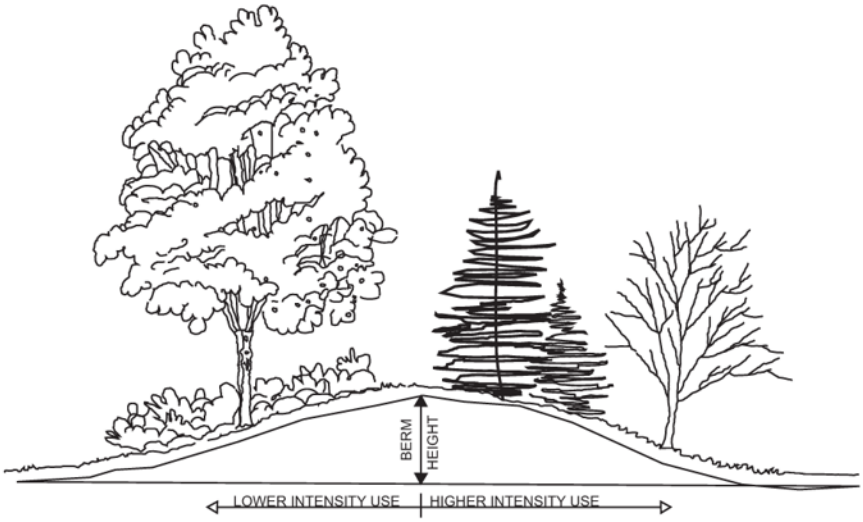
APPENDIX B Bufferyard Standards	BUFFERYARD E	Perryville, Maryland

FENCES

SYMBOL	HEIGHT	FENCES
F1	44"	 Wood
F2	48"	 Wood Rail
F3 F4	6' 7'	 Wood Stockade
F5 F6	6' 7'	 Masonry Wall (Poured Concrete, Cement Block, Brick, etc.)

Appendix B Bufferyard	**BUFFERYARD STRUCTURES**	Millington, Maryland

BERMS



Symbol	Height	Material
B1	4'	Earth
B2	6'	Earth

APPENDIX B Bufferyard Standards	BUFFERYARD BERMS	Millington, Maryland

PART II Landscape Guidelines

B-3: Guide for Protecting Existing Trees

The Millington Zoning Ordinance provides for the retention and protection of large trees when land is developed. To better ensure the survival of existing trees, the developer should heed the following guidelines:

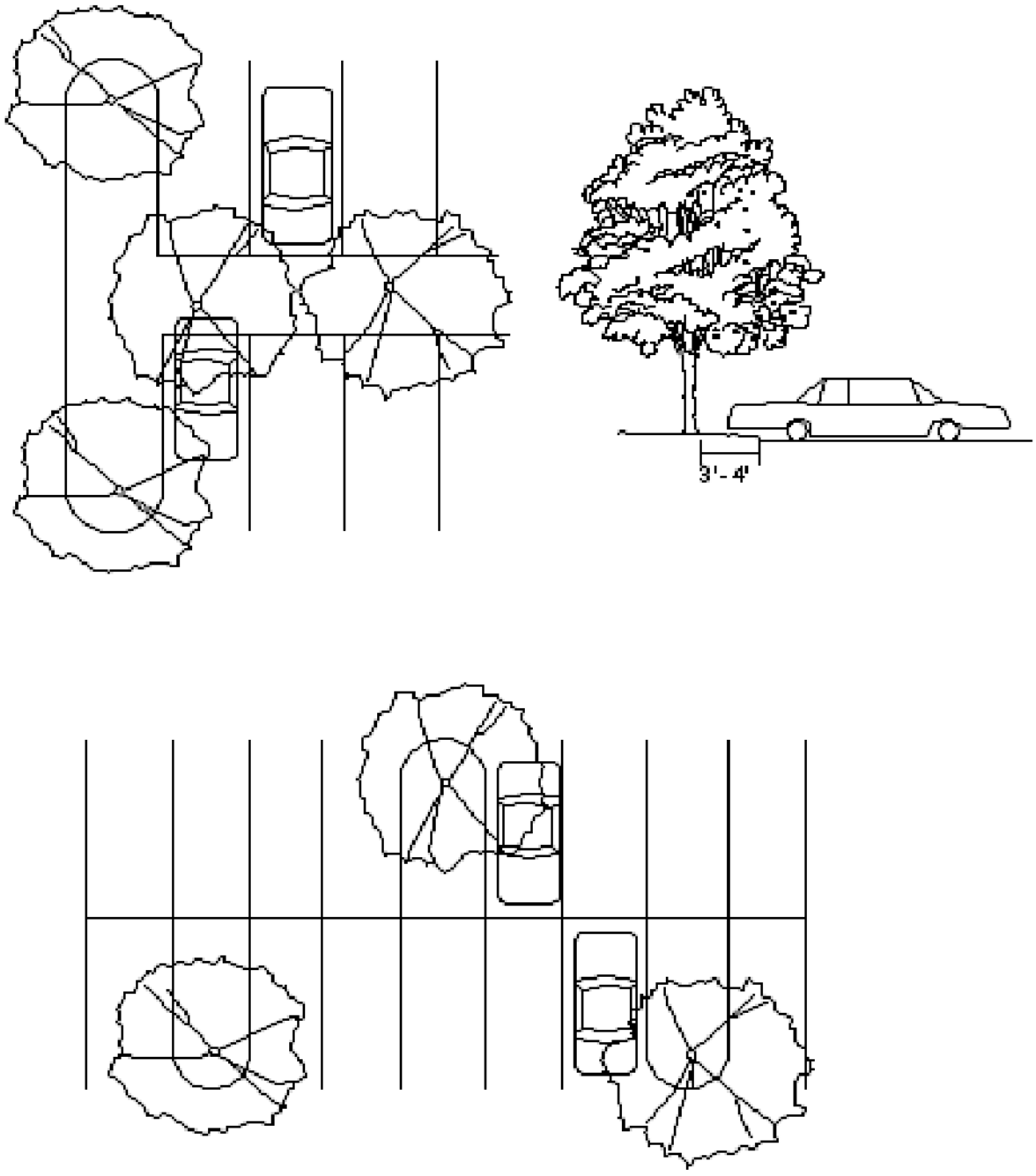
(1) Protect trees with fencing and armoring during the entire construction period. The fence should enclose an area 10 feet square with the tree at the center.
(2) Avoid compaction of the soil around existing trees due to heavy equipment. Do not pile dirt or other materials beneath the crown of the tree.
(3) Keep fires or other sources of extreme heat well clear of existing trees.
(4) Repair damaged roots and branches immediately. Exposed roots should be covered with topsoil. Severed limbs and roots should be painted. Wherever roots are destroyed, a proportional amount of branches must be pruned so the tree doesn't transpire more water than it takes in. Injured trees must be thoroughly watered during the ensuing growing year.
(5) Prune all existing trees that will be surrounded by paving to prevent dehydration.

B-4: Standard for Street and Parking Lot Trees

Trees planted in compliance with the parking lot landscape requirements shall have most or all of the following qualities.

(1) Hardiness
    (a) Resistance to extreme temperatures.
    (b) Resistance to drought.
    (c) Resistance to storm damage.
    (d) Resistance to air pollution.
    (e) Ability to survive physical damage from human activity.
(2) Life Cycle
    (a) Moderate to rapid rate of growth.
    (b) Long life.
(3) Foliage and Branching
    (a) Tendency to branch high above the ground.
    (b) Wide spreading habit.
    (c) Relatively dense foliage for maximum shading.
(4) Maintenance
    (a) Resistance to pests.
    (b) Resistance to plant diseases.
    (c) Little or no pruning requirements.
    (d) No significant litter problems.

B-5: Typical Parking Lot Planting Islands



B-6: Guide for Planting Trees

The trees recommended in Section B-9 have minimal maintenance requirements. However, all trees must receive a certain degree of care, especially during and immediately after planting. To protect an investment in new trees, the developer should ensure that the following guidelines are followed when planting:

Selection. Select trees well adapted to the microclimates of individual planting sites. A poor tree match dooms the tree from the start no matter how much care is taken in planting.

Planting Times. The best time for planting is early spring and early fall. Trees planted in the summer run the risk of dehydration.

Drainage. Prior to planting, test soil drainage. If water does not drain out of a sample planting hole within a few hours, consider installing drainage in the bottom of the hole to drain away excess water. Also consider raising or berming the planting site or adding several inches of good quality topsoil in the planting hole and the surrounding area, but do not simply amend the soil in the planting hole - water movement will be detrimentally altered. If none of the above is possible, select a more water tolerant tree species (red maple, sycamore, bald cypress, willow oak river birch, etc. - avoid trees like dogwoods that don't like "wet feet").

The Planting Hole. The planting hole that is dug should be wide and shallow. A flat, pancake-shaped hole that approximates the shallow, horizontal root growth that the tree will produce is recommended. In average soil, dig the hole only as deep as the root ball, and in heavy clay soil, to enhance drainage, dig the hole an inch or two shallow. Loose soil should not be put beneath the root ball in order to avoid having the tree end up planted too deep as the soil beneath it settles or compacts. The exposed top of the ball can be covered with mulch. Whenever possible, hole walls should gradually taper up to grade, rather than being straight, to more closely approximate where root growth will occur.

Soil Additives. Adding water-absorbing polymers (hydrogels, super slupers, etc.) to the backfill soil has not proven beneficial in the majority of the landscape research that has been conducted with regard to tree planting. The same is true to adding organic amendments (peatmoss, compost, etc.). In general, the only substitute for backfilling with the existing soil, unamended, is backfilling with better quality top soil.

Planting Near Sidewalks, Driveways, and Other Areas. Plant all trees at least 3 1/2 feet from the end of head-in parking spaces to prevent damage from car overhangs. When planting near sidewalks, driveways and other areas where tree root surfacing can cause damage or be a maintenance problem, consider installing one of the physical root redirecting barriers being marketed, or try the herbicide treated landscape fabric now available for this purpose (Biobarrier). No long term research has yet been published on the use of these tree redirecting materials, so their long term effect on trees is not yet known.

Balled and Burlapped Trees. When planting balled and burlapped trees, closely inspect the material used to wrap the root ball. Many synthetic materials (nylons, etc.) are being used, as well as burlaps treated to retard their degradation. When in doubt as to whether or not these materials will degrade underground, do not leave them intact. Remove the pinning nails or lacing and roll back the top several inches. Make vertical slits in several places around the ball. You do not want a wrapping material that won't degrade to restrict root growth.

Wire Baskets. Research has shown that the wire baskets used to protect root balls, whether galvanized or not, are degrading only very slowly underground due to low oxygen. No long term root girding or damage has been found, however, so it does not appear that the baskets need to be removed. If the top loops of the wire basket will be at ground level or slightly above, it will be advisable to remove this section to keep equipment from hanging up in the loops.

Ropes. Be sure to remove all ropes, whether jute or nylon, that have been tied around the trunk. Again, degradation is slow or nonexistent, resulting in trunks being girded.

Containers. Be sure to remove all plastic containers from the root balls of container-grown or containerized trees. If trees have been grown or potted into fiber pots, break away the top several inches of the fiber pot. Many fiber pots are being coated with extra materials to extend their shelf life, but this can slow degradation below ground and retard root extension.

Root Care in Container Plants. When a container is removed, if roots are found circling around the outside of the root ball, cut them in a few places to remove the possibility of the curling root eventually girding the trunk. Select trees grown in pots with vertical ribs rather than ones with straight walls or horizontal ribs as the vertical ribs help reduce root circling.

Fertilizer. Fertilizer can be added to the backfill if it is a slow-release form - Osmocote, Woodace briquettes, tree spikes, etc. The caution in the past against adding fertilizers at planting time was a result of not having slow-release fertilizers available - agronomic fertilizers that were and still can be used in landscaping have the potential to burn and should not be added.

Watering. Good follow-up watering is important to help establish a tree's root system. Several water reservoir devices are available but may be too expensive or cumbersome to justify using.

Mulching. Trees should be mulched, but not over mulched, when planted. Two or three inches of organic mulches, such as shredded or chunk pine bark, or inorganic mulches, such as volcanic rock, is adequate. Keep mulches from touching the trunks of trees. With organic mulches, excessive mulch piled against tree trunks can hold too much moisture against the bark and lead to disease problems. It also may become a habitat for rodents that will feed on the bark. With inorganic mulches, if the tree is in a windy location and the trunk moves considerably, the bark may become abrased by the inorganic mulch.

Landscape Fabrics for Weed Control. The use of black plastic beneath mulch around trees is not recommended because air and water exchange is blocked. For added weed control try one of the landscape fabrics that has proven more weed root penetration resistant (Dalen's Weed-X, DeWitt's Pro 5, Weed Barrier, etc.) but do not pile too much mulch (not over two inches) atop the fabric or weeds will simply grow in the mulch layer.

Tree Staking. Don't automatically stake all trees, especially small ones. If a tree is in a windy location, or has a crown, stake for a maximum of one year. Try to stake so that the tree has a slight amount of flex rather than being held rigidly in place. Use guying or attaching material that will not damage the bark. If the stakes are to be left in place longer than one year to serve as a barrier against equipment, be sure to remove the guying to prevent trunk girding. A variety of protective devices are available for trunk protection if that is an important consideration.

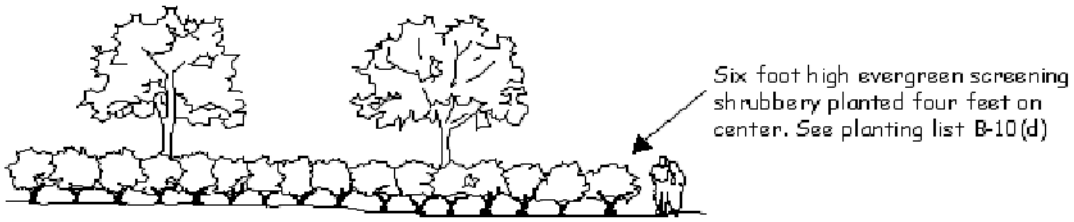
Tree Wraps. The use of tree wraps and other protection materials that are applied directly to the trunk is currently under investigation. If a material is applied (paper, fabric, burlap, strips, etc.), remove it after one year. If materials are wrapped onto the trunk, wrap from the base of the tree upward so that water is shed off the wrap, not funneled under it.

Tags and Labels. Remove tags and labels from the trees to prevent them from girding the trunk.

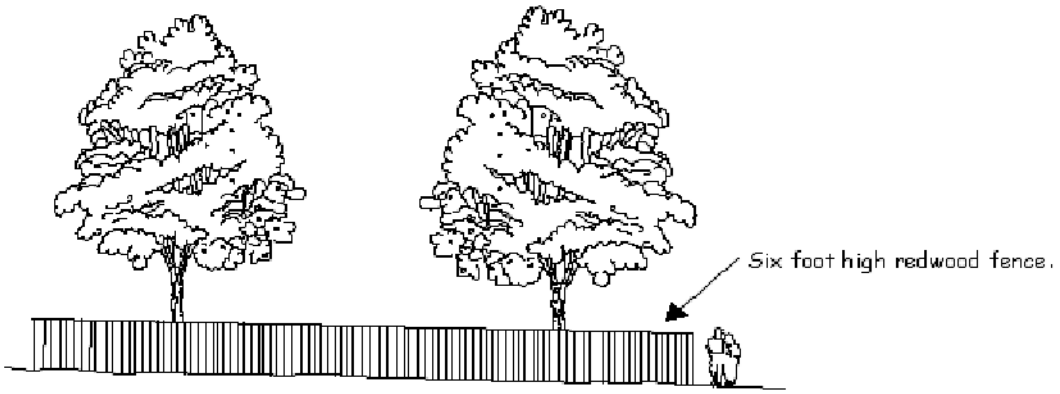
Post-planting Care. Conscientious post planting care, especially watering, structural pruning and fertilizing, is a must for street and parking lot trees.

B-7: Typical Opaque Screens

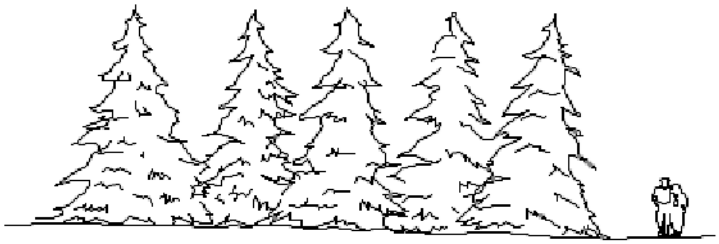
Small trees planted 30 feet on center. See planting list B-10 (a).



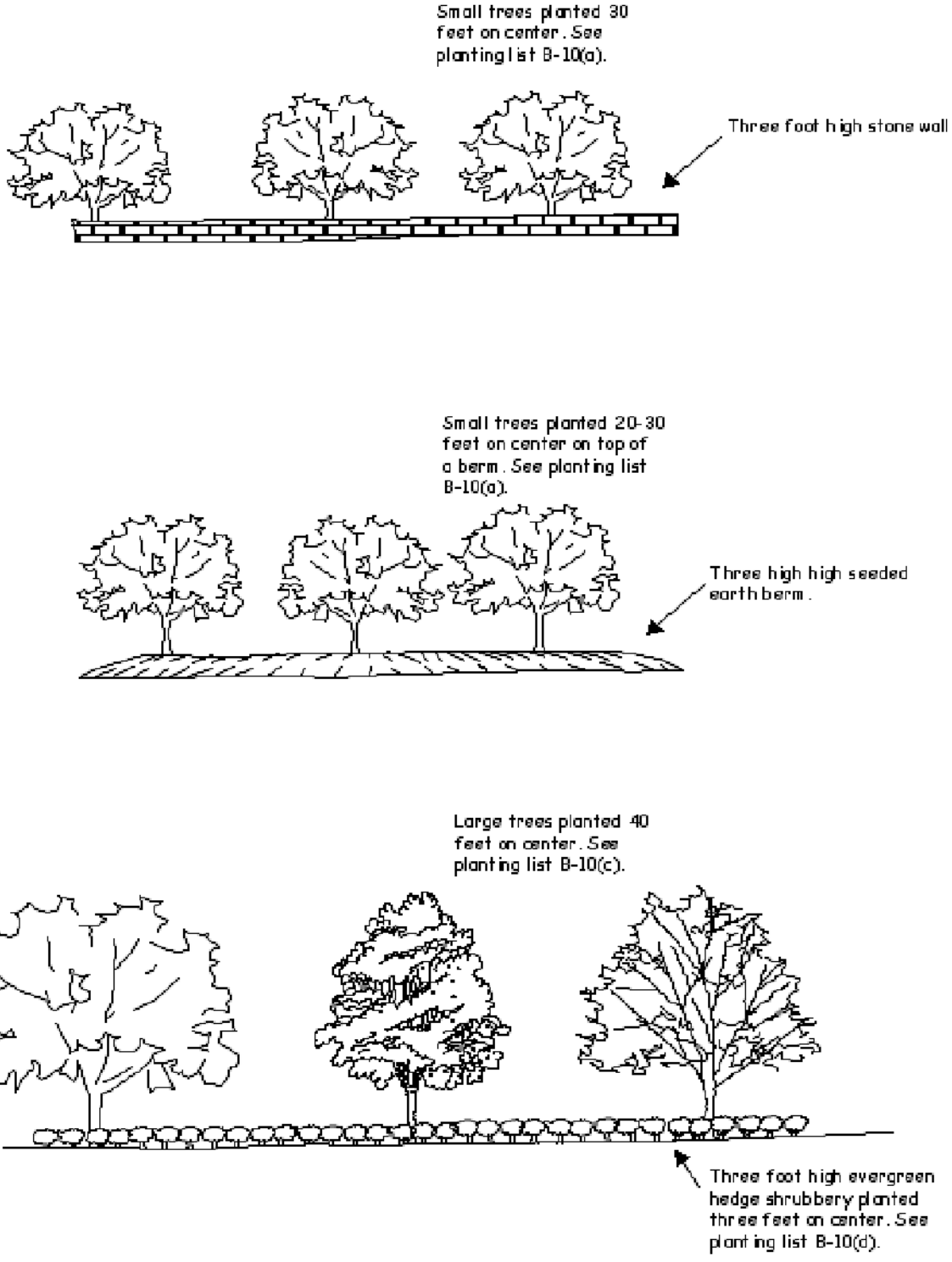
Large trees planted 40 feet on center. See planting list B-10 (c).



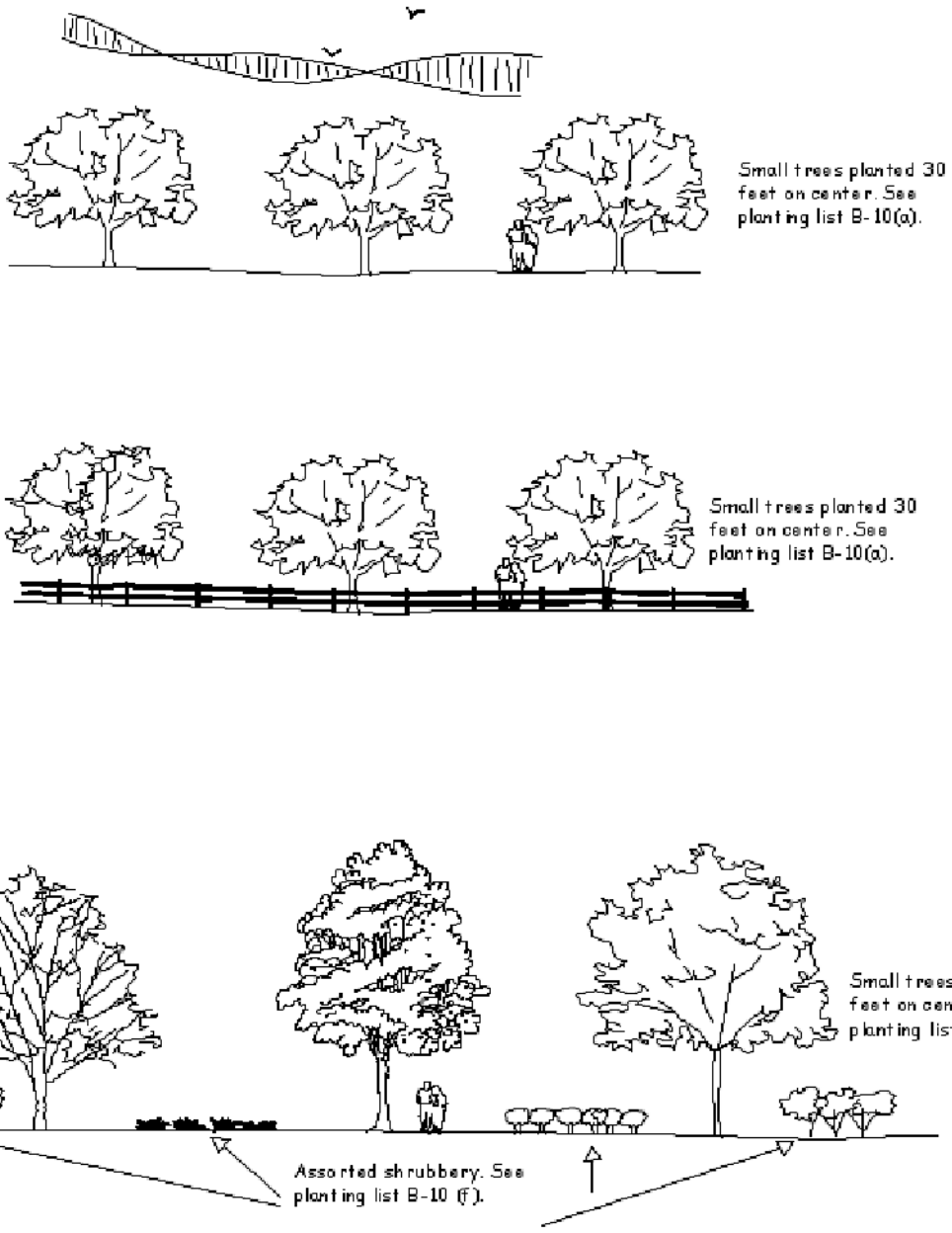
Tall evergreen trees, stagger planted, with branches touching the ground. See planting list B-19 (b).



B-8: Typical Semi-Opaque Screens



B-9: Typical Broken Screens



B-10: Guide for Planting Shrubs

Shrubs planted for screening purposes should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in Section B-4 also apply to shrubs. However, because specific requirements vary considerably between shrub types, this appendix does not attempt to generalize the needs of all shrubs. For detailed planting information on individual species, refer to:

Manual of Woody Landscape Plants by Michael Dirr

B-11: Lists of Recommended Trees and Shrubs

The following lists indicate plantings which will meet the screening and shading requirements of Article XVII of The Town of Willards Zoning Code. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to four principal criteria; (i) general suitability for the climate and soil conditions of this area, (ii) ease of maintenance, (iii) tolerance of urban conditions, and (iv) availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be a proper selection.

Sections B-10 through B-15 contain descriptions of some of the trees and shrubs listed here.

(a) Small Trees for Partial Screening

(1) River Birch
(2) American Hornbeam
(3) Eastern Redbud
(4) Flowering Dogwood
(5) Washington Hawthorn
(6) Russian Olive
(7) Mountain Silverbell
(8) American Holly
(9) Golden Rain Tree
(10) Crape Myrtle
(11) Sourwood
(12) Caroline Cherry-Laurel
(13) Callery Pear

(b) Large Trees for Evergreen Screening

(1) Deodar Cedar
(2) Southern Magnolia
(3) Carolina Hemlock

(c) Large Trees for Shading

(1) Norway Maple
(2) Red Maple
(3) Ginkgo
(4) Honey locust
(5) Sweet Gum
(6) London Plane-Tree
(7) Sycamore
(8) Eastern Red Oak
(9) Willow Oak
(10) Scarlet Oak
(11) Laurel Oak
(12) Littleleaf Linden

(d) Small Shrubs for Evergreen Screening

(1) Glossy Abelia
(2) Warty Barberry
(3) Wintergreen Barberry
(4) Dwarf Horned Holly
(5) Little Holly
(6) Convex a Japanese Holly
(7) India Hawthorn
(8) Azaleas/Rhododendrons
(9) Japanese Yew

(e) Large Shrubs for Evergreen Screening

(1) Hedge Bamboo
(2) Thorny Elaeagnus
(3) Burford Holly
(4) Yaupon Holly
(5) Laurel or Sweet Bay
(6) Japanese Privet
(7) Fortune Tea Olive
(8) Red Photinia
(9) Laurentinus Viburnum

(f) Assorted Shrubs for Broken Screens

(1) Japanese Barberry
(2) Fringe tree
(3) Border Forsythia
(4) Vernal Witch Hazel
(5) Common Witch Hazel
(6) Pfitzer Juniper
(7) Drooping Leucothoe
(8) Winter Honeysuckle
(9) Star Magnolia
(10) Northern Bayberry
(11) Judd Viburnum
(12) Double file Viburnum

B-12: Small Trees for Partial Screening

The following trees are recommended for use in all types of screens. Though smaller than the trees listed in planting lists B-11 and B-12, each of these trees will reach a height of at least 20 feet.

(1) River Birch (**Betula nigra**). Height 20-40 feet; Spread: 8-16 feet. The River Birch is a native tree which usually grows along stream banks. In landscape design, it is adaptable to either high or low locations but still requires a lot of moisture. This tree has an interesting papery bark and a graceful branching habitat. It has no special pest or maintenance problems.

(2) American Hornbeam (**Carpinus Carolina**). Height 20-30 feet; Spread: 15-20 feet. This native tree has a natural yet refined appearance. It is slow growing, but at maturity it serves as an excellent small shade tree. Its fluted muscular trunk is an interesting feature. In the wild, the American Hornbeam is common in moist rich soil, yet, when used in landscape design, it is soil tolerant and does not require an unusual amount of water. It has no pests and no special maintenance problems.

B-13: Large Trees for Evergreen Screening

The following trees are ideal for screening large scale areas such as shopping centers and industrial sites. They are also effective in combination with other smaller screening plants. Both are moderate to fast growers. They are not considered to be shade trees.

(1) Deodar Cedar (**Cedrous deodara**). Height: 40-150 feet; Spread: 30 feet +. The Deodar Cedar is a useful and attractive evergreen. It should be allowed plenty of room in order to assume its beautiful natural form. Its pendulous branches should be allowed to touch the ground. It prefers relatively dry soils, grows rapidly, and is easy to maintain. "True Cedars" such as the Deodar are not native to North America, but they have become quite popular in the South as a landscape tree.

(2) Southern Magnolia (**Magnolia grandiflora**). Height: 40-60 feet; Spread: 25 feet +. Magnolias are striking trees which serve well as screens when their branches are allowed to grow to the ground. Generally, this tree does well in city conditions, but it should be planted in quite rich acidic soils and it requires a lot of moisture. Furthermore, magnolias require ample space for growth. If planted in full sunlight, they will grow rapidly. Because it drops large waxy leaves, seed pods, and flowers, the magnolia may present a litter problem.

B-14: Large Trees for Shading

The following trees may be used for screening, but they are recommended especially for shading streets and parking lots. Unless otherwise noted, they will grow rapidly. Each species will attain a mature spread of at least 30 feet.

(1) Red Maple (**Acer rubrum**). Height: 40-50 feet; Spread 25 feet +. This tree is an example of a maple which is not recommended where there will be high concentrations of air pollution. However, with its excellent shading characteristics and beautiful colors, it should not be ignored. This tree grows rapidly, but, unlike the Norway Maple, it does not become brittle with age. The Red Maple is a native tree which is usually found in moist, even swampy areas, but it adapts well to a variety of situations. Although subject to maple insects and diseases, it is usually a long-lived tree.

(2) Honey locust (**Gleditsia triacanthos**). Height: 50-75 feet; Spread: 25 feet +. It's open, spreading form and feathery leaves may give the Honey locust a frail appearance, but it is fact a quite sturdy tree, notable for its resistance to storm damage. It is a native tree which is drought resistant and adaptable to city conditions. Grass and shrubs thrive beneath a Honey locust because it casts light

shade. This tree is especially useful for its ability to be transplanted at a relatively advanced age. Accordingly, it may be used for immediate effect in a landscape design. The Honey locust has its pests and diseases, but it is fairly hardy. Thornless and fruitless varieties such as "Moraine" are recommended.

B-15: Small Shrubs for Evergreen Screening

The following shrubs are recommended for informal (unclipped) hedges or screens. Each species grows to a height of less than six feet; therefore, these shrubs are appropriate for semi-opaque screens.

(1) Glossy Abelia (**Abelia grandiflora**). Height: 4-6 feet; Spread: 3-5 feet. Abelia is quite common in local nurseries and tends to be less expensive than other shrubs on this list. It bears pale pink flowers throughout the summer. Although it has proven quite popular for informal hedges, it has several drawbacks. Abelia should be pruned and thinned to maintain its best form. It may drop its leaves due to low temperatures, lack of pruning, or starvation.

(2) Warty Barberry (**Berberis verruculosa**). Height: 3-4 feet; Spread: 3-4 feet. Barberries as a group have proven to be excellent hedge plants. With their dense, spiny limbs, they are effective barriers in public places. The Warty Barberry is a shrub with a neat, compact habit. It is soil tolerant and has no special maintenance requirements. It grows slowly, but it will reach a height of three to four feet within five years.

B-16: Large Shrubs for Evergreen Screening

The following shrubs are recommended for high hedges or screens. Each species grows to a height of more than six feet; therefore, these shrubs are appropriate for opaque screens.

(1) Hedge Bamboo (**Bambusa multiplex**). Height: 10-12 feet; Spread: 4-6 feet. Hedge Bamboo grows rapidly yet is more easily confined to a limited area than most types of bamboo. It is adaptable to a variety of situations but requires plenty of water. For best effect as a screen, Hedge Bamboo should be stagger planted.

(2) Thorny Elaeagnus (**Elaeagnus pungens**). Height: 8-10 feet; Spread: 6-10 feet. This shrub tolerates many adverse conditions. It will grow rapidly in relatively infertile, dry soils. Its dense thorny branches form an excellent natural hedge. It is one of the most common evergreen shrubs in the south.

B-17: Assorted Shrubs for Broken Screens

The following is a sampling of shrubbery that would be appropriate in a broken screen. Because many of these plants are deciduous, they are not suitable for opaque and semi-opaque screens. (Note: Many of the evergreen shrubs described in planting lists B-13 and B-14 are also suitable for broken screens).

(1) Japanese Barberry (**Berberis thunbergii**). Height: 3-5 feet; Spread: 3-5 feet. This extremely common deciduous shrub is considered to be one of the toughest members of the Barberry family. It survives drought, poor soil, exposure, and the worst city conditions. With its many thorns, the Japanese Barberry is often used as an impenetrable barrier, but it is attractive enough to stand alone as a specimen plant. It requires no special maintenance and, when planted singly, needs no pruning.

(2) Fringe tree (**Chioanthus virginicus**). Height: 10-30 feet; Spread: 8-10 feet. The Fringe tree is known for its profusion of beautiful flowers. It is considered to be one of the most striking native American shrubs. It is relatively difficult to transplant but once established it does well in cities as it endures heavy smoke and dust. The mature Fringe tree's only drawback is that its leaves appear rather late in spring.

APPENDIX C: PN PLANNED NEIGHBORHOOD DESIGN GUIDELINES

These guidelines provide a framework for developing a cohesive, sustainable, and aesthetically pleasing neighborhood. They aim to strike a balance between functionality, community character, and environmental considerations, while promoting walkability, safety, and inclusivity.

1. Purpose and Vision

   The purpose of these guidelines is to create a vibrant, livable neighborhood that reflects the Town's unique character, fosters community interaction, and supports sustainable growth. The vision is to design a neighborhood that is safe, accessible, and visually appealing, with a mix of housing types, green spaces, and amenities that enhance quality of life.

2. General Design Principles

   a. Community-Oriented Design: Encourage social interaction through shared spaces, such as parks, plazas, and community centers.
   b. Sustainability: Incorporate eco-friendly materials, energy-efficient designs, and green infrastructure to promote a greener future.
   c. Walkability and Connectivity: Prioritize pedestrian-friendly streets, bike paths, and connections to existing Town infrastructure.
   d. Preservation of Character: Reflect the Town's architectural heritage and natural surroundings in design choices.
   e. Inclusivity: Offer diverse housing options to accommodate a range of income levels, family sizes, and accessibility needs.

3. Land Use and Zoning

   a. Mixed-Use Development: Encourage a mix of residential, commercial, and recreational spaces within walking distance.
   b. Housing Diversity: Include single-family homes, townhouses, duplexes, and small apartment buildings to support varied demographics.
   c. Density: Maintain low to medium density (4-12 units per acre) to preserve the small town feel while allowing for efficient land use.
   d. Open Space Allocation: Dedicate at least 15% of the neighborhood to public open spaces, including parks, playgrounds, and greenways.

4. Street and Transportation Design

   a. Grid or Modified Grid Layout: Use a connected street pattern to enhance walkability and reduce traffic congestion.
   b. Street Widths: Design narrow streets (24-30 feet for residential streets) to slow traffic and prioritize pedestrian safety.
   c. Sidewalks and Bike Lanes: Install 5-foot-wide sidewalks on both sides of streets and dedicated bike lanes where feasible.
   d. Traffic Calming: Incorporate features like speed bumps, roundabouts, and crosswalks to enhance safety.

5. Architectural Standards

    a. Building Materials: Use durable, locally sourced materials (e.g., brick, stone, or wood) that complement the Town's aesthetic.
    b. Height Limits: Restrict buildings to 2-3 stories to maintain a human-scale environment.
    c. Façade Variety: Encourage varied rooflines, window placements, and porch designs to avoid monotonous streetscapes.
    d. Setbacks: Require front setbacks of 10-20 feet to allow for front yards and porches that promote neighbor interaction.
    e. Accessibility: Ensure all buildings comply with ADA standards, including ramps and accessible entrances.

6. Green Spaces and Environmental Considerations

    a. Parks and Plazas: Provide at least one central park (minimum 1 acre) and smaller pocket parks with a 5-minute walk of all homes.
    b. Tree Canopy: Plant native, low-maintenance trees along streets and in public spaces to provide shade and reduce heat islands.
    c. Stormwater Management: Incorporate rain gardens, permeable pavements, and bioswales to manage runoff sustainably.
    d. Energy Efficiency: Encourage the use of solar panels, energy-efficient lighting, and green roofs where appropriate.

7. Community Amenities

    a. Civic Spaces: Include a community center or multipurpose hall for events and gatherings.
    b. Recreational Facilities: Offer playgrounds, sports fields, and walking trails to promote active lifestyles.
    c. Local Commerce: Reserve space for small businesses, such as cafes, bakeries, or general stores, to serve residents and create local jobs.

8. Sustainability and Resilience

    a. Water Conservation: Install low-flow fixtures and drought-resistant landscaping.
    b. Waste Management: Provide centralized recycling and composting facilities.
    c. Climate Resilience: Design infrastructure to withstand local climate risks (e.g., flooding, extreme heat).

9. Implementation and Enforcement

    a. Review Process: Establish a design review board to ensure compliance with these guidelines.
    b. Public Input: Hold community workshops to gather resident feedback during the planning process.
    c. Phased Development: Plan construction in phases to minimize disruption and ensure infrastructure keeps pace with growth.
    d. Maintenance: Create a homeowners' association or municipal plan to maintain shared spaces and infrastructure.

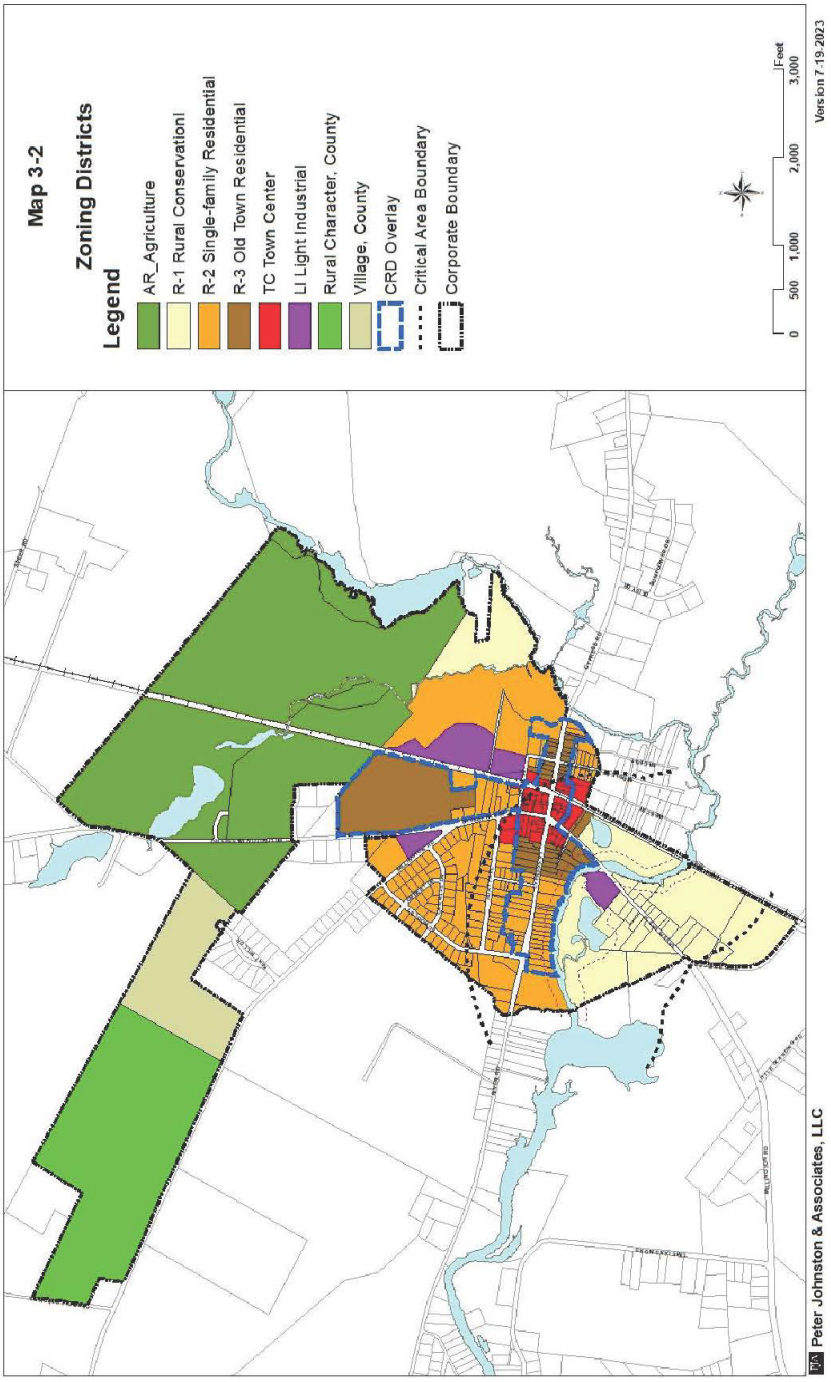
10. Example Block Layout

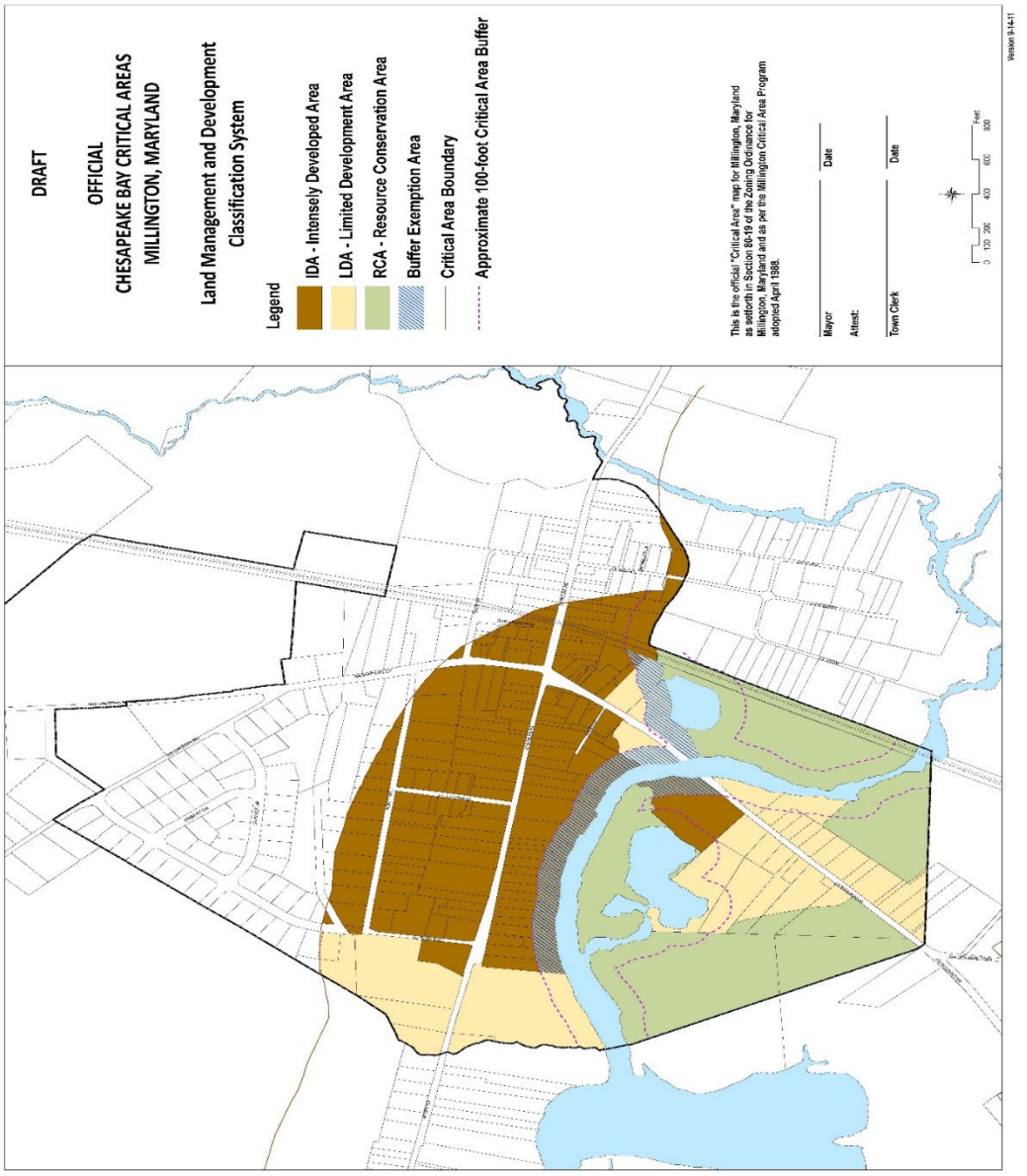
    a. Block Size: Limit blocks to 400-600 feet in length to enhance walkability.
    b. Lot Sizes: Vary lot sizes (3,000 – 8,000 square feet) to accommodate diverse housing types.
    c. Alleys: Include rear alleys for utilities and parking to maintain pedestrian-friendly front streets.
    d. Corner Lots: Design corner lots with wraparound porches or enhanced landscaping to create visual interest and enhance the property's appeal.

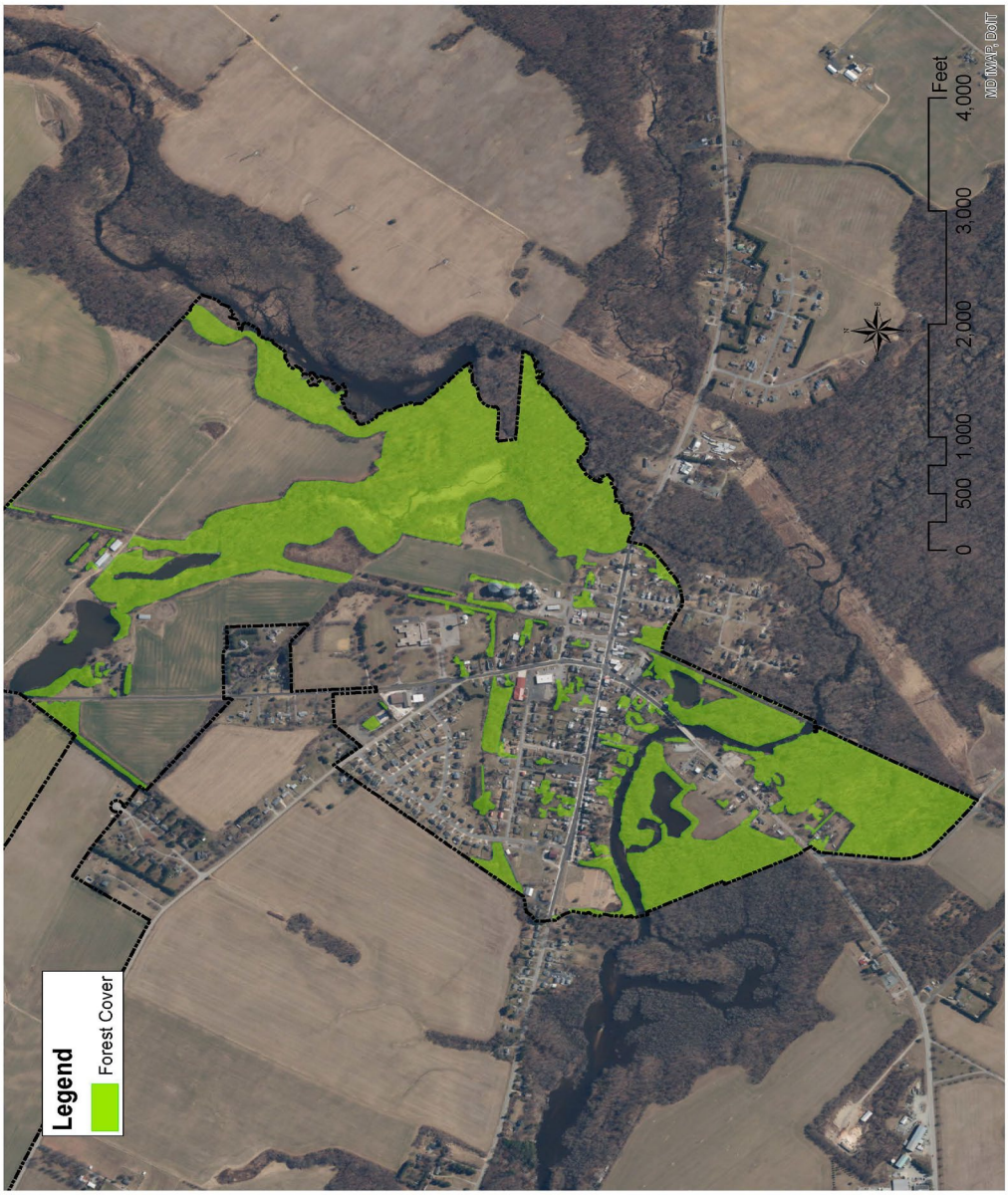
11. Community Engagement

    a. Public Meetings: Host regular meetings to keep residents informed and involved in the development process.
    b. Cultural Events: Plan spaces for farmers' markets, festivals, or art installations to build community pride.
    c. Signage and Wayfinding: Use clear, aesthetically pleasing signage to guide residents and visitors.

APPENDIX D – MAPS




DRAFT
OFFICIAL
CHESAPEAKE BAY CRITICAL AREAS
MILLINGTON, MARYLAND
Land Management and Development
Classification System
Legend
IDA - Intensely Developed Area
LDA - Limited Development Area
RCA - Resource Conservation Area
Buffer Exemption Area
Critical Area Boundary
Approximate 100-foot Critical Area Buffer
This is the official "Critical Area" map for Millington, Maryland as setforth in Section 80-19 of the Zoning Ordinance for Millington, Maryland and as per the Millington Critical Area Program adopted April 1988.
Mayor
Date
Attest:
Town Clerk
Date
0 100 200 400 600 800 Feet
Version 9-14-11


Legend
Forest Cover
0
500
1,000
2,000
3,000
4,000
Feet
MD DNR, DoIT